



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	LEGISLATIVE/POLICYMAKING
Code	po0131 7-22 am CABINET
Status	
Adopted	June 13, 2017
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0131 - **LEGISLATIVE/POLICYMAKING**

The School Board is the policymaking body for the School District. After considering recommendations submitted by the Superintendent, the Board shall adopt bylaws and policies for the organization and operation of the Board and efficient operation and general improvement of the School District.

The term "rule" for purpose of this policy is defined in F.S. 120.52; it does not include "curricula by an educational unit". As used in this bylaw, the term "rule" and "policy" shall have the same definition. The development or prescription of curriculum by the Board is removed from the procedural requirements for policymaking.

F.S. 1001.41

The Board may determine policy matters governed by permissive law, but not on matters governed by mandatory law. No policy can be in conflict with the operative law of the State or with State Board of Education rules. Any provision of a collective bargaining agreement which is ratified by the Board and affects collective bargaining members shall prevail over any Board policy conflicting with the agreement during the term of the agreement.

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

F.S. 120.536(1), 120.54

Policy Development

The Superintendent shall publish notice of the development of a proposed policy before providing notice of a proposed policy as required below. The notice of policy development shall indicate the subject area to be addressed by policy development; provide a short, plain explanation of the purpose and effect of the policy development; cite specific legal authority for the proposed policy; and state how a person may obtain or access, without cost, a copy of any preliminary draft, if available.

The Board may hold workshops for the purpose of policy development after publication of the notice of policy development. Any affected person may request in writing that the Board hold a workshop for policy development, and the Board will then hold such workshop, unless it explains in writing why a workshop is unnecessary.

F.S. 120.54(2)

Adopting Policies

The Superintendent shall present any proposal relating to a policy amendment, the repeal of any policy, or the adoption of a new policy in writing to the Board including a written explanation of the proposal in accordance with Florida law.

- A. Notice of Proposed Policy: After the Board has determined that it will give due consideration to the proposal for adoption, amendment, or repeal of a policy, the Superintendent shall give immediate and proper written notice to the public pursuant to the provisions of Florida law. The notice shall include a brief and concise explanation of the proposed policy's purpose and effect, the estimate of economic impact to all individuals affected by the proposed new policy or revision of an existing policy, the legal authority for the Board's action, the location where the text of the proposed revision to current policy or new policy may be obtained or accessed, and the procedure for requesting a public hearing on the proposed policy.
- B. Hearings: Any person, who is affected by a proposed policy, policy revision, or the repeal of a policy, may within twenty-one (21) days following notice of the proposal to adopt or repeal such policy, file a written request with the Board for a hearing on the proposed action.
- The Board may also, on its own initiative, schedule a public hearing for any proposed policy adoption, revision, or repeal.
- C. Rulemaking Record: Any material pertinent to the issues under consideration submitted to the Board within twenty-one (21) days after the date of publication of the notice under paragraph B above or submitted to the Board between the date of publication of the notice and the end of the final public hearing shall be considered by the Board and made a part of the record of the rulemaking proceeding.
- D. Board Action: The Board's final vote to adopt, amend, or repeal a policy will occur no sooner than twenty-eight (28) days following publication of the published notice in paragraph A above.
- E. The Superintendent shall file immediately in his/her office a copy of any new policy, policy revision, or repealed policy adopted by the Board; policy handbooks and the Board's website shall be updated accordingly.
- F. All policies shall become effective upon adoption by the Board, unless another time certain date is specified therein. **The Board may adopt a policy authorized by law and necessary for the proper implementation of a statute prior to the effective date of the statute, but the policy may not be effective until the statute upon which it is based is effective.**

F.S. 120.54

Notices

All notices pertaining to policymaking shall be published:

- A. in a newspaper of general circulation in the District;

Internet publication for School District notices under F.S. 50.0211(1)(b) may be made on the website of any newspaper in the county to which the legal notice pertains.

- B. by mail to persons who have requested advance notice and to organizations representing persons affected by the policy; and
- C. by posting on the District's website and in appropriate places.

Incorporation by Reference

A policy may incorporate material by reference, but only as the material exists on the date the policy is adopted. For purposes of the policy, changes in material are not effective unless the policy is amended to incorporate the changes. Material incorporated by reference in a policy may not incorporate additional material by reference unless the policy specifically identifies the additional material. The reference in the policy to the material being incorporated must include a date or other designation, so that the reader will know exactly what version of the material has been adopted and made part of the rule.

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

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

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

Material may not be incorporated into Board policies by reference unless:

- A. the material can be made available for free public access through electronic hyperlink from the Board's website listing the policy and making the reference; or,
- B. the District has determined that posting of the material on the internet for purposes of public examination and inspection would constitute a violation of Federal copyright law, in which case a statement to that effect, along with the addresses and locations of the District office at which the material is available for public inspection, is included in the notice required.

F.S. 120.54(1)(i)(3)(17)

Challenge to Existing Policy

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

F.S. 120.56(1)

Challenge to Proposed Policy

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

F.S. 120.56(2)

Emergency Policies

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

Public Input and Access to Policies

Any Board employee, citizen, or agency may submit a policy proposal to the Superintendent's office.

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

The Board policies shall also be accessible on the District's website.

Revised 3/8/22

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Legal

F.S. 120

F.S. 120.536(1)

F.S. 120.54

F.S. 120.54(2)

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

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

F.S. 120.54(1)(i)(3)(17)

F.S. 120.56(1)

F.S. 120.56(2)

F.S. 1001.41

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	MEETINGS
Code	po0165 am 7-22 Option to consider CABINET
Status	
Adopted	June 13, 2017
Last Revised	July 20, 2021

0165 - **MEETINGS**

The School Board shall hold at least one (1) regular meeting each month and may conduct other meetings such as workshops, public hearings, special meetings, emergency meetings, and meetings exempt from Florida's Open Meetings laws. See also, Bylaw 0165.1 (Agendas), Bylaw 0165.2 (Regular Meetings), Bylaw 0165.3 (Special and Emergency Meetings), Bylaw 0166 (Exempt Meetings), and Bylaw 0166.1 (Workshops). The sessions will be held in any appropriate public place in the county, provided due public notice is given.

F.S. 1001.372

In accordance with law, all meetings at which official acts are to be taken are declared to be open public meetings, and no resolution, rule, policy, regulation, or formal action shall be considered binding except as taken or made at such a meeting.

All meetings of the Board shall be open to the public, except as provided by Florida statute, and the order of business of any regular meetings shall include an opportunity for the public to address the Board, as provided in Bylaw 0169.1 below.

[] Virtual Participation

Unless otherwise determined by the Board or due to an order by an authorized authority preventing and/or suspending in-person attendance at a meeting, Board members are expected to attend meetings in person at the location set by the Board for the meeting.

A Board member may attend virtually in instances where a member is unable to attend in person due to a scheduled absence from the District or due to a physical restriction preventing attendance. The Board member is responsible for making advance arrangements with the District administration to facilitate participation in the meeting.

All votes taken during a meeting conducted with at least one Board member participating through an electronic means of communication shall be by roll call. The Board minutes prepared for meetings in which at least one Board member participates by an electronic means of communication shall state the name of each Board member who:

- A. was physically present at the place where the meeting was conducted;
- B. participated in the meeting by using any electronic means of communication; and
- C. was absent.

(See also Bylaw 0167.1 - *Voting*)

The Board minutes also shall identify the electronic means of communication by which:

- A. Board members participated in the meeting; and
- B. the public attended and observed the meeting if it was not an executive session.

Board members are not provided with technology to facilitate remote Board attendance unless the Board authorizes such expenditure.

Any Board member attending a meeting or who intended to attend a meeting remotely but is unable to attend or unable to maintain attendance due to technological complications, such as a poor connection or other equipment failures, will be considered absent for all or part of the meeting. The meeting may continue in the member's absence, provided that a quorum is still present.

While virtual participation may be permitted in certain circumstances, a quorum of the members of the Board must be physically present at the meeting site. Board members participating by virtual means will not count toward the quorum requirement.

[END OF OPTION]

Revised 7/20/21

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Legal F.S. 447
 F.S. 1001.372

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Book	Policy Manual
Section	Compliance Officers Update
Title	PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po1122.01
Status	
Adopted	June 13, 2017
Last Revised	July 20, 2021

1122.01 - **PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

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

Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

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

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

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

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

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

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

District Compliance Officers

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

Matthew Goldrick Ray Pinder, Director of Human Resources

Phone: 352-797-7005/7000 ext. 451

919 N. Broad Street

Brooksville, Florida 34601

goldrick.m.pinder@hcsb.k12.fl.us

Alexis Brown Matthew Goldrick, Supervisor of Professional Standards Human Resources

Phone: 352-797-7019/7000 ext. 445

919 N. Broad Street

Brooksville, Florida 34601

brown.a1goldrick-m@hcsb.k12.fl.us

The name(s), title(s), and contact information of this/these individual(s) will be published annually in the staff handbooks and/or on the School District's website.

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

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment, the person may utilize the complaint procedures set forth in Policy 1122 - Nondiscrimination and Equal Employment Opportunity as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Filing a Complaint with OCR/Florida Commission on Human Relations/EEOC

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission ("EEOC").

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Training

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

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

Facilities

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

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

Notice

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

Revised 8/27/19

Revised 7/20/21

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29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

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

Last Modified by Maria Cain on September 18, 2024



Book	Policy Manual
Section	Compliance Officers Update
Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
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Status	
Adopted	June 13, 2017
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Last Reviewed	August 8, 2024

1122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

I. **General Statement**

The School Board does not discriminate on the basis of race(including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation, gender 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") in its programs and activities, including employment opportunities.

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

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

II. **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

For purposes of this policy, "military status" refers to a person's status in the uniformed services, which includes the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

III. District Compliance Officers

The Superintendent shall appoint compliance officers whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. The Superintendent shall also require that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

The following persons are designated as the Compliance Officer(s) (COs) and shall also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator:

A. Compliance Officers

Employee-Related Compliance Issues:

Matthew Goldrick ~~Ray Pinder~~, Director of Human Resources

Phone: 352-797-~~7005~~ **7000** ext. 451

919 N. Broad Street

Brooksville, Florida 34601

~~goldrick_m~~ ~~pinder_r~~@hcsb.k12.fl.us

Alexis Brown ~~Matthew Goldrick~~, Supervisor of ~~Professional Standards~~ **Human Resources**

Phone: 352-797-~~7019~~ **7000** ext. 445

919 N. Broad Street

Brooksville, Florida 34601

~~brown_a1~~ ~~goldrick_m~~@hcsb.k12.fl.us

Student-Related Compliance Issues:

Jill Kolasa, Director of Student Services

Phone: 352-797-~~7022~~ **7008**

1036 Varsity Drive

Brooksville, Florida 34601

kolasa_j@hcsb.k12.fl.us

B. Publication Required

The name(s), title(s), and contact information of this/these individual(s) will be published annually in the staff handbooks and/or on the School District's website.

IV. Complaint Procedures

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to unlawful discrimination, they may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter. Nothing contained in this policy is intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint

regarding an alleged violation, misinterpretation, or misapplication of Federal and/or State law. In addition, employees will be notified of their right to file a complaint with the OCR, FCHR, or EEOC.

Internal complaints must be in writing and identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a compliance officer within the time limits specified below. The compliance officer is available to assist individuals in filing a complaint.

V. Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination that is prohibited in this policy. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the OCR, FCHR, or EEOC.

- A. An employee with a complaint based on alleged discrimination may first discuss the problem with the compliance officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the compliance officer for good cause.
- C. The compliance officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The compliance officer will provide the complainant with a written disposition of the complaint within ten (10) business days. If no decision is rendered within ten (10) business days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent.
- D. The Superintendent will, within ten (10) business days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The Superintendent will render his/her decision within ten (10) business days of the hearing.
- E. The employee may be represented, at their own cost, at any of the above-described meetings/hearings.
- F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

VI. Filing a Complaint with OCR/FCHR/EEOC

At any time, if employees believe that they have been subjected to unlawful discrimination, they may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations (FCHR), or the Equal Employment Opportunity Commission ("EEOC").

VII. Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

VIII. Training

The compliance officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Federal and State law, and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

IX. Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the compliance officers will be posted throughout the District, and published in the District's recruitment statements or general information publications as required by Federal and State law and this policy.

X. Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports/allegations/complaints/statements;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- E. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- F. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- G. dated written determinations to the parties;
- H. dated written descriptions of verbal notifications to the parties;
- I. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- L. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and

M. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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Revised 8/28/18

Revised 8/27/19

Revised 2/11/20

Revised 7/20/21

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Legal	F.S. 110.1221
	F.S. 250.481
	F.S. 760.01
	F.S. 760.10
	F.S. 1000.05
	20 U.S.C. 1681 et seq., Title IX
	29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
	29 U.S.C. 701 et seq., Rehabilitation Act of 1973
	42 U.S.C. 2000e, et seq., Civil Rights Act of 1964
	42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
	42 U.S.C. 12112, Americans with Disabilities Act of 1990
	29 C.F.R. Part 1635
	38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act

Last Modified by Maria Cain on October 17, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	STANDARDS OF ETHICAL CONDUCT
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Last Revised	June 11, 2024

1210 - **STANDARDS OF ETHICAL CONDUCT**

Definitions

For purposes of this policy, the term "administrator" means those individuals identified in F.S. 1012.01(3). Administrative personnel typically perform management activities such as developing broad policies for the District and executing those policies through the direction of personnel at all levels within the District. Administrative personnel are generally high-level, responsible personnel who have been assigned the responsibilities of systemwide or schoolwide functions, including the following:

- A. the superintendent;
- B. District-based instructional administrators;
- C. District-based noninstructional administrators;
- D. school administrators;
- E. others who perform management activities, such as assistant Directors, Supervisors, Coordinators, Managers, and those with supervisory responsibilities.

Standards of Ethical Conduct

Administrators shall be guided by and adhere to the following ethical principles:

- A. The administrator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
- B. The administrator's primary professional concern will always be for the student and for the development of the student's potential. The administrator will, therefore, strive for professional growth and will seek to exercise the best professional judgment and integrity.
- C. The administrator strives to achieve and sustain the highest degree of ethical conduct because s/he is aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community.

Administrators shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual administrator's certificate, or the other penalties as deemed appropriate with the District's discipline policy up to and including termination.

A. Obligation to the student requires the administrator shall:

1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety;
2. not unreasonably restrain a student from independent action in pursuit of learning;
3. not unreasonably deny a student access to diverse points of view;
4. not intentionally suppress or distort subject matter relevant to a student's academic program;
5. not intentionally expose a student to unnecessary embarrassment or disparagement;
6. not intentionally provide classroom instruction to students in prekindergarten through grade 8 on sexual orientation or gender identity, except when required by F.S. 1003.42(2)(n)3. and 1003.46;
7. not intentionally provide classroom instruction to students in grades 9 through 12 on sexual orientation or gender identity unless such instruction is required by State academic standards as adopted in F.A.C. 6A-1.09401, as is part of a reproductive health course or health lesson for which a student's parent has the option to have their student not attend;
8. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination;
9. not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being unless the individual reasonably believes that disclosure would result in abuse, abandonment, or neglect as defined in F.S. 39.01;
10. not exploit a relationship with a student for personal gain or advantage;
11. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
12. not violate F.S. 553.865(9)(b), which relates to entering restrooms and changing facilities designated for the opposite sex on the premises of an educational institution; and
13. not violate F.S. 1000.071, which relates to the use of personal titles and pronouns in educational institutions.

B. Obligation to the public requires that the administrator shall:

1. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated;
2. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;
3. not use institutional privileges for personal gain or advantage; (see also Policy 1129, Conflict of Interest)
4. accept no gratuity, gift, or favor that might influence professional judgment; (see also Policy 1129, Conflict of Interest)

(NOTE: Pursuant to F.S. 112.313, no administrator shall solicit or accept anything of value including a gift (see F.S. 112.312), loan, reward, promise of future employment, favor, or service based upon an understanding that the vote, official action, or judgment of the administrator would be influenced thereby.)

5. offer no gratuity, gift, or favor to obtain special advantages; (see also Policy 1129, Conflict of Interest)

C. Obligation to the profession of education requires that the administrator shall:

1. maintain honesty in all professional dealings;
 2. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization;
 3. not interfere with a colleague's exercise of political or civil rights and responsibilities;
 4. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination;
 5. not make malicious or intentionally false statements about a colleague;
 6. not use coercive means or promise special treatment to influence professional judgments of colleagues;
 7. not misrepresent one's own professional qualifications;
 8. not submit fraudulent information on any document in connection with professional activities;
 9. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;
 10. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
 11. provide upon the request of a certificated individual a written statement of the specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment;
 12. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct for the Education Profession in Florida and other applicable Florida statutes and State Board of Education rules;
 13. self-report within forty-eight (48) hours to their supervisor who will alert the Professional Standards Office any arrests/charges;
- Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory.
- In addition, administrators shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of F.S. 943.0585(4) (c) and F.S. 943.059(4)(c).
14. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1);
 15. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1);
 16. comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice; and
 17. as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

D. No administrative staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature that is in substantial conflict with

the proper discharge of his/her duties in the public interest. (see also Policy 1129, Conflict of Interest)

E. No administrator shall solicit or accept anything of value including a gift (See F.S. 112.312), loan, reward, promise of future employment, favor, or service, based upon an understanding that the vote, official action, or judgment of the administrator would be influenced thereby.

F. All administrative staff members shall adhere to the ethical and disciplinary principles enumerated above.

Certificate Holder Serving as Principal

Pursuant to the *Principles of Professional Conduct for the Education Profession*, a principal who is a certificate holder shall not prevent, direct school personnel to prevent, or allow school personnel to prevent students from accessing any material used in a classroom, made available in a school or classroom library, or included on a reading list unless the certificate holder or his/her designee has reviewed the material and determines it violates the prohibitions in State law, or the material is unavailable to students based upon Board policies adopted to implement the relevant provisions of State law.

Training

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

Responsibilities Related to Allegations of Misconduct

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

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Revised 8/27/19

Revised 6/11/24

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Legal	F.S. 112.312
	F.S. 112.313
	F.S. 1001.42
	F.S. 1001.42(6)
	F.S. 1001.421
	F.S. 1006.28
	F.S. 1006.32
	F.S. 1012.23
	F.A.C. 6A-10.081

Last Modified by Maria Cain on October 21, 2024



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Status	
Adopted	June 13, 2017

1231 - OUTSIDE ACTIVITIES OF ADMINISTRATORS

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

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

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

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

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

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

- A. refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate, but is susceptible to no reasonable interpretation other than an appeal or against a specific candidate;
- B. is made within thirty (30) days before a primary or special primary election or sixty (60) days before any other election for the office sought by the candidate; and
- C. is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

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

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

~~[] If the District elects to participate in the Florida Department of Education's tutoring program created through the Reading Achievement Initiative for Scholastic Education Act (F.S. 1008.365), instructional personnel and high school students serving as tutors for after school tutoring may be provided a stipend.~~

In accordance with this policy, Board facilities and materials shall not be utilized for such tutoring unless such tutoring is provided as part of the District's participation in the RAISE Program. **[END OF OPTION]**

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Legal F.S. 112.3145
F.S. 1008.365
F.S. 1012.23

Last Modified by Matthew Goldrick on October 23, 2024



Book	Policy Manual
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Last Revised	December 12, 2023

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 prekindergarten through grade 8, except when required by F.S. 1003.42 and F.S. 1003.46. If such instruction is provided in grades 9 through 12, the instruction must be or in other grades in a manner that is not age-appropriate or developmentally appropriate for students, in accordance with State standards.

Required Instruction

The District shall submit a Required Instruction Implementation Plan to the Commissioner of the Florida Department of Education. The plan will include, at a minimum, the following:

- A. the methods in which instruction will be delivered for each grade level;
- B. the professional qualifications of the District's instructional personnel; and
- C. a description of the District's instructional materials.

The implementation plan will also be posted on the District's website.

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 employ 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.

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.

- I. The history of Asian Americans and Pacific Islanders, including the history of Japanese internment camps and the incarceration of Japanese-Americans during World War II; the immigration, citizenship, civil rights, identity, and culture of Asian Americans and Pacific Islanders; and the contributions of Asian Americans and Pacific Islanders to American society. Instructional materials shall include the contributions of Asian Americans and Pacific Islanders to American society.
- J. The elementary principles of agriculture.
- K. The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.
- L. Kindness to animals.
- M. The history of the State.
- N. The conservation of natural resources.
- O. 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.~~

V. 1. ~~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.~~

2. The history and importance of Veterans' Day and Memorial Day. Such instruction may include two (2) forty-five (45) minute lessons that occur on or before the respective holidays.

W. This history of communism (beginning in the 2026-2027 school year). Such instruction must be age and developmentally appropriate and include:

1. The history of communism in the United States and domestic communist movements, including their histories and tactics.
2. Atrocities committed in foreign countries under the guidance of communism.
3. Comparative discussion of political ideologies, such as communism and totalitarianism, which conflict with the principles of freedom and democracy essential to the founding principles of the United States.
4. The increasing threat of communism in the United States and to our allies through the 20th century, including the events of the Cultural Revolution in the People's Republic of China and other mass killings from communist regimes.
5. The economic, industrial, and political events that have preceded and anticipated communist revolutions.
6. The communist policies of Cuba and the spread of communist ideologies throughout Latin America, including the roots of the Communist Party of Cuba and guerilla forces throughout Latin America.

X.

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.

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.

Revised 10/25/22

Revised 7/25/23

Revised 12/12/23

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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 October 2, 2024



Book	Policy Manual
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Title	NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES
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2266 – **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES**

Introduction

The School Board does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the District has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Board employees, students, third-party vendors and contractors, guests, and other members of the School District community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the District's education programs and activities.

Coverage

This policy applies to Sexual Harassment that occurs within the District's education programs and activities and that is committed by a member of the School District community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the District's education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative procedures, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) if committed by a Board employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the District's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative procedures, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) if committed by a Board employee.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

1. *Rape* is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Attempted rape is included.
 2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
 4. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 5. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
 6. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
 7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
 8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.
- D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
1. a current or former spouse or intimate partner of the victim;
 2. a person with whom the victim shares a child in common;
 3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or

5. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

E. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

F. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Complainant: "Complainant" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Respondent: "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Formal Complaint: "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the District investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the District, a Complainant must be participating in or attempting to participate in the District's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: "Actual knowledge" means notice of Sexual Harassment or allegations of Sexual Harassment to the District's Title IX Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has the authority to institute corrective measures on behalf of the District. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent.

Supportive Measures: "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), referral to Employee Assistance Program, and other similar measures.

Education Program or Activity: "Education program or activity" refers to all operations of the District, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes locations, events, and circumstances that take place off-school property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

School District community: "School District community" refers to students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

Inculpatory Evidence: "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged Sexual Harassment.

Exculpatory Evidence: "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays),

Eligible Student: "Eligible Student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Title IX Coordinator

The Board designates and authorizes the following individual to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Jill Kolasa
Director of Student Services
(352) 797-7008
1036 Varsity Drive
Brooksville, FL 34601
kolasa_j@hcsb.k12.fl.us

The Title IX Coordinator shall report directly to the Executive Director of Student Support Programs except when the Executive Director of Student Support Services is a Respondent. In such matters, the Title IX Coordinator shall report directly to the Assistant Superintendent of Teaching and Learning. Questions about this policy should be directed to the Title IX Coordinator.

The Superintendent shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The School Board of Hernando County, Florida does not discriminate on the basis of sex in its education program or activity, and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The District's Title IX Coordinator(s) is/are:

Jill Kolasa
Director of Student Services
(352) 797-7008
1036 Varsity Drive
Brooksville, FL 34601
kolasa_j@hcsb.k12.fl.us

Matthew Goldrick
~~Supervisor of Professional Standards~~ Director of Human Resources
(352) 797-7019/7000 ext. 451
919 North Broad Street
Brooksville, FL 34601
goldrick_m@hcsb.k12.fl.us

Any inquiries about the application of Title IX and its implementing regulations to the District may be referred to the Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: **hernandoschools.org**. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

The Superintendent shall also prominently display the Title IX Coordinator's contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on the District's website.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The District's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the District's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

Report of Sexual Discrimination/Harassment

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator.

Students, Board members, and Board employees are required, and other members of the School District community, and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee, who will in turn notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with various vendors, contractors, and other third-parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third-party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies and/or administrative procedures, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the Title IX Coordinator promptly after learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities regarding suspected abuse, abandonment, or neglect of a child pursuant to F.S. 39.201 and Policy 8462 – Student Abuse, Abandonment, and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

If a Board employee fails to report an incident of Sexual Harassment of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the Superintendent may remove a student Respondent from their education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students, Policy 5610.01 – Emergency Removal of Students, and Policy 5611 – Due Process Rights.

If the Respondent is a non-student employee, the District may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the School District community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator or Title IX liaison (principals) at each school or site in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the District will follow its Grievance Process, as set forth herein. Specifically, the District will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Staff Handbook.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The District will seek to conclude the grievance process, within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator or Title IX liaison offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities.

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial

interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:

1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Staff Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The District shall investigate the allegations in a Formal Complaint, *unless* the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the District's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Staff Handbook.

The Title IX Coordinator or Title IX liaison *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the District or employed by the Board; or
- C. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator or Title IX liaison dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur have stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the District, not the parties.

In making the determination of responsibility, the decision-maker is directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an Eligible Student, the District must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

The District establishes the following restriction, which apply equally to both parties, regarding the extent to which an advisor may participate in the proceedings:

If an attorney will be present then the School Board will also have an attorney present. The party involved will

answer the questions asked while the parties have the right to pause the meeting to consult with their chosen advisor. The meeting cannot be recorded using an electronic recording device.

Board Policy 2461 – Recording of IEP Team Meetings controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one day notice with respect to investigative interviews and other meetings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. Identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the District impose on the Respondent(s),

and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and

F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

The following disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

A. Informal Discipline

B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. expulsion not to exceed the remainder of the term or school year and one (1) additional year of attendance;
6. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Disabled Students, Policy 5610 – Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students, Policy 5601.01 – Emergency Removal of Students, Policy 5610.02 – In-School Discipline, Policy 5610.04 – Suspension of Bus Riding/Transportation Privileges, Policy 5610.05 – Participation in Extra-Curricular Activities, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School District community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. suspension or termination/cancellation of the Board's contract with the third-party vendor or contractor;
- C. mandatory monitoring of the third-party while on school property and/or while working/interacting with students;
- D. restriction/prohibition on the third-party's ability to be on school property; and
- E. any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the Superintendent (or the Board when the appointed Superintendent is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances. If the Respondent is an elected Superintendent or Member of the Board, the Board shall notify the appropriate Florida governmental authority(ies).

The District's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the Superintendent (or the Title IX Coordinator if the Superintendent is the Respondent) may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent (or the Board when the appointed Superintendent is the Respondent) from implementing appropriate remedies; however, excluding disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Specifically, the appealing party must submit with the notice of appeal a written statement challenging the determination of responsibility. The non-appealing party shall have up to five days after receipt of the appealing party's written statement to submit his/her written statement in support of the determination of responsibility.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker(s)' determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, F.S. 1002.22-1002.222, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

Training

The District's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the District's education program or activity;
- C. how to conduct an investigation and implement the grievance process, appeals and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator or Title IX liaison. This training will include practical information about how to identify and report Sexual Harassment.

Recordkeeping

As part of its response to alleged violations of this policy, the District shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a Complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

The District shall maintain for a period of seven (7) calendar years the following records:

- A. each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity
- B. any appeal and the result therefrom
- C. any informal resolution and the result therefrom, and
- D. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website.

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent may delegate functions assigned to a specific Board employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded by the Superintendent at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

Revised 7/20/21

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[20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 \(Title IX\).](#)

[20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 \(IDEIA\).](#)

[42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964](#)

[42 U.S.C. 2000d et seq.](#)

[42 U.S.C. 2000e et seq.](#)

[42 U.S.C. 1983](#)

[34 C.F.R. Part 106](#)

[Dear Colleague Letter on Sexual Violence \(Office for Civil Rights, 2011\).](#)

[F.S. 1000.05](#)

[OCR's Revised Sexual Harassment Guidance \(2001\).](#)

Last Modified by Maria Cain on September 18, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	VIRTUAL INSTRUCTION
Code	po2370.01 am 7-22 JM 9/23/24
Status	
Adopted	June 13, 2017
Last Revised	December 13, 2022

2370.01 - **VIRTUAL INSTRUCTION**

The following options are Virtual instructional available to students residing within the District for part-time or full-time participation in virtual instruction, Kindergarten through Grade 12+. Such courses shall be identified in the course code directory.

- A. ~~through courses delivered in the traditional school setting by instructional staff providing direct instruction through either virtual instruction or by blending traditional and online instruction;~~
- B. ~~through full time virtual charter school instruction authorized under F.S. 1002.33;~~
- C. ~~through enrollment in the Florida Virtual School;~~
- D. ~~through enrollment with Virtual Instruction Providers approved by the Florida Department of Education (FLDOE);~~
- E. ~~through enrollment in an online course offered by any other Florida school district;~~
- F. ~~through virtual courses offered in the virtual course code directory;~~
- G. ~~through participation in the District operated part time or full time virtual instruction programs (VIP) organized under F.S. 1002.45(1).~~

The District shall provide access to enroll in courses available through one of the District options for virtual instruction, and shall award credit for successful completion. Access to online courses is available to students during and after the normal school day and through summer school enrollment. A District student will not be required to take an online course outside the regular school day in addition to the student's courses for a given semester or on school grounds.

The purposes of the options above is to make instruction available to District students using online and distance education technology in either a traditional classroom or a nontraditional classroom (i.e., primarily outside of public school buildings). If the student and his/her parents select part-time or full-time instruction delivered by providers approved by the FLDOE, they will have the right to select from the list of approved providers.

The District may offer a full-time or part-time program for grade 9-12 students enrolled in dropout prevention, academic intervention, Department of Juvenile Justice (DJJ), core courses to meet class size requirements, or community colleges.

Student Participation Requirements

Students participating in a virtual instruction program must take statewide standardized assessments pursuant to F.S. 1008.22 and participate in the coordinated screening and progress monitoring system under F.S. 1008.25. ■

The approved virtual instruction program provider or virtual charter school shall provide a list of students to be administered Statewide assessments and progress monitoring to the District, including the students' names, Florida Education Identifiers, grade levels, assessments and progress monitoring to be administered and contact information. Unless an alternative testing site is mutually agreed to by the virtual program provider or virtual charter school and the Board, all assessments and progress monitoring must be taken at the school to which the student would be assigned according to the Board's attendance policy. The District must provide the student with access to the school's or Board's testing facilities and provide the student with the date and time of the administration of each assessment and progress monitoring.

Open Enrollment

~~The District will provide timely written notice to parents of at least one (1) open enrollment period for full time students of ninety (90) days or more which ends at least thirty (30) days before the first day of the school year.~~

Notification of Virtual Instruction Program to Parents and Students

Within the first week of each school year, the District shall provide notification to parents and students about a student's right and choice to participate in a virtual instruction program and in courses offered by the Florida Virtual School under State law.

Online Course Requirements for Graduation

~~Online course requirements for graduation are set forth in Policy 5460—Graduation Requirements.~~

Revised 2/27/18

Revised 12/13/22

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Legal	F.S. 1000.04
	F.S. 1001.20
	F.S. 1001.42
	F.S. 1002.20
	F.S. 1002.321
	F.S. 1002.37
	F.S. 1002.45
	F.S. 1002.455
	F.S. 1003.02
	F.S. 1003.32(1)
	F.S. 1003.4282
	F.S. 1003.498
	F.S. 1003.499
	F.S. 1006.29
	F.S. 1007.27
	F.S. 1011.62
	F.A.C. 6A-6.0981

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	EDUCATIONAL OPTIONS
Code	po2370 am 7-22 Options to consider JM 9/23/24
Status	
Adopted	June 13, 2017
Last Revised	December 12, 2023

2370 - EDUCATIONAL OPTIONS

The School Board recognizes the need to provide alternative means by which students achieve the goals of the District.

~~The District will provide students with~~ Students may access to courses available through a virtual instruction program courses provided by the District, the Florida Virtual School, and/or other approved providers, and the District may award credit for successful completion of such courses. x] The District-provided virtual instruction option shall consist of x] full-time and/or [-x part-time [END OF OPTION] virtual instruction for students enrolled in kindergarten through grade 12 [x grades 12 [END OF OPTION]. [END OF OPTIONAL SENTENCE]

These alternative means may include educational options that may include learning experiences or activities designed to extend, enhance, supplement, or serve as an alternative to classroom instruction.

Educational options for use in meeting the need for acceleration, remediation, and transitions may include, but not be limited to, distance learning, online coursework, tutorial programs, independent study, correspondence courses, educational travel, internships, mentorship programs, summer school, dual enrollment, collegiate high school programs, and early college entrance.

A student may explore all educational options available in the District by completing and submitting an application to the District. Upon review and determination that the student meets all program eligibility requirements, the student will be permitted to participate in the selected program.

Participation in an educational option shall be in accordance with an instructional plan which will be developed based on the individual student's needs. The instructional plan will include:

- A. instructional objectives that align with District's curriculum requirements;
- B. a description of the criteria and method for assessing student performance;
- C. an outline of specific instructional activities, materials, and learning environments.

Participation must be subject to the oversight of a credentialed teacher who will review the instructional plan, provide or supervise instruction, and evaluate student performance.

Credit for approved educational options shall be assigned according to student performance relative to state objectives of the approved instructional and performance plan and in accordance with District policy and applicable State law and administrative code.

Credit shall be granted to the student upon successful completion of the program. The credit shall be placed on the student transcript.

The Superintendent shall develop the administrative procedures necessary to implement this policy.

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Legal	F.S. 1001.42
	F.S. 1001.43
	F.S. 1002.20(6)
	F.S. 1002.3105
	F.S. 1002.321
	F.S. 1002.37
	F.S. 1003.4295
	F.S. 1007.271
	F.S. 1007.273

Last Modified by Maria Cain on October 23, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	HOPE SCHOLARSHIPS
Code	po2371 am 7-23 DW 9/2/24 LC 9/10/24
Status	
Adopted	February 5, 2019
Last Revised	December 12, 2023

2371 - HOPE SCHOLARSHIPS

Students subjected to an incident of violence or bullying at school have the opportunity to seek a transfer to another District school with capacity or request a scholarship to attend an eligible private school.

Eligibility

~~Contingent upon availability, and on a~~ A first-come, first-served basis, a student in grade K-12 is eligible ~~for a Hope Scholarship for certain educational options~~ if the student was subjected to, and subsequently reported to the Principal, any of the following incidents (as set forth in F.S. 1002.40(3)) at school, on a school bus, at a school bus stop, at a school-related/sponsored program or activity, or at any other school location:

- A. battery;
- B. harassment (see Policy 5517.01 - Bullying and Harassment);
- C. hazing (see Policy 5516 - Student Hazing);
- D. bullying (see Policy 5517.01 - Bullying and Harassment);
- E. kidnapping;
- F. physical attack;
- G. robbery;
- H. sexual offenses (including harassment, assault, or battery) (see *Policy 2264 – Nondiscrimination on the Basis of Sex in Education Programs and Activities* or Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities) *(The Board's Policy and Grievance Procedures for Responding to Sexual Harassment Alleged to Have Occurred Prior to 8/1/2024))*;
- I. threat or intimidation; or
- J. fighting.

Investigation and Parental Notification of Hope Scholarship Program

Upon conclusion of the investigation or within fifteen (15) days after the incident was reported, whichever occurs first, the District shall notify the parent of the existence of the Hope Scholarship Program using the Hope Scholarship Notification Form (Form IEPC HS1) developed by the FLDOE and offer the parent an opportunity **opportunities** to enroll the student in another public school that has capacity ~~or to request and receive, contingent upon available funds, and on a first come, first served basis,~~ and notify the parent of the student's eligibility to apply for a scholarship to attend an eligible private school **under F.S. 1002.394 and 1002.395,** ~~subject to available funding.~~

Within twenty-four (24) hours after receipt of the report, the Principal shall provide a copy of the report to the parent of the alleged offender and to the superintendent.

~~Upon conclusion of the investigation or within fifteen (15) days after the incident was reported, whichever occurs first, the District shall notify the parent of the existence of the Hope Scholarship Program using the Hope Scholarship Notification Form (Form IEPC HS1) developed by the FLDOE and offer the parent an opportunity to enroll the student in another public school that has capacity or to request and receive, contingent upon available funds, and on a first come, first served basis, a scholarship to attend an eligible private school, subject to available funding.~~

Parent Notification of Withdrawal to Eligible Private School

~~Parents who elect to attend an eligible private school through the Hope Scholarship Program must inform the District at the time of withdrawal.~~

Statewide Assessments

~~The District will notify any student who resides in the District and receives a Hope Scholarship, and his/her parent, about the locations and times to take all Statewide assessments. Parents shall be responsible for transporting the student to the assessment site.~~

Term of Hope Scholarship

~~A Hope Scholarship shall remain in force until the student graduates from high school.~~

Revised 8/27/19

Revised 2/23/21

Revised 12/12/23

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[F.S. 1002.40](#)

[F.A.C. 6A-6.0951](#)

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Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	SCHOOL-TO-WORK PROGRAM
Code	po2423 AM 7-23 TECHNICAL CORRECTIONS BL 9/4/24
Status	
Adopted	March 8, 2022
Last Revised	May 14, 2024

2423 - SCHOOL-TO-WORK PROGRAM **TECHNICAL CORECTIONS F.A.C. 6A-23.002 AND F.A.C. 6A-23.010**

Federal School-to-Work Opportunities Act of 1994

The School Board strongly supports the School-to-Work Opportunities Act as a vehicle to help the District to prepare students more effectively for the world of work. Through this legislation, the District will be able to provide students with the following learning experiences needed to develop career-related knowledge, attitudes, and skills as well as life-long learning skills:

- A. School-based learning which includes career awareness, exploration, and counseling and the integration of academic and vocational learning.
- B. Work-based learning which provides students with a planned program of job training and/or various types of work experiences that are coordinated with school-based learning.
- C. Connecting activities which are designed to ensure that there is effective correlation and coordination between what students learn in school and what they learn at worksites.

The Superintendent is authorized to design and implement school-to-work activities and programs, both independently for this District and in cooperation with other districts, that create the three (3) types of learnings described above. In addition, s/he should take the steps necessary to implement Board Policy 9555 - *Partnerships with Business* and also ensure that the District is participating actively in alliances, consortia, and/or committees that are coordinating school-to-work initiatives in this area.

The Superintendent's procedures for the development and implementation of school-to-work activities/programs need to provide for the following concerns of the Board:

- A. Proposals are submitted to obtain planning and/or implementation funds from the State and other sources, when available and appropriate.
- B. Informed parental consent will be obtained for any out-of-district activities such as career-awareness trips, job shadowing, work experiences, and the like.
- C. Proper supervision is being provided to all students when they are participating in learning activities in off-school sites.
- D. All students are being provided with appropriate opportunities to participate in school-to-work activities when available.

- E. Emphasis is being placed throughout the program on the development/reinforcement of a high-quality work ethic by every student.
- F. Each learning activity/program will have defined objectives with a clear correlation to career preparation and a means for assessing how well each student is achieving the objectives.
- G. All activities/programs will comply with associated Board policies and District procedures as well as applicable Federal/State laws.

As appropriate to a particular program initiative, the Superintendent may request waivers from the State on certain statutory or regulatory provisions that are contained in the Elementary and Secondary Education Act and the Carl D. Perkins Vocational and Applied Technology Act.

Unpaid students interning or getting workplace experience as part of an education program will be considered employees of the District for worker's compensation purposes.

The Superintendent shall keep the Board informed periodically on the progress of the District toward the goals of this important program.

Florida Work-Based Learning Opportunities

The Board shall provide that each student enrolled in grades 9 through 12 has access to at least one (1) work-based learning opportunity.

In accordance with Florida law, the term "work-based learning opportunity" means an interaction with industry or community professionals that occurs in a workplace setting, to the extent possible, or a simulated environment at an educational institution that allows firsthand experience with tasks required in a given career field, is aligned with curriculum and instruction, and is provided in partnership with an educational institution. A work-based learning opportunity must meet all of the following criteria:

- A. be developmentally appropriate.
- B. identify learning objectives for the term of experience.
- C. explore multiple aspects of an industry.
- D. develop workplace skills and competencies.
- E. assess performance.
- F. provide opportunities for work-based reflection.
- G. link to next steps in career planning and preparation in a student's chosen career pathway.
- H. be provided in an equal and fair manner.
- I. be documented and reported in compliance with State and Federal labor laws.

A work-based learning opportunity should prioritize paid experiences, such as apprenticeships and preapprenticeship programs as those terms are defined in F.S. 446.021.

Revised 12/12/23
Technical Correction 5/14/24

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Legal F.S. 446.021 (1)(2)
 F.S. 446.0915
 [F.S. 446.54](#)
 F.A.C. 6A-23.002

F.A.C. 6A-23.0042, Work-Based Learning Standards

F.A.C. 6A-23.010

The Fair Labor Standards Act of 1938 (as amended), 29 U.S.C. 201, et seq.

29 C.F.R. Part 570

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	SUMMER PROGRAMS
Code	po2440 AM 7-23 JM 9/23/24
Status	
Adopted	June 13, 2017
Last Revised	December 12, 2023

2440 - **SUMMER PROGRAMS**

The School Board shall provide summer programs for students including, but not necessarily limited to, the following:

- A. ESE Students needing extended school year services ("ESY") as identified in their ~~Individual~~ Individualized Education Plans ("IEP"). Summer ESY programs for each individual **Exceptional Student Education ("ESE")** student shall be provided in accordance with the student's IEP. Students in third grade who have not achieved the standards required for promotion shall also be eligible for summer programs.
- B. Summer programs for third grades students retained under the provisions of F.S. 1008.25(5)(b) shall include a summer reading camp. Additionally, summer programs for third grade students shall provide required reading remediation and opportunity to demonstrate reading proficiency.
- C. Credit recovery for students needing courses for graduation.
- D. In accordance with State law, the Board shall administer the ~~voluntary prekindergarten education program~~ Voluntary **Prekindergarten Education Program** at the District level for students enrolled under F.S. 1002.53(3)(b) in a public school summer prekindergarten program. **The Board may satisfy this requirement by contracting with private prekindergarten providers. For students in this program, the coordinated screening and progress monitoring system must be administered by providers or the District two (2) times, with the first administration no later than the first ten (10) instructional days after a student's enrollment or the start of the summer program and the final administration occurring within the last ten (10) days of the summer program in accordance with State Board of Education rules.**
- E. Contingent on the availability of funding, summer programs of academic instruction for students in grades K-12 remediation in Math, English, Science, and Social Studies for resident students of this District and other students as approved. The District may also choose to implement summer enhancement programs, contingent upon Board approval.

Transportation

The Board shall be responsible for transporting ESE students in accordance with the terms of students' IEPs.

The Superintendent shall be responsible for developing administrative procedures for the operation of summer programs which shall be consistent with Board policies and not conflict in any way with the administration of the regular school sessions of the District.

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F.S. 1001.43

F.S. 1002.53

F.S. 1002.61

F.S. 1008.25

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Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	DROPOUT PREVENTION AND ACADEMIC INTERVENTION PROGRAMS
Code	po2455 AM 7-23 OPTIONS TO CONSIDER LC 9/10/24
Status	
Adopted	May 14, 2024

2455 - DROPOUT PREVENTION AND ACADEMIC INTERVENTION PROGRAMS

"Dropout prevention and academic intervention programs" is defined as a variety of programs designed to lead to improved academic achievement, attendance and discipline for a student who has been identified as academically unsuccessful, having a pattern of excessive absenteeism or truancy, a history of disruptive behavior, or identified by a school's early warning system. **Such programs shall use instructional teaching methods and student services to address the specific needs of each student and lead to improved student behavior.** The District shall establish and implement program eligibility for students in grades 1-12 based on academic achievement, attendance, and discipline criteria in accordance with F.S. 1003.53. An Academic Intervention Plan (AIP) must be developed no more than thirty (30) days after each student's entry into the program **and to provide individualized student goals and progress monitoring procedures.** An Exceptional Student Education (ESE) student's AIP must be consistent with their Individualized Education Program (IEP). The AIP must include measurable objectives and related services to address the student's needs and transition goals to support the student's next educational placement or postsecondary option.

The District shall establish course standards, including credit recovery course procedures, as defined by F.A.C. 6A-6.0521, and requirements for assigning teachers to these programs that **are certified in accordance with F.S. 1012.55 and** possess the necessary effective, pedagogical, and content-related skills to meet the needs of the students.

The parent of a student has the right to receive written notice by certified mail **(X) or other method agreed to by the parent [END OF OPTION] (X) before ()** at least five (5) days before a student is initially enrolled in, or at least five (5) days before a student initially receives services under **[END OF OPTION], prior to** 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. Thereafter, the parent must be notified annually. The notification must be in the parent's primary language or other mode of communication commonly used by the parent unless clearly not feasible pursuant to F.A.C. 6A-6.0908.

The Board shall submit information through an annual report to the Florida Department of Education's database documenting the extent to which each of the dropout and prevention and academic intervention programs has been successful in the areas of graduation rate, dropout rate, attendance rate, and retention/promotion/rate.

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Legal [F.S. 1003.53](#)
[F.A.C. 6A-6.0521](#)

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	EXCEPTIONAL STUDENT EDUCATION
Code	po2460 AM 7-23 AJ 9/10/24 LC 9/10/24
Status	
Adopted	June 13, 2017
Last Revised	May 14, 2024

2460 - **EXCEPTIONAL STUDENT EDUCATION**

The School Board, as an expression of its commitment to provide a free, appropriate, public education for students with disabilities in accordance with State and Federal laws, rules, and regulations, shall develop and implement Special Programs and Procedures for Exceptional Students and the District Plan for Exceptional Student Education. These documents shall include at least the components listed below, shall provide administrative procedures for Exceptional Student Education Programs, and shall be revised when required by the Florida Department of Education (FLDOE), readopted, and submitted to the FLDOE.

A. Child Identification

The District will make ongoing efforts to identify, locate, and evaluate students below twenty-two (22) years of age, who reside within the District and have a confirmed or suspected disability in accordance with all Federal regulations and State standards.

B. Procedural Safeguards

A child with a disability and his/her parent shall be provided with safeguards, as required by law, throughout the identification, evaluation, and placement process, and the provision of a free, appropriate, public education to the student.

C. Multifactor Evaluation

A student may not be given special instruction or services as an exceptional student until after s/he has been properly evaluated and found eligible as an exceptional student in the manner prescribed by rules of the State Board of Education.

The District will provide a multifactor evaluation for students with disabilities by ensuring that:

1. children are assessed in their native language or other mode of communication;
2. tests are used for their validated purposes;
3. children are evaluated in all areas related to their suspected disability;
4. testing is conducted by a multidisciplinary team;
5. testing materials and procedures are not racially or culturally biased;

6. tests are administered by trained personnel qualified in accordance with all Federal regulations and State standards;
7. tests are administered in conformance with the instructions provided by the producer;
8. medical evaluation, when required as part of the multifactorial evaluation, shall be provided at no cost to the parent by a licensed physician designated by the Superintendent or his/her designee, when other no-cost resources are not available.

The parent of an exceptional student evaluated and found eligible or ineligible shall be notified of each such evaluation and determination. Such notice shall contain a statement informing the parent that s/he is entitled to a due process hearing on the identification, evaluation, and eligibility determination or non-determination.

D. Individualized Education Program

The District will develop an Individualized Education Program (IEP) for each child with a disability who needs special education and related services. The IEP shall be designed to meet the unique educational needs of the child and shall be developed in meetings with the child's designated IEP Team. At the initial meeting of a student's IEP team, the District will provide parents with information about the amount of funding the District receives for each of the five (5) exceptional student education support levels for a full-time student.

Parents of the child shall be strongly encouraged to participate in all planning conferences and IEP Team meetings. The school will provide written notice of an IEP meeting to the parent at least ten (10) days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP Team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

The District will utilize FLDOE parental consent forms for the following actions in a student's IEP:

1. administer to the student an alternate assessment pursuant to F.S. 1008.22 and provide instruction in the State standards access points curriculum; and
2. place the student in an exceptional student education center.

Except for a disciplinary interim alternative placement for no more than forty-five (45) school days, if the District determines that there is a need to change a student's IEP as it relates to the actions described above in 1 and 2, the school must hold an IEP Team meeting that includes the parent to discuss the reason for the change.

The District will not implement the change without parental consent unless the District documents reasonable efforts to obtain the parent's consent and the child's parent has failed to respond, or the District obtains approval through a due process hearing.

The IEP will include the components listed in F.A.C. 6A-6.03028, *Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities*.

The child's IEP shall be reviewed and revised as often as necessary, but at least annually.

District personnel will collaborate with private instructional personnel who are hired or contracted by parents in compliance with F.S. 1003.572. "Private instructional personnel" include only the following:

1. individuals certified under F.S. 393.17 or licensed under Chapter 490 or Chapter 491 for applied behavior analysis services as defined in F.S. 627.6686 and 641.31098;
2. registered behavior technicians who have a nationally recognized paraprofessional certification in behavior analysis and who practice under the supervision of individuals licensed under F.S. 393.17 or licensed under F.S. Chapter 490 or Chapter 491 by assisting such individuals in the provision of applied behavior analysis services;

To provide services under this paragraph, a registered behavior technician must be employed by a provider described in Paragraph 1 above.

3. speech-language pathologists licensed under F.S. 468.1185;

4. occupational therapists licensed under part III of 379 Chapter 468;
5. physical therapists licensed under Chapter 486;
6. psychologists licensed under Chapter 490; and
7. clinical social workers licensed under Chapter 491.

Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel will be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting only if the following requirements are met:

1. the student's public instructional personnel and principal consent to the time and place; and
2. the private instructional personnel satisfy the requirements of F.S. 1012.32 or 1012.321.

E. Least Restrictive Environment

The education of students with disabilities will occur in the least restrictive environment through appropriate special education programs and services designed to meet the unique needs of each disabled student. District personnel will use the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate. To the extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, shall be educated with students who are not disabled. Placement of exceptional students will occur only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

F. Confidentiality of Data

The confidentiality of personally identifiable data relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction; one official of this District shall be assigned the responsibility for protecting the confidentiality of personally- identifiable data. The District follows all Federal regulations and State standards related to the confidentiality of data. (See Policy 8330 - *Student Records*)

G. Due Process

The District will use procedures to allow differences of opinion between parents and this District or between agencies and this District, to be aired and resolved. The procedures shall provide for case conferences and impartial hearings on the District's proposal or refusal to initiate or change the identification, evaluation, eligibility, or educational placement of the child, or the provision of FAPE to the child.

The impartial hearings shall be conducted by an administrative law judge (ALJ) from the Florida Division of Administrative Hearings (DOAH) and shall be final. However, any party who does not agree with the findings and decision in the due process hearing, including a hearing relating to disciplinary procedures, has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a State court of competent jurisdiction or in a district court of the United States without regard to the amount in dispute. In the alternative, in hearings conducted on behalf of a student who is identified as gifted, any party aggrieved by the decision of the ALJ has the right to request a review of the order by the District Court of Appeal as provided in F.S. 120.68.

During the pendency of a due process hearing or appellate proceeding regarding a due process complaint, the student shall remain in his/her current educational assignment, unless the parent and the Board otherwise agree.

H. Surrogate Parent

It shall be the policy of the District that whenever the parent or a person who acts in a parental role to a child with a disability or a child suspected of having a disability is determined to be legally unavailable, the child's rights shall be protected through the assignment of a surrogate parent. A surrogate parent means an individual appointed by the Superintendent and/or the court to act in place of a parent in educational decision-making and in safeguarding a child's rights under the Individuals with Disabilities Education Act. The surrogate parent shall not be an employee of the Department of Education, the School District, a community-based care provider, the Department of Children and Family Services, or any other public or private agency involved in the education or care of the child. The surrogate parent shall meet all statutory requirements and attend the required training to be appointed. The Superintendent shall appoint a surrogate not more than thirty (30) days after the District determines a particular student is in need

of a surrogate.

I. Testing Programs

Students with disabilities shall participate in local and State-wide testing programs to the maximum extent appropriate. Individual exemptions **and/or waivers** shall be **determined only by the student's IEP Team granted only as permitted under Florida law and State Board of Education rules.** Exceptional students with disabilities shall have access to testing sites.

~~A student for whom the IEP Team determines that the State mandated testing cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have the State mandated testing requirement waived for the purpose of receiving a standard high school diploma if the student completes the minimum number of credits and other requirements for graduation, but does not earn a passing score on the State mandated testing after one (1) opportunity in the 10th grade and one (1) opportunity in the 11th grade.~~

Further, pursuant to State law, the IEP team may determine that end-of-course assessment cannot accurately measure the abilities of the student and may, therefore, waive the use of the results of the end-of-course assessment for purposes of determining the student's course grade and middle school promotion or award of high school credits.

If the IEP Team determines that a student with a disability is prevented by a "circumstance" or "condition" as defined in F.S. 1008.212 from physically demonstrating the mastery of skills that have been acquired and are measured by the Statewide standardized assessment, a Statewide standardized end-of-course assessment, or an alternate assessment under F.S. 1008.22(3)(c), the IEP Team may submit to the superintendent a written request for an extraordinary exemption from the administration of the assessment, pursuant to F.S. 1008.212. The request may be made at any time during the school year, but not later than sixty (60) days before the assessment for which the request is made. The superintendent will recommend to the Commissioner of Education whether the request should be granted or denied, and the Commissioner will grant or deny the requested exemption within thirty (30) days. A copy of the District's procedural safeguards as required in F.A.C. 6A-6.03311 shall be provided to the parent. If the parent disagrees with the IEP Team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent.

A parent who disagrees with the Commissioner's denial of a requested extraordinary exemption may request an expedited hearing before DOAH pursuant to F.S. 1008.212.

J. Right to be Accompanied at Meetings Pertaining to Students with Disabilities

Parents of students with disabilities, or eligible students with disabilities, may be accompanied by another person of their choice at a meeting with District personnel. Such meetings include, but are not limited to, meetings related to the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an individual education plan (IEP); the development of a 504 accommodation plan issued under Section 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the student's educational environment, discipline, or placement of a student with a disability.

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 a meeting. Parents, eligible students, or other individuals invited to attend such meetings by parents of students with disabilities or eligible students with disabilities on school grounds shall sign in at the front office of such school as a guest.

Parents of students with disabilities, or eligible students with disabilities, and District personnel shall sign Form 5780 F1 at the meeting's conclusion which states whether or not any District personnel have prohibited, discouraged or attempted 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.

K. Early Literacy Skills for Retained Prekindergarten Students

A parent of a student with a disability who is enrolled in prekindergarten at the age of 4 and is fully funded through the Florida Education Finance Program may retain their child in consultation with the student's IEP team. A student with an IEP who has been retained pursuant to this paragraph and has demonstrated a substantial deficiency in early literacy skills shall receive instruction from the District in early literacy skills.

L. Transfer of Parental Rights at Age of Majority

Unless an exception applies under the rules of the State Board of Education, when a student with a disability reaches the age of eighteen (18), the right of prior written notice is retained as a shared right of the parent and the student. All other parent rights under the IDEA then transfer to the student. At least one (1) year before the student reaches the age of eighteen (18), the Board will provide written notice of the transfer of parent rights and information about the ways in which the parent may continue to participate in educational decisions, including informed consent, power of attorney, guardian advocacy and guardianship.

Placement by the Department of Children and Family Services

After the Department of Children and Family Services provides written notification to the District that an exceptional student has been placed in a private residential care facility, the receiving school district shall, within ten (10) business days, review the student's IEP and shall:

- A. provide educational instruction to the student;
- B. contract with another provider to provide the educational instruction;
- C. contract with the private residential care facility in which the student resides to provide the educational instruction;
or
- D. decline to provide or contract for educational instruction, in which case the school district in which the legal residence of the student is located shall provide or contract for the educational instruction of the student.

The Superintendent shall administer the local implementation of these State procedures, in accordance with State and Federal laws, rules, and regulations, which shall ensure fulfillment of this policy.

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Legal

F.S. 1001.41

F.S. 1001.42

F.S. 1002.20

F.S. 1003.01(3)

F.S. 1003.4156

F.S. 1003.4282

F.S. 1003.57

F.S. 1003.5715

F.S. 1003.572

F.S. 1008.212

F.S. 1008.22

F.S. 1008.24

Statewide Assessment for Students with Disabilities, F.A.C. 6A-1.0943

Florida Alternate Assessment Requirements, F.A.C. 6A-1.09430

F.A.C. 6A-1.09963

Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities, F.A.C. 6A-6.03028

Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities, F.A.C. 6A-6.03311

Procedural Safeguards for Exceptional Students Who Are Gifted, F.A.C. 6A-6.03313

Surrogate Parents, F.A.C. 6A-6.0333

Definitions, ESE Policies and Procedures, and ESE Administrators, F.A.C. 6A-6.03411

20 U.S.C. 1400 et seq.

20 U.S.C. 1401 et seq.

34 C.F.R. Part 300

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS
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Last Revised	May 14, 2024

2520 - **SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS**

The School Board adopts courses of study pursuant to State law and Policy 2220. When adopting courses of study, State law also requires the Board to adopt and provide adequate instructional materials to students enrolled in the District.

"Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serves as the basis for instruction ~~for each student~~ in the core courses of mathematics, language arts, social studies, science, reading, and literature.

Furthermore, Federal law requires the Board to provide accessible instructional materials as specified in a student's Individualized Education Program (IEP). Such accessible instructional materials may be of a type or in a format as specified in the definition of adequate instructional materials in this policy.

"Library media center" means any collection of books, ebooks, periodicals, or videos maintained and accessible on the site of a school, including in classrooms.

As required by State law, instructional materials adopted and used in the District shall be consistent with the goals and objectives in the District's adopted course of study and with the course descriptions established by State Board rule. The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school or classroom library, or included on a reading list.

Each principal shall provide that instructional materials are used to provide instruction to students enrolled at the grade level or levels for which the materials are designed pursuant to adopted Board policies. Each principal shall communicate to parents the manner in which instructional materials are used to implement the curricular objectives of the school and the procedures for contesting the adoption and use of instructional materials. Principals are also responsible for overseeing compliance with District procedures for selecting school library media center materials at the school to which they are assigned and notifying parents of the process for objecting to the use of specific materials.

The Superintendent shall develop administrative procedures that set forth a process to involve staff in the review and evaluation of instructional materials. The staff involved in this process shall recommend to the Superintendent for submission to the Board for adoption of the instructional materials that address the goals and objectives for adopted courses of study and the course descriptions established by State Board rule. The instructional materials shall be from the State-adopted instructional materials list if there has been a State adoption or from publishers and other resources if there has not been a State adoption. A meeting of a committee for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the Board must be noticed and open to the public in accordance with F.S. 286.011. A committee convened for such purposes must include parents of students who will have access to such materials.

The Superintendent's procedures shall also prescribe the process for the acquisition, management, use, accountability, and reporting requirements of all instructional materials.

Certification by Superintendent

~~By April 1 of each year, the~~ The Superintendent ~~will shall annually~~ provide notice to the Department of Education of the State-adopted instructional materials that will be requisitioned for use in the district, including the District's plan for use of the materials.

On or before July 1 each year, the Superintendent will certify to the Commissioner of Education (1) the estimated allocation of state funds for instructional materials for the ensuing fiscal year; and (2) that school librarians and media specialists who are involved in the selection of library media materials for students have completed the online Library Media Training course.

By August 1 each year, the Superintendent will certify to the Commissioner of Education ~~(1) that the Board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs, including verification that training was provided; (2) that the materials are being implemented as designed, and that core reading materials and reading intervention materials used in kindergarten through grade 5 meet the requirements of F.S. 1001.215; (3) that all instructional materials for core courses are aligned to state academic standards; (4) that core reading and reading intervention materials used in grades kindergarten through grade 5 meet the requirements of F.S. 1001.215(7); and (5) that any material objected to by a parent or resident during the previous year under F.S. 1006.28 has been identified, along with the reasons for objection, and the grade and courses for which the material was removed or discontinued.~~

Adoption of Instructional Materials

Prior to submitting a recommendation to the Board regarding the recommended instructional materials, those materials will be accessible for review online for at least twenty (20) calendar days prior to the open publicly noticed meeting at which a public hearing will be held so that the Board can receive comment, if any, about the instructional material under consideration for adoption. The Superintendent shall establish reasonable safeguards against the unauthorized use, reproduction, and distribution of the instructional material under consideration.

Following the public hearing, the Board may act upon the Superintendent's recommendation to adopt the instructional materials. The Board will select, approve, and adopt all materials as a separate line item on the regular (non-consent) agenda and will provide a reasonable opportunity for public comment.

At an open publicly noticed meeting following the meeting at which the instructional material is adopted, the Board shall consider a recommendation to approve an annual instructional materials plan that identifies any instructional materials to be purchased pursuant to the instructional materials review process described herein.

The Superintendent shall maintain a list of all adopted instructional materials.

Publication on Website of List of Instructional Materials and Process to Limit Student Access

The Board will publish on its website, in a searchable format, a list of all instructional materials, including those used to provide required instruction under Florida law.

The Board will adopt and publish on its website the process for a parent to limit his/her student's access to materials in the school or classroom library.

School Library Media Centers and Reading Lists

Effective July 1, 2022, each book newly made available to students through a school library media center or included in a recommended or assigned school or grade level reading list must be selected and approved by a District employee who holds a valid educational media specialist certificate, regardless of whether the book is purchased, donated or otherwise made available to students.

Procedure

The media specialist will endeavor to stay informed about appropriate new publications, using multiple sources, such as discussions with colleagues, attendance at conferences, and reading a variety of periodicals and book reviews. The media specialist will also receive and consider suggestions or requests brought forward by other faculty, students, and parents.

Potential new books for the school library media center and reading lists will be evaluated to determine if they would be suitable for student needs and whether they would be appropriate for the intended grade level and age group. In considering possible new acquisitions, the media specialist will consult reputable, professionally recognized reviewing periodicals and school community stakeholders. The media specialist will also assess the level of student interest in the subject(s) presented and the ability of students to comprehend the material. Books that are selected must be free of pornography and material prohibited under F.S. 847.012.

The goal of the selection process is for the school's library media center and reading list collections to be based on reader interest, the support of State standards and aligned curriculum, and the academic needs of students and faculty.

After evaluation, the media specialist will inform the principal of those books that have been evaluated and are approved for inclusion in the collections.

Periodically, books will be removed from the collection or discontinued, based on their poor physical condition, low rate of recent circulation, non-alignment to State standards, out-of-date content, or status following a parent's or community member's objection.

The procedure for developing library media center and reading list collections will be posted on the website for each school in the District.

Upon written request, an individual will be provided access to material or books specified in the written request that are maintained in a District library if such material or books are available for review. The Principal shall arrange for a convenient time to provide such access.

Each elementary school must publish on its website, in a searchable format, a list of all materials maintained and accessible in the school library media center or a classroom library which can be checked out or used by a student or required as part of a school or grade-level reading list. The format must:

- A. identify the type of material maintained in the library media center by category, such as books, ebooks, periodicals, and videos;
- B. list, at a minimum, the following information:
 1. the title and author for books and ebooks;
 2. the name or title for periodicals and videos; and,
 3. the title for any other material maintained in the media center.
- C. Books and ebooks must be searchable by, at a minimum, author and title. All other materials must be searchable by, at a minimum, title.

Purchase of Instructional Materials

Following adoption by the Board, requisitions shall be issued to purchase current instructional materials from the State-adopted instructional materials list so that each student in kindergarten through grade 12 will have a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature. Any materials purchased shall be free of pornography and material prohibited under F.S. 847.12, suited to student needs and their ability to comprehend the material presented, and appropriate for the grade level and age group for which the materials are used or made available. The Board will purchase all materials as a separate line item on the regular (non-consent) agenda and will provide a reasonable opportunity for public comment.

Requisitions shall also be issued to purchase instructional materials that will be the major tool of instruction for subjects in the State Course Code Directory for which the Board has adopted courses of study, but for which there are no materials on the State-adopted instructional materials list.

The Superintendent shall approve these purchases.

In any year in which the total instructional materials allocation for District has not been expended or obligated prior to June 30th, the unobligated amount shall be carried forward and added to the next year's allocation.

The District shall maintain on its website a current list of instructional materials, by grade level, purchased by the District.

Replacement and Purchase of Instructional Materials by Students/Parents

Students ~~shall~~ **may** be held responsible for the cost of replacing any instructional materials lost, destroyed, or unnecessarily damaged. Failure to provide payment for the damage or loss may result in the suspension of the student from participation in extra-curricular activities, or the debt may be satisfied by the student performing community service activities at the school site as determined by the school principal.

A student or his/her parent(s) may purchase a copy of the designated course instructional materials, regardless of format, for the District's purchase price, including shipping.

Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in activities where the product becomes the property of the student.

Free School-Related Instructional Materials

Free instructional materials may be accepted for classroom and school purposes under conditions that meet all the following criteria:

- A. The initiative for securing the materials should be of the type that teachers seek rather than materials forwarded to them to promote the interests of an outside agency.
- B. The materials should fill a legitimate purpose of the school curriculum.
- C. The advertising feature of the materials should be minimized.
- D. Educational films should contain a minimum amount of commercial advertising.

Equipment or Instructional Materials Vendors

The principal may permit vendors to demonstrate and show only that equipment and instructional materials which can be used to improve the instructional program and which are under consideration for purchase by the school.

New Worlds Reading Initiative

The New Worlds Reading Initiative, created by the Florida Department of Education, provides high-quality, free books directly to K-prekindergarten through grade 5 students who are not yet reading on grade level, who score below a level 3 ~~in the preceding year's~~ **on the most recent** Statewide, standardized English Language Arts Assessment (ELA), or who have a substantial reading deficiency identified under F.S. 1008.25, or who have a substantial deficiency in early literacy skills based upon the results of the coordinated screening and progress monitoring under F.S. 1008.25.

The School District must notify parents of eligible students upon enrollment and at the beginning of each school year options for specific book topics or genres in order to maximize student interest in reading. The District must coordinate monthly book deliveries with the program administrator beginning no later than October and continuing through at least June. The District must participate in the initiative by partnering with local nonprofit organizations and raising awareness by using marketing materials provided by the program administrator. A student's eligibility for the initiative continues until promotion to grade 6 or until the parent opts out of the initiative.

The District shall coordinate with each charter school it sponsors for the purposes of identifying eligible students, notifying parents, coordinating book deliveries, providing the opportunity to annually select book topics and genres, and raising awareness of the initiative.

The District shall also establish a data-sharing agreement with the initiative's administrator to allow for a streamlined student verification and enrollment process.

The Statewide ELA is not the sole determiner of promotion. Additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and schools in identifying the reading level of the student. A parent of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school begin collecting evidence for a portfolio.

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Revised 12/13/22

Revised 4/11/23

Revised 12/12/23

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[F.S. 119.071](#)

[F.S. 212.183](#)

[F.S. 1001.215](#)

[F.S. 1002.22](#)

[F.S. 1003.485](#)

[F.S. 1006.28](#)

[F.S. 1006.28 through 1006.42](#)

[F.S. 1006.40](#)

[F.S. 1008.22](#)

[F.S. 1008.25\(5\)\(a\).](#)

[F.S. 1008.25\(5\)\(c\).](#)

[F.S. 1014.05](#)

[F.A.C. 6A-6.03028](#)

[F.A.C. 6A-7.0713](#)

[F.A.C. 6A-7.0715](#)

[34 C.F.R. Part 300](#)

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Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	INSTRUCTIONAL MATERIALS PROGRAM
Code	po2521 am 7-23 KD TMH 9/5/24
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2521 - **INSTRUCTIONAL MATERIALS PROGRAM**

The School Board shall provide instructional materials and equipment, within budgetary constraints, to implement the District's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school. Instructional materials used in the District shall be consistent with the District goals and objectives and the course descriptions established by the State Board of Education and the State standards provided for in F.S. 1003.41.

State law requires the Board to provide adequate instructional materials free of charge to students who are enrolled in the District.

"Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serves as the basis for instruction ~~for each student~~ in the core courses of mathematics, language arts, social studies, science, reading, and literature.

Furthermore, Federal law requires the Board to provide accessible instructional materials as specified in a student's IEP. Such accessible instructional materials may be of a type or in a format as specified in the definition of adequate instructional materials in this policy.

"Library media center" means any collection of books, ebooks, periodicals or videos maintained and accessible on the site of a school, including in classrooms.

The Board hereby establishes an instructional materials program that includes the review, recommendation, adoption, and purchase of instructional materials. The program shall be implemented in accordance with the terms of this policy and administrative procedures adopted in accordance herewith. The program shall comply with all applicable provisions of F.S. Chapter 1006, Part I, F. Instructional Materials for K-12 Public Education.

Certification by Superintendent

~~By March 31st of each year, the~~ The Superintendent shall annually certify to the Florida Department of Education (FLDOE) (1) that all instructional materials for core courses used by the District are aligned with applicable State standards; and (2) that the District's process for review, selection and adoption of instructional materials complies with the hearing and public meeting requirements of the Board and F.S. 1006.283. A list of the core instructional materials that will be used or purchased for use by the District shall be included in the certification.

On or before July 1 each year, the Superintendent will certify to the Commissioner of Education (1) the estimated allocation of State funds for instructional materials for the ensuing fiscal year; and (2) that school librarians and media specialists who are involved in the selection of library media materials for students have completed the online Library Media Training course.

By August 1 each year, the Superintendent will certify to the Commissioner of Education ~~(1)~~ that the Board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs, including verification that training was provided; ~~(2)~~ that the materials are being implemented as designed, and that core reading materials and reading intervention materials used in kindergarten through grade 5 meet the requirements of F.S. 1001.215; ~~(3)~~ that all instructional materials for core courses are aligned to State academic standards; ~~(4)~~ that core reading and reading intervention materials used in grades kindergarten through grade 5 meet the requirements of F.S. 1001.215(7); and ~~(5)~~ that any material objected to by a parent or resident during the previous year under F.S. 1006.28 has been identified, along with the reasons for objection, and the grade and courses for which the material was removed or discontinued.

Selection, Duties, and Qualifications of Reviewers, Review of Instructional Materials, Recommendations of Reviewers, and Selection of Instructional Materials by Reviewer

The Board may employ or contract with one (1) or more instructional materials reviewers, one (1) or more of whom must be a parent with a child in a District public school. The qualifications of the instructional materials reviewer shall be set forth in the Board-approved job description for the position, or, alternatively, in the contract for services. A meeting of a committee for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the Board must be noticed and open to the public in accordance with F.S. 286.011. A committee convened for such purposes must include parents of District students.

The duties of an instructional materials reviewer are:

A. Procedures

To adhere to prescribed procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

B. Review, Recommendations, and Selection of Instructional Materials by Reviewer

1. Reviewers shall utilize the selection criteria set forth in State law, including F.S. 1006.34(2)(b) and recommend for adoption only those instructional materials aligned with State standards provided for in F.S. 1003.41.
2. Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, free of pornography and material prohibited under F.S. 847.12, and suited to student needs and their ability to comprehend the material presented. Reviewers shall consider for recommendation materials developed for academically talented students, such as students enrolled in advanced placement courses. When recommending instructional materials, each reviewer shall:
 - a. include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, including men and women in professional, career, and executive roles and the role and contributions of the entrepreneur and labor in the total development of this State and the United States;
 - b. include only materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances;
 - c. include materials that encourage thrift, fire prevention, and humane treatment of people and animals;
 - d. require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain that Declaration of Independence and the Constitution of the United States;

A reviewer may not recommend any instructional materials that contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation.

- e. When such instructional materials are for foundational reading skills, include only materials that are based on the science of reading and include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies within such materials may not employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Instructional strategies within such materials may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading.
3. In the selection of instructional materials, library media, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:
- a. the age of the students who normally could be expected to have access to the material;
 - b. the educational purpose to be served by the material;
- In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the State and Board performance standards provided for in F.S. 1001.03(1) and which include the instructional objectives contained within the curriculum frameworks approved by rule of the State Board of Education.
- c. the degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal instructional program;
 - d. the consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this State.
4. Any instructional material containing pornography or otherwise prohibited by F.S. 847.012 may not be used or made available within any public school.
5. After a thorough study of all data submitted on each instructional material, the reviewer shall submit an electronic report to the Superintendent for presentation to the Board. The report shall be in substantially the same format as the form used by the FLDOE. All instructional materials recommended by a reviewer shall be accompanied by a statement from the reviewer that the materials align with State standards pursuant to F.S. 1003.41 and the requirements of F.S. 1006.31. If such instructional materials are for foundational reading skills, the materials shall be based on the science of reading and include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies within such instructional materials may not employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. The instructional strategies within such instructional materials may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading.

Certification of the Accuracy of Instructional Materials

In addition to relying on statements of publishers or manufacturers of instructional materials, the reviewer may, with the approval, and subject to the direction of the Superintendent, conduct or cause to be conducted an independent investigation to determine the accuracy of State-adopted instructional materials.

When errors in Board-adopted materials are confirmed, the publisher of the materials shall provide to each district school board that has purchased the materials the corrections in a format approved by the department.

The Board may remove materials from the list of Board-adopted materials if it finds that the content is in error and the publisher refuses to correct the error when notified by the Board.

The Board may remove materials from the list of Board-adopted materials at the request of the publisher if, in its opinion, there is no material impact on the State's education goals.

Affidavit of Instructional Materials Reviewer

Before commencing his/her duties, a District instructional materials reviewer shall execute an affidavit which substantially includes the following requirements of F.S. 1006.30:

- A. The reviewer will faithfully discharge the duties imposed upon him/her.

- B. The reviewer has no interest in any publishing or manufacturing organization that produces or sells instructional materials.
- C. The reviewer is in no way connected with the distribution of the instructional materials.
- D. The reviewer does not have any direct or indirect pecuniary interest in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in the public schools.
- E. The reviewer will not accept any emolument or promise of future reward of any kind from any publisher or manufacturer of instructional materials or his/her agent or anyone interest in, or intending to bias his/her judgment in any way in, the selection of any materials to be adopted.
- F. The reviewer understands that it is unlawful to discuss matters relating to instructional materials submitted for adoption with any agent of a publisher or manufacturer of instructional materials, either directly or indirectly, except during the period when the publisher or manufacturer is providing a presentation for the reviewer during his/her review of the instructional materials submitted for adoption.

Board Adoption of Instructional Materials

After receipt from the Superintendent of a reviewer's electronic report and recommendation, the Board shall publish a notice indicating the date, time, and location of an open public hearing to address the recommended instructional materials. The public shall have an opportunity to provide public comment at the public hearing.

Following the public hearing, the Board shall publish notice indicating the date, time, and location of an open public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the Board instructional materials review process pursuant to this policy. This public meeting will be held on a different date than the public hearing. The Board will select, approve, and adopt all materials as a separate line item on the regular (non-consent) agenda and will provide a reasonable opportunity for public comment.

Notice of the public hearing and public meeting identified herein shall specifically identify which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review. The hearing must allow the parent of a District student or a resident of the county to proffer evidence that a recommended instructional material does not meet the criteria provided in F.S. 1006.31(2), taking into consideration course expectations based on the District's comprehensive plan for student progression under F.S. 1008.25(2) and course descriptions in the course code directory.

For purposes of this policy, "resident" means a resident of the county who has maintained his/her residence in Florida for the preceding year, has purchased a home that is occupied by him/her as his/her residence, or has established a domicile in Florida pursuant to F.S. 222.17.

At least twenty (20) calendar days before the Board hearing and public meeting, the Board shall make available online to the public through the District's website all student editions of the recommended instructional materials. In making these materials available, District staff shall implement reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

Publication on Website of List of Instructional Materials and Process to Limit Student Access

The Board will publish on its website, in a searchable format, a list of all instructional materials, including those used to provide required instruction under Florida law.

The Board will also adopt and publish on its website the process for a parent to limit his/her student's access to materials in the school or classroom library.

School Library Media Centers and Reading Lists

Effective July 1, 2022, each book newly made available to students through a school library media center or included in a recommended or assigned school or grade level reading list must be selected and approved by a District employee who holds a valid educational media specialist certificate, regardless of whether the book is purchased, donated, or otherwise made available to students.

Procedure

The media specialist will endeavor to stay informed about appropriate new publications that become available, using multiple sources, such as discussions with colleagues, attendance at conferences, and reading a variety of periodicals and book reviews. The media specialist will also receive and consider suggestions and requests brought forward by other faculty, students, and parents.

Potential new books for the school library media center will be evaluated to determine if they would be suitable for student needs, and whether they would be appropriate for the intended grade level and age group. In considering new acquisitions, the media specialist will consult reputable, professionally recognized reviewing periodicals and school community stakeholders. The media specialist will also assess student interest in the subject(s) presented and the ability of students to comprehend the material presented. Books selected must be free of pornography and material prohibited under F.S. 847.012.

The goal of the selection process is for the school's library media center and reading list collections to be based on reader interest, the support of state academic standards and aligned curriculum, and the academic needs of students and faculty.

After evaluation, the media specialist will inform the principal or Supervisor of Literacy, Intervention & Elementary Academic Programs of those books that have been evaluated and are approved for inclusion in the collections.

Periodically, books will be removed from the collections or discontinued, based on their poor physical condition, low rate of recent circulation, non-alignment to State standards, out-of-date content, or status following a parent's or community member's objection.

The procedures for developing library media center and reading list collections will be posted on the website for each school in the District.

Access

Upon written request, an individual will be provided access to material or books specified in the written request that are maintained in a District library if such material or books are available for review. The school principal shall arrange for a convenient time to provide such access.

Each elementary school will publish on its website, in a searchable format, a list of all materials maintained and accessible in the school library media center or a classroom library which can be checked out or used by a student or required as part of a school or grade-level reading list.

The format must:

- A. identify the type of material maintained in the library media center by category, such as books, ebooks, periodicals, and videos;
- B. list, at a minimum, the following information:
 - 1. the title and author for books and ebooks;
 - 2. the name or title for periodicals and videos; and
 - 3. the title for any other material maintained in the media center.
- C. Books and ebooks must be searchable by, at a minimum, author and title. All other materials must be searchable by, at a minimum, title.

Purchase of Instructional Materials, Including Advertising and Bidding

Beginning on or before May 15th of any year in which an instructional materials adoption is to be initiated, the District shall advertise in a local newspaper of general circulation four (4) weeks preceding the date on which the bids shall be received, that at a certain designated time, not later than June 15th, sealed bids or proposals to be deposited with the District will be received from publishers or manufacturers for the furnishing of instructional materials proposed to be adopted as listed in the advertisement beginning April 1st following the adoption.

The advertisement shall state that each bidder shall furnish electronic sample copies of all instructional materials submitted, at a time designated by the District, which copies shall be identical with the copies approved and accepted by State instructional materials reviewers, and with the copies furnished to the District and Superintendent.

The advertisement shall state that a contract covering the adoption of the instructional materials shall be for a definite term.

The advertisement shall fix the time within which the required contract must be executed and shall state that the District reserves the right to reject any or all bids.

The advertisement shall give information regarding digital specifications that have been adopted by the Board, including minimum format requirements that will enable electronic and digital content to be accessed through the District's local instructional improvement system and a variety of mobile, electronic, and digital devices. Beginning with specifications released in 2014, the digital specifications shall include requiring the capability for searching by State standards and site and student-level licensing. Such digital format specifications shall be appropriate for the interoperability of the content. The Board will not adopt specifications that require the instructional materials to include specific references to State-mandated testing and State academic standards and benchmarks at the point of student use.

The bids submitted shall be for furnishing the designated materials in accordance with specifications of the District. The bid shall state the lowest wholesale price at which the materials will be furnished, at the time the adoption period provided in the contract begins. The Board will purchase all materials as a separate line item on the regular (non-consent) agenda and will provide a reasonable opportunity for public comment.

Each publisher or manufacturer of instructional materials who submits a bid under this part is required to deposit with the District such sum of money or certified check as may be determined by the District, the amount to be not less than \$500 and not more than \$2,500, according to the number of instructional materials covered by the bid, which deposit shall be forfeited to the Board and placed in the (General Revenue Fund) General Fund if the bidder making the deposit fails or refuses to execute the contract and bond within thirty (30) days after receipt of the contract in case his/her bid or proposal is accepted. The District shall, upon determining that the deposit is correct and proper, deposit the funds in an interest-bearing trust account and issue an official receipt.

Sample copies of all instructional materials that have been made the basis of contracts under this policy shall upon request for the purpose of public inspection, be made available by the publisher to the Department of Education and the Superintendent from the State list upon request for the purpose of public inspection.

Any materials purchased shall be free of pornography and material prohibited under F.S. 847.12, suited to student needs and their ability to comprehend the material presented, and appropriate for the grade level and age group for which the materials are used or made available.

The District shall maintain on its website a current list of instructional materials, by grade level, purchased by the District.

Review Cycle for Instructional Materials by Subject Area

By April 15th of each school year, the instructional material reviewer shall review all instructional materials and evaluate the content for alignment with applicable State Standards. The reviewer shall review the materials for the level of instructional support and the accuracy and appropriateness of progression of introduced content. Instructional materials shall be made electronically available to the reviewer. The reviewer shall rate the material on the instructional usability of the resources.

Compliance with F.S. 1006.32, Relating to Prohibited Acts

In accordance with State law, this policy strictly prohibits any individual or the Board from engaging in any of the prohibited acts set forth in F.S. 1006.32.

Parental Notification of Access to Student's Instructional Materials and Access to Materials and Books in District Libraries

The District shall notify parents through the District's website and in writing annually of their ability to access their children's instructional materials through the District's local instructional improvement system. The notification shall encourage parents to access the local instructional improvement system.

Upon written request, an individual will be provided access to material or books specified in the written request that are maintained in a District library if such material or books are available for review. The school principal shall arrange for a convenient time to provide such access.

Maximization of Student Use of District-approved Instructional Materials

In order to maximize student use of authorized instructional materials, the Board shall:

- A. purchase current instructional materials to provide each student with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12;
- B. by the 2015-2016 fiscal year, use at least fifty percent (50%) of the annual allocation for the purchase of digital or electronic instructional materials included on the State-adopted list, except as otherwise authorized by law or rules of the State Board of Education;
- C. use up to 100% of that portion of the annual allocation designated for the purchase of instructional materials for kindergarten, and up to seventy-five percent (75%) of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase materials not on the State-adopted list, which shall be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course.

These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or soft-backed textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools.

The Superintendent shall implement procedures that will assure the maximum use by the students of the authorized instructional materials.

Required Curriculum

Nothing in this policy shall limit or remove the responsibility of the Board to include in its curriculum the required instruction specified in State law including, but not limited to, the following:

- A. The history of the United States; the history of the Holocaust.
- B. The history of African Americans.
- C. The study of Hispanic contributions to the United States.
- D. The study of women's contributions to the United States.
- E. The nature and importance of free enterprise to the United States economy.
- F. The elementary principles of agriculture; and kindness to animals.

Publisher and Manufacturer Duties, Responsibilities, and Requirements

In accordance with State law, all publishers and manufacturers of instructional materials, and their representatives, must comply with the requirements of F.S. 1006.38. These requirements include, but are not limited to, the following:

- A. Electronically deliver fully developed sample copies of all instructional materials upon which bids are based to the department pursuant to procedures adopted by the State Board of Education.
- B. Submit, at a time designated in F.S. 1006.33, the following information:
 - 1. Detailed specifications of the physical characteristics of the instructional materials, including any software or technological tools required for use by the District, school, teachers, or students. The publisher or manufacturer shall comply with these specifications if the instructional materials are adopted and purchased in completed form.
 - 2. Evidence that the publisher or manufacturer has provided materials that address the performance standards provided for in F.S. 1001.03(1) and that can be accessed through the District's digital classrooms plan and a variety of electronic, digital, and mobile devices.
 - 3. Evidence that the instructional materials include specific reference to Statewide standards in the teacher's manual and incorporate such standards into chapter tests or the assessments.
- C. Make available for purchase by the Board any diagnostic, criterion-referenced, or other tests that they may develop.

- D. Furnish the instructional materials offered by them at a price in the State which, including all costs of electronic transmission, may not exceed the lowest price at which they offer such instructional materials for adoption or sale to any state or school district in the United States.
- E. Reduce automatically the price of the instructional materials to the Board to the extent that reductions are made elsewhere in the United States.
- F. Provide any instructional materials free of charge in the State to the same extent as they are provided free of charge to any state or school district in the United States.
- G. Guarantee that all copies of any instructional materials sold in this State will be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States and will be kept revised, free from all errors, and up-to-date as may be required by the department.
- H. Agree that any supplementary material developed at the District or State level does not violate the author's or publisher's copyright, provided such material is developed in accordance with the doctrine of fair use.
- I. Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, nor enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the State.
- J. Maintain or contract with a depository in the State.
- K. For the core subject areas specified in F.S. 1006.40(2), maintain in the depository for the first three (3) years of the contract an inventory of instructional materials sufficient to receive and fill orders.
- L. For the core subject areas specified in F.S. 1006.40(2), ensure the availability of an inventory sufficient to receive and fill orders for instructional materials for growth, including the opening of a new school, and replacement during the 3rd and subsequent years of the original contract period.
- M. Accurately and fully disclose only the names of those persons who actually authored the instructional materials.
- N. Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the Board for the reproduction of instructional materials and supplementary materials in Braille, large print, or other appropriate format for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

Assessment and Collection of Fees

The Board shall not assess and collect fees from publishers participating in the instructional materials approval process.

The amount of fees assessed and collected shall be posted on the District's website and reported to the Florida Department of Education. The fees shall not exceed the actual cost of the review process, and the fees shall not exceed \$3,500 per submission by a publisher. Any fees collected for this process shall be allocated for the support of the review process and maintained in a separate line item for auditing purposes.

The fees shall be used to cover the actual cost of substitute teachers for each workday that a member of the District's instructional staff is absent from the employee's assigned duties for the purpose of rendering service as an instructional materials reviewer. In addition, each reviewer may be paid a stipend and is entitled to reimbursement for travel expenses and per diem in accordance with F.S. 112.061 for actual service in meetings.

Instructional materials that have been reviewed by the District instructional materials reviewers and approved must have been determined to align with all applicable State standards pursuant to F.S. 1003.41 and the requirements in F.S. 1006.31. The Superintendent shall annually certify to the FLDOE that all instructional materials for core courses used by the District are aligned with all applicable State standards.

A list of all approved instructional materials shall be maintained by the Superintendent and made available for the use of the instructional staff.

Fees Charged to Parents

A student or his/her parent(s) may purchase a copy of the designated course instructional materials, regardless of format, for the District's purchase price, including shipping, plus ten percent (10%).

Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in activities where the product becomes the property of the student.

Free School-Related Instructional Materials

Free instructional materials may be accepted for classroom and school purposes under conditions that meet all the following criteria:

- A. Educational films should contain a minimum amount of commercial advertising.
- B. The advertising feature of the materials should be minimized.
- C. The materials should fill a legitimate purpose of the school curriculum.
- D. The initiative for securing the materials should be of the type that teachers seek rather than materials forwarded to them to promote the interests of an outside agency.

Equipment or Instructional Materials Vendors

The principal may permit vendors to demonstrate and show only that equipment and instructional materials which can be used to improve the instructional program and which are under consideration for purchase by the school.

Public Inspection of Sample Copies of Instructional Materials

In addition to the requirements for public inspection of sample copies of instructional materials required by this policy, the Board shall make available for public inspection sample copies of all instructional materials that have been purchased by the Board. Members of the public seeking to inspect these materials shall contact the Directors of Elementary and Secondary Curriculum.

The process to challenge and/or object to the adoption of instructional materials is set forth in Policy 2520.

New Worlds Reading Initiative

The New Worlds Reading Initiative, created by the Florida Department of Education, provides high-quality, free books directly to prekindergarten through grade -5 students who are not yet reading on grade level, who score below a level 3 **on the most recent** ~~in the preceding year's~~ Statewide, standardized English Language Arts Assessment (ELA), who have a substantial reading deficiency identified under F.S. 1008.25, or who have a substantial deficiency in early literacy skills based upon the results of the coordinated screening and progress monitoring under F.S. 1008.25.

The School District must notify parents of eligible students upon enrollment and at the beginning of each school year options for specific book topics or genres in order to maximize student interest in reading. The District must coordinate monthly book deliveries with the program administrator beginning no later than October and continuing through at least June. The District must participate in the initiative by partnering with local nonprofit organizations and raising awareness by using marketing materials provided by the program administrator. A student's eligibility for the initiative continues until promotion to grade 6 or until the parent opts out of the initiative.

The District shall coordinate with each charter school it sponsors for the purposes of identifying eligible students, notifying parents, coordinating book deliveries, providing the opportunity to annually select book topics and genres, and raising awareness of the initiative.

The District shall also establish a data-sharing agreement with the initiative's administrator to allow for a streamlined student verification and enrollment process.

The Statewide ELA is not the sole determiner of promotion. Additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and schools in identifying the reading level of the student. A parent of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school begin collecting evidence for a portfolio.

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Revised 5/14/24

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Legal

[F.S. 119.071](#)

[F.S. 1001.215](#)

[F.S. 1002.22](#)

[F.S. 1003.41](#)

[F.S. 1003.485](#)

[F.S. 1006.28](#)

[F.S. 1006.28 through 1006.42](#)

[F.S. 1008.22](#)

[F.S. 1008.25\(5\)\(a\)](#)

[F.S. 1008.25\(5\)\(c\)](#)

[F.S. 1014.05](#)

[F.A.C. 6A-6.03028](#)

F.A.C. 6A-7.0713

F.A.C. 6A-7.0715

[34 C.F.R. Part 300](#)

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	CHALLENGES TO ADOPTION OR USE OF INSTRUCTIONAL, LIBRARY, OR READING LIST MATERIALS
Code	po2522 am 7-23 KD TMH 9/5/24
Status	
Adopted	October 25, 2022
Last Revised	May 14, 2024

2522 - **CHALLENGES TO ADOPTION OR USE OF INSTRUCTIONAL, LIBRARY, OR READING LIST MATERIALS**

The following individuals may contest the adoption of a specific instructional material, or object to the use of specific material used in a classroom, made available in a school or classroom library, or included on a reading list:

- A. parent of a student in the ~~district~~ District; or
- B. resident of the county.

For purposes of this policy, "parent" means a parent of a student enrolled in the District's schools. "Resident" means a person residing in the county who has maintained their residence in Florida for the preceding year, has purchased a home that is occupied by them as their residence, or has established a domicile in Florida pursuant to F.S. 222.17.

Contest of School Board's Adoption

Filing a Petition

A parent or resident must file a petition with the Board within thirty (30) calendar days after the Board's adoption of specific instructional material, on a form provided by the Board. The petition form shall be publicly available by visiting any school in person or by accessing the link on the Board's website. The petition must be signed by the parent or resident, include the required contact information, and state the objection to the instructional material based on the criteria set forth in F.S. 1006.31(2) or 1006.40(3)(d).

Timeframe for Hearing

When the thirty (30) calendar day period following Board adoption of the instructional material in question has expired, the Board will conduct at least one (1) open public hearing before an unbiased and qualified hearing officer for all timely petitions received.

Hearing Officers

Hearing officers are not employees or agents of the District with the exception of any agreement entered into for purposes of conducting the hearings set forth herein. Hearing officers shall be selected annually by the Board from a list of candidates provided by the Superintendent.

Procedures for Hearings

Petitioners will have an adequate and fair opportunity to be heard and present evidence to the hearing officer. Hearings shall be conducted as follows:

- A. The petitioner may make an opening statement.
- B. The District's representative may make an opening statement.
- C. The petitioner may present evidence (including documents and testimony from witnesses) that instructional material does not meet the criteria of F.S. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the School District but was not subject to the public notice, review, comment, and hearing procedures under F.S. 1006.283(2)(b)8., 9., and 11.
- D. The District representative may present evidence (including documents and testimony from witnesses) that the instructional material does meet the criteria of F.S. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the School District but was not subject to the public notice, review, comment, and hearing procedures under F.S. 1006.283(2)(b)8., 9., and 11.
- E. The petitioner may make a closing statement.
- F. The District representative may make a closing statement.

Within fourteen (14) days of the date of the hearing, the hearing officer shall submit a recommended order to the Board. The Board shall consider the recommended order and enter a final order at a publicly noticed Board meeting. If the petitioner proves that the instructional material does not meet the criteria required under F.S. 1006.28, or contains prohibited material under that statute, the material shall be removed in accordance with Florida law. The Board's decision is final and not subject to further petition or review.

Hearings under this policy are not subject to the provisions of F.S. Chapter 120.

Objections to Material Used in Classrooms, Made Available in a School or Classroom Library, or Included On a Reading List

Parents or residents of the county may object to the use of a specific instructional material in the classroom, made available in a school or classroom library, or included on a reading list, based on the criteria set forth in F.S. 1006.28(2)(a)2. or F.S. 1014.05(1)(c). **A resident of the county who is not the parent or guardian of a student with access to School District materials may not object to more than one (1) material per month in accordance with State Board rules.**

The District's process and objection form, which are easy to read and understand, are accessible on the homepage of the District's website.

~~All challenges under this policy shall be addressed as follows:~~

- A. **Parents or residents of the county must make any such objection to the principal by utilizing the standard objection form adopted by the State Board of Education. Unless and until a standard objection form is adopted by the State Board of Education, the District's objection form, which shall identify the District's point of contact and contact information for the submission of an objection, must be provided to the _____ and shall include:**
 - 1. ~~author;~~
 - 2. ~~title;~~
 - 3. ~~publisher;~~
 - 4. ~~the complainant's familiarity with the material challenged;~~
 - 5. ~~sections challenged, by page and item;~~
 - 6. ~~whether the challenged material contains content that: is pornographic or prohibited under F.S. 847.012; depicts or describes sexual conduct as defined in F.S. 847.001(19)(unless such material is for a course required by F.S. 1003.46, F.S. 1003.42(2)(n)1.g., F.S. 1003.42(2)(n)3., or identified by State Board of Education rule); is not suited to student needs and their ability to comprehend the material presented; or, is inappropriate for the grade level and age group for which the material is used.~~

Any material that is subject to an objection on the basis that it is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001(19)(unless such material is for a course required by F.S. 1003.46, F.S. 1003.42(2)(n)1.g., F.S. 1003.42(2)(n)3., or identified by State Board of Education rule) must be

removed within five (5) school days ~~of~~ after receipt of the objection and remain unavailable to students of that school until the objection is resolved.

Parents shall have the right to read passages from any material that is subject to an objection. If the Board denies a parent the right to read passages due to content that is subject to an objection on the basis that it is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001(19)(unless such material is for a course required by F.S. 1003.46, F.S. 1003.42(2)(n)1.g., F.S. 1003.42(2)(n)3., or identified by State Board of Education rule), the District shall discontinue the use of the material in the District.

- B. Upon receipt of the information, the Principal may after advising the Assistant Superintendent of Teaching and Learning of the complaint, and upon the Assistant Superintendent's approval, appoint a review committee which must consist of one (1) or more instructional staff members including Media Specialist, District Official, Curriculum Member, Principal, Teacher; Community Member; one (1) or more parents of students who will have access to the materials; one (1) or more lay persons knowledgeable in the area. Meetings of review committees must be noticed and open to the public in accordance with F.S. 286.011.
- C. The committee, in evaluating the questioned material, shall be guided by the following criteria: the appropriateness of the material for the age and maturity level of the students with whom it is being used, the accuracy of the material, the objectivity of the material, the use being made of the material.
- D. The material in question, except material that must be removed within five (5) school days pursuant to Florida law, may be withdrawn from use pending the committee's recommendation to the Superintendent.
- E. The committee's recommendation shall be reported to the Superintendent in writing within fifteen (15) business days following the formation of the committee. The Superintendent will advise the complainant, in writing, of the committee's recommendation and advise the Board of the action taken or recommended.
- F. The Board will review the case, including all evidence proffered by the complainant, during a publicly noticed Board meeting. The Board shall announce during the meeting whether the challenged material meets the requirements of this Policy. The complainant shall submit any additional evidence for the Board's consideration no later than fourteen (14) days before the meeting at which the Board will consider the challenge.

No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board or as otherwise required in this policy and Florida law, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

If the Board finds that any material meets the requirements under F.S. 1006.28(2)(a)2.a or that any other material contains prohibited content under F.S. 1006.28(2)(a)2.b.(I), the District shall discontinue use of the material.

If the Board finds that any other material contains prohibited content under F.S. 1006.28(2)(a)2.b.(II)-(IV), the District shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

If a parent disagrees with the determination made by the Board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least five (5) years' experience in administrative law. The special magistrate shall determine facts relating to the District's determination, consider information provided by the parent and the District, and render a recommended decision for resolution to the State Board of Education within thirty (30) days after receipt of the request by the parent.

The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than seven (7) calendar days and no more than thirty (30) days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the District.

Annual Report to the Florida Department of Education

Annually, beginning June 30, 2023, the Board shall submit to the Commissioner of Education a report that identifies the following:

- A. Each material for which the District received an objection, including the grade level and course the material was used in, for the school year and the specific objections thereto;
- B. Each material that was removed or discontinued; and

C. Each material that was not removed or discontinued and the rationale for not removing or discontinuing the material.

Revised 4/25/23

Revised 12/12/23

Revised 5/14/24

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Legal

[F.S. 119.071](#)

[F.S. 212.183](#)

[F.S. 1001.215](#)

[F.S. 1002.22](#)

[F.S. 1003.485](#)

[F.S. 1006.28](#)

[F.S. 1006.28 through 1006.42](#)

[F.S. 1008.22](#)

[F.S. 1008.25\(5\)\(a\)](#)

[F.S. 1008.25\(5\)\(c\)](#)

[F.S. 1014.05](#)

F.A.C. 6A-1.094126

[F.A.C. 6A-6.03028](#)

F.A.C. 6A-7.0714

[34 C.F.R. Part 300](#)

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	AUDIO VISUAL USE
Code	po2540 am 7-23 RESCIND POLICY KD 9/20/24
Status	
Adopted	June 13, 2017

~~2540 — AUDIO VISUAL USE~~

~~The purpose of this policy is to establish consistent procedures for the use of AV materials including films, videos, CD's, laser disks, etc. for classroom instruction. The instructor(s) bears the responsibility for full compliance with the following policy.~~

~~A. The instructional use of audiovisual materials must:~~

- ~~1. support and be consistent with the School Board education goals, policies, and specific course objectives;~~
- ~~2. adhere to copyright laws (see copyright);~~
 - ~~a. Commercial materials, whether printed or non-printed, may not be duplicated without prior written permission from the owner or copyright holder.~~
 - ~~b. The Board does not sanction or condone illegal duplication in any form, the use of illegally duplicated materials, or the improper use of commercially duplicated materials.~~
 - ~~c. Procedures and guidelines for the legal duplication of materials for instructional purposes may be obtained from the school or District office.~~
 - ~~d. Employees who willfully infringe upon current copyright laws may be subject to disciplinary action by the Board.~~
 - ~~e. Any staff member shall, prior to installing any computer software not purchased by the Board, obtain approval for such by completing a donated property form and delivering same and providing a valid license for the utilization of such software. In the event such software is not to be donated, the staff member shall lease the software to the Board at no cost to the Board by denoting such on the donated property form. In no event shall any such software be installed upon any computer owned by the Board without the approval required herein.~~
- ~~3. reflect best teaching practices based on age appropriateness and instructional relevance.~~

~~B. Audio-visual instructional materials must:~~

- ~~1. withstand a school-level review and/or a selection process;~~
- ~~2. undergo close scrutiny prior to use. It is the instructor's responsibility to view and/or listen to materials, assuring compliance with this policy.~~

~~C. Videos from outside the school collection must:~~

1. have the approval of the principal or designee prior to student viewing;
2. not have the R, X, or NC 17 rating. The showing of these videos is prohibited in the District. (Reference: F.S. 1006.34(2)(b))

The District audiovisual use policy must be included in the staff handbook and be reviewed annually. New personnel and/or substitute teachers must be apprised of the policy upon assignment to the school. Each school must establish a procedure to ensure compliance with the District audiovisual use policy.

Requests for exceptions to this policy may be granted by the Board. Requests must be submitted in writing at least thirty (30) days in advance of the planned viewing. The request must contain the rationale for the exception and be approved by the principal, area superintendent, and Superintendent prior to submission to the Board. If the exception is approved by the Board, parents must grant permission in writing before their child(ren) will be allowed to view the material.

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Legal	F.S. 1006.28
	F.S. 1006.34
	F.A.C. 6A-6.3411
	F.A.C. 6A-7.074

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICTS
Code	po2700 am 7-23 NEW POLICY TO HERNANDO SS 9/23/24 JM 9/23/24
Status	

Revised Policy - Vol. 25, No. 1 NEW POLICY TO HERNANDO COUNTY SCHOOLS

2700 - ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICTS

The School Board believes that a goal of any public school system should be to enable each student to achieve to the best of his/her ability. That end is best achieved through the continuous development of the curriculum, the selection, development, and retention of high-quality staff members, and the motivation of each individual student, instructional staff member, support staff member, and administrator in the District.

Earning designation as an academically high-performing school district must not be viewed as an end unto itself, but rather as the standard for which the District strives each year.

Florida statute provides school districts that demonstrate the ability to consistently maintain or improve their high-performing status with exemptions from many requirements set forth in statute and in the rules adopted by the State Board of Education to implement State law.

The District must meet the following criteria if it is to be exempt from requirements in Florida statutes and from the State Board of Education rules that implement those statutes:

- A. earn a grade of "A" for two (2) consecutive years;
- B. have no District-operated school that earns a grade of "F";
- C. comply with all class size requirements;
- D. have no material weakness or noncompliance in its annual financial audit.

An academically high-performing school district, while exempt from a number of statutes and rules that govern school districts, is **not** exempt from the following:

- A. statutes pertaining to services for students with disabilities; civil rights/discrimination; student health; safety and welfare; student assessment program and school grading system
- B. statutes pertaining to financial matters, **except** that a high-performing district may waive the required program expenditure levels for grades K-12 as specified in Florida Statute
- C. statutes pertaining to planning and budgeting, **except** that a high-performing district may waive the required comprehensive system of reading instruction specified in Florida statute
- D. statutes governing election or compensation or district school board members
- E. Florida statute relating to differentiated pay and performance pay policies

- F. statutes pertaining to educational facilities, **except** that a high-performing district may waive statutory provisions relating to covered walkways for portables
- G. statutes pertaining to instructional materials, **except** that a high-performing school district may waive the requirement to requisition State-adopted instructional materials from the depository of the publisher with whom a contract has been made, and a high-performing school district may also waive the requirement in F.S. 1006.40 relating to the purchase of instructional materials

Academically high-performing school districts retain the designation for three (3) years and may renew the designation if the criteria to do so are met. The requirements for renewal are as follows:

- A. comply with all class size requirements;
- B. have no material weaknesses or noncompliance in its annual financial audit
- C. earns a grade "A" for two (2) years within the previous three (3) year period
- D. have no District-operated school that earns a grade of "F" in any year

If the District is designated as an academically high-performing school district but fails to meet the requirements for renewal, then the Superintendent must provide written notification to the State Board of Education that the District is no longer eligible to be so designated.

If the District is designated as an academically high-performing school district and a district-operated school receives a grade of "F" at any time during the three (3) year period, the District loses the designation. If the District meets original eligibility requirements in the future, it can regain the designation.

The Superintendent shall develop and update as needed administrative procedures to implement this policy.

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Legal [F.S. 218.39](#)
[F.S. 1003.621](#)
[F.S. 1008.34](#)

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	ATHLETIC COACHES
Code	po3120.03 AM 7-23 MG 10/23/24
Status	
Adopted	June 13, 2017

3120.03 - ATHLETIC COACHES

Each person who is employed and renders service as an athletic coach in any District school shall hold a valid temporary or professional certificate or an athletic coaching certificate. The athletic coaching certificate may be used for either full-time or part-time positions. (The provisions of this policy do not apply to any athletic coach who voluntarily renders service and who is not employed by any public school district in this State.)

All employed public school coaches shall be certified in Cardiopulmonary Resuscitation ("CPR"), first aid, and the use of an Automated External Defibrillator ("AED"). Such certification must be "consistent with national evidence-based emergency cardiovascular care guidelines".

In addition to the requirements for certification provided for in Policy 3120, athletic coaches shall complete a sports safety course which shall count for six (6) hours of required School District in-service instruction for athletic coaching certification if the course is approved by the Florida High School Athletic Association Board of Directors and meets specified requirements. The course must consist of at least eight (8) modules, must immediately provide an individual with a "merit" certificate at the time of successful completion, and must be delivered through hands-on and online teaching methods. The hands-on course material must be less than 120 pages. In addition, the course must be taught by either a State-licensed athletic trainer who holds a current certificate from the Board of Certification or a member of the American Academy of Orthopedic Surgeons. The course must cover sports safety specifically, excluding coaching principles and procedures for cardiopulmonary resuscitation. The course must be authorized or approved by at least ten (10) health care professionals, must be revised and reviewed for updates at least once every thirty (30) months, and must be available to the general public for a retail price under \$50. Also, each course examination must be automated and taken online with a score of eighty percent (80%) or better for successful completion. Approved courses can be found on the School District's website under Human Resources, Certification.

Persons who desire to coach in a volunteer position may perform coaching responsibilities under the supervision of an athletic head or assistant coach provided they have been recommended by the Principal, they have completed a sports safety course, and they have met all of the School District's "volunteer in education" program requirements. Volunteer coaches who wish to continue as volunteers must be recommended by the Principal and renew their application yearly.

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Legal	F.S. 1012.55
	F.S. 1012.55(2)
	F.A.C. 6A-4.004
	F.A.C. 6A-4.0282

Last Modified by Matthew Goldrick on October 23, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	PART-TIME EXTRA-CURRICULAR PERSONNEL
Code	po3120.08 AM 7-23 MG 10/23/24
Status	
Adopted	June 13, 2017

3120.08 - **PART-TIME EXTRA-CURRICULAR PERSONNEL**

Part-time extra-curricular personnel may be employed in positions paid on the instructional supplemental salary schedule (primarily coaching positions). Such persons will not be eligible for employee benefits.

Additional Requirements for Employment of Athletic Coaches Who are Not Full-Time Employees of the School Board

Persons who are not full-time employees of the Board and hold an athletic coach's certificate issued by the State of Florida, may be recommended by the Superintendent and appointed by the Board to perform designated secondary school coaching and training responsibilities, and the contracted employment conforms to rules and regulations of the State Board of Education and the bylaws of the Florida High School Athletic Association, and the policies of the Board and administrative procedures established by the Superintendent. (See Policy 3120.03)

All employed public school coaches shall be certified in cardiopulmonary resuscitation ("CPR"), first aid, and the use of an Automated External Defibrillator ("AED"). Such certification must be "consistent with national evidence-based emergency cardiovascular care guidelines".

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Legal	F.S. 1012.01
	F.S. 1012.55(2)
	F.A.C. 6A-1.0502(11)

Last Modified by Matthew Goldrick on October 23, 2024



Book	Policy Manual
Section	Compliance Officers Update
Title	PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po3122.01
Status	
Adopted	June 13, 2017
Last Revised	July 20, 2021

3122.01 - **PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

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

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

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

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

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

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

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

District Compliance Officers

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

Matthew Goldrick ~~Ray Pinder~~, Director of Human Resources
 Phone: 352-797-~~7005~~7000 ext. 451
 919 N. Broad Street
 Brooksville, Florida 34601
pinder_r@hcsb.k12.fl.us

Alexis Brown ~~Matthew Goldrick~~, Supervisor of Professional Standards **Human Resources**
 Phone: 352-797-~~7019~~7000 ext. 445
 919 N. Broad Street
 Brooksville, Florida 34601
brown_a1goldrick-m@hcsb.k12.fl.us

The name(s), title(s), and contact information of this/these individual(s) will be published annually in the staff handbooks and/or on the School District's website.

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

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment, the person may utilize the complaint procedures set forth in Policy 3122 - Nondiscrimination and Equal Employment Opportunity as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Filing a Complaint with OCR/Florida Commission on Human Relations/EEOC

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission ("EEOC").

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Training

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

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

Facilities

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

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

Notice

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

Revised 8/27/19

Revised 7/20/21

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Legal

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

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

Last Modified by Maria Cain on September 18, 2024



Book	Policy Manual
Section	Compliance Officers Update
Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po3122
Status	
Adopted	June 13, 2017
Last Revised	July 20, 2021

3122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

I. General Statement

The School Board does not discriminate on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, 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") in its programs and activities, including employment opportunities.

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

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

II. Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s)

(i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

For purposes of this policy, "military status" refers to a person's status in the uniformed services, which includes the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

III. District Compliance Officers

The Superintendent shall appoint compliance officers whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. The Superintendent shall also require that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

The following persons are designated as the Compliance Officer(s) (COs) and shall also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator:

A. Compliance Officers

Employee-Related Equity Issues:

Matthew Goldrick Ray Pinder, Director of Human Resources

Phone: 352-797-7005 **7000 ext. 451**

919 N. Broad Street

Brooksville, Florida 34601

goldrick_m ~~pinder_r~~@hcsb.k12.fl.us

Alexis Brown ~~Matthew Goldrick~~, Supervisor of ~~Professional Standards~~ **Human Resources**

Phone: 352-797-7019 **7000 ext. 451**

919 N. Broad Street

Brooksville, Florida 34601

brown_a1 ~~goldrick_m~~@hcsb.k12.fl.us

Student-Related Equity Issues:

Jill Kolasa, Director of Student Services

Phone: 352-797-7022 **7008**

1036 Varsity Drive

Brooksville, Florida 34601

kolasa_jl@hcsb.k12.fl.us

B. Publication Required

The name(s), title(s), and contact information of this/these individual(s) will be published annually in the staff handbooks and/or on the School District's website.

IV. Complaint Procedures

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to unlawful discrimination, they may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter. Nothing contained in this policy is intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Federal and/or State law. In addition, employees will be notified of their right to file a complaint with the OCR, the FCHR, or the EEOC.

Internal complaints must be in writing and identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a compliance officer within the time limits specified below. The compliance officer is available to assist individuals in filing a complaint.

V. Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination that is prohibited in this policy. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the OCR, FCHR, or EEOC.

- A. An employee with a complaint based on alleged discrimination may first discuss the problem with the compliance officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the compliance officer for good cause.
- C. The compliance officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The compliance officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent.
- D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The Superintendent will render his/her decision within ten (10) days of the hearing.
- E. The employee may be represented, at their own cost, at any of the above-described meetings/hearings.
- F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

VI. Filing a Complaint with OCR/FCHR/EEOC

At any time, if employees believe that they have been subjected to unlawful discrimination, the individual may file a complaint with the OCR, FCHR, or EEOC.

VII. Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary

sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

VIII. Training

The compliance officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Federal and State law, and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

IX. Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the compliance officers will be posted throughout the District, and published in the District's recruitment statements or general information publications as required by Federal and State law and this policy.

X. Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports/allegations/complaints/statements;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- E. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- F. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- G. dated written determinations to the parties;
- H. dated written descriptions of verbal notifications to the parties;
- I. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- L. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and
- M. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and

responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 2/27/18

Revised 8/28/18

Revised 8/27/19

Revised 2/11/20

Revised 7/20/21

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F.S. 110.1221

F.S. 250.481

F.S. 760.01

F.S. 760.10

F.S. 1000.05

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

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 701 et seq., Rehabilitation Act of 1973

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

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

29 C.F.R. Part 1635

38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act

Last Modified by Maria Cain on October 17, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	APPOINTMENT, ASSIGNMENT, TRANSFER, AND PROMOTION OF INSTRUCTIONAL STAFF
Code	po3130 AM 7-23 MG 10/23/24
Status	
Adopted	June 13, 2017
Last Revised	February 11, 2020

3130 - **APPOINTMENT, ASSIGNMENT, TRANSFER, AND PROMOTION OF INSTRUCTIONAL STAFF**

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

Appointment and Assignment

When developing his/her recommendation for appointments of instructional staff, the Superintendent shall consider nominations for staff appointments submitted by the principals. Further, if the Superintendent intends to recommend placement of a staff member in a school who was not nominated by the principal, the Superintendent will consult with that principal. In accordance with State law, a principal may refuse to accept the Superintendent's proposed assignment of an instructional staff member to his/her school unless that instructional staff member has a performance rating of effective or highly effective under F.S. 1012.34.

After such required consideration and consultation, the Superintendent shall submit written recommendations with regard to the appointment and assignment of instructional staff for Board action.

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

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

The Board authorizes the Superintendent to temporarily reassign employees when the Superintendent determines that it is in the employee's and/or School District's best interest(s).

The Superintendent shall seek Board approval for any temporary reassignment that will exceed thirty (30) school days.

Assignment to Schools Graded "D" or "F"

Pursuant to statutory requirements, the percentage of ~~temporarily certified~~ **inexperienced** teachers, teachers in need of improvement, or out-of-field teachers assigned to schools graded "D" or "F" under State law shall not be greater than the District average. **As used in this policy, "inexperienced teacher" means a teacher who has been teaching for three (3) years or less.** Such assignments shall be consistent with the collective bargaining agreement.

A newly hired instructional staff member may be assigned to a school that has earned a grade of "F" in the previous year, or any combination of three (3) consecutive grades of "D" or "F" in the previous years, if the individual:

- A. has received an "effective" or "highly effective" rating in the immediate prior year's performance evaluation;
- B. has successfully completed or is enrolled in a teacher preparation program, is provided with high-quality mentoring during the first two (2) years of employment, holds a professional certificate and holds a probationary contract; or
- C. holds a probationary contract, holds a professional certificate and has successful teaching experience, and if, in the judgment of the school principal students would benefit from the placement of that individual.

The Superintendent will annually certify to the Commission of Education that these requirements are being met.

Assignment to Teacher Preparation Programs

All instructional personnel who supervise or direct teacher preparation students during field experience courses or internships in which candidates demonstrate an impact on student learning growth must have evidence of "clinical educator" training, a valid professional certificate and at least three (3) years K-12 teaching experience and must have earned an "effective" or "highly effective" rating on the prior year's performance evaluation or be a peer evaluator under the District's evaluation system.

All instructional personnel who supervise or direct teacher preparation students during field experience courses or internships in another state, in which a candidate demonstrates an impact on student learning growth, through a Florida online or distance program must have received "clinical educator" training or its equivalent in that state, hold a valid professional certificate issued by the state in which the field experience takes place, and have at least three (3) years of K-12 teaching experience.

All instructional personnel who supervise or direct teacher preparation students during field experience courses or internships, in which a candidate demonstrates an impact on student learning growth, on a United States military base in another country through a Florida online or distance program must have received "clinical educator" training or its equivalent, hold a valid professional certificate issued by the United States Department of Defense or a state or territory of the United States, and have at least three (3) years of K-12 teaching experience.

Teachers Teaching Out-of-Field

"Out-of-field" means a teacher is assigned to a course covering subject matter outside the field for which the teacher holds a certificate pursuant to F.S. 1012.55 or for which the teacher has not demonstrated sufficient subject matter expertise pursuant to F.S. 1012.42 and as determined by F.A.C. 6A-1.0503, (2)(a)-(h).

A. Out-of-Field Teacher Plan

The Superintendent shall prepare a plan to assist any teacher teaching out-of-field with priority consideration to be given in professional development activities.

The plan must include provisions that require out-of-field teachers to participate in a certification or staff development program designed to provide the teachers with the competencies required for their assigned duties.

The plan must also include duties of administrative personnel and other instructional personnel to provide students with instructional services.

The plan shall be reviewed and considered for adoption by the Board during a publicly-noticed meeting.

B. Approval of Out-of-Field Teachers

A teacher considered out-of-field per F.A.C. 6A-1.0503, (1)(c), shall be approved by the Board to teach out-of-field after a determination that a teacher with appropriate certification coverage is not available. All evidence of such qualifications and approval must be reflected in the individual's official personnel record; however, such approval may be granted by the Board only under one (1) of the conditions listed in F.A.C. 6A-1.0503, (3) (a)-(c).

C. Notification Requirements and Transfer Requests

When a teacher is assigned instructional duties in a class containing subject matter outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise, as determined by the State Board of Education rule

(F.A.C. 6A-1.0503), the parents of all students in the class shall be notified in writing of such assignment.

The Board shall report out-of-field teachers on the District's website within thirty (30) days before the beginning of each semester.

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 through the process set forth in Policy 5780.

Promotion and Transfer

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

Before transferring an instructional staff member from one (1) school to another, the Superintendent shall consult with the principal of the school to which the teacher will be assigned and allow the principal the opportunity to review the teacher's records, including student performance demonstrated under F.S. 1012.34, and interview the teacher. If, in the judgment of the principal, students would not benefit from the placement, an alternative placement may be sought. A principal may refuse to accept the Superintendent's assignment or transfer of an instructional staff member who holds a professional teaching certificate to his/her school, unless that instructional staff member has a performance rating of effective or highly effective under F.S. 1012.34.

After the required considerations and consultations, the Superintendent shall submit written recommendations with regard to the promotion or transfer of instructional staff for Board action.

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

Required Reporting

The Superintendent must annually notify the parent of any student who is assigned to classroom with a teacher having two (2) consecutive annual performance evaluation ratings of unsatisfactory, two (2) annual performance evaluation ratings of unsatisfactory within a three (3) year period, or three (3) consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.

Duties, Days, and Hours

The Superintendent shall make known through administrative channels the duties, days, and hours of the various classes of instructional personnel.

- A. Instructional staff members shall perform the duties required by Florida statutes, Board policy, and the collective bargaining agreement, as well as other reasonable duties as may be assigned by their immediate supervisor. Failure to perform such duties in an acceptable manner shall constitute a violation of the instructional staff member's contract and just cause for disciplinary action.
- B. Instructional staff members are responsible for student control and supervision at any location on campus or during school-sponsored activities.
- C. Instructional staff members shall not permit their family members or friends by their presence to interfere with performance of their duties during working hours.

Employment and Supervision of Relatives (Nepotism)

For purposes of this policy, a "relative" is an individual included within the definition of "relative" set forth in F.S. 112.3135, which includes the following individuals: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Neither the superintendent nor a Board member may appoint or employ a relative to work under their direct supervision. These limitations do not apply to employees appointed or employed before the election or appointment of the superintendent or a Board member.

- A. A relative may be employed in the same school/department when specifically recommended by the principal and approved by the Superintendent on the grounds that it is to the educational advantage of the school.

B. Under no circumstances shall a person supervise the work of a relative.

All employees shall disclose to the Superintendent, the names of all relatives working at the same work location. Failure to immediately make such disclosures shall be grounds for disciplinary action, up to and including termination.

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

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F.S. 112.3135

F.S. 1001.32

F.S. 1004.04

F.S. 1012.22

F.S. 1012.23

F.S. 1012.2315

F.S. 1012.27

F.S. 1012.28

F.S. 1012.42

F.S. 1012.795

F.S. 1012.796

F.A.C. 6A-1.0503

Last Modified by Matthew Goldrick on October 23, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	OUTSIDE ACTIVITIES OF STAFF
Code	po3231 AM 7-23 MG 10/23/24
Status	
Adopted	June 13, 2017

3231 - OUTSIDE ACTIVITIES OF STAFF

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

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

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

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

Pursuant to State law and Board Policy 3232, instructional staff members shall not participate in any political campaign for an elective office while on duty. Furthermore, instructional staff members shall not authorize the expenditure of public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any State question, that are subject to a vote of the electors, unless the electioneering communication is limited to factual information.

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

- A. refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate, but is susceptible to no reasonable interpretation other than an appeal or against a specific candidate;
- B. is made within thirty (30) days before a primary or special primary election or sixty (60) days before any other election for the office sought by the candidate; and
- C. is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

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

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

~~[] Unless expressly approved by the Superintendent, staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day. [END OF OPTION]~~

~~[] Similarly, unless expressly approved by the Superintendent, staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes. **[END OF OPTION]**~~

~~[] If the District elects to participate in the Florida Department of Education's tutoring program created through the Reading Achievement Initiative for Scholastic Education Act (F.S. 1008.365), instructional personnel and high school students serving as tutors for after school tutoring may be provided a stipend.~~

~~In accordance with this policy, Board facilities and materials shall not be utilized for such tutoring unless such tutoring is provided as part of the District's participation in the RAISE Program. **[END OF OPTION]**~~

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Legal F.S. 104.31
F.S. 1006.32
F.S. 1008.365
F.S. 1012.23

Last Modified by Matthew Goldrick on October 23, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	ATHLETIC COACHES
Code	po4120.03 am 7-24 MG 10/23/24
Status	
Adopted	June 13, 2017

4120.03 - **ATHLETIC COACHES**

Each person who is employed and renders service as an athletic coach in any District school shall hold a valid temporary or professional certificate or an athletic coaching certificate. The athletic coaching certificate may be used for either full-time or part-time positions. (The provisions of this policy do not apply to any athletic coach who voluntarily renders service and who is not employed by any public school district in this State.)

All employed public school coaches shall be certified in cardiopulmonary resuscitation ("CPR"), first aid, and the use of an Automated External Defibrillator ("AED"). Such certification must be "consistent with national evidence-based emergency cardiovascular care guidelines".

In addition to the requirements for certification provided for in Policy 4120, athletic coaches shall complete a sports safety course which shall count for six (6) hours of required School District in-service instruction for athletic coaching certification if the course is approved by the Florida High School Athletic Association Board of Directors and meets specified requirements. The course must consist of at least eight (8) modules, must immediately provide an individual with a "merit" certificate at the time of successful completion, and must be delivered through hands-on and online teaching methods. The hands-on course material must be less than 120 pages. In addition, the course must be taught by either a State-licensed athletic trainer who holds a current certificate from the Board of Certification or a member of the American Academy of Orthopedic Surgeons. The course must cover sports safety specifically, excluding coaching principles and procedures for cardiopulmonary resuscitation. The course must be authorized or approved by at least ten (10) health care professionals, must be revised and reviewed for updates at least once every thirty (30) months, and must be available to the general public for a retail price under \$50. Also, each course examination must be automated and taken online with a score of eighty percent (80%) or better for successful completion. Approved courses can be found on the School District web site under Human Resources, Certification.

Persons who desire to coach in a volunteer position may perform coaching responsibilities under the supervision of an athletic head or assistant coach provided they have been recommended by the Principal, they have completed a sports safety course, and they have met all of the District's "volunteer in education" program requirements. Volunteer coaches who wish to continue as volunteers must be recommended by the Principal and renew their application yearly.

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Legal	F.S. 1012.55
	F.S. 1012.55(2)
	F.A.C. 6A-4.004
	F.A.C. 6A-4.0282

Last Modified by Matthew Goldrick on October 23, 2024



Book	Policy Manual
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Title	PART-TIME EXTRA-CURRICULAR PERSONNEL
Code	po4120.08 am 7-24 MG 10/23/24
Status	
Adopted	June 13, 2017

4120.08 - **PART-TIME EXTRA-CURRICULAR PERSONNEL**

Part-time extra-curricular personnel may be employed in positions paid on the support supplemental salary schedule (primarily coaching positions). Such persons will not be eligible for employee benefits.

Additional Requirements for Employment of Athletic Coaches Who are Not Full-Time Employees of the School Board

Persons who are not full-time employees of the Board and hold an athletic coach's certificate issued by the State of Florida, may be recommended by the Superintendent and appointed by the Board to perform designated secondary school coaching and training responsibilities, and the contracted employment conforms to rules and regulations of the State Board of Education and the bylaws of the Florida High School Athletic Association, and the policies of the Board and administrative procedures established by the Superintendent. (See Policy 4120.03)

All employed public school coaches shall be certified in cardiopulmonary resuscitation ("CPR"), first aid, and the use of an Automated External Defibrillator ("AED"). Such certification must be "consistent with national evidence-based emergency cardiovascular care guidelines".

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Legal	F.S. 1012.01
	F.S. 1012.55
	F.A.C. 6A-1.0502(11)

Last Modified by Matthew Goldrick on October 23, 2024



Book	Policy Manual
Section	Compliance Officers Update
Title	PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po4122.01
Status	
Adopted	June 13, 2017
Last Revised	July 20, 2021

4122.01 - **PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

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

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

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

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

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

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

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

District Compliance Officers

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

Matthew Goldrick ~~Ray Pinder~~, Director of Human Resources

Phone: 352-797-~~7005~~7000 ext. 451

919 N. Broad Street

Brooksville, Florida 34601

goldrick_m@hcsb.k12.fl.us

Alexis Brown ~~Matthew Goldrick~~, Supervisor of **Human Resources** ~~Professional Standards~~

Phone: 352-797-~~7019~~7000 ext. 445

919 N. Broad Street

Brooksville, Florida 34601

brown_a1@hcsb.k12.fl.us

The name(s), title(s), and contact information of this/these individual(s) will be published annually in the staff handbooks and/or on the School District's website.

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

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment, the person may utilize the complaint procedures set forth in Policy 4122 - Nondiscrimination and Equal Employment Opportunity as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Filing a Complaint with OCR/Florida Commission on Human Relations/EEOC

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission ("EEOC").

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Training

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

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

Facilities

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

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

Notice

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

Revised 8/27/19

Revised 7/20/21

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29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

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

Last Modified by Maria Cain on September 18, 2024



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Title	WITHDRAWAL FROM SCHOOL
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Adopted	June 13, 2017

5130 - **WITHDRAWAL FROM SCHOOL**

The School Board affirms that, while statute requires attendance of each student from six (6) years of age, or five (5) years of age if enrolled in kindergarten, and not formally withdrawn, until eighteen (18) years of age, it is in the best interests of both students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools. A child enrolled in kindergarten is deemed to be of compulsory school age unless the child's parent or guardian, at the parent or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten.

The Board directs that whenever a student wishes to withdraw, effort should be made to determine the underlying reason for such action and the resources of the District should be used to assist the student in reaching his/her career goals. Prior to withdrawal of the student, an exit interview shall be provided and a Department of Education survey completed to determine reasons for withdrawal and actions that could be taken to keep the student in school. ~~The student must be informed of opportunities to continue his/her education~~ **student's certified school counselor or other school personnel shall inform the student of opportunities to continue their education in a different environment including, but not limited to, adult education, high school equivalency examination preparation, and the Graduation Alternative to Traditional Education Program pursuant to Florida law.** In addition, the student must complete a survey in a format prescribed by the Department of Education to provide data on student reasons for terminating enrollment and actions taken by the District to keep students enrolled. No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent and in compliance with State law.

Whenever a student under the age of eighteen (18), withdraws from school without moving out of State, transferring to another approved school, being granted an age and schooling certificate, or enrolling in and attending an approved program, the Superintendent shall notify the Registrar of Motor Vehicles and the Judge of the Juvenile Court.

Such notification is to be given within two (2) weeks after the Superintendent confirms the student is not properly enrolled in and attending another approved school or program or has moved out of State.

The Superintendent shall develop and update as needed administrative procedures for withdrawal from school which:

- A. make counseling services available to any student who wishes to withdraw;
- B. help the student define his/her own educational life goals and help plan the realization of those goals;
- C. inform the student of alternative programs;
- D. advise students of their right to return prior to their twenty-second (22nd) birthday;
- E. require the timely return of all District-owned supplies and equipment in the possession of the student.

In accordance with Policy 5610, the Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. Any resulting expulsion shall be imposed for the same duration it would have been had the student remained enrolled.

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Legal F.S. 1002.20
 F.S. 1003.21
 F.S. 1004.933

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Book	Policy Manual
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5330.01 - **SELF-ADMINISTERED MEDICATION AND EPINEPHRINE USE**

A student may carry and self-administer a ~~metered dose inhaler~~ **short-acting bronchodilator**, epinephrine auto-injector, prescribed pancreatic enzyme supplement and/or may carry diabetic supplies and equipment to manage and care for their diabetes provided the student's parent or guardian provides the following:

- A. For self-administration of a ~~metered dose inhaler~~ **short-acting bronchodilator**, the parent or guardian must provide the District with a written authorization that is signed and dated by both the parent or guardian and physician. The written approval by the physician must include the following:
 1. name of the medication in the metered dose inhaler;
 2. the prescribed dosage;
 3. the times or the special circumstances under which the medication is to be administered; and
 4. any other special related information regarding the administration of the metered dose inhaler.
- B. For self-administration of an epinephrine auto-injector, the parent or guardian must provide the District with a written authorization 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.
- C. For self-administration of prescribed pancreatic enzyme supplements, 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 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.
- D. For the use of a diabetic supplies and equipment, the parent or guardian must submit written authorization from the student's physician, containing the following:

1. an identification of the diabetic supplies and equipment the student is authorized to carry;
2. a description of which activities the child is capable of performing without assistance;
3. the times or the special circumstances under which the medication is to be administered;
4. any other special related information regarding the administration of the medication.

When providing the District with written authorization that is signed and dated by both the parent or guardian and the physician as required by State law and this policy, that written authorization must also include indemnification by the parent or guardian of the District, county health department, public-private partner, and their employees and volunteers for any and all liability for a student who does any of the following:

- A. self-administer an epinephrine auto-injector;
- B. carries diabetic supplies and equipment on their person and attends 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; or
- C. use prescribed pancreatic enzyme supplements.

Emergency Allergy Treatment Educational Training Programs

Educational training programs in the District pertaining to emergency allergy treatment required by State law must be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an entity or individual approved by the Department of Health. The curriculum must include at a minimum:

- A. recognition of the symptoms of systemic reactions to food, insect stings, and other allergens; and
- B. the proper administration of an epinephrine auto-injector.

The School Board 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:

- A. unless the trained school personnel's action is willful and wanton;
- B. 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 District is not liable; and
- C. 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.

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Legal	F.S. 381.88
	F.S. 1002.20
	F.A.C. 6A-6.0251, Use of Epinephrine Auto-Injectors
	F.A.C. 6A-6.0252, Use of Prescribed Pancreatic Enzyme Supplements
	F.A.C. 6A-6.0253, Diabetes Management

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Book	Policy Manual
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5410 - **STUDENT PROGRESSION**

Pursuant to F.S. 1008.25, the School Board shall adopt a student progression plan which will provide for a student's progression from one (1) grade to another based on the student's mastery of the standards in F.S. 1003.41, specifically English language arts, mathematics, science, and social studies. The plan must, at a minimum:

- A. include criteria that emphasizes student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies in English language arts, mathematics, science, and social studies, **including students who have been referred to the District from the Voluntary Prekindergarten Education Program who exhibit deficiencies in early literacy;**

High schools shall use all available assessment results, including the results of Statewide standardized English language arts assessments and end-of-course assessments for Algebra I and Geometry to advise students of any identified deficiencies and to provide appropriate postsecondary preparatory instruction before high school graduation. The results of evaluations used to monitor a student's progress in grades K-12 must be provided to the student's teacher in a timely manner and as otherwise required by Florida law. Thereafter, evaluation results must be provided to the student's parent in a timely manner. When available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.

Beginning in the 2022-2023 school year, the end-of-year comprehensive progress monitoring assessment administered pursuant to F.S. 1008.25. is the Statewide standardized English language arts assessment for students in grades 3 through 10 and the Statewide standardized Mathematics assessments for students in grades 3 through 8.

- B. list the student eligibility and procedural requirements established by the School District for whole-grade promotion, midyear promotion, and subject-matter acceleration that would result in a student attending a different school;

notify parents and students of the District's process by which a parent may request student participation in whole-grade promotion, midyear promotion, or subject-matter acceleration that would result in a student attending a different school;

- C. advise parents and students that additional Academically Challenging Curriculum to Enhance Learning (ACCEL) options that may be available at the student's school;

1. advise parents and students to contact the principal at the student's school for information related to student eligibility requirements for whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual instruction in higher grade level subjects; and any other ACCEL options offered at the school;

2. advise parents and students to contact the principal at the student's school for information related to the school's process by which a parent may request student participation in whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual instruction in higher grade level subjects; and any other ACCEL options offered at the school;
- D. advise parents and students of the early graduation options pursuant to State law and Policy 5464 - *Accelerated Graduation Options*;
- E. list, or incorporate by reference, all dual enrollment courses contained within the dual enrollment articulation agreement(s) established pursuant to State law;
- F. provide instructional sequences by which students in kindergarten through high school may attain progressively higher levels of skill in the use of digital tools and applications. The instructional sequences must include participation in curricular and instructional options and the demonstration of competence of standards required pursuant to State law through attainment of industry certifications and other means of demonstrating credit requirements identified under State law; ~~and,~~
- G. allow the parent of a student with disabilities who is enrolled in prekindergarten at the age of 4 and is fully funded through the Florida Education Finance Program to retain their child in consultation with the student's Individual Education Plan team; ~~and,~~
- H. specify retention requirements for students in kindergarten through grade 2 based upon each student's performance in English Language Arts and mathematics. For students who are retained in kindergarten through grade 2, the plan must incorporate parental notification, include an opportunity for parental input on the retention decision, and include information on the importance of students mastering early literacy and communication skills in order to be reading at or above grade level by the end of grade 3.

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Revised 12/13/22

Revised 12/12/23

Technical Correction 5/14/24

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Legal

[F.S. 1002.3105](#)

[F.S. 1003.41](#)

[F.S. 1003.4156](#)

[F.S. 1003.4203](#)

F.S. 1003.428

[F.S. 1003.4281](#)

[F.S. 1003.4282](#)

[F.S. 1007.271](#)

[F.S. 1008.25](#)

[Student Performance Standards, F.A.C. 6A-1.09401](#)

[Florida Comprehensive Assessment Test and End-of-Course Assessment Requirements, F.A.C. 6A-1.09422](#)

[Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion, F.A.C. 6A-1.094221](#)

[Standards for Mid-Year Promotion of Retained Third Graders, F.A.C. 6A-1.094222](#)

Determining a Substantial Math Deficiency, F.A.C. 6A-6.0533

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5420 - **REPORTING STUDENT PROGRESS**

The School Board believes that the cooperation of school and home is a vital ingredient to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Board directs the establishment of a system of reporting student progress which shall include written reports, parent conferences with teachers, and shall require all appropriate staff members to comply with such a system as part of their professional responsibility.

The Superintendent, in conjunction with appropriate staff members, shall develop procedures for reporting student progress to parents which:

- A. require that both student and parent receive ample warning of a pending grade of "failure" or one that would adversely affect the student's status;
- B. enable the scheduling of parent-teacher conferences at such times and in such places as will ensure the greatest degree of participation by parents;
- C. specify the issuance of report cards at intervals of not more than every nine (9) weeks;
- D. require a continual review and improvement of methods of reporting student progress to parents.

Annual Report to Parents Regarding Student Progress

The Board will annually provide a report to the parent of each student identifying the progress of the student toward achieving State and District expectations for proficiency in English language arts, science, social studies, and mathematics. Parents will also be provided a report identifying student results on each Statewide, standardized assessment and the coordinated screening and progress monitoring system under F.S. 1008.25. Progress reporting will be provided to parents in a written, easy-to-comprehend individual student report in a language that parents can understand. This information will also be accessible through secure, web-based options, as part of the District's student information system. An individual student report will be provided in a printed format if requested by a parent. The report must also include parent resources that explain the purpose of progress monitoring, assist the parent in interpreting progress monitoring results, and support informed parent involvement. Parent resources may include personalized video formats.

Parents will also be notified of reading or mathematics deficiency issues as required by F.S. 1008.25, if applicable.

This report to parents may be included with the student report cards at the end of the year, if all students receive report cards. Additionally, to facilitate timely interventions and supports pursuant to F.S. 1008.25 ~~(4)~~,

the District must provide results from the first two (2) administrations of the progress monitoring system to a student's parent within two (2) weeks **of after** the administration.

The results from the comprehensive, end-of-year progress monitoring ELA assessment for grades 3 through 10 and Mathematics assessment for grades 3 through 8 must be delivered to a student's parent within one (1) week after receiving the results from the FLDOE.

The Board will annually publish on the official District website the following information on the prior school year:

- A. The provisions of F.S. 1008.25 relating to public school student progression and the Board's policies and procedures on student retention and promotion.
- B. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the Statewide, standardized English language arts assessment.
- C. By grade, the number and percentage of all students retained in kindergarten through grade 10.
- D. Information on the total number of students who were promoted for good cause, by each category of good cause as specified in F.S. 1008.25.
- E. Any revisions to the Board's policies and procedures on student retention and promotion from the prior year.

Report Cards

Report cards issued by the District will contain, in addition to other information, the following:

- A. The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria, and must include the student's performance or nonperformance at his/her grade level.
- B. The student's conduct and behavior.
- C. The student's attendance, including absences and tardiness.

A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion.

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 Technical Corrections 12/12/23
 Revised 5/14/24

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Legal F.S. 1001.42
 F.S. 1003.33
 F.S. 1008.25
 F.A.C. 6A-6.0533

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Title	GRADUATION REQUIREMENTS
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5460 - **GRADUATION REQUIREMENTS**

It shall be the policy of the School Board to acknowledge each student's successful completion of the instructional program appropriate to the achievement of District goals and objectives as well as personal proficiency by the awarding of a diploma at a fitting graduation ceremony.

Standards for Graduation

For students entering grade 9 before the 2023-2024 school year.

Receipt of a standard high school diploma requires successful completion of twenty-four (24) or eighteen (18) ACCEL credit options, an International Baccalaureate curriculum, an Advanced International Certificate of Education completion, or the Career and Technical Education (CTE) pathway.

The required credits may be earned through equivalent, applied, or integrated courses or career education courses, excluding work-related internships approved by the State Board of Education and identified in the course code directory. Any must-pass assessment requirement must be met.

Credit Distribution

Subject	24 Credits	18 Credits
English Language Arts	4	4
Mathematics	4	4
Science	3	3
Social Studies	3	3
Performing Arts, Speech & Debate or career and technical education	1	1
Physical Education	1	N/A
Electives	8	3

A financial literacy course consisting of at least one-half (1/2) credit as an elective shall be offered.

Beginning with the 2023-24 school year, high school students enrolled in the U.S. Government classes required by F.S. 1003.4282 must receive at least forty-five (45) minutes of instruction on "Victims of Communism Day" to include topics such as Mao Zedong and the Cultural Revolution, Joseph Stalin and the Soviet System, Fidel Castro and the Cuban

Revolution, Vladimir Lenin and the Russian Revolution, Pol Pot and the Khmer Rouge, and Nicolás Maduro and the Chavismo movement, and how victims suffered under these regimes through poverty, starvation, migration, systemic lethal violence, and suppression of speech.

Beginning in the 2023-2024 school year, middle school and high school students enrolled in the civics education class required by F.S. 1003.4156 or the United States Government class required by F.S. 1003.4282(3) must receive at least forty (45) minutes of instruction on "9/11 Heroes' Day" topics involving the history and significance of September 11, 2001, including remembering the sacrifice of military personnel, government employees, civilians, and emergency responders who were killed, wounded, or suffered sickness due to the terrorist attacks on or after that date, including, but not limited to:

- A. the historical context of global terrorism.
- B. a timeline of events on September 11, 2001, including the attacks on the World Trade Center, the Pentagon, and United Airlines Flight 93.
- C. the selfless heroism of police officers, firefighters, paramedics, other first responders, and civilians involved in the rescue and recovery of victims and the heroic actions taken by the passengers of United Airlines Flight 93.
- D. the unprecedented outpouring of humanitarian, charitable, and volunteer aid occurring after the events of September 11, 2001.
- E. the global response to terrorism and importance of respecting civil liberties while ensuring safety and security.

Receipt of a standard high school diploma requires successful completion of twenty-four (24) credits, an International Baccalaureate curriculum, an Advanced International Certificate of Education completion, or the Career and Technical Education (CTE) pathway.

The twenty-four (24) credits shall be distributed as follows:

Subject	Credits
English Language Arts	4
Social Studies	3
Mathematics	4
Science	3
Fine or performing arts, speech and debate, or career and technical education	1
Electives	7.5
Basic Physical education	1
Personal Financial Literacy and Money Management	.5

Basic training in first aid, including at least one (1) hour of cardiopulmonary resuscitation (CPR) instruction, shall be provided for students in grades 9 and 11.

High school students will be provided opportunities to take "computer science" courses and earn technology-related industry certifications to satisfy high school graduation requirements. Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation will be included in the Course Code Directory.

The required credits may be earned through equivalent, applied, or integrated courses or career education courses as defined in F.S. 1003.01(4), including work-related internships approved by the State Board of Education and identified in the course code directory. However, any must-pass assessment requirements must be met.

An equivalent course is one (1) or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon a review of the State academic standards and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas.

The earning and awarding of high school credits will be in accordance with Florida law including, but not necessarily limited to, the provisions of F.S. 1003.4282 and those identified in the Student Progression Plan.

For courses that require Statewide standardized end-of-course assessments, a minimum of thirty percent (30%) of a student's course grade shall be comprised of performance on the Statewide standardized end-of-course assessment.

In order to graduate, students must earn passing scores on the Florida State Assessment (State-mandated testing) or scores on a standardized test that are concordant with passing scores on the State-mandated testing. Additionally, a student must earn a cumulative GPA of 2.0 on a 4.0 scale.

High School Diploma

The Board shall award a standard high school diploma to every student enrolled in this District who meets the requirements of graduation established by this Board or who properly completes the goals and objectives specified in his/her IEP including either the exemption from or the requirement to complete the State-mandated tests and the recommendation of the IEP Team.

Students may earn one (1) or more designations on their standard diploma pursuant to F.S. 1003.4285.

Each student's standard high school diploma will include, as applicable, the following designations, if the student meets the criteria:

A. Scholar Designation

In order to earn the Scholar Designation, the student must, in addition to the requirements for a standard high school diploma, satisfy the following:

1. English Language Arts (ELA) - When the State transitions to common core assessments, pass the 11th grade ELA common core assessment.
2. Mathematics - Earn one (1) credit in Algebra II or an equally rigorous course and one (1) credit in statistics or an equally rigorous course. When the State transitions to common core assessments, students must pass the Geometry common core assessment.
3. Science - Pass the Statewide standardized Biology I end-of-course assessment and earn one (1) credit in chemistry or physics and one (1) credit in a course equally rigorous to chemistry or physics.
4. Social Studies - Pass the Statewide standardized United States History end-of-course assessment.
5. Foreign Language - Earn two (2) credits in the same foreign language.
6. Electives - Earn at least one (1) credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.

B. Industry Scholar Designation

In order to earn the Industry Scholar Designation, a student must, in addition to the requirements for a standard high school diploma, attain one (1) or more industry certifications on the Florida Department of Education's current "Industry Certification Funding List".

Students and parents shall be provided information about diploma designations through an online education and career planning tool, which allows students to monitor their progress toward the attainment of each designation.

Honorary Diploma

An honorary diploma may be awarded in the case of such unfortunate circumstances as the severe disability or death of a student prior to graduation. The student must have been a senior in good standing to meet the requirements of graduation established by the Board at the time of the disability/death.

Early Admission Program

High school graduation by means of the Early Admission to College Program is an alternative for the college-bound student during the normal senior year in high school. When the prescribed District conditions as set forth in the student handbook have been met, the student shall be awarded a high school diploma with the regular high school graduating class. The official college transcript shall be made a part of the student's high school permanent record file.

When students leave high school as Early Admission to College Program students, they may participate in graduation exercises with their graduation class and may be ranked in the class pursuant to Policy 5430.

Early High School Graduation

For the purposes of this policy, the term "early graduation" means graduation from high school in less than eight (8) semesters or the equivalent by completion of the required number of credits.

For a student who enters grade 9 before the 2023-2024 school year

A student who meets the requirements of F.S. 1003.4282(3)(a)-(e), earns three (3) credits in electives (a total of eighteen (18) credits), and earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard high school diploma.

For a student who enters grade 9 in the 2023-2024 school year and thereafter

A student who meets the requirements of F.S. 1003.4282(3)(a)-(e), earns two and one-half (2.5) credits in electives and one-half (.5) credit in financial literacy and money management (a total of eighteen (18) credits), and earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard high school diploma.

A student also has the option of early graduation if the student has completed a minimum of twenty-four (24) credits and otherwise meets the requirements for graduation.

Academically Challenging Curriculum to Enhance Learning (ACCEL)

The following ACCEL options are available: whole-grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade-level subjects; and the Credit Acceleration Program described below. Additional options may be available.

Students shall be advised of courses through which they can earn college credit, including Advanced Placement, International Baccalaureate, Advanced Certificate of Education, dual enrollment, and early admission courses, and career academy courses, and courses that lead to industry certification, as well as the availability of course offerings through virtual instruction.

Credit Acceleration Program (CAP)

High school credit in courses required for high school graduation may be earned through the passage of an end-of-course assessment administrated under F.S. 1008.22, an advanced placement examination, or a College Level Examination Program (CLEP). Course credit shall be awarded to a student who is not enrolled in the course, or who has not completed the course if the student attains a passing score on the corresponding end-of-course assessment, advanced placement examination, or CLEP. Public school or home education students in the District shall take the assessment or examination during the regular administration of the assessment or examination.

The District shall notify the parent of a student who is eligible to graduate early.

A student who graduates early may continue to participate in school activities and social events and to attend and participate in graduation events with the student's cohort. The student will be included in the class ranking, honors, and award determinations for the student's cohort. The student must comply with Board rules and policies regarding access to the school facilities and grounds during normal operating hours.

Career and Technical Education Graduation Pathway Option

A student is eligible to complete an alternative pathway to earning a standard high school diploma through the CTE pathway option. Receipt of a standard high school diploma awarded through the CTE pathway option requires the student's successful completion of at least eighteen (18) credits. A student completing the CTE pathway option must earn at least a cumulative grade point average (GPA) of 2.0 on a 4.0 scale. In order for a student to satisfy the requirements of the CTE pathway option, s/he must meet the GPA requirement and:

For a student who enters grade 9 before the 2023-2024 school year

- A. meet the requirements as set forth in F.S. 1003.4282;
- B. complete two (2) credits in career and technical education; and

The courses must result in a program completion and an industry certification.

- C. complete two (2) credits in work-based learning programs. A student may substitute up to two (2) credits of electives, including one-half (1/2) credit in financial literacy, for work-based learning program courses to fulfill this

requirement.

For a student who enters grade 9 in the 2023-2024 school year and thereafter

- A. meet the requirements as set forth in F.S. 1003.4282;
- B. complete two (2) credits in career and technical education; and

The courses must result in a program completion and an industry certification.

- C. complete one and one-half (1.5) credits in work-based learning programs.

The CTE pathway option to graduation will be incorporated into the District's Student Progression Plan.

High School Equivalency Diploma

The Board shall offer the high school equivalency diploma examination and the subject area examinations to all candidates pursuant to the rules of the State Board of Education. To be eligible to be a candidate for a high school equivalency diploma, a student must be at least eighteen (18) years of age on the date of the examination. However, if the student resides or attends school in the District, the student may take the examination after reaching the age of sixteen (16) ~~and receiving an underage waiver application approval~~ **if they have first filed a formal declaration of intent to terminate school enrollment pursuant to F.S. 1003.21** in accordance with Policy 5465 - *General Education Development (GED) Tests*. All high school equivalency diplomas have equal status with other high school diplomas. A student may be awarded a standard high school diploma pursuant to Florida Department of Education rules.

The Board shall notify each candidate for a high school equivalency diploma of adult secondary and postsecondary education options available in or near the District, including the Graduation Alternative to Traditional Education Program under F.S. 1004.933, as well as the eligibility requirements and any minimum academic requirements for each available option.

Certificate of Completion

A student who completes the minimum number of credits and other requirements for graduation but cannot earn a passing score on the State mandated testing, achieve a cumulative grade point average of 2.0 on a 4.0 scale or its equivalent, or complete all other applicable requirements prescribed by the Board pursuant to Florida statutes shall be awarded a certificate of completion in a form prescribed by the State Board of Education.

A student who is entitled to a certificate may elect to remain as a full-time student or a part-time student for up to one (1) additional year and receive special instruction designed to remedy the student's identified deficiencies.

Notice to Students and Parents

The District will notify students and parents, in writing, of the requirements for a standard high school diploma, available designations, and the eligibility requirements for State scholarship programs and postsecondary admissions.

Commencement Exercises

Commencement exercises will include only those students who have successfully completed requirements for a standard high school diploma, Early Admission to College Program, a special diploma, or a certificate of completion for graduation as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct or outstanding financial obligation so warrants.

Students are permitted to lawfully wear dress uniforms of any of the Armed Forces of the United States or of the State at their graduation ceremony.

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F.S. 683.334

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F.S. 1002.3105

F.S. 1003.4281

F.S. 1003.4282

F.S. 1003.4285

F.S. 1003.4286

F.S. 1003.4295

F.S. 1003.433

F.S. 1003.435

F.S. 1003.436

F.S. 1003.437

F.S. 1003.453

F.A.C. 6A-1.0995

F.A.C. 6A-1.09961

F.A.C. 6A-1.09963

F.A.C. 6A-6.0573

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Section	Vol. 25 No. 1, June 2024 REVISED
Title	GENERAL EDUCATION DEVELOPMENT (GED) TESTS
Code	po5465 am 7-24 rd 9-23-24
Status	
Adopted	June 13, 2017
Last Revised	May 14, 2024

5465 - **GENERAL EDUCATION DEVELOPMENT (GED) TESTS**

A student may be awarded a State of Florida High School Equivalency Diploma based on successful testing.

A candidate who is at least eighteen (18) years of age or older and not enrolled in a regular day school is eligible to take the GED test. The applicant must complete the online GED registration process (<http://www.ged.com>).

A candidate who has filed a formal declaration of intent to terminate school enrollment pursuant to F.S. 1003.21(1)c) may take the GED test after reaching the age of sixteen (16).

Candidates who fail to attain the minimum passing scores on their initial GED testing may retake the test at any succeeding testing interval upon payment of the specified fee for each individual sub-test to be taken. A candidate may take the GED test a total of three (3) times per calendar year.

Underage Waiver

A student who is sixteen (16) or seventeen (17) years of age may be permitted to take the General Education Development (GED) test if approved by the School District. Applicants must complete the District GED Underage Waiver Application and submit it along with all required documentation to the Superintendent for consideration. Applicants are required to demonstrate that extraordinary circumstances exist in order to allow them to take the GED test prior to attaining the age of eighteen (18).

Extraordinary circumstances include the following:

- A. the candidate justifies a need to be employed which would prevent school attendance (documentation demonstrating that the candidate is employed must be provided);
- B. the candidate is a parent who does not have access to child care;
- C. the candidate has a health condition(s) which would prevent school attendance; or
- D. the candidate is incarcerated or adjudicated.

A student who has reached the age of sixteen (16) is not required to take any course before taking the GED examination unless the student fails to achieve a passing score on the GED practice test as established by the State Board of Education.

If the Superintendent approves the applicant's District GED Underage Waiver Application, the applicant **Applicants** must complete the GED registration process through the GED official website (<http://www.ged.com>). Failure of the applicant to complete the GED registration process will delay the District's ability to submit required documentation to the Florida Department of Education.

Appeal of Denial of Underage Waiver Application

An applicant may appeal a denial of the Underage Waiver Application by submitting a written appeal to the School Board's GED office, explaining why the applicant believes the application should have been approved. An appeal must be filed within thirty (30) days after receipt of the denial. The issue for the appeal is whether extraordinary circumstances, as defined above, are present. The GED Coordinator will inform the applicant of the result of the appeal.

GED Coordinator

The Board's GED Coordinator may be contacted for questions about the **underage waiver process, approval, and denial GED testing and registration process.**

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Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	New Policy - Vol. 25, No. 1, June 2024 - ACADEMIC HONESTY
Code	po5505 am 7-24 NEW POLICY JM 9/23/24
Status	

New Policy - Vol. 25, No. 1

5505 - ACADEMIC HONESTY

The School Board values honesty and expects integrity in the District's students. Violating academic honesty erodes the trust between teachers and students as well as compromises the academic standing of other students. So that students are judged solely on their own merits, the Board prohibits any student from presenting someone else's work as their own, using artificial intelligence platforms in place of one's own work, providing unauthorized assistance to another student, and cheating in all its forms.

All school work submitted for the purpose of meeting course requirements must be the individual student's original work. It is prohibited for any student to unfairly advance their own academic performance or that of any other student. Likewise, no student may intentionally limit or impede the academic performance or intellectual pursuits of other students.

Academic dishonesty includes, but is not limited to:

- A. plagiarism (of ideas, work, research, speech, art, music, etc.);
- B. forgery of another's work;
- C. utilizing artificial intelligence platforms and Natural Language Processing (NLP) tools to create content and then submitting the content as one's own () (See Policy 7540.08 - Artificial Intelligence (AI));
- D. downloading or copying information from other sources and presenting it as one's own;
- E. using language translation work of someone else when the expectation is doing one's own translation;
- F. copying another person's work;
- G. allowing another person to copy one's own work;
- H. stealing another person's work;
- I. doing another person's work for them;
- J. distributing copies of one's work for use by others;
- K. distributing copies of someone else's work for use by others;
- L. intentionally accessing another's work for the purpose of presenting it as one's own;
- M. distributing or receiving answers to assignments, quizzes, tests, assessments, etc.

N. distributing or receiving questions from quizzes, tests, assessments, etc.

Faculty and the administration have the responsibility for monitoring students' work for compliance with this policy.

[☒] All teachers, beginning in the elementary grades, will educate students as to what constitutes academic dishonesty and what is acceptable and unacceptable behavior in District schools regarding academic integrity.

Consequences for Violation of Policy

Students who violate this policy are subject to disciplinary consequences.

☒] Teachers are authorized, in consultation with their Principal, to apply appropriate consequences for violations of this policy. Disciplinary consequences for significant violations may include removal from the class with a failing grade, removal from student leadership positions, elimination of honors recognition, loss of membership in honor organizations, as well as other disciplinary consequences appropriate to the nature of the violation.

Parents shall be contacted as soon as practicable to report any alleged acts of academic dishonesty by their child.

Repeated violations of this policy ~~() at the high school level~~ will result in additional disciplinary consequences, up to and including suspension and expulsion.

Student and/or parent appeals of disciplinary consequences resulting from violation of this policy may be made within five (5) business days to the Principal whose decision shall be final. If the Principal was the staff member responsible for the disciplinary consequence being appealed, then student and/or parent appeals should be directed within five (5) business days to the (☒) Director of Student Services whose decision shall be final.

☒] A summary of this policy shall be included in the Student Code of Conduct and the Employee Handbook.

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Book	Policy Manual
Section	Compliance Officers Update
Title	ANTI-HARASSMENT
Code	po5517
Status	
Adopted	June 13, 2017
Last Revised	July 20, 2021

5517 - **ANTI-HARASSMENT**

I. General Policy Statement

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

The Board will vigorously enforce its prohibition against discriminatory harassment on the basis of race, (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation, gender 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") (hereinafter referred to as unlawful harassment), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

The District will offer counseling services to any person found to have been subjected to unlawful harassment, and, where appropriate, the person(s) who committed the unlawful harassment.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

II. Other Violations of the Anti-Harassment Policy

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

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

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

III. Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

A. Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race, (including anti-Semitism), color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

1. teasing;
2. social exclusion;
3. threats;
4. intimidation;
5. stalking;
6. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
7. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
8. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

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

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
2. Physical and/or sexual assault.
3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
4. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
5. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
7. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.
8. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
9. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.
10. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.
11. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
12. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
13. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.
14. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime. The issue of consent is irrelevant in regard to such criminal charges and/or with respect to the application of this policy to District employees or other adult members of the School District community.

D. Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the

depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

E. Race/Color Harassment

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

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

F. Religious (Creed) Harassment

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

G. National Origin Harassment

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

H. Disability Harassment

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

I. Pregnancy Harassment

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

IV. Reports and Complaints of Harassing Conduct

Board employees are required to promptly report incidents of unlawful harassing conduct to an administrator,

supervisor, or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Students and all other members of the School District community, as well as Third Parties, are encouraged to promptly report incidents of unlawful harassing conduct to a teacher, administrator, supervisor, or other School District employee or official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a report shall file it with the District's Anti-Harassment Compliance Officer within two (2) days of receiving the report of harassment.

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

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying and Harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race, (including anti-Semitism) color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or while the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination or responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 5517 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

A. Compliance Officers

The Board designates the following individuals to serve as the District's Compliance Officers" (also known as "Civil Rights Coordinators" hereinafter referred to as the "COs".

The COs shall also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinators.

Jill Kolasa, Director of Student Services
1036 Varsity Drive
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Matthew Goldrick ~~Ray Pinder~~, Director of Human Resources
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Section 504 Compliance Officers

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 Brooksville, Florida 34601
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B. Publication Required

The names, titles, and contact information for these individuals will be published annually in the parent and staff handbooks.

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

C. Duties and Responsibilities

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the Complainant, if age eighteen (18) or older, or the Complainant's parents/guardians if under the age of eighteen (18), within two (2) business days to advise them of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

The Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

V. **Investigation and Complaint Procedure**

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any student who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, and/or the Equal Employment Opportunity Commission.

A. Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students, other members of the School District community or Third Parties who believe that they have been unlawfully harassed or retaliated against, may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers is available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the allegedly inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to the Compliance Officers who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide students, other members of the School District community and Third Parties who believe they are being unlawfully harassed by a student with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

1. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
2. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.
3. If both parties agree, the Compliance Officers may arrange and facilitate a meeting or a mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officers or designee is directed to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. If the Complainant is dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of a student, other member of the School District community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Complainant may file a formal complaint, either orally or in writing with a teacher, principal, or other District official at the student's school, the Compliance Officer, Superintendent, or other District official who works at another school or at the district level. Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other District official at the student's school, the Compliance Officer, Superintendent, or other District employee, either orally or in

writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); and a list of potential witnesses and the resolution sought by the complainant.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of class schedule for the Complainant and/or the Respondent, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees to any action deemed appropriate. If the complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent and/or Board Attorney.

Within two (2) days of receiving a formal complaint, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of any relevant policies and/or administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) days.

Within five (5) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment. A principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

1. interviews with the Complainant;
2. interviews with the Respondent;
3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
4. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether Respondent engaged in unlawful harassment/retaliation of the Complainant. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

VI. Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality cannot be guaranteed however. Additionally, the Respondent must be provided the Complainant's identity.

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

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the Family Educational Rights and Privacy Act will be maintained in a manner consistent with the provisions of the Federal law.

VII. Sanctions and Monitoring

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

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

VIII. Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

IX. Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board policy.

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

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

X. Mandatory Reporting of Misconduct by Certificated Employees

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

XI. Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding this policy and harassment in general will be age and content appropriate.

XII. Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports/allegations/complaints/statements;
- C. a narrative of all actions taken by District personnel; or individuals contracted or appointed by the Board to fulfill its responsibilities;
- D. any written documentation of actions taken by District personnel;
- E. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- F. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- G. dated written determinations to the parties;
- H. dated written descriptions of verbal notifications to the parties;

- I. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- J. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- K. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and
- N. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 8/28/18
 Revised 2/11/20
 Revised 7/20/21

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Legal	F.S. 110.1221 F.S. 784.049 F.S. 1000.05 F.S. 1006.07 20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act) 42 U.S.C. 2000d et seq. 42 U.S.C. 2000e et seq. 29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967 29 U.S.C. 794, Rehabilitation Act of 1973 29 U.S.C. 6101, The Age Discrimination Act of 1975 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 20 U.S.C. 1681 et seq. 42 U.S.C. 1983
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Last Modified by Maria Cain on September 18, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	REMOVAL, OUT-OF-SCHOOL SUSPENSION, DISCIPLINARY PLACEMENT, AND EXPULSION OF STUDENTS
Code	po5610 AM 7-24 OPTION TO CONSIDER LC 9/10/24
Status	
Adopted	June 13, 2017
Last Revised	December 12, 2023

5610 - **REMOVAL, OUT-OF-SCHOOL SUSPENSION, DISCIPLINARY PLACEMENT, AND EXPULSION OF STUDENTS**

The School Board recognizes that exclusion from the educational program of the schools, whether by emergency removal, suspension, disciplinary placement, or expulsion, is the most severe sanction that can be imposed on a student in this District, and one that cannot fairly be imposed without due process.

No student is to be removed, suspended, expelled, or excluded from an activity, program, or a school unless his/her behavior represents misconduct as specified in the Student Code of Conduct approved by the Board. The handbook shall also specify the procedures to be followed by school officials. In determining whether a student is to be suspended or expelled, District administrators shall use a preponderance of evidence standard. In addition to the procedural safeguards and definitions set forth in this policy and the Student Code of Conduct, the procedures set forth in Policy 5605 shall apply to students identified as disabled under the IDEA and/or Section 504 of the Rehabilitation Act of 1973.

For purposes of this policy and the Superintendent's administrative procedures, the following shall apply:

- A. "Suspension", also referred to as "out-of-school suspension", means the temporary removal of a student from all classes of instruction on school grounds and all other school-sponsored activities, except as authorized by the principal, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student's parent, with specific homework assignments to complete.
- B. "Serious breach of conduct" includes, but is not limited to, willful disobedience, open defiance of authority of a member of the staff, actual or threatened violence against persons or property, or any other act that substantially disrupts the orderly conduct of the school.
- C. "Expulsion" means the removal of the right and obligation of a student to attend a public school for a period of time and under conditions set by the Board not to exceed the remainder of the term or school year and one (1) additional year of attendance.
- D. "Disciplinary placement" means the involuntary separation of a student from his/her regular school or traditional education setting and benefits attached to such placement to a separate alternative school or disciplinary setting with continued educational services.

REMOVAL FROM CLASS

A. Referral

A teacher has the authority to refer a disruptive student to the Principal's office to maintain effective discipline in the classroom and may recommend an appropriate consequence consistent with the Student Code of Conduct.

Disruptive behavior will include, but not be limited to, the following:

1. assault on staff or students,
2. threat(s) or violence,
3. willful disregard of a teacher's directions, interfering with the class or activity,
4. malicious vandalism,
5. possession of weapons of any type,
6. continuing use of profane language or obscene gestures, and
7. instigation of violence or mass disobedience to legitimate directions.

After determining that the student has violated the Student Code of Conduct, the Principal shall respond either by employing the teacher's recommended consequence, or by imposing a more serious disciplinary action, if the student's overall behavioral history warrants it.

If the Principal determines that disciplinary action other than that recommended by the teacher is appropriate, the Principal should consult with the teacher before taking disciplinary action. If the Principal deviates in any way from the teacher's recommendation, the Principal must provide the reasons for any such deviation in writing to the teacher.

If the Principal determines that the student has not violated the Student Code of Conduct, the Principal may not impose any discipline.

The Principal shall notify the teacher of any decision regarding discipline, or lack thereof, and interventions provided to a student to address the behavior. The teacher may request a conference with the Principal and the student's parent(s)/guardian(s) prior to the student being returned to his/her classroom. A disruptive student will not normally be returned to the classroom where he/she exhibited the disruptive behavior before such conference occurs.

B. Removal

Pursuant to F.S. 1003.32, a teacher may remove from his/her class a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with other students in the class or with the ability of the student's classmates to learn.

The principal may not return a student who has been removed by a teacher to the teacher's class without the teacher's consent, unless the Placement Review Committee established herein determines that such placement is the best or only available alternative.

The teacher and the Placement Review Committee must render decisions within five (5) working days of the removal of the student from the classroom.

In accordance with State law, each school shall establish a Placement Review Committee(s) to determine if a student is to be returned to a teacher's class after that student has been removed by the teacher and the teacher has withheld consent for that student to be returned to the teacher's class. Committee membership shall be as set forth in State law. The Placement Review Committee(s) will be selected during preschool planning.

A teacher, who removed a student from his/her class and who has withheld consent for the return of that student to his/her class, shall not serve on the committee when the committee makes its decision regarding the return of the student.

OUT-OF-SCHOOL SUSPENSION FROM SCHOOL OR SUSPENSION FROM RIDING SCHOOL BUS

When a student's actions are so disruptive to himself/herself or to the school as to violate law, Board policies, or school rules, the student may be suspended by the Principal. A student who is suspended shall not be allowed to attend his/her regular classes or school-sponsored activities for a prescribed number of days not to exceed ten (10). The principal or designated representative may refer the student during the period of the suspension to in-school suspension or shall remand the student to the custody of his/her parent or guardian.

The principal may suspend a student from school for a period not to exceed ten (10) school days. With advance approval from the Superintendent or designee, the student may be suspended for more than three (3) days but not to exceed ten (10) days. Before suspending a student, except in emergencies or disruptive conditions that require immediate suspension or in the case of a serious breach of conduct, the principal or designee shall make a good faith effort to employ parental assistance or alternative methods of dealing with the student and shall document such efforts.

In no case shall a teacher suspend a student from school or class, nor shall a bus driver suspend a student from riding a school bus. A student may not be suspended for unexcused tardiness, lateness, absence, or truancy.

~~Prior to~~ Before a suspension, the Principal will hold an informal hearing to give the student oral and written notice of the charges and an explanation of the evidence against him/her. The student will then have an opportunity to explain his/her side of the story. The hearing will be held on the day of the alleged infraction, unless it would be impossible or unreasonably difficult to do so.

The Principal will make a good-faith effort to contact the student's parent or guardian by telephone immediately after making the decision to suspend.

The Principal will send formal written notice to the student's parent or guardian by U.S. Mail, (X) or other method agreed to by the parent, [END OF OPTION] informing of the length of the suspension and the reasons for it.

Except in the event of emergencies, all out-of-school suspensions shall begin at the end of the school day of the infraction, unless the parents or guardians have been notified and are able to pick up the student at school. The school will provide homework assignments for the student to complete.

In cases of extremely disruptive or dangerous behavior persons or groups involved may be immediately suspended and ejected from the school campus without the necessity of a prior hearing. In such instances, each student shall be afforded an informal hearing before the Principal prior to the expiration of the third day of suspension.

A student shall be given the opportunity to make up schoolwork and course requirements missed while absent due to out-of-school suspension. The student shall have a reasonable amount of time up to five (5) school days following suspension to complete the school work missed and shall do so on his/her own initiative.

When Board action on a recommendation for the expulsion of a student is pending, the superintendent may extend the suspension assigned by the principal beyond ten (10) school days if such suspension expires before the next regular or special meeting of the Board.

In the case of students with disabilities, suspensions shall be pursuant to the procedures outlined in the *Student Code of Conduct*.

DELAYED ADMISSION

The Board authorizes the superintendent to delay the admission of a student who has been suspended by another public or private school for an act that would have been grounds for suspension according to the Board-adopted *Student Code of Conduct* for a period equal to that of the suspension.

School Work Assigned During Out-of-School

Credit will be given for work missed due to out-of-school suspension for the first five (5) days only provided the student completes and submits all required assignments upon return to school. The maximum grade the student can earn on these assignments will be seventy percent (70%).

DISCIPLINARY REASSIGNMENT AND EXPULSION

The Board recognizes that disciplinary placement and expulsion from the educational program of the schools are the most severe sanction for a student in this District and that either one cannot fairly be imposed without due process.

A principal may recommend to the Superintendent the disciplinary placement or expulsion of a student who has committed a serious breach of conduct. A recommendation of disciplinary placement or expulsion will include a detailed report on the student's actions and alternative measures taken before the recommendation.

A student and his/her parent or guardian will be given written notice of the principal's recommendation and the reasons therefore and an opportunity to meet with the Superintendent or designee to answer the charges.

The Superintendent, after reviewing the facts and circumstances of the student's misconduct and the principal's recommendation, may accept, reject, or modify the principal's recommendation. The Board will decide on a recommended expulsion of any student and on a recommended disciplinary placement of any student who has been determined to have brought to, or possessed at, school a firearm or weapon, as defined in F.S. Chapter 790, or to have made a threat or false report, as defined by F.S. 790.162 and 790.163.

When the Superintendent makes a recommendation for disciplinary placement or expulsion to the Board, written notice shall be given to the student and his/her parent or guardian of the recommendation setting forth the charges against the student, with a summary of the factual, legal, and policy grounds for the recommendation, and advising the student and his/her parent or guardian of their right of due process, including the right to a hearing.

When making a determination whether or not a student will be expelled or permanently excluded under this policy, the Superintendent shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

A parent or adult student may make a written request for a hearing within ten (10) days from receipt of the Superintendent's notice.

Disciplinary Placement and Expulsion Hearings

The hearing may be conducted by the entire Board.

All parties will be given reasonable notice of the hearing of not less than fourteen (14) days; however, the fourteen (14) day requirements may be waived by the Board without the consent of the parties.

Failure to timely request a hearing or failure to appear at a hearing after notice of the date and time of the hearing shall be deemed to be a waiver of any hearing on the matter. However, upon presentation of good and sufficient reasons for non-appearance, the presiding officer may direct that the hearing be re-scheduled.

Hearings will be conducted in accordance with Florida statutes and the Uniform Rules of Procedure. Reasonable flexibility in method or order of presentation shall be permitted. No parent or adult student shall be prohibited from presenting reasonable matters because of insubstantial procedural irregularities. A parent or adult student may be represented at the hearing by an adult, whether as legal counsel or qualified representative. Disciplinary placement and expulsion hearings are exempt from the public meetings law; however, the parent may elect to have the hearing held as a public meeting.

No Disputed Issues(s) of Material Fact

If there is no disputed issue of material fact, the parent or adult student, or their counsel, will have the opportunity at the hearing to present written or oral evidence in opposition to the proposed action or a written statement challenging the propriety of the proposed action.

Disputed Issue(s) of Material Fact

If there is a disputed issue of material fact, all parties will have an opportunity at the hearing to respond, to present evidence, and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders.

Findings of fact shall be based on a preponderance of the evidence and shall be based exclusively on the evidence of record and on matters officially recognized.

All parties may submit proposed findings of fact, conclusions of law, orders, and memoranda on the issues within a time designated by the Board.

Board Action

At the conclusion of the hearing, or at a later time designated by the Board, the Board will consider all the evidence and argument presented and by majority vote will decide whether to uphold the superintendent's recommendation or to impose a different penalty or no penalty.

Final Order

The Board will enter a written final order, including findings of fact, and conclusions of law separately stated. The final order will include a ruling on each exception filed, if any, in accordance with Florida statutes.

The final order will be served on all parties.

Appeal

A party may seek judicial review of the final order in accordance with F.S. 120.68.

The superintendent is authorized to establish a training program for parents of students who have been suspended or expelled for violations of the *Student Code of Conduct*. Notification of the time, date, and location of the training program is to be provided with the notice of intent to suspend or expel. If a parent fails to attend or complete the training program, the Superintendent shall report the parent to law enforcement authorities for parent education neglect, a fourth degree misdemeanor if found guilty.

Denial of Admission

A student seeking to enroll in a District school who has been expelled by an in-state or out-of-state public district school board, charter school, private school, or lab school for an act that would have been grounds for expulsion according to the Board-adopted *Student Code of Conduct* may be denied admission to the District's school for a period equal to that of that expulsion.

Prior to making a recommendation regarding admission or denial thereof, the Superintendent may offer the student an opportunity for a hearing to review the circumstances of the expulsion and any other factors the Superintendent determines to be relevant.

The Superintendent may recommend that the Board honor the final order of expulsion from the student's previous district of attendance and deny admission to the student, or that the Board waive the final order of expulsion and admit the student.

Acting upon the recommendation of the Superintendent, the Board may deny the admission of a student who has been expelled by any in-state or out-of-state public district school board or private school for a period equal to that of the expulsion for an act that would have been grounds for expulsion according to the Board-adopted *Student Code of Conduct*. A final order of expulsion shall be recorded in the records of the District, and the student and his/her parents shall be advised of the final order of expulsion.

However, the Board may, with or without the Superintendent's recommendation, waive the expulsion, admit the student, and direct that s/he be placed in an appropriate educational program.

The Superintendent shall develop administrative procedures to implement this policy and ensure compliance with applicable statutes.

A copy of this policy is to be made accessible to students and parents in the District's online policy manual, and shall be provided in hard copy to students and parents upon request. Key provisions of this policy should also be included in the *Student Code of Conduct*.

Revised 8/28/18

Revised 2/23/21

Revised 12/12/23

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Legal

F.S. 120.569

F.S. 120.57

F.S. 1002.20

F.S. 1003.02

F.S. 1003.32

F.S. 1006.07

F.S. 1006.08

F.S. 1006.09

F.A.C. Chapter 28-106

18 U.S.C. Section 921

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	DUE PROCESS RIGHTS
Code	po5611 AM 7-24 OPTIONS TO SELECT jfk 9/23/24 *LC 10-7
Status	
Adopted	June 13, 2017
Last Revised	February 23, 2021

5611 - DUE PROCESS RIGHTS

The School Board recognizes that students have certain constitutional rights, regarding their education.

Accordingly, the Board establishes the following procedures which District administrators shall use when dealing with students:

A. Student subject to suspension:

When a student is being considered for an out-of-school suspension by the Superintendent or Principal:

1. The student will receive oral and written notice of the charges and an explanation of the evidence against him/her.
2. The Principal will hold an informal hearing to give the student an opportunity to explain his/her side of the story.
3. The Principal will make a good faith effort to inform a student's parent by telephone of a suspension and the reasons for it.
4. Within twenty-four (24) hours the Principal will send formal written notice to the student's parent or guardian by U.S. Mail **(x)**, or other method agreed to by the parent, **[END OF OPTION]** informing them of the length of the suspension and the reasons for it. ~~[] The notice will include the right of the student, parent, or guardian to appeal to the () Superintendent () Board; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. [End of Option]~~ If the offense is one for which the Principal is recommending expulsion, then the notice will contain that information.

[DRAFTING NOTE - If the above option is selected regarding parental agreements to receive notice in a manner different from U.S. Mail, Neola recommends that school districts train principals on methods to document in writing any such agreement.]

5. If a student leaves school property without permission immediately upon violation (or suspected violation) of a provision of the Student Code of Conduct, prior to an administrator conducting an informal hearing as specified above, and the student fails to return to school on the following school day, the principal, assistant principal, Superintendent, or any other administrator, may send the student and his/her parent(s)/guardian(s) notice of the suspension, and offer to provide the student and/or his/her parents an informal hearing upon request to discuss the reasons for the suspension and to allow the student to challenge the reasons and to explain his/her actions, any time prior to the end of the suspension period.

B. Students subject to expulsion:

When a student is being considered for expulsion by the Superintendent:

1. The Superintendent will give the student and parent written notice of the intended recommendation, including reasons for it.
2. The student and parent or representative will have the opportunity to meet with the Superintendent or designee to challenge the proposed action or to otherwise explain the student's actions. The written notice will state the time and place to appear, which must not be earlier than three (3) school days nor later than five (5) school days after the notice is given, unless the Superintendent grants an extension upon request of the student or parent.
3. Within one (1) school day of the meeting, the Superintendent will notify the parents, guardians, or custodians of the student and Director of Budget whether s/he intends to recommend to the Board that the student be expelled. The notice will include the reasons for the recommendation and the right of the student, parent, guardian, or custodian to appeal to the Board; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board.

Expulsion Hearing

A student who is eighteen (18) or older or a student's parent(s) or guardian(s) may request a hearing on a recommended expulsion before the Board or its designee.

A written request for a hearing must be received by the Board within ten (10) school days from the parent's receipt of notice of the Superintendent's recommendation. The student may be represented in all such appeal proceedings and upon request will be granted a hearing before the Board or its designee.

A verbatim record will be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian.

The procedure to pursue such appeal will be in accordance with regulations approved by the Superintendent.

While a hearing before the Board may occur in executive session, the Board must act in public.

Appeal to the Court

Under State law, the decision of the Board may be further appealed to the District Court of Appeal.

C. Students subject to emergency removal:

Students whose conduct warrants emergency removal shall be subject to the procedures outlined in Policy 5610.01 - Emergency Removal of Students.

D. Students subject to suspension from bus riding/transportation privileges:

Students whose conduct warrants suspension from bus riding and/or transportation services shall be subject to the rights and procedures outlined in Policy 5610.04 - Suspension of Bus Riding/Transportation Privileges.

In determining whether disciplinary action set forth in this policy is to be implemented, District Administrators shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

These procedures shall not apply to in-school disciplinary alternatives including in-school suspensions. An in-school suspension is one served entirely within a school setting. Nor shall these disciplinary alternative procedures apply to students who are prohibited by authorized school personnel from all or part of their participation in co-curricular,

interscholastic, and/or noninterscholastic extra-curricular activities.

Revised 2/23/21

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Legal	F.S. 120.68
	F.S. 1001.51
	F.S. 1002.20
	F.S. 1006.07
	F.S. 1006.09

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Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	STUDENT/PARENT RIGHTS
Code	po5780 am 7-24 option to consider and question of language jfk 9-22 tmh 9-22 *LC 10-7
Status	
Adopted	June 13, 2017
Last Revised	May 14, 2024

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.

[x] Parental Notice

Parents normally receive notice by U.S. Mail of the school's suspension of their student or intended placement of their student in a dropout prevention/academic intervention program. A parent may agree to receive such notices by an alternative method other than U.S. Mail. Such agreement may be made before the need for notice arises or at the time the notice becomes required. **[END OF OPTION]**

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 certified mail **(x)** or other method agreed to by the parent **[END OF OPTION] (-X)** before **OR ()** at least five (5) days before a student is initially enrolled in, or at least five (5) days before **[END OF OPTION]** a student initially receives services under 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. Thereafter, the parent must be notified annually. The notification must be in the parent's primary language or other mode of communication commonly used by the parent unless clearly not feasible pursuant to F.A.C. 6A-6.0908.

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 Short-Acting Bronchodilator Use

Note**This language is NEOLA Template Language. Do you want to change to this language**
Asthmatic students whose parent and physician provide their approval to the Principal may carry a metered dose inhaler short-acting bronchodilator and components on their person while in school. The Principal shall be provided a copy of the parent's and physician's approval. (see also Policy 5330.01 - *Self-Administered Medication and Epinephrine Use*; Policy 5330.04 - *Administration of Short-Acting Bronchodilators and Components by Trained School Personnel*)

Asthmatic students may carry a metered dose inhaler short-acting bronchodilator and components 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: (see

J. Policy 5330.04 - Administration of Short-Acting Bronchodilators and Components by Trained School Personnel

K.

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 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 (x) or other method agreed to by the parent [END OF OPTION]. 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. special programs
6. advanced placement
7. dual enrollment
8. International Baccalaureate
9. CAPE digital tools
10. CAPE industry certifications
11. early college high school programs

12. Advanced International Certificate of Education
13. credit by examination or demonstration of competency
14. 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 New Worlds Scholarships

The parent of a student in kindergarten through grade 5 who (1) exhibits a substantial deficiency in early literacy skills based upon the results of the most recent progress monitoring administered pursuant to F.S. 1008.25 (2) has a substantial reading deficiency identified under F.S. 1008.25 or scored below a Level 3 on the most recent Statewide, standardized English Language Arts (ELA) assessment in the prior school year, (3) exhibits a substantial deficiency in early mathematics skills based upon the results of the most recent progress monitoring administered pursuant to F.S. 1008.25, or (4) has a substantial deficiency in mathematics or the characteristics of dyscalculia as identified under F.S. 1008.25, or scored below a Level 3 on the most recent Statewide, standardized Mathematics assessment in the prior school year may seek a scholarship in accordance with State law.

By September 30th of each year, the District will notify the parent of each eligible student of the process to request and receive a scholarship, subject to available funds, when providing results from the standardized coordinated screening and progress monitoring pursuant to F.S. 1008.25.

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.

Students with Substantial Math Deficiencies

The parent of any K-4 student who exhibits a substantial deficiency in mathematics will be notified that the child has been identified as having a 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 mathematics; a description of current services provided to the child; a description of proposed intensive interventions and supports that will be provided to remediate the identified area of math deficiency; and strategies through a home-based plan the parent can use in helping the child succeed in mathematics, including resources in an electronic format.

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~~ Students are entitled to ~~sufficient-adequate~~ 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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Legal

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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. 1002.41
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F.S. 1003.01(13)
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F.S. 1008.22
F.S. 1008.25
F.S. 1008.386
F.S. 1012.42
F.S. Chapter 1014
F.A.C. 6A-6.0521

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Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	FISCAL PLANNING
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Status	
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6210 - **FISCAL PLANNING**

The School Board shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the School District and to plan for the financial needs of the educational program. The Board shall also maintain both short and long range projections of District financial requirements and student achievement data obtained pursuant to Florida statutes.

Pursuant to Florida statutes and Policy 6220, the Board shall develop, advertise, and then approve a balanced budget for each fiscal year.

The Board will advertise its intent to adopt a tentative budget on a publicly accessible website as provided in F.S. 50.0311, which may include the District's official website, or in a newspaper of general circulation, pursuant to F.S. 200.065(3).

↔ A summary of the tentative budget, including the proposed millage levies as provided by law, (X) the tentative budget, () and the official budget of the Board **[END OF OPTIONS]** shall be posted on the District's official website or on a publicly accessible website.

In addition, the Board shall also develop a Five (5) Year Capital Work Program.

Costs shall be contained, where possible, so that annual expenditures do not exceed the annual resources. Furthermore, to maintain the District's financial stability, it is essential to maintain an adequate operating fund balance to foster positive business relationships with bond rating agencies, investors, and financial institutions; for potential revenue shortfalls; emergencies and unanticipated expenditures. Therefore the Board shall strive to maintain a fund balance in its operating funds that are not classified pursuant to Policy 6100 as restricted, committed, or non-spendable equal to five percent (5%) of the District's projected annual general fund revenues for each fiscal year.

Any use of such funds to satisfy projected District obligations, such as funding provisions of a union contract or supplementing the capital work program, shall be approved by the Board. Therefore, recurring revenue estimates from existing sources shall serve as the ceiling for the Superintendent's recommended annual budget. Capital expenditures shall be funded from a local millage levy of one and one-half (1 1/2) mills, the local impact fees, and State capital outlay sources, unless the Board specifically directs otherwise in advance of drafting the budget.

As required by Florida statutes and Board Policy 8310 - Public Records, all records related to the annual budget and the Five (5) Year Capital Work Program shall be open to the public for inspection.

It is understood that the District's records and financial statements shall be audited by the Auditor General, State of Florida, or, in those years not audited by the State Auditor General, by a contracted certified public accounting firm. The auditor shall prepare and submit to the Board an annual review and opinion of said records.

The Superintendent shall develop, update as needed, the administrative procedures necessary to provide for an equitable distribution of resources within the District and for the regular review of the fiscal budget and Five (5) Year Capital Work Program.

Revised 2/11/20

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Legal	F.S. 11.45
	F.S. 218.39
	F.S. 1001.42
	F.S. 1010.30
	F.S. 1013.35

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Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	CONSTRUCTION CONTRACTING AND BIDDING
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Adopted	June 13, 2017
Last Revised	December 12, 2023

6322 - **CONSTRUCTION CONTRACTING AND BIDDING**

All school construction bids shall be the responsibility of the Superintendent. Bidding and contracting for construction, remodeling, and renovation shall comply with all applicable provisions of the most recent version of the State Requirements for Educational Facilities (SREF).

This policy shall generally apply to contracts for construction projects that shall be funded with capital outlay funds or capital grants that relate to new construction, additions, remodeling, renovations, maintenance, or repairs to existing facilities.

This policy shall not apply to the acquisition of architectural, engineering, landscape architectural, construction management at-risk, design-build, total program management, or surveying and mapping services, which shall be acquired pursuant to Policy 6330 - Acquisition of Professional Architectural, Engineering, Landscape Architectural or Land Surveying Services.

The School Board may contract for construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities, through means including, but not be limited to:

- A. competitive bids;
- B. design-build pursuant to F.S. 287.055;
- C. selecting a construction management entity, pursuant to F.S. 255.103 or 287.055, that would be responsible for all scheduling and coordination of both the design and construction phases and would be responsible for the successful, timely, and economical completion of the construction project;
- D. selecting a program management entity, pursuant to F.S. 255.103 or 287.055, that would act as the agent of the Board and would be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services;
- E. proposals to enter into a public-private partnership with a private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of a qualifying project pursuant to F.S. 255.065;

The Superintendent shall be responsible for submitting proposed public-private partnership agreements to the Board for consideration, including unsolicited proposals from private entities. The Board shall evaluate and consider all proposed public-private partnership agreements pursuant to the guidelines set forth in F.S. 255.065.

- F. day-labor contracts not exceeding ~~\$280,000~~ \$600,000 (said amount may be adjusted annually based on changes in the Consumer Price Index) for construction, renovation, remodeling, or maintenance of existing facilities.

Beginning January 2009, this amount shall be adjusted annually based upon changes in the Consumer Price Index.

For purposes of this policy, "day-labor contract" means a project constructed using persons employed directly by the Board or by contracted labor.

Bonds

A. For Projects Costing Less than \$200,000

In order to encourage participation in construction, remodeling, and renovation projects by small, woman-owned, and minority-owned businesses, no bid security or performance or payment bond shall be required for bids in an amount less than \$200,000, unless it is determined necessary by the Superintendent. If bonds are required, the information will be specified in the project documentation and the provisions of subsection B below will apply.

B. For Projects Costing \$200,000 or Greater

Bonds may be required as specified in the bids for construction, remodeling, and renovation of District facilities must be accompanied by a bid security meeting the following requirements, for bids \$200,000 or greater:

1. Bid security shall be a certified check, cashier's check, Treasurer's check, bank draft, or bid bond acceptable to the Board in a form and manner that is acceptable to the Board.
2. Should the accepted bidder refuse to enter into the contract or fail to furnish performance and materials and payment bonds, the amount of the bid security may be forfeited to the District.

The accepted bidder must deliver performance and payment bonds equal to the contract price, no later than the date of execution of the contract or the first request for payment under the contract, whichever is first. Bonds must be issued by surety companies admitted to do business in the State of Florida and listed in the Federal Register of the U.S. Department of Treasury for Surety Companies Acceptable on Federal Bonds.

Notice and Terms

The Superintendent or designee shall be responsible for preparing the legal notice for bids and shall determine that such notice meets the requirements of Florida statutes and State Board of Education Rules and contains the information needed by the prospective bidders, to include the following:

- A. date, time, and place relating to submitting of bids;
- B. procedures for presenting bids;
- C. conditions and terms for receiving bids;
- D. procedures to be followed in the opening and presenting bids to the Board; and
- E. conditions for awarding contracts based on bids.

These provisions shall be followed for construction bids:

- A. The bid time and date shall be established by the Superintendent or designee.
- B. Bids by telegram or facsimile shall not be accepted nor shall any other type of bid be accepted which cannot be classified as a sealed bid. Bids received by mail shall be stamped with the time and date received by the District office.
- C. Bids shall be opened at the designated time in the invitation to bid. At the designated time, the person presiding shall inquire if all bids have been received; no other bids shall be accepted and no bid may be withdrawn after the deadline. Negligence on the part of the bidder in preparing the bid shall confer no right for withdrawal after the designated time for the opening of bids.
- D. All bids shall be opened, read aloud, and recorded.

- E. Unless all bids are rejected by the Board for valid reasons, the contract shall be awarded to the lowest responsible bidder meeting all requirements and specifications.

The specifications for construction bids may not be written to limit any purchase of systems or materials to a specific brand or a single course of supply, unless the Board, after consideration of all available alternative materials and systems, determines that the specifications of a sole material or system is justifiable.

Any solicitation for the procurement of commodities, contractual services, or leases will include a provision notifying vendors that the Board will not request documentation of, consider, or give a preference based on, the vendor's social, political, or ideological interests.

All bid requests shall include a notification to bidders that failure to file a bid protest within the time and in the manner prescribed by Florida statutes and Policy 6320 - *Purchasing and Contracting for Commodities and Contractual Services*, shall constitute a waiver of any further right to protest such bid award.

Competitive Solicitation Requirements for Construction Contracting

Contracts governed by this policy shall be approved and executed as set forth below. A "construction project" shall be deemed to include a single contract or group of contracts with the same provider which is directly connected in terms of time, location, or services, such that a reasonable person would consider the services to be provided as a single project.

A. Construction Projects Involving Expenditures of \$0.00 - \$25,000.00

Contracts for construction projects involving expenditures of \$0.00 - \$25,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require the assistance and services of a registered architect/engineer.

2. Direct Negotiations Authorized

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may negotiate directly with potential service providers for contracts governed by this subsection. In order to secure the most efficient and effective contracts, the District is encouraged to secure multiple quotes or to negotiate with multiple providers before entering into contracts hereunder.

B. Construction Projects Involving Expenditures of \$25,000.01 - \$75,000.00

Contracts for construction projects involving expenditures of \$25,000.01 - \$75,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Unless otherwise deemed appropriate by the Director of Facilities or as otherwise provided in F.S. 481.229 and 1013.45, contracts for which the construction costs is less than \$50,000 or for the placement or hookup of relocatable educational facilities that conform with standards adopted under F.S. 1013.37 do not require the assistance and services of a registered architect/engineer.

Contracts for which the construction cost exceeds \$50,000 shall require the assistance and services of a registered architect/engineer.

2. Three (3) Quotations Required

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may approve and enter into contracts governed by this subsection after securing three (3) written quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective proposer.

C. Construction Projects, Other Than Electrical Projects, Involving Expenditures of \$75,000.01 - \$300,000.00

Contracts for construction projects, other than electrical projects, involving expenditures of \$75,000.01 - \$300,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Contracts governed by this subsection shall require the assistance and services of a registered architect/engineer.

2. Three (3) Quotations Required

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may approve and enter into contracts governed by this subsection after securing three (3) written quotes from qualified providers. After securing the quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective proposer.

D. Electrical Projects Involving Expenditures of \$75,000.01 - \$200,000.00

Contracts for electrical projects involving expenditures of \$75,000.01 - \$200,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Contracts governed by this subsection shall require the assistance and services of a registered architect/engineer.

2. Bid Solicitation Required

Contracts governed by this subsection shall be advertised in conformance with the procedures outlined in this section.

a. Legal Notice

The District shall publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

b. Rejection of Bids/Waiver of Technicalities

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any and all bids.

E. Construction Projects Involving Expenditures in Excess of \$300,000.00

Contracts for projects involving expenditures in excess of \$300,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Contracts governed by this subsection shall require the assistance and services of a registered architect/engineer.

2. Bid Solicitation Required

Contracts governed by this subsection shall be advertised in conformance with the procedures outlined in this section.

a. Legal Notice

The District will publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

b. Rejection of Bids/Waiver of Technicalities

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any and all bids.

F. Construction Projects Involving Fifty Percent (50%) or More State-Appropriated Funds

For a competitive solicitation for construction services in which fifty percent (50%) or more of the cost will be paid from State-appropriated funds which have been appropriated at the time of the competitive solicitation, the Board will not use a policy that provides a preference based upon the contractor's:

1. maintaining an office or place of business within a particular local jurisdiction;
2. hiring employees or subcontractors from within a particular local jurisdiction; or
3. prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

For any such competitive solicitation, the Board will disclose in the solicitation document that any applicable local policy does not include any of the preferences listed above.

Exception to Construction Requirements

The Board may, with a majority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one (1) or more of the exceptions to the educational facilities construction requirements described below.

The Board's resolution may propose the implementation of exceptions to requirements of the uniform Statewide building code for the planning and construction of public educational and ancillary plants relating to the following:

- A. Interior non-load bearing walls by approving the use of fire-rated wood stud walls in new construction or remodeling for interior non-load bearing wall assemblies that will not be exposed to water or located in wet areas.
- B. Walkways, roadways, driveways, and parking areas by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.
- C. Standards for relocatables used as classroom space by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.
- D. Site lighting by approving construction specifications for site lighting that:
 1. Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
 2. Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through the installation of a timer that is set to provide lighting only during periods when the site is occupied.
 3. Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than one (1) foot-candle.
- E. Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to F.S. 1002.33(18) so long as the regional planning council determines that there is sufficient shelter capacity within the District as documented in the Statewide Emergency Shelter Plan.

Opening of Competitive Bids

Notwithstanding F.S. 119.071(1, b), in any competitive solicitation for construction or repairs on a Board building or facility, the Superintendent will:

- A. open the sealed bid, or the portion of the sealed bid that includes the price submitted, at a public meeting conducted in compliance with F.S. 286.011 and Board Bylaw 0164 - *Notice of Meetings*, and Bylaw 0168 - *Minutes*;
- B. announce the name of each bidder and the price submitted in the bid at that meeting; and
- C. make available the name of each bidder and the price submitted in the bid, upon request.

Receipt of Less than Two (2) Responsive Proposals for Commodities and Contractual Services

In the event the Board receives less than the two (2) responsive proposals for commodities and contractual services, the Board may negotiate on the best terms and conditions or decide to reject all proposals. The Board shall document the reasons for the decision to negotiate terms and conditions with the sole proposer in lieu of re-soliciting proposals.

Contract Execution

Contracts governed by this policy shall be awarded to the lowest responsive and responsible bidder, considering the base bid and accepted alternatives; and be executed pursuant to Policy 6320 - *Purchasing and Contracting for Goods and Services*. Award of a bid by the Board shall only represent an identification by the Board that a bid represents the lowest responsible bid received by the District. Award of the 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 in a form satisfactory to the District.

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.

Certified Copy of Recorded Bond

Before commencing the work or before recommencing the work after a default or abandonment, the contractor shall provide to the Board a certified copy of the recorded bond. Notwithstanding the terms of the contract or any other law governing prompt payment for construction services, the Board may not make a payment to the contractor until the contractor has complied with this paragraph. This paragraph applies to contracts entered into on or after October 1, 2012.

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 council 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.

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Revised 8/27/19

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Revised 7/20/21

Revised 10/25/22

Revised 12/12/23

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Legal	F.S. 255.05
	F.S. 255.0516
	F.S. 255.0518
	F.S. 255.065

F.S. 255.0991

F.S. 287.055

F.S. 1001.43

F.S. 1010.04

F.S. 1010.07(2)

F.S. 1010.48

F.S. 1013.385

F.S. 1013.45

F.S. 1013.46

F.S. 1013.47

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

Educational Facilities, F.A.C. 6A-2.0010

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Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, OR LAND SURVEYING SERVICES
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6330 - ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, OR LAND SURVEYING SERVICES

The School Board is authorized to employ procedures to contract for the construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities by licensed professionals pursuant to F.S. 287.055, The Consultants' Competitive Negotiation Act ("CCNA").

A. Definitions

1. "Professional Services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the State, or those performed by any architect, professional engineer, landscape architect, or registered land surveyor and mapper in connection with his/her professional employment or practice.
2. "School Board" means The School Board of Hernando County, Florida, and describes an agency as defined in State law.
3. "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or surveying and mapping in the State.
4. "Compensation" means the total amount paid by the Board for professional services regardless of whether stated as compensation or stated as hourly rates, overhead rates, or other figures or formulas from which compensation can be calculated.
5. "PSAC" shall mean the Professional Service Advisory Committee.
6. "Project" means that fixed capital outlay study or planning activity described in the public notice pursuant to Section C herein. The Board shall prescribe, in compliance with State law, procedures for the determination of a project under its jurisdiction. Such procedures may include:
 - a. determination of a project which constitutes a grouping of minor construction, rehabilitation, or renovation activities.
 - b. determination of a project which constitutes a grouping of substantially similar construction, rehabilitation, or renovation activities.
7. A "Continuing Contract" is a contract for **any of the following: (a)** professional services entered into in accordance with all the procedures of the CCNA between the Board and a firm whereby the firm provides

professional services to the Board for projects in which the estimated construction cost of each individual project under the contract does not exceed ~~\$4 million~~ \$7.5 million or the amount as adjusted and published on the Bureau of Labor Statistics of the United States Department of Labor's websites based on changes to the June-to-June Consumer Price Index for All Urban Consumers; ~~for (b)~~ study activity if the fee for such professional services for each individual study under the contract does not exceed \$500,000; ~~or for (c)~~ work of a specified nature as outlined in the contract required by the Board with the contract being for a fixed term or with no time limit except that the contract must provide a termination clause. Firms providing professional services under continuing contracts ~~shall~~ may not be required to bid against one another.

8. A "design-build firm" means a partnership, corporation, or other legal entity that:
 - a. is certified under F.S. 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or
 - b. is certified under F.S. 471.023 to practice or to offer to practice engineering; certified under F.S. 481.219 to practice or to offer to practice architecture; or certified under F.S. 481.319 to practice or to offer to practice landscape architecture.
9. A "design-build contract" means a single contract with a design-build firm for the design and construction of a public construction project.
10. A "design criteria package" means concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information to permit design-build firms to prepare a bid or a response to the Board's request for proposal, or to permit an agency to enter into a negotiated design-build contract. The design criteria package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project.
11. A "design criteria professional" means a firm who holds a current certificate of registration under F.S. Chapter 481, to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under F.S. Chapter 471, to practice engineering and who is employed by or under contract to the Board for professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.
12. "Negotiate" or any form of that word means to conduct legitimate, arms length discussions and conferences to reach an agreement on a term or price. For purposes of this policy, the term does not include presentation of flat-fee schedules with no alternatives or discussion.

B. Professional Service Advisory Committee

1. The PSAC shall be comprised of one (1) Board member, one (1) designee of the Superintendent, the Director of Facilities or his/her designee, one (1) representative from operation services, one (1) program/staff representative, as well as any additional members deemed appropriate by the Superintendent.
 - a. The Board shall annually appoint one (1) of its members to serve on the PSAC, and shall also designate one (1) of its members as an alternate, who shall attend PSAC meetings when and if the designated member cannot.
 - b. The Superintendent shall appoint his/her designee, the representative of operations services, the program/staff representative.
 - c. The Superintendent shall appoint additional members as s/he deems appropriate given a particular project.
2. The Director of Facilities, or his/her designee, shall chair the PSAC.

C. Public Announcement and Qualification Procedures

1. The Board shall publicly announce, in a uniform and consistent manner, each occasion when professional services are required to be purchased for a project the basic construction cost of which is estimated by the Board to exceed the maximum amount established in State law for CATEGORY FIVE, which is \$325,000, or

for planning or study activity when the fee for professional services exceeds the maximum amount established in State law for CATEGORY TWO, which is \$35,000, except in cases of valid public emergencies so certified by the Board. The public notice shall include a general description of the project and shall indicate how interested consultants may apply for consideration.

2. Local contractors are encouraged to submit proposals, and contractors are encouraged to offer bidding opportunities to local subcontractors.
3. The Board shall encourage firms engaged in the lawful practice of their professions that desire to provide professional services to the Board to submit annually statements of qualifications and performance data. Failure to submit an RFQ (Request for Qualifications) shall not preclude the Board from purchasing services from any firm engaged in the lawful practice of its profession.
4. Any firm or individual desiring to provide professional services to the Board must first be certified by the Board as qualified pursuant to law and the regulations of the Board. The Board shall make a finding that the firm or individual to be employed is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.
5. The Superintendent shall develop administrative procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985, and such other factors as may be determined by the Board to be applicable to its particular requirements. When securing professional services, the Board shall endeavor to meet the minority business enterprise procurement goal set forth in F.S. 287.09451.
6. The public shall not be excluded from these proceedings.

D. Competitive Selection

1. For each proposed project, the PSAC shall evaluate current statements of qualifications and performance data on file, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by, no fewer than three (3) firms, regarding their qualifications, approach to the project, and ability to furnish the required services.
2. The PSAC shall select in order of preference no fewer than three (3) firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the PSAC shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the Board, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The PSAC may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations under section E below.
3. This section does not apply to a professional service contract for a project, the basic construction cost of which is estimated by the Board to be not in excess of \$325,000 or for a planning or study activity when the fee for professional services is not in excess of \$35,000. These amounts shall increase along with the thresholds defined in F.S. 287.017 for CATEGORY FIVE and/or CATEGORY TWO. However, if, in using another procurement process, the majority of the compensation proposed by firms is in excess of the appropriate threshold amount, the Board shall reject all proposals and reinstate the procurement pursuant to statute. (F.S. 287.055(4)(c)).
4. The Board shall evaluate qualifications of a minimum of three (3) finalists by considering the written materials submitted by the applicants, performance data on file with the District, materials submitted by other firms or individuals, and the evaluation of the PSAC. Although the Board shall consider the evaluation of the PSAC, such evaluation shall not be binding on the Board. The Board retains the authority to re-rank the three (3) finalists.
5. Nothing in this rule shall be construed to prohibit a continuing contract between a firm and Board.

E. Competitive Negotiation

1. A tentative contract shall be negotiated with the most qualified firm for professional services at compensation which the Board's designee(s) determine(s) is fair, competitive, and reasonable. In making such determination, the Board's designee(s) shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For any lump-sum or cost-plus-a-fixed-fee professional service contract that exceeds the maximum amount established by State law for CATEGORY FOUR, which is \$195,000, the Board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any professional service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or non-current wage rates and other factual unit costs. All such contract adjustments shall be made within (1) year following the end of the contract.
2. Should the Board's designee(s) be unable to negotiate a satisfactory tentative contract with the firm considered to be the most qualified at a price the Board's designee(s) determines to be fair, competitive, and reasonable negotiations with that firm shall be formally terminated. The Board's designee(s) shall then undertake negotiations with the second most qualified firm. Failing tentative accord with the second most qualified firm, the Board's designee(s) shall terminate negotiations. The Board's designee(s) shall then undertake negotiations with the third most qualified firm.
3. Should the Board's designee(s) be unable to negotiate a satisfactory tentative contract with any of the selected firms, the Board's designee(s) shall select additional firms in the order of their competence and qualification and continue negotiations in accordance with this subparagraph until a tentative agreement is reached or shall be readvertised.
4. When the Board's designee(s) successfully negotiates a tentative contract with a firm considered to be fully qualified at a price the Board's designee(s) determines to be fair, competitive, and reasonable, the tentative contract will be presented to the Superintendent for his/her review and recommendation to the Board. The Board shall either approve or disapprove the tentative contract. Upon Board approval, the approved contract shall be duly executed.

F. Prohibition Against Contingent Fees

Each contract entered into by the Board for professional services shall contain a prohibition against contingent fees as required by F.S. 287.055(6).

G. Design-Build Contracts

The Board will award design-build contracts by the use of a competitive proposal selection process as described in this section, or by the use of a qualifications-based selection process pursuant to sections C, D, and E above, for entering into a contract whereby the selected firm will, subsequent to competitive negotiations, establish a guaranteed maximum price and guaranteed completion date. If the Board elects the option of qualifications-based selection, during the selection of the design-build firm the Board will employ or retain a licensed design professional appropriate to the project to serve as the Board's representative.

Procedures for the use of a competitive proposal selection process must include as a minimum the following:

1. The preparation of a design criteria package for the design and construction of the public construction project.

The design criteria package must be prepared and sealed by a design criteria professional employed by or retained by the Board. If the Board elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional must be selected and contracted with under the requirements of sections D and E above. A design criteria professional who has been selected to prepare the design criteria package is not eligible to render services under a design-build contract executed pursuant to the design criteria package.
2. The qualification and selection of no fewer than three (3) design-build firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners or members thereof.
3. The criteria, procedures, and standards for the evaluation of design-build contract proposals or bids, based on price, technical, and design aspects of the public construction project, weighted for the project.

4. The solicitation of competitive proposals, pursuant to a design criteria package, from those qualified design-build firms and the evaluation of the responses or bids submitted by those firms based on the evaluation criteria and procedures established prior to the solicitation of competitive proposals.
5. For consultation with the employed or retained design criteria professional concerning the evaluation of the responses or bids submitted by the design-build firms, the supervision or approval by the Board of the detailed working drawings of the project; and for evaluation of the compliance of the project construction with the design criteria package by the design criteria professional.
6. In the case of public emergencies, the Board may declare an emergency and authorize negotiations with the best qualified design-build firm available at that time.

H. Reuse of Existing Plans

Notwithstanding any other provision of this section, there shall be no public notice requirement or utilization of the selection process as provided in this section for projects in which the agency is able to reuse existing plans from a prior project of the agency, or, in the case of a board as defined in F.S. 1013.01, a prior project of that or any other board. Except for plans of a board as defined in F.S. 1013.01, public notice for any plans that are intended to be reused at some future time must contain a statement that provides that the plans are subject to reuse in accordance with the provisions of this subsection.

I. Protest Procedure

The protest procedure will be as described in Policy 6326 - *Bid Protests*.

Revised 2/27/18

Revised 8/28/18

Revised 2/23/21

Revised 5/14/24

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Legal	F.S. 287.055
	F.S. 1001.43
	F.S. 1013.46

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	INSTRUCTIONAL MATERIALS ALLOCATION
Code	po6661 AM 7-25 TMH 9/5/24
Status	
Adopted	June 13, 2017
Last Revised	December 13, 2022

6661 - **INSTRUCTIONAL MATERIALS ALLOCATION**

Pursuant to State law, the School Board shall purchase current instructional ~~materials so that each student has a textbook or other instructional materials~~ as a major tool of instruction in core courses of the appropriate subject areas of mathematics, language arts, science, social studies, reading, and literature for grades K-12.

Such purchases shall be for instructional materials included on the State-adopted list, except as otherwise provided in State law, and shall be made within the first two (2) years of the adoption cycle.

Pursuant to State law, up to fifty percent (50%) of the annual allocation designated for the purchase of instructional materials for second through twelfth grades may be used to purchase instructional materials, including library and reference books and non-print material, not on the adopted list as well as to provide other teaching accessories and aids as are needed for the District's educational program. Furthermore, also pursuant to State law, the District may use 100% of that portion of the annual allocation designated for the purchase of instructional materials for kindergarten, and seventy-five percent (75%) of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase materials not on the State-adopted list.

Furthermore, if, after March 1st, the Superintendent recommends and the Board adopts a resolution certifying that all instructional material purchases necessary to provide updated materials to align to the State academic standards and benchmarks have been completed for the fiscal year, the Superintendent may recommend and the Board may approve a budget amendment so that a specified amount of the balance of the instructional materials allocation may be used to purchase hardware for student instruction.

The District shall allocate remedial and supplemental instruction resources to students in the following priority:

- A. **students in a Voluntary Prekindergarten Education Program who have a substantial deficiency in early literacy skills and students in kindergarten through grade 3 who have a substantial deficiency in reading or the characteristics of dyslexia as determined under Policy 5410.01 - *Promotion, Acceleration, Placement, and Retention* and F.S. 1008.25; and,**
- B. **students in the Voluntary Prekindergarten Education Program who have a substantial deficiency in early mathematics skills and students in kindergarten through grade 4 who have a substantial deficiency in mathematics or the characteristics of dyscalculia as determined under Policy 5410.01 - *Promotion, Acceleration, Placement, and Retention* and F.S. 1008.25.**

Revised 12/13/22

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Legal

F.S. 1006.28

F.S. 1006.40

F.S. 1011.62(6)

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	FACILITIES PLANNING
Code	po7100 AM 7-25 LOOK AT EXCEPTION TO CONSTRUCTION, IT IS NOT IN YOUR CURRENT LANGUAGE AND WAS IN PAST TEMPLATES. JWL 9/19/24 SC 9/20/24
Status	
Adopted	June 13, 2017

7100 - **FACILITIES PLANNING**

The School Board recognizes that careful, prudent planning is essential to the efficient operation of the schools and that planning must be grounded on accurate data. In order to assure that future District construction supports the educational program and responds to community needs, the Superintendent will prepare a Five Year Facilities Work Plan and submit it to the Board for approval. Upon approval of the plan, the Superintendent will revise the plan and submit it to the Board for approval by October 1st annually or within thirty (30) days after the plan becomes available for editing by the DOE if after August 15th.

The plan shall include a thorough description and analysis of local and regional demographic factors which influence general population growth and public school enrollments.

In order to apprise the Board of the continuing relevance of the District's plan, the Superintendent shall:

- A. annually report to the Board on the number of resident students attending school;
- B. prepare student enrollment projections every year and compare the actual enrollment figures to the previously projected figures to detect early, for the benefit of the Board, any changes in enrollment trends.

All educational and ancillary facilities constructed by the Board shall comply with the uniform Statewide building code for planning and construction of public educational and ancillary plants, including adopted standards.

In planning for the enlargement or modification of its facilities, the Board shall consider not only the number of children whose educational needs must be met, but also the physical requirements of the program it deems best suited to meet those needs. The District shall provide suitable accommodations to carry out the educational program of the school including provision for the disabled, pursuant to law and regulation.

Further, when new construction or a remodeling or renovation project over \$300,000.00 will be undertaken pursuant to the District's plan, the Superintendent will evaluate alternative construction methods, including exceptions to standards for innovative planning and construction techniques, to determine the most appropriate method for completing the particular project. In conducting that evaluation the Superintendent will consider the use of new materials, systems, and applications in the design and construction of educational facilities. Based on the evaluation of the alternative methods, the Superintendent will proceed with the methods for design and construction determined most appropriate for the project. Upon approval of the District's building official, the District shall proceed with contracting for the project in accordance with Policy 6322 - Construction Contracting and Bidding.

Exceptions to Construction Requirements; Hurricane Evacuation Shelters *HERNANDO DO YOU WANT THIS LANGUAGE. THE EXCEPTION TO CONSTRUCTION IS NOT IN YOUR CURRENT POLICY.**

The Board may, with a majority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one (1) or more of the exceptions to the educational facilities construction requirements described below to provide a school with the ability to operate in a facility on the same basis as a charter school pursuant to F.S. 1002.33(18).

When a hurricane evacuation shelter deficit exists, as determined by the Division of Emergency Management, in the regional planning council region in which the District is located makes public shelter design criteria applicable, any exception to the public shelter design criteria remain subject to the concurrence of the applicable local emergency management agency or the Division of Emergency Management. The Board may not be required to build more emergency-shelter space than identified as needed in the statewide emergency shelter plan.

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Legal F.S. 553.73
 F.S. 1013.37
 F.A.C. 6A-2.0010
 Section 114, Florida Building Code

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	SMALL UNMANNED AIRCRAFT SYSTEMS
Code	po7440.03 am 7-25 BD 9.23.24
Status	
Adopted	March 8, 2022

7440.03 - **SMALL UNMANNED AIRCRAFT SYSTEMS**

The School Board prohibits the operation of small unmanned aircraft systems (sUAS) at any time on a property that is owned or leased or contracted for by the Board by any individual who is not authorized to do so by the Superintendent **or the drone is operated by law enforcement**. Small unmanned aircraft systems are commonly known as drones.

Pursuant to the Florida High School Athletic Association's (FHSAA) administrative policies, the Board also prohibits the operation of an sUAS at any FHSAA event conducted on property owned or leased or contracted for by the Board. District officials may deny admission or entry to anyone attempting to use an sUAS until the event has been completed.

To be authorized to operate an sUAS on property owned or leased or contracted for by the Board, a staff member or administrator, **law enforcement**, or other individual (agent) under contract with the Board must have a remote pilot certificate issued by the Federal Aviation Administration (FAA). Further, the sUAS must be registered with the FAA and properly marked in accordance with 14 C.F.R. Part 107.

A staff member, administrator, **law enforcement**, or agent of the Board who is authorized to operate an sUAS on property owned or leased or contracted for by the Board, must also comply with all rules set forth in 14 C.F.R. Part 107. (See AP 7440.03)

Failure to adhere by all rules set forth in 14 C.F.R. Part 107 and AP 7440.03 may result in loss of authorization to operate an sUAS on property owned or leased or contracted for by the Board, referral to local law enforcement, and/or further disciplinary action, up to and including termination for an employee and expulsion for a student. **Further, violations of the provisions of F.S. 330.41 may result in a second-degree misdemeanor up to a third-degree felony.**

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Legal F.S. 330.41

Last Modified by Maria Cain on October 2, 2024



Book Policy Manual

Section Vol. 25 No. 1, June 2024 REVISED

Title New Policy - Vol. 25, No. 1, June 2024 - ARTIFICIAL INTELLIGENCE (AI)

Code po7540.08 AM 7-25 NEW POLICY JGA, 10-1-24 JOD

Status

New Policy - Vol. 25, No. 1

7540.08 - ARTIFICIAL INTELLIGENCE (AI)

The School Board recognizes the positive impact that Artificial Intelligence (AI) technology may have in the District's educational program and operations. The Superintendent is authorized to support the use of artificial intelligence technology when its use is consistent with the District's mission, goals, and operational integrity.

Any use of artificial intelligence technology in the District's educational program or operations must be in accordance with State and Federal law as well as Board policies (X) including, but not limited to the following: Policy 5505 – *Academic Honesty*; Policy 5500 – *Student Conduct*; Policy 5517 – *Anti-Harassment*; Policy 5517.01 – *Bullying and Harassment*; ~~Policy 2264 – *Nondiscrimination on the Basis of Sex in Education Programs and Activities*~~; Policy 2266 – *Nondiscrimination on the Basis of Sex in Education Programs and Activities (The Board's Policy and Grievand Procedures for Responding to Sexual Harassment Alleged to Have Occurred Prior to 8/1/2024)*; Policy 8330 – *Student Records*; Policy 2240 – *Controversial Issues*; Policy 7540.03 – *Student Internet Safety and Acceptable Use*; and Policy 7540.04 – *Staff Technology Acceptable Use and Safety*.

[Drafting Note: Confirm and Select as Needed] [END OF OPTION]

Student use of Artificial Intelligence and Natural Language Processing Tools (AI/NLP tools)

Utilization of AI/NLP tools is strictly prohibited for the completion of school work. The use of AI/NLP tools, without the express permission/consent of a teacher, undermines the learning and problem-solving skills that are essential to academic success and that the staff is tasked to develop in each student. Students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI/NLP tools and they should ask their teachers when they have questions and/or need assistance. Unauthorized use of AI/NLP tools is considered a form of plagiarism and any student found using these tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct.

Notwithstanding the preceding, students can use AI/NLP tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI/NLP tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI/NLP tools for the following uses:

- A. Research assistance: AI/NLP tools can be used to help students quickly and efficiently search for and find relevant information for their school projects and assignments.
- B. Data Analysis: AI/NLP tools can be used to help students to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.
- C. Language translation: AI/NLP tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different

language.

- D. Writing assistance: AI/NLP tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.
- E. Accessibility: AI/NLP tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments understand spoken language.

As outlined above, under appropriate circumstances, AI/NLP tools can be effectively used as a supplement to and not a replacement for traditional learning methods. Consequently, with prior teacher permission/consent, students can use such resources to help them better understand and analyze information and/or access course materials. If a student has any questions about whether they are permitted to use AI/NLP tools for a specific class assignment, they should ask their teacher.

Violation of this policy may result in disciplinary consequences. Students may be disciplined for violations, up to and including suspension or expulsion.

Staff may be disciplined for violations, up to and including suspension or termination of employment.

The administration will refer any illegal acts to law enforcement.

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Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	PUBLIC RECORDS
Code	po8310 AM 7-25 PK 10-2-2024
Status	
Adopted	June 13, 2017
Last Revised	March 8, 2022

8310 - **PUBLIC RECORDS**

The School Board recognizes its responsibility to maintain the public records of this District and to make such records available for inspection and reproduction.

Exemptions from Public Records

Public records "Public records" generally means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of the School Board. Due to the growing number of exemptions set forth in Florida law, it is impracticable for the School Board to provide an all-inclusive list of every document that may be exempt from the definition of "public records". However, "public records" do not typically include student records, examination and assessment instruments, medical records, documents containing genetic information, trial preparation records, and confidential law enforcement investigatory records, all of which are exempt from public disclosure. The determination of whether a particular document is exempt will be made upon receipt of a request for release of said document as a public record.

Personally identifiable information of a dependent child of a current or former officer or employee of the School District, who is insured by a group insurance plan provided by the District, is also exempt from public records requirements as set forth in the State Constitution and State statutes. This exemption applies to all personally identifiable information held by the District.

Further, the home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers whose duties include hiring and firing employees, labor contract negotiations, administration, or other personnel-related duties, as well as the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel, and the names and locations of schools and day care facilities attended by the children of such personnel, are exempt from F.S. 119.07(1) and Section 24(a), Article 1 of the State Constitution.

Any information held by the Board that would identify whether a person has been certified to serve as a school guardian is exempt from F.S. 119.07(1) and Section 24(a), Article 1, of the State Constitution.

The identity of a school or postsecondary educational institution, the personally identifiable information of any District personnel, or any specific allegations of misconduct obtained or reported pursuant to an investigation of a testing impropriety conducted by the Department of Education are confidential and exempt from the constitutional public records provisions until the conclusion of the investigation or until such time as the investigation ceases to be active.

Pursuant to State law, a complaint of misconduct against a District employee, and all information obtained pursuant to an investigation by the District of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the District provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the District has either:

- A. concluded the investigation with a finding not to proceed with disciplinary action or file charges, or
- B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the District shall also file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

- A. by certified mail, return receipt requested, to his/her address of record; or
- B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

Access to Public Records

Pursuant to State law, the Superintendent shall appoint a Records Management Liaison Officer (RMLO), who shall serve as the primary point of contact between the District and the Division of Library and Information Services of the Florida Department of State, which is the agency responsible for the State's records management program. The Superintendent may also appoint a Custodian of Records for the District who shall be responsible for implementing the requirements in State law and the State's records management program regarding the public records maintained by the District.

Any individual may inspect and request copies of public records of this District during the regular business hours of the office in which such records are maintained. The District may not require requests for public records to be in writing, nor may the person requesting the information be required to disclose name, address, or phone number unless specifically required to do so by law. The Superintendent is authorized to grant or refuse access to the records of this District in accordance with the intent of this policy and applicable law.

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision of the custodian of public records.

A District employee who has custody of public records may designate another District employee to permit the inspection and copying of public records, but must disclose the identity of the designee to the person requesting to inspect or copy the public records.

No record in a personnel file which is confidential and exempt from inspection and copying pursuant to applicable law shall be disclosed except as provided by applicable law.

A custodian of public records and/or his/her designee must promptly acknowledge, in writing, requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees of the School District whether such a record exists, and, if so, the location at which the record can be accessed. Upon determination that the requested record exists, it must be reviewed to determine whether it contains any information that would be statutorily exempt from public inspection or copying as provided by law. See Policy 8350 – Confidentiality.

Duplicated copies or certified copies of the District's public records shall be provided upon payment of the appropriate fee set forth in the Florida statutes. If the nature or volume of the public records requested will require extensive use of information technology resources or more than fifteen (15) minutes of clerical or supervisory assistance by District personnel, a special service charge attributable to the extensive use of the information technology resources and/or the labor cost of the personnel providing the service will be collected as permitted by State law.

In addition, the actual cost of duplication will be collected for copies of the District's public records in a form other than a duplicated copy. The special service charge will also be collected if the requested copies of the public records in a form other than duplicated copy will require extensive use of information technology resources or more than fifteen (15) minutes of clerical or supervisory assistance by District personnel as permitted by State law.

If the request for copies of a public record in any form could result in the collection of a special service charge, an estimate of the fee that will be due and payable shall be provided to the requestor. The duplication of the requested records will commence upon payment of the estimated fee by the requestor.

No public record may be removed from the office in which it is maintained, except by a Board employee in the course of the performance of his/her duties.

All District records will be maintained in accordance with general records schedules GS1-SL and GS7, as established by the Department of State.

Revised 3/8/22

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Legal

F.S. Chapter 119

F.S. 119.071(2)(k)

F.S. 257.36(5)(a)

F.S. 286.011

F.S. 1002.221

F.S. 1003.25(1)

F.S. 1008.23

20 U.S.C. 1232g

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 C.F.R. Part 1635

Article I, Section 24, State Constitution

F.A.C. 1B-24.001

F.A.C. 1B-24.003

F.A.C. 1B-26.0021

F.A.C. 1B-26.003

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	REPORTS OF SUSPICIOUS ACTIVITY AND POTENTIAL THREATS TO SCHOOLS
Code	po8406 am 7-25 BD 9.23.24
Status	
Adopted	August 28, 2018
Last Revised	March 8, 2022

8406 - **REPORTS OF SUSPICIOUS ACTIVITY AND POTENTIAL THREATS TO SCHOOLS**

It is vitally important that local public safety agencies and school officials be made aware of potential threats to schools as quickly as possible. All employees shall, and students and members of the community are strongly encouraged, to promptly make reports concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to local public safety agencies and/or school officials. The following is a non-exhaustive list of mechanisms to disclose such information by:

- A. contacting local law enforcement agencies, including the Hernando County Sheriff's Office;
- B. utilizing the Florida Department of Education's mobile suspicious reporting tool ("FortifyFL");
- C. contacting the District's Director of Safe Schools - ~~Jill Renihan~~ **Brandon DeRespiris** - as follows:
 - 1. in person at 275 Oak St., Brooksville, FL 34601;
 - 2. via-telephone at 352-797-7233;
 - 3. via-email at ~~renihan_j@hcsb.k12.fl.us~~; **derespiris_b@hcsb.k12.fl.us**
- D. calling 9-1-1.

In addition, employees must also report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to the Superintendent.

The identity of the reporting party and any other information received by school officials through the Florida Department of Education's mobile suspicious reporting tool is confidential and exempt under Florida's Public Records Act.

The District shall provide instruction on FortifyFL within the first five (5) days of school each year. The instruction must be age and developmentally appropriate and include the consequences of making a threat or false report.

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Legal F.S. 119.07
F.S. 943.082

F.S. 1006.07

F.A.C. 6A-1.0018

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Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	Copy of SAFE-SCHOOL OFFICERS
Code	po8407 AM 10-2 BD 10.22.24
Status	
Adopted	August 28, 2018
Last Revised	December 13, 2022

8407 - **SAFE-SCHOOL OFFICERS**

For the protection and safety of students, school personnel, visitors, and property, the District shall partner with local law enforcement agencies, security agencies, or guardian employees to establish or assign one or more safe-school officers at each school in the District.

A Safe-School officer shall be present, at a minimum, during the school day when the school facility is open for instruction as defined by the approved school calendar (See, Policy 8210 - *School Calendar*)

Definitions

"Safe-School officer" means a school resource officer, a school-safety officer, a school guardian, or a school security guard, as identified in F.S. 1006.12.

"School facility" means a public K-12 school, including a charter school, with a Master School Identification Number (MSID) number as provided under F.A.C. 6A-1.0016, with the following exceptions:

- A. Schools with separate MSID numbers that are located at the same physical location and are co-located with each other are a single school facility.
- B. Schools that are located at separate physical locations and are not co-located, but share one MSID number are separate school facilities.
- C. A school facility does not include:
 - 1. schools without a physical location for instruction of students, such as virtual schools, virtual instruction programs, virtual course offerings, franchises of the Florida Virtual School and virtual charter schools;
 - 2. settings where instruction is provided in a county jail or state prison, in a Department of Juvenile Justice facility or program, in a hospital, or while a student is homebound;
 - 3. schools that provide only prekindergarten or adult education;
 - 4. technical centers under F.S. 1004.91; and
 - 5. private schools, regardless of whether or not their students receive State scholarship funds under F.S. Chapter 1002.

Further, the Board will collaborate with charter school governing boards located in the District to facilitate access to all safe-school officer options available pursuant to Florida law. Options for safe school officers are presented below. ~~HERNANDO LANG. DO YOU STILL WANT THIS IN THE POLICY?~~

Training

Safe-School officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

Limitations

An individual must satisfy background screening, psychological evaluation, and drug test requirements and be approved by the Hernando County Sheriff before participating in any training required by F.S. 30.15(1)(k) which may be conducted only by a sheriff. ~~THIS LANG. IS IN THE TEMPLATE, WOULD YOU LIKE TO ADD TO YOUR POLICY?~~

☒ School Guardians (Chris Hixon, The Coach Aaron Feis an Coach Scott Beigel Guardian Program)

The School Board utilizes school guardians pursuant to The Chris Hixon, Coach Aaron Feis an Coach Scott Beigel Guardian Program ~~Coach Aaron Feis Guardian Program~~. The Superintendent shall be responsible for appointing school guardians. Prior to appointing school guardians, ~~[OPTION ONE] [] the Superintendent must provide the Board with evidence from the _____ Sheriff demonstrating that potential school guardians have met all the requirements set forth in F.S. 30.15. [END OPTION ONE] [OPTION TWO] [X] the Superintendent must verify through evidence provided by the Hernando County Sheriff that potential school guardians have met all the requirements set forth in F.S. 30.15. [END OPTION TWO] THIS LANG. IS IN THE TEMPLATE, WOULD YOU LIKE TO ADD TO YOUR POLICY?~~

The guardian training program must include twelve (12) hours about responding to and de-escalating incidents on school premises.

The District must report to the Florida Department of Law Enforcement (FDLE) the name, date of birth, and appointment date of each person appointed as a guardian, as well as the date of separation if a guardian leaves the assignment. ~~[DRAFTING NOTE: An initial report from each District, charter school, and private school of all guardians currently appointed is due on September 1, 2024.]~~

School guardians do not have the power of arrest or the authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident. In support of school-sanctioned activities for purposes of F.S. 790.115, the following individuals may serve as a school guardian:

- A. a District employee or personnel as defined under F.S. 1002.01 who volunteers to serve as a school guardian in addition to his/her official job duties; or
- B. a District employee who is hired for the specific purpose of serving as a school guardian. ~~YOU ONLY ADD THIS LANGUAGE IF YOU SELECT THE OPTIONAL LANGUAGE~~

School Security Guards

Pursuant to F.S. 1006.12, the School Board contracts with one (1) or more security agencies to provide appropriately licensed and trained security guards. All contracts with security agencies must ensure that any employee serving in the role of safe school officer hold guardianship certification as authorized by a Florida Sheriff. The security agency must, among other things, maintain records related to training, inspection, and firearm qualification.

All security guards serving in the capacity of a safe-school officer pursuant to this policy and Florida law are in support of school-sanctioned activities for purposes of F.S. 790.115 and must aid in the prevention or abatement of active assailant incidents on school premises.

The Superintendent, in consultation with the School Safety Specialist, is responsible for developing procedures relating to the assignment of Safe-School officers outside of the regular school day, including during, before, and after school, summer school, during extra-curricular activities, and for school-sponsored events. In developing the procedures, the Superintendent must consider factors such as the number of persons present, the ratio of staff members to students, and other safety measures available.

Notification of Incidents Involving Safe-School Officer Discipline, Dismissal or Discharge of a Firearm

A. Discharge of a Weapon

"Discharge" means to fire a gun or firearm.

The Superintendent must notice the Office of Safe Schools when a Safe-School officer assigned to any school facility in the District discharges a firearm in the exercise of Safe-School officer duties, other than for training purposes, as provided in F.S. 1006.12 (5). Notification must be made no later than seventy-two (72) hours of the incident by submitting Form SSON-2021 to SafeSchools@fldoe.org.

The Superintendent is also responsible for notifying the Hernando County Sheriff immediately after, but no later than seventy-two (72) hours after, a Safe-School Officer discharges their firearm in the exercise of their duties other than for training purposes.

B. Dismissal or Discipline

"Dismissal" means a Safe-School officer is permanently relieved of their position. Dismissal or termination is involuntary and initiated by the employer, including firings or other discharges for cause. "Discipline" means a Safe-School officer received a behavior-related official reprimand.

The Superintendent must notify the Office of Safe Schools when a Safe-School officer assigned to a school facility in the District has been disciplined for misconduct or has been dismissed from their duties as a Safe-School officer by their employer, including in cases where the officer is reassigned or moved to another school location, whether by a school district, charter school, law enforcement agency, or private security company, as provided F.S. 1006.12 (5). Notification must be made no later than seventy-two (72) hours of the dismissal or disciplinary action by submitting Form SSON-2021 to SafeSchools@fldoe.org.

C. The Superintendent must notify the Office of Safe Schools when there is an allegation of misconduct that results in a Safe-School officer being placed on administrative leave or reassigned pending completion of an investigation using the procedure set forth in F.A.C. 6A-1.0018 (18)(b)1. Within fifteen (15) days of completion of the investigation, updated information regarding the result of the investigation must be provided to the Office of Safe Schools.

The Superintendent is also responsible for notifying the Hernando County Sheriff immediately after, but no later than seventy-two (72) hours after, a Safe-School Officer is dismissed for misconduct or disciplined.

D. The Superintendent shall adopt and implement procedures to verify that charter schools, law enforcement agencies, and private security firms employing or contracting with Safe-School officers timely report discipline and dismissal of Safe-School officers and any discharge of an officer's weapon outside of training activities, so that the District can meet the reporting requirements under Florida law.

With respect to matters relating to employment, school resource officers shall be responsible to their law enforcement agency, subject to agreements between the Board and law enforcement agency. Activities conducted by school resource officers which are part of the regular instructional program of schools shall be under the direction of school principals.

The powers and duties of law enforcement officers shall continue throughout school resource officers' tenure.

With respect to matters relating to safe school officers who are employees of security agencies, school security guards shall be responsible to their security agency subject to an agreement between the Board or the charter school governing board and the security agency.

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Legal

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F.S. 30.15

F.S. 1006.12

F.A.C. 6A-1.0018

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Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	EMERGENCY AND CRISIS MANAGEMENT
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Status	
Adopted	June 13, 2017
Last Revised	December 13, 2022

8415 - **EMERGENCY AND CRISIS MANAGEMENT**

The School Board recognizes that the use of its facilities and transportation services can be invaluable to this community in a crisis or emergency. Therefore, in the event of a local or State emergency and upon the request of the local emergency management agency, the District shall participate in the emergency management effort by providing its facilities for use as emergency congregate shelters and by providing personnel necessary to ~~staff~~ access them or perform other duties related to the facilities as may be required pursuant to the county emergency management plan and program. Additionally, if needed, the District shall coordinate the use of its vehicles and transportation personnel with the local emergency management agency to facilitate an emergency evacuation or for other related purposes.

The Board authorizes the Superintendent to establish a crisis management team whose members shall be trained in various emergency procedures.

If a life-threatening emergency is anticipated in or near the District, crisis management team members, as well as the principals and other designated personnel of schools serving as emergency congregate shelters, shall make themselves available as needed. Unless otherwise designated, the principal of each school serving as a congregate shelter shall be the "shelter manager" and shall be responsible for all aspects of the operation of the emergency congregate shelter.

The Board recognizes that exempt and nonexempt employees who serve on the crisis management team, who staff the congregate shelters, and who provide additional services during a declared emergency will be providing services that exceed their contractual obligations by working on days and at times when other District employees are not required to be on duty. In addition to receiving their regular pay in accordance with the Board-adopted salary schedule for their position, the Board shall pay hourly additional pay to those employees who perform duties in direct support of the District's congregate sheltering operations on days when other District employees are not required to be on duty in accordance with the schedule for such emergency service that is adopted by the Board. Nonexempt staff members who receive such pay shall also receive one and one-half (1 1/2) times the established rate in the Board-approved schedule for such emergency service for hours worked beyond forty (40) hours in a seven (7) day period. In any case, the pay received shall be considered extra compensation and shall not be part of the employee's base salary prospectively. Any employee unwilling to report to work or unwilling to work remotely when requested to do so in support of a declared emergency will not be paid during the emergency closure period. The Superintendent will establish procedures in support of this policy.

Following the use of District facilities as congregate shelters, the Superintendent shall calculate the amount spent during the period the facilities were used for congregate shelters that is above and beyond the usual and customary expenses to operate the facilities during that time period for the following:

- A. utilities (e.g., power, water, and telephone),
- B. generator usage (rental costs and/or fuel required),

- C. shelter safety and security,
- D. costs related to use of buses and other vehicles, excluding operator costs, and
- E. costs related to cleanup and damages to shelters by shelter residents.

The Superintendent is authorized to submit the itemized total expended by the District for extra compensation for exempt and nonexempt staff, as well as the additional amount expended for the operation of the District facilities used as congregate shelters, to the Federal Emergency Management Agency (FEMA) for reimbursement. The Board shall be informed of the amount of reimbursement requested from FEMA at the next regularly-scheduled Board meeting.

Revised 12/13/22

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Legal	F.S. 252.38
	F.S. 252.385
	F.S. 1001.41
	F.S. 1001.42
	F.S. 1001.43
	F.S. 1006.07
	F.S. 1013.10
	F.S. 1013.372

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	EMERGENCY MANAGEMENT, EMERGENCY PREPAREDNESS, AND EMERGENCY RESPONSE AGENCIES
Code	po8420 am 7-25 OPTIONS TO CONSIDER BD 9.23.24 BH 10.1.24
Status	
Adopted	June 13, 2017
Last Revised	May 14, 2024

8420 - **EMERGENCY MANAGEMENT, EMERGENCY PREPAREDNESS, AND EMERGENCY RESPONSE AGENCIES**

Emergency Management and Emergency Preparedness

The School Board recognizes that its responsibility for the safety of students and staff requires that it formulate and prescribe in consultation with appropriate public safety agencies emergency management and emergency preparedness procedures for all public schools in the District, including emergency notification procedures for life-threatening emergencies, including, but not limited, fires; natural disasters; bomb threats; weapon-use, hostage and active shooter situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure as a result of a manmade emergency and that such emergencies are best met by preparedness and planning.

Policies and procedures for emergency drills and fire drills shall be developed in consultation with the appropriate public safety agencies, including at a minimum, law enforcement, fire service, and emergency management.

The active shooter situation training for each school must engage the participation of the School Safety Specialist, threat assessment team members, faculty, staff, and students.

Pursuant to Policy 8405 - *School Safety and Security*, the Superintendent (in conjunction with the School Safety Specialist) shall develop, and revise as necessary, a School Safety Plan to provide for the safety and welfare of the students and staff, as well as a system of emergency preparedness and accompanying procedures that provide for the following:

- A. a listing of the commonly used alarm system response for specific types of emergencies and verification by each school that drills have been provided as required by law, State Board of Education rules and fire protection codes;
- B. the health and safety of students and staff are safeguarded;
- C. students are helped to learn self-reliance and trained to respond sensibly to emergency situations;
- D. the system is supported by ongoing training that will include practical application and appropriate "drills" as required by F.S. 1006.07;
- E. evacuation drills should represent actual emergencies, including, but not limited to a firearm, natural disasters, and bomb threats;
- F. emergency egress and relocation drills (including, but not necessarily limited to, fire drills) in accordance with the requirements of the Florida Fire Prevention Code, the Fire Code (NFPA 1), and the Life Safety Code (NFPA 101);

- G. drills for active shooter and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures as specified in State Board of Education rules;
 - H. law enforcement officers responsible for responding to the school in the event of an active assailant emergency, as determined necessary by the sheriff in coordination with the District's School Safety Specialist, must be physically present on campus and directly involved in the execution of active assailant drills; and
- The District's School Safety Specialist must notify law enforcement officers at least twenty-four (24) hours before conducting an active assailant emergency drills at which such law enforcement officers are expected to attend.
- I. floor plans of each school must be provided to all community emergency responders in support of evacuation procedures.

The District shall comply with the school safety requirements in accordance with F.S. 1006.07(6)(f), including the following:

- A. All gates or other access points that restrict ingress to or egress from a school campus shall remain closed and locked when students are on campus. A gate or other campus access point may not be open or unlocked, regardless of whether it is during normal school hours, unless:
 - 1. attended or actively staffed by a person when students are on campus;
 - 2. the use is in accordance with a shared use agreement pursuant to F.S. 1013.101; or
 - 3. the School Safety Specialist, or designee, has documented in the Florida Safe Schools Assessment Tool portal maintained by the Office of Safe Schools (OSS) that the gate or other access point is not subject to this requirement based upon other safety measures at the school. The office may conduct a compliance visit pursuant to F.S. 1001.212(14) to review if such determination is appropriate.
- B. All school classrooms and other instructional spaces must be locked to prevent ingress when occupied by students, except between class periods when students are moving between classrooms or other instructional spaces. If a classroom or other instructional space door must be left unlocked or open for any reason other than between class periods when students are moving between classrooms or other instructional spaces, the door must be actively staffed by a person standing or seated at the door.
- C. All campus access doors, gates, and other access points that allow ingress to or egress from a school building shall remain closed and locked at all times to prevent ingress, unless a person is actively entering or exiting the door, gate, or other access point or the School Safety Specialist, or designee, has documented in the Florida Safe Schools Assessment Tool portal maintained by the Office of Safe Schools that the open and unlocked door, gate, or other access point is not subject to this requirement based upon other safety measures at the school. The office may conduct a compliance visit pursuant to F.S. 1001.212(14) to review if such determination is appropriate. All campus access doors, gates, and other access points may be electronically or manually controlled by school personnel to allow access by authorized visitors, students, and school personnel.
- D. All school classrooms and other instructional spaces must clearly and conspicuously mark the safest areas in each classroom or other instructional space where students must shelter in place during an emergency. Students must be notified of these safe areas within the first ten (10) days of the school year. If it is not feasible to clearly and conspicuously mark the safest areas in a classroom or other instructional space, the school safety specialist, or designee, must document such determination in the Florida Safe Schools Assessment Tool portal maintained by the OSS, identifying where affected students must shelter in place. The OSS shall assist the School Safety Specialist with compliance during the inspection required under F.S. 1001.212(14).

Persons who are aware of a violation of the requirements must report the violation to the Principal. The Principal must report the violation to the school safety specialist no later than the next business day after receiving such report. If the person who violated this paragraph is the Principal or charter school administrator, the report must be made directly to the Superintendent or charter school governing board, as applicable.

Instructional and administrative personnel X] as well as educational support employees and managers **[END OF OPTION]** as defined in F.S. 1012.01 who knowingly violate school safety requirements shall be subject to the District's progressive discipline policy.

All threats to the safety of District facilities, students, and staff shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness. Any aspect of the emergency preparedness plan and/or procedures that are included in the School Safety Plan shall remain confidential and exempt from public records disclosure in accordance with State law.

The Superintendent, as part of the development of the emergency preparedness plan and procedures, shall establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of school campuses.

An after-action report must be completed following each emergency drill and fire drill. After-action reports must:

- A. identify the type of drill, location and date of the drill, participants, and involvement of law enforcement or other public safety agencies;
- B. describe actions taken by participants;
- C. analyze areas of success and areas where improvement is needed;
- D. include input from public safety agencies; and,
- E. include a plan for corrective action.

After-action reports must be submitted to the District school safety specialist for review fifteen (15) calendar days following completion of the drill.

The District shall maintain a record that is accessible at each school or by the OSS of all current school year and prior school year drills conducted, including the names of law enforcement personnel present for each active assailant emergency drill.

Alyssa's Alert/Mobile Panic Alert System

In accordance with the requirements of F.S. 1006.07, the District shall implement a mobile panic alert system. The District will select a system under contract with FL DOE or procure a different system. The District will maintain current listings of mobile panic alert systems implemented by all public schools, including charter schools, within the District. Such list shall include the school name, address, and MSID number, and vendor or application implemented. The list will be provided to the Office of Safe Schools via e-mail by August 1, 2022, and will be updated within five (5) school days of a school opening or closing, or when any other change occurs that impacts the accuracy of District-provided information.

The District's mobile panic alert system will include mobile devices placed throughout each school campus. In determining the number and placement of devices needed to afford all staff members the ability to silently and easily activate a panic alert in the event of an on-campus emergency, the District will consider using a combination of fixed panic alert buttons, mobile and desktop applications, landline phone capabilities, and wearable panic alerts (such as on a lanyard).

The District's policies and procedures related to Alyssa's Alert/Mobile Panic Alert Systems will be developed in consultation with the County 911 authority and local emergency management office to ensure that the system integrates with local public safety answering point (PSAP) infrastructure to transmit calls and mobile activations.

List of Emergency Response Agencies

The primary emergency response agencies that are responsible for notifying the District for each type of emergency are as follows:

A. Fires:

Hernando County Sheriff's Office Dispatch Center

B. Natural Disasters:

Hernando County Emergency Management Office

C. Bomb Threats:

Hernando County Sheriff's Office Dispatch Center

D. Weapon-Use, Hostage, and Active Shooter Situations:

Hernando County Sheriff's Office Dispatch Center

E. Hazardous Materials or Toxic Chemical Spills:

Hernando County Sheriff's Office Dispatch Center

F. Weather Emergencies, Including Hurricanes, Tornadoes, and Severe Storms:

Hernando County Emergency Management Office

G. Exposure as a Result of a Manmade Emergency:

Hernando County Emergency Management Office

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.

Individuals who have authority to enact emergency procedures such as fire alarm or active threat on campus include any and all employees of the District (i.e., District staff, principals and administrators, teachers, school-based and District support staff), and/or emergency first responders (e.g., law enforcement and fire rescue personnel).

The individual(s) responsible for contacting the primary emergency response agencies listed above are as follows:

- A. Director of Safe Schools;
- B. Fire Official/Plans Examiner;
- C. Assistant Superintendent of Business Services and Operations;
- D. Principals and administrators;
- E. teachers and staff.

The information in this section shall be part of the School Safety and Security Plan, and, therefore, confidential.

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Revised 3/8/22

Revised 12/13/22

Revised 5/14/24

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Legal

Florida Fire Prevention Code (F.S. 633.202)

F.S. 1001.43

F.S. 1006.07

F.S. 1006.07(6)(f)

F.S. 1013.13

Fire Code (NFPA 1)

Life Safety Code (NFPA 101)

F.A.C. 6A-1.0018

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Book	Policy Manual
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Title	CRIMINAL BACKGROUND CHECKS FOR CONTRACTOR ACCESS
Code	po8475 AM 7-25 OPTIONS TO CONSIDER BD 9.23.24
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Adopted	June 13, 2017
Last Revised	December 12, 2023

8475 - **CRIMINAL BACKGROUND SCREENING FOR CONTRACTOR ☒ AND VOLUNTEER SCHOOL CHAPLAIN ☐ END OF OPTION** ACCESS

The safety of students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that all contractual personnel ☒ and volunteer school chaplains ☐ who are permitted access on school grounds when students are present, who have direct access to students, or who have access to or control of school funds must meet the screening requirements of F.S. 1012.32. Further, contractors ☒ and volunteer school chaplains ☐ who have direct contact with students must, upon engagement to provide services, undergo a background screening as required under F.S. 435.12 as well as F.S. 1012.465 or F.S. 1012.56 (whichever is applicable).

The Board is a registered employer with the Care Provider Background Screening Clearinghouse. Criminal history checks through the Care Provider Background Screening will be conducted before referring an employee or potential employee or a person with a current or potential affiliation with the District for electronic fingerprint submission to the Florida Department of Law Enforcement. For purposes of this policy, "affiliation" means the status of a person employed or serving as a volunteer or contractor, or seeking to be employed or to serve as a volunteer or contractor, with the District in a position for which screening is not required by law but is authorized under the National Child Protection Act. Additionally, as it relates to Care Provider Background Screening, the following shall further apply:

- A. Before January 1, 2024, initial status and any changes in status must be reported within ten (10) business days after a person receives his or her initial status or after a change in the person's status has been made.
- B. Effective January 1, 2024, initial status and any changes in status must be reported within five (5) business days after a person receives his or her initial status or after a change in the person's status has been made.

For purposes of this policy a "contractor" shall mean any vendor, individual, or entity under contract with a school or with the School Board who receives remuneration for services performed for the District or a school, but who is not otherwise considered an employee of the District. The term also includes any employee of a contractor who performs services for the District or school under the contract, as well as any subcontractor and employees of that subcontractor. This policy applies to both instructional and non-instructional contractors.

☒ A "volunteer school chaplain" is a qualified person who has volunteered to fulfill the role of a school chaplain, pursuant to F.S. 1012.461 and Policy 9200 - *Volunteers*. **END OF OPTIONS**

All contractors shall be informed that they are subject to criminal background checks.

Further, every five (5) years following the initial entry into a contract with the Board or a school in a capacity described above, each person who is so employed as a vendor, individual, or employee of a contractor with the School District must meet Level 2 screening requirements.

Although the information contained in the reports received is confidential, pursuant to State law the District shall share information received as the result of the criminal background check with other school districts upon request from another district.

The information contained in the reports received is confidential. The District shall not share information received as the result of the criminal background check with other school districts.

A contractor **[X] or volunteer school chaplain [END OF OPTION]** who has a criminal history records check and meets the screening requirements set forth in State law shall be permitted to have access on school grounds when students are present, to have direct contact with students, and to have access to or control of school funds as required by the scope of their ~~employment~~ **contract or engagement**.

Exemptions for Non-Instructional Contractors

The following noninstructional contractors shall be exempt from the screening requirements set forth in State law:

- A. Non-instructional contractors who are under the direct supervision of a School District employee are exempt from the screening requirements set forth in State law. Pursuant to State law, "direct supervision" means that a School District employee or contractor, who has had a criminal history records check and has met the screening requirements, is physically present with a non-instructional contractor when the non-instructional contractor has access to a student and the access remains in the School District employee's or the qualified contractor's line of sight.

However, if a noninstructional contractor who was exempt, because s/he is under the direct supervision of a District employee or a contractor who has met the criminal history records, check screening requirements are no longer under direct supervision of that employee or contractor who has met the criminal history records check screening requirement, said non-instructional contractor shall not be permitted on school grounds when students are present until s/he meets the screening requirements set forth in State law or until such direct supervision can be assured.

- B. A non-instructional contractor who is required by law to undergo a Level 2 background screening pursuant to F.S. 435.04 for licensure, certification, employment, or other purposes and who submits evidence of meeting the following criteria:

1. The contractor meets the screening standards in F.S. 435.04.
2. The contractor's license or certificate is active and in good standing, if the contractor is a licensee or certificate holder.
3. The contractor completed the criminal history check within five (5) years prior to seeking access to school grounds when students are present.

- C. A law enforcement officer, as defined in F.S. 943.10, who is assigned or dispatched to school grounds by his/her employer.
- D. An employee or medical director of an ambulance provider, licensed pursuant to Chapter 401 of State law, who is providing services within the scope of part III of Chapter 401 of State law on behalf of such ambulance provider.
- E. Non-instructional contractors who remain at a site where students are not permitted if the site is separated from the remainder of the school grounds by a single chain-link fence of six (6) feet in height.
- F. A non-instructional contractor who provides pickup or delivery services and those services involve brief visits on school grounds when students are present.

The District will not subject a contractor who meets the requirements set forth in State law to an additional criminal history check. Upon submission of evidence and verification by the School District, the District will accept the results of the criminal history check for the contractor.

A non-instructional contractor who is exempt under this policy from the screening requirements set forth in State law is subject to a search of his/her name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under F.S. 943.043 and the National Sex

Offender Public Registry maintained by the United States Department of Justice. The District will conduct the search required under this subsection without charge or fee to the contractor.

Disqualifying Offenses for Non-Instructional Contractors

A non-instructional contractor for whom a criminal history check is required under this policy may not have been convicted of any of the following offenses designated in the Florida statutes, any similar offense in another jurisdiction, or any similar offense committed in this State which has been redesignated from a former provision of the Florida statutes to one (1) of the following:

- A. Any offense listed in F.S. 943.0435(1)(h)1. relating to the registration of an individual as a sexual offender.
- B. Any offense under F.S. 393.135 relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.
- C. Any offense under F.S. 394.4593 relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.
- D. Any offense under F.S. 775.30 relating to terrorism.
- E. Any offense under F.S. 782.04 relating to murder.
- F. Any offense under F.S. 787.01 relating to kidnapping.
- G. Any offense under Chapter 800 of State law relating to lewdness and indecent exposure.
- H. Any offense under F.S. 826.04 relating to incest.
- I. Any offense under F.S. 827.03 relating to child abuse, aggravated child abuse, or neglect of a child.

For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435. Additionally, "conviction of a similar offense" includes, but is not limited to, a conviction by a Federal or military tribunal, including court-martials conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any State of the United States or other jurisdiction. Further, a "sanction" includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a State prison, Federal prison, private correctional facility, or local detention facility.

Disqualifying Offenses for Instructional Contractors

An instructional contractor may not have been convicted of any of the offenses listed in F.S. 1012.315.

Duty to Inform

Under penalty of perjury, each person who is under contract in a capacity described in this policy must agree to inform his/her employer or the party with whom s/he is under contract within forty-eight (48) hours if convicted of any disqualifying offense while s/he is under contract in that capacity. A contractor who willfully fails to comply with this subsection commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083. If the employer of a non-instructional contractor or the party to whom the non-instructional contractor is under contract knows the non-instructional contractor has been arrested for any of the disqualifying offenses listed above, and authorizes the non-instructional contractor to be present on school grounds when students are present, such employer or such party commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083.

Failure to Meet Screening Requirements

If it is found that a person who is under contract in a capacity described in this policy does not meet the screening requirements, and/or has been convicted of any of the offenses listed above, the person shall be immediately suspended from working in the capacity of a contractor and having access to school grounds, and shall remain suspended until final resolution of any appeals and/or the conviction is set aside in any post-conviction proceeding.

Sexual Predators

A contractor who is identified as a sexual predator or sexual offender in the registry search shall not be permitted on school grounds when students are present. Upon determining that a contractor shall not be permitted on school grounds because of his/her status as a sexual predator or sexual offender, the District will notify the vendor, individual, or entity under contract within three (3) business days.

Board's Duty to Notify Contractor of Denial of Access

If the District has reasonable cause to believe that grounds exist for the denial of a contractor's access to school grounds when students are present, it shall notify the contractor in writing, stating the specific record that indicates noncompliance with the standards set forth in this policy. It is the responsibility of the affected contractor to contest his/her denial. The only basis for contesting the denial is proof of mistaken identity or that an offense from another jurisdiction is not disqualifying under those offenses listed above.

Identification Badges

State law requires the Department of Education (DOE) to create a uniform, Statewide identification badge to be worn by contractors. This badge signifies that a contractor has met the statutory background screening requirements. The District must issue an identification badge to the contractor, which must bear a photograph of the contractor, if the contractor:

- A. is a resident and citizen of the United States or a permanent resident alien of the United States as determined by the United States Citizenship and Immigration Services;
- B. is eighteen (18) years of age or older; and
- C. meets the statutory background screening requirements pursuant to State law and this policy.

Non-instructional contractors under contract with the District will be issued a District non-instructional contractors badge at the beginning of each school year.

The uniform, Statewide identification badge will be recognized by the District and must be visible at all times that a contractor is on school grounds. The identification badge is valid for a period of five (5) years. A contractor who is arrested for any disqualifying offense is required to inform his/her employer or the party to whom s/he is under contract within forty-eight (48) hours. If a contractor provides such notification, the contractor must, within forty-eight (48) hours, return the identification badge to the school district that issued the badge.

State law requires the FLDOE to determine a uniform cost that a school district may charge a contractor for receipt of the identification badge, which must be borne by the recipient of the badge. These provisions do not apply to non-instructional contractors who are exempt from background screening requirements.

Penalty for Violation

A contractor who is present on school grounds in violation of this section commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083.

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Revised 12/12/23

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Legal	F.S. 435.12
	F.S. 775.082
	F.S. 775.083
	F.S. 1012.32
	F.S. 1012.465
	F.S. 1012.467
	F.S. 1012.468
	F.S. 1012.56

Last Modified by Brandon DeRespiris on October 23, 2024



Book	Policy Manual
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Code	po8600 AM 7-25 CONSIDER COMPARING CURRENT POLICY TO NEOLA TEMPLATE 8600. MISSING PARAGRAPHS IN CURRENT POLICY, WHICH MAY BE ON PURPOSE RL 9_19_24
Status	
Adopted	June 13, 2017
Last Revised	May 14, 2024

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 and other Board-approved vehicle 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 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.

School Bus Infraction Detection Systems

Consistent with F.S. 316.173 and based solely on the need to increase public safety, the Board operates a school bus infraction detection system on all school buses in the District for the purpose of enforcing F.S. 316.172(1)(a) and (b). No individual is permitted to receive a commission from any revenue collected from violations detected through the use of the District's system. In the event the District contracts with a vendor or manufacturer to install a school bus infraction detection system on any school bus or operate and maintain the system, such vendor or manufacturer is not permitted to receive a fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.

The Board shall enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce violations of F.S. 316.172(1)(a) and (b) within the District which jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with school bus infraction detection systems consistent with F.S. 316.173.

All school bus infraction detection systems shall meet specifications established by the State Board of Education and will be tested at regular intervals according to specifications prescribed by State Board rule.

A school bus equipped with a school bus infraction system must meet the following specifications as set forth in F.A.C. 6A-3.003:

- A. the system shall be comprised of two (2) or more cameras affixed to a school bus that meets all of the following requirements:
 - 1. Is synchronized to automatically record video or one or more sequenced photographs of a vehicle failing to stop for a school bus in violation of F.S. 316.172;
 - 2. Is capable of capturing images of:
 - a. The left and right side of the school bus documenting a vehicle illegally passing the stopped school bus from either direction beginning when the vehicle is no less than two-hundred (200) feet from the school bus; and,
 - b. The license plate on the rear of the vehicle.
 - 3. Is capable of capturing a record of the following:
 - a. The date, time and GPS location of the violation;
 - b. The status of the school bus' eight-way student warning light system at the time of the violation; and,
 - c. The date stamp documenting the latest system self-test conducted on the School Bus Infraction Detection System.
- B. The school bus infraction detection systems must perform a self-test no less than once every thirty (30) days and be tested by a licensed technician at least once a year.
- C. Images and data recorded by the system will not identify or depict any student unless the student is the operator of a vehicle failing to stop for a school bus in violation of F.S. 316.172.

Signage on School Buses

Any school bus with an operational infraction detection system will include ~~high-visibility reflective~~ signage on the rear of the bus. The signage must be in the form of one or more signs or stickers and must contain the following elements in substantially the following form:

- A. the words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS WHEN RED LIGHTS FLASH";
- B. the words "CAMERA ENFORCED"; and,
- C. a graphic depiction of a camera.

The signage must occupy at least seventy-five percent (75%) of the available space that does not contain signs or insignia that are required by other applicable law or by the State Board of Education.

Notice to the Public

The District will make a public announcement and conduct a public awareness campaign of the proposed use of school bus infraction detection systems at least 30 days before commencing enforcement under the school bus infraction detection system program and notify the public of the specific date on which the program will commence. During the thirty (30) day public awareness campaign, only a warning may be issued to the registered owner of a motor vehicle for a violation F.S. 316.172(1)(a) or (b) enforced by a school bus infraction detection system, and a civil penalty may not be imposed F.S. Chapter 318.

Violations

Within thirty (30) days after an alleged violation of F.S. 316.172(1)(a) or (b) is recorded by a school bus infraction detection system, the District or its private vendor or manufacturer must submit the following information to a law enforcement agency that has entered into an interlocal agreement with the District pursuant to this policy and has traffic infraction enforcement jurisdiction at the location where the alleged violation occurred:

- A. a copy of the recorded video and images showing the motor vehicle allegedly violating F.S. 316.172(1)(a) or (b);
- B. the motor vehicle's license plate number and the state of issuance of the motor vehicle's license plate; and,
- C. the date, time, and location of the alleged violation.

Videos and Images of Alleged Infractions

~~Notwithstanding any other law, equipment deployed as part of a~~ The school bus infraction detection system ~~will not be capable of automated or user-controlled~~ may not be used for remote surveillance. ~~The collection of evidence by the school bus infraction detection system to enforce violations of F.S. 316.172 does not constitute remote surveillance.~~

Video and images recorded as part of the school bus infraction detection system may only be used ~~to document violations of F.S. 316.172(1)(a) and (b) and may not be used for any other surveillance purposes~~ for traffic enforcement and for purposes of determining criminal or civil liability for incidents captured by the school bus infraction detection system incidental to the permissible use of the system

To the extent practicable, a school bus infraction detection system will utilize necessary technology so that personal identifying information contained in the video or still images recorded by the system which is not relevant to the alleged violation, including, but not limited to, the identity of the driver and any passenger of a motor vehicle, the interior or contents of a motor vehicle, the identity of an uninvolved person, a number identifying the address of a private residence, and the contents or interior of a private residence, is sufficiently obscured so as not to reveal such personal identifying information.

Any recorded video or still image obtained through the use of a school bus infraction detection system must be destroyed within ninety (90) days after the final disposition of the recorded event. The vendor of the school bus infraction detection system must provide the District with written notice by December 31st of each year that such records have been destroyed in accordance with F.S. 316.173.

Quarterly Reporting to the Florida Department of Education

By October 1, 2023, and quarterly thereafter, the District, ~~in consultation with the law enforcement agencies with which it has interlocal agreements pursuant to this policy,~~ will submit, ~~in consultation with the law enforcement agencies with which it has interlocal agreements pursuant to this policy,~~ a report to the Florida Department of Education which details the

results of the school bus infraction detection systems in the District in the preceding quarter. The report will contain the information required in F.S. 316.173. The District will maintain its respective data for reporting purposes for at least two (2) years after such data is reported to the Florida Department of Education.

Revised 7/25/23

Revised 12/12/23

Revised 5/14/24

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Legal

F.S. 316.173

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

F.A.C. 6A-3.003

Last Modified by Maria Cain on October 2, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	VOLUNTEERS
Code	po9200 am 7-25 OPTIONS TO CONSIDER BD 9.23.24
Status	
Adopted	June 13, 2017
Last Revised	December 12, 2023

9200 - **VOLUNTEERS**

The School Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the school staff who are responsible for the conduct of those programs and activities. A school volunteer is any non-compensated person who may be appointed by the Superintendent. School volunteers may include, but are not limited to, parents, senior citizens, students, and others who assist the teacher or other members of the school staff.

The Superintendent is responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. The Superintendent shall not be obligated to make use of volunteers whose abilities are not in accord with District needs. The Superintendent shall develop procedures in accordance with this policy which must include, but not be limited to, requirement that each volunteer who may be expected to assume responsibility for the health, safety, and welfare of students has a clear understanding of Florida law and District rules, policies and regulations relevant to the volunteer's responsibilities.

Retiree Volunteer Program

Retirees seeking to provide civic, charitable, and humanitarian services to the District during the first 12 calendar months following their retirement must meet the following criteria:

- A. Before the retiree's date of retirement, there was no agreement or understanding between the Board and the retiree that the retiree would provide any service for the Board.
- B. The Board or a third party may not provide any form of compensation, including any cash equivalents, to a retiree volunteer for their volunteer service.
- C. Except as otherwise provided in law, a retiree volunteer may not be provided any employee benefits, including health or life insurance benefits. However, a retiree volunteer may be provided certain perquisites necessary for, and for the limited purpose of, completing tasks associated with the Board's retiree volunteer program, such as an assigned uniform or the provision of equipment.
- D. The number of volunteer hours per week, including training hours, that the retiree volunteer may provide is no more than 20% of the number of hours that the retiree volunteer was expected to work per week before their date of retirement.
- E. There is a clear distinction between the duties of the retiree volunteer and the duties of a Board employee.
- F. The schedule of a retiree volunteer, including the number of hours volunteered and the number and type of assignments for which they agree to volunteer, is controlled by the retiree volunteer.

G. The Board and the volunteer retiree are both required to maintain adequate records to document adherence to the criteria listed in this policy. These records must be made available upon request to the Department of Management Services (DMS) or State Board of Administration (SBA).

The principal or department supervisor as applicable shall be responsible for maintaining post-employment retiree volunteer records in accordance with this policy.

X] School Chaplains

As a resource for students, the Board authorizes volunteer school chaplains in the school to provide support, services, and programs. It is solely the decision of the individual student and their parent whether to seek the support or services of a chaplain. All students are welcome to utilize a chaplain, but no student may be required to do so.

The (X) principal () Superintendent will inform parents of students about the availability of the school chaplain supports, services and programs and will obtain written consent from the parent before a student participates in or receives supports, services or programs provided by a school chaplain.

A. Qualifications

The selection of a chaplain should reflect the expectations of the local community.

[Drafting Note: Neola recommends that the policy include a statement of qualifications for a chaplain. Select One:]

[] For purposes of this policy, a chaplain may be any person who the superintendent concludes can fulfill the responsibilities described in this policy.

[X] For purposes of this policy, a chaplain shall be a person who obtains an ecclesiastical endorsement from their faith group certifying that such chaplain is:

1. a minister, rabbi, priest, imam, lay leader or similar functionary of the faith group;
2. qualified spiritually, morally, intellectually, and emotionally to serve as a chaplain for the Board; and
3. sensitive to religious pluralism and able to provide for the free exercise of religion by all students.

[END OF OPTION]

[] (Insert District-specific Desired Qualifications)

B. Responsibilities

1. **[X]** A chaplain's primary responsibility is to be present and available for any student who may seek a chaplain's help or care. A chaplain may provide religious or spiritual guidance to students, lead students in prayer, and offer reflective, non-judgmental listening to students who are going through a difficult time.
2. **[X]** The chaplain will support the school's students and student groups, at their request, and will work to develop positive, supportive relationships with any students who so wish, based on compassion and mutual respect. A chaplain may refer students to other resources at the school.
3. **[X]** A chaplain may not seek to persuade or force any student to participate.
4. **[X]** A chaplain may not proselytize for or disparage any religion, belief, lack of belief, or faith group. A chaplain's provision of care, help or counsel is not proselytization or disparagement.
5. **[X]** A chaplain shall not have disciplinary authority over students or student groups.
6. A chaplain shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to the Superintendent and local public safety agencies and/or school officials in accordance

with Policy 8406 - *Reports of Suspicious Activity and Potential Threats to Schools*.

7. []

C. List of Available School Chaplains

The Board will publish on its website a list of available volunteer school chaplains, including religious affiliations. Parents may select a volunteer school chaplain from the list.

Application and Background Check

Prospective volunteers must complete an application and background check in accordance with Florida law.

The Board is a registered employer with the Care Provider Background Screening Clearinghouse. Criminal history checks through the Care Provider Background Screening will be conducted before referring an employee or potential employee or a person with a current or potential affiliation with the District for electronic fingerprint submission to the Florida Department of Law Enforcement. For purposes of this policy, "affiliation" means the status of a person employed or serving as a volunteer or contractor, or seeking to be employed or to serve as a volunteer or contractor, with the District in a position for which screening is not required by law but is authorized under the National Child Protection Act.

Additionally, as it relates to Care Provider Background Screening, the following shall further apply:

- A. Before January 1, 2024, initial status and any changes in status must be reported within ten (10) business days after a person receives his or her initial status or after a change in the person's status has been made.
- B. Effective January 1, 2024, initial status and any changes in status must be reported within five (5) business days after a person receives his or her initial status or after a change in the person's status has been made.

Volunteers must complete a background screening pursuant to F.S. 435.12.

Volunteer applicants are subject to a background check against the Florida Department of Law Enforcement (FDLE) sexual predator/sex offender registry.

Volunteer applicants who will work with students in an unsupervised manner (out of sight or hearing of supervising staff) are required to pass a Level 2 criminal background screening and screening pursuant to F.S. 435.12.

All volunteers/chaperones on any school-sponsored overnight trip must pass a Level 2 criminal background screening and screening pursuant to F.S. 435.12.

The Superintendent may require a Level 2 criminal background screening pursuant to F.S. 435.12 for any other situation or activity deemed appropriate.

If a criminal records check is conducted, it will be at the volunteer's expense.

The volunteer application shall require that the applicant disclose if s/he has ever been convicted or had adjudication withheld in a criminal offense, other than a minor traffic violation, or if any criminal charges are pending. For purposes of this policy, "convicted" means 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. (F.S. 943.0435)

An applicant who is found through background screening to be included in the FDLE sexual offender/predator registry or who has been convicted of any crime involving moral turpitude, as defined by rule of the State Board of Education, or otherwise found ineligible for employment under F.S. 1012.315, shall not be approved as a volunteer in any position that requires direct contact with students.

The Director of Safe Schools, the District Volunteer Coordinator and the Principal at each school shall be responsible for approving or denying volunteers.

Duty to Report Known or Suspected Cases of Child Abuse, Abandonment, or Neglect

All volunteers must abide by Board Policy 8462 - *Student Abuse, Abandonment, and Neglect* and are required to review it during the application process. Each volunteer shall report to the proper legal authorities immediately any sign of suspected child abuse, abandonment, or neglect.

Duties

Duties assigned to school volunteers shall be consistent with Florida law and State Board of Education rules. Volunteers must agree to abide by all Board policies and District guidelines while on duty as a volunteer, including signing, if appropriate, the District's Technology Access Agreement Forms. The Principal shall be responsible for assigning duties of school volunteers.

The Superintendent shall inform all volunteers who work or apply to work with children on a regular basis of the need to display appropriate behavior at all times.

Volunteers shall always be under the supervision of a teacher or other staff member, depending on assignment.

Each time a volunteer is assigned to assist a staff member whom the volunteer has not assisted before and each time a volunteer is assigned a type of duty which s/he has not satisfactorily performed in earlier assignments, the volunteer shall complete a period of supervised practice. During the period of supervised practice, the professional staff member whom the volunteer is assisting shall be available continuously to provide immediate assistance to the volunteer at any time s/he is working directly with students. The length of the supervised practice may vary, depending upon the capability and prior experience of the volunteer.

All volunteers must follow the rules and guidelines outlined in the volunteer handbook.

Volunteers shall not:

- A. establish instructional objectives.
- B. make decisions regarding the relevancy of certain activities or procedures to the attainment of instructional objectives.
- C. make decisions regarding the appropriateness of certain teaching materials for accomplishing instructional objectives.
- D. make judgments regarding the attainment of instructional objectives, unless these judgments are based upon clear and objective criteria (such as specific achievement standards on a true-false test).
- E. accept compensation from any third party or source, including, but not limited to booster, parent or other District support organizations, for the performance of his/her official duties as a volunteer on behalf of the Board.

Confidential Information

Volunteers shall maintain strict confidentiality of all school or classroom information to which they have access while performing their volunteer activities. Volunteers shall be allowed access to personally identifiable student information only with approval of the Principal and to the extent necessary to fulfill an assigned activity that would otherwise be performed by a District employee. Volunteers must have a legitimate educational interest in order to access student information. **[X]**
[] Communication between students and chaplains may be privileged under Florida law. [END OF OPTION]

Legal Protection

Pursuant to Florida law, a school volunteer who has been duly approved by the Superintendent shall incur no civil liability for any act or omission by the volunteer that results in personal injury or property damage if the volunteer was acting in good faith within the scope of the official duties performed under such volunteer service; the volunteer was acting as an ordinary reasonably prudent person would have acted under the same or similar circumstances; and the injury or damage was not caused by any wanton or willful misconduct on the part of the volunteer in the performance of their volunteer duties.

Removal of Volunteers

Volunteers are expected to conduct themselves in a professional manner. Volunteers who act unprofessionally, fail to abide by Florida law and/or Board policies, or otherwise act in a manner contrary to the expectations of an employee of this District may be removed as an approved volunteer by the Principal. Volunteers who fail to fulfill their duties may also be removed by the Principal.

Workers' Compensation Coverage

Volunteers will be covered by the District's workers' compensation insurance policy. All volunteers must sign in when arriving on school grounds and sign out when leaving school grounds. Failure to do so may result in a denial of workers' compensation insurance coverage.

Records

The Superintendent will require that accurate records be maintained of volunteer hours of service, duties and training.

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Legal

F.S. 121.091(15)

F.S. 435.04

F.S. 435.12

F.S. 768.1355

F.S. 943.0435

F.S. 1001.41

F.S. 1001.42

F.S. 1001.43(5)

F.S. 1002.23

F.S. 1012.01(5)

F.S. 1012.27

F.S. 1012.315

F.S. 1012.461

F.A.C. 6A-10.083, Standards Relating to Gross Immorality and Acts of Moral Turpitude

20 U.S.C. 1232g, Family Educational Rights and Privacy Act

26 C.F.R. 1.409A-1(1)(ii)

34 C.F.R. 99.31

Last Modified by Brandon DeRespiris on October 23, 2024



Book	Policy Manual
Section	Vol. 25 No. 1, June 2024 REVISED
Title	CHARTER SCHOOLS
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Status	
Adopted	June 13, 2017
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9800 - CHARTER SCHOOLS

F.S.1002.33 empowers the School Board with oversight responsibility for all charter schools situated within Hernando County, **Florida**. 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 **submitted to the Board within the time frame set forth in State law.**

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~~ **charter school utilizing the State-approved Florida Standard Charter Contract**. The Board, as sponsor, shall perform the duties provided in F.S. 1002.33 **and as otherwise required by law.**

~~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 only if the Board expressly finds that one (1) of the following grounds exists by clear and convincing evidence~~ **Charter contracts may be non-renewed or terminated as set forth in the charter contract or as otherwise permitted under State law. Such conditions may include, but are not necessarily limited to, when a charter school:**

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

B. fails to meet generally accepted standards of fiscal management 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.

Applicants must submit the State-approved Standard Charter School Application along with all documents required by State law.

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 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, including the timely review and reimbursement of Federal grant funds. 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)(c). With respect to Federal grant funds submitted for reimbursement, the Board shall reimburse the charter school within sixty (60) calendar days from the date of the submission if the submission provides all the necessary information to qualify for reimbursement. 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.

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 District will provide training to charter schools on systems the District requires charter schools to use.

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.

By September 15th of each year, the Board shall provide a report to charter schools it sponsors and the FLDOE on what services are being rendered from the District's portion of the administrative fee, including a list of the services.

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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Revised 12/12/23

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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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