



EMPLOYEE HANDBOOK

2020-2021

**DAVID H. SUMMERS
SUPERINTENDENT**

Liberty County School District does not discriminate in admission or access to, or treatment or employment in, its programs and activities on the basis of race, color, religion, age, sex, national origin, marital status, disability, genetic information for applicants and employees, or any other reason prohibited by Federal and State law regarding non-discrimination. See 34 C.F.R. 100.6(d); 34 C.F.R. 106.9; 34 C.F.R. 110.25. In addition, the School Board provides equal access to the Boy Scouts and other designated youth groups. This holds true for all students who are interested in participating in educational programs and/or extracurricular school activities. See 34 C.F.R. 108.9. Disabled individuals needing reasonable accommodations to participate in and enjoy the benefits of services, programs, and activities of the School Board are required in advance to notify the administrator at the school/center at which the event or service is offered to request reasonable accommodation. The lack of English language skills will not be a barrier to any opportunity or event associated with Liberty County School District Schools. The designated Equity Coordinator, Title IX and Section 504 Compliance Coordinator as required by 34 C.F.R. 100.6(d) is Aaron Day, Assistant Superintendent of Schools, 12926 NW CR 12, Bristol, FL 32321; aaron.day@lcsb.org; 850.643.2275.

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LIBERTY COUNTY SCHOOL DISTRICT

DAVID H. SUMMERS, SUPERINTENDENT

Post Office Box 429 • 12926 NW CR 12 • Bristol, Florida 32321-0429
Phone: (850) 643-2275 • Fax: (850) 643-2533 • www.lcsb.org

Dear LCSD Employee,

I would like to welcome you back to another year of continued learning! I am excited to have each of you on our team and know the tradition of excellence in the Liberty County School District exists largely in part to the wonderful people of our community. The key to our daily success is YOU, the employee, and the desire you have to provide the very best to our deserving students!

I firmly believe in providing a quality and comprehensive education for all students. Liberty County School District strives for excellence in academic and extracurricular programs. Much more important are the relationships between students and staff. As educators, we are entrusted with incredible students who have amazingly bright futures. We must do all we can to foster a love of learning in our students!

Thank you for all you do to foster a love of learning in every student. I encourage each of you to create an environment of quality learning for each of our students every day!

Sincerely,

David H. Summers
Superintendent

District I
James E. Flowers

District II
Tina Tharpe

District III
Darrel L. Hayes

District IV
B. Kyle Peddie

District V
Charles Morris III

DISTRICT SCHOOLS / SPECIAL PROGRAMS

Hosford Elementary and Jr. High School

Jessica Bennett, Principal

Marc McCaskill, Assistant Principal

16827 NE SR 65

Hosford, FL 32334

850.379.8480

<http://hsfd.lcsb.org/>

W.R. Tolar K-8

Steve Benton, Principal

Jason White, Assistant Principal

14745 NW CR 12

Bristol, FL 32321

850.643.2426

<http://wrt.lcsb.org/>

Liberty County High School

Eric Willis, Principal

Tim Davis, Assistant Principal

12852 NW County Road 12

Bristol, FL 32321

850.643.2241

<http://lchs.lcsb.org/>

Early Learning Center

Chesnee McCaskill, Supervisor

1475 NW CR 12

Bristol, FL 32321

850.643.2426 x 31601

Adult Center for Education

Terrell Sykes, Supervisor

11109 SR 20

Bristol, FL 32321

850.643.1016 ext. 22203

Liberty Learning Center

Marion Presha, Lead Teacher

12926 NW CR 12

Bristol, FL 32321

850.643.2275 ext. 11354

DISTRICT VISION AND MISSION

Vision:

To inspire a love of learning, instill social responsibility, integrity and respect in all students, demonstrated through their excellence and determination for success using a systems approach of continuous improvement.

Mission:

Our mission is to create an educational organization that functions with professionalism, integrity, pride and excellence. The main objective of the Liberty County School District is to educate our students to be productive citizens of our community, our nation, and our world. We are committed to building on a foundation of common community values of respect, integrity, and spirituality while engaging in academic achievement. We stress the importance of individual competence, effort, and perseverance while learning to work interdependently to achieve goals. We pride ourselves on our determination, common sense, perseverance, and creative thinking to solve problems in order to provide students with an education that has a broader focus than academics that will promote a happy successful life.

LIBERTY EDUCATION AND ADMINISTRATION CENTER

Phone: (850) 643-2275

| ADMINISTRATOR/ SUPPORT STAFF | TITLE | PHONE |
|---|---|--------------|
| | | |
| David Summers | Superintendent | 11231 |
| Renea O'Bryan | Secretary to Superintendent | 11230 |
| Jerome Black | Custodian/Groundskeeper | 11230 |
| | | |
| Aaron Day | Assistant Superintendent | 11236 |
| Stacy Sanders | Secretary to Asst. Superintendent | 11250 |
| Amy Combs | Supervisor of Food Nutrition and Assessment | 11247 |
| Stacie Fant | Fiscal Assistant/Food Nutrition and Assessment | 11259 |
| Darrell Johnson | District Safety Specialist | 11229 |
| Marion Presha | Lead Teacher, Liberty Learning Center | 11354 |
| Stacey Beckwith | Paraprofessional, Liberty Learning Center | 11355 |
| Terrell Sykes | Lead Teacher, Adult School (643-1016) | 22203 |
| Dawn Lake | Paraprofessional, Adult School (643-1016) | 22201 |
| | | |
| Kevin Williams | Director of Maintenance and Transportation | 11503 |
| Stephanie Williams | Secretary of Maintenance and Transportation | 11501 |
| | | |
| Sheila Hall | Director of Finance | 11225 |
| Stephanie Holley | Supervisor of Finance/District Insurance Contact | 11222 |
| Lisa Rast | Fiscal Assistant/Accounts Payable | 11224 |
| Ranza Taylor | Fiscal Assistant/Payroll | 11237 |
| Vicky Shuler | Fiscal Assistant/Payroll | 11268 |
| | | |
| Gay Lewis | Director of Instruction and Curriculum | 11233 |
| Joan Hall | Secretary to Director of Instruction | 11232 |
| Lynn Guthrie | Technology Coordinator | 11248 |
| Jeani Griffin | Network Specialist | 11351 |
| Mary Davis | Instructional Technology Coach | 11249 |
| Jenna Chason | Student Records | 11234 |
| | | |
| Lara Deason | Director of Exceptional Student Education | 11245 |
| Holly Shuler | Staffing Specialist Assistant | 11235 |
| Chaille' Eikeland | Staffing Specialist | 11266 |
| Erica Smith | Staffing Specialist | 11238 |
| | | |



LIBERTY COUNTY SCHOOL DISTRICT 2020 - 2021 SCHOOL CALENDAR

| | | | | | | | | | | | | | | | |
|-----------------------|----|----|----|----|----|----|---|---|----------------------|----|----|----|----|----|----|
| AUGUST 2020 | | | | | | | Professional Development/Preplanning for Teachers 12 – 14 17 – 21 & 24 – 28 | FTE Week 8 - 12 Early Release Day/Teacher Planning 12 President's Day/No School 15 Progress Notes Sent Home 24 | FEBRUARY 2021 | | | | | | |
| S | M | T | W | Th | F | S | | | S | M | T | W | Th | F | S |
| | | | | | | 1 | | | | 1 | 2 | 3 | 4 | 5 | 6 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 | | | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 | | | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 | | | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 | | | 28 | | | | | | |
| 30 | 31 | | | | | | | | | | | | | | |
| SEPTEMBER 2020 | | | | | | | Labor Day (No School)* 7 Progress Reports Sent Home 30 | Spring Break 22 - 26 | MARCH 2021 | | | | | | |
| S | M | T | W | Th | F | S | | | S | M | T | W | Th | F | S |
| | | 1 | 2 | 3 | 4 | 5 | | | | 1 | 2 | 3 | 4 | 5 | 6 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 | | | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 | | | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | | | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 27 | 28 | 29 | 30 | | | | | | 28 | 29 | 30 | 31 | | | |
| OCTOBER 2020 | | | | | | | FTE Week 5 - 9 End of 1st Nine Weeks 30 | End of 3rd Nine Weeks 2 Begin 4th Nine Weeks 5 Report Cards 8 | APRIL 2021 | | | | | | |
| S | M | T | W | Th | F | S | | | S | M | T | W | Th | F | S |
| | | | | | | 1 | | | | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 | | | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | | | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 | | | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 | | | 25 | 26 | 27 | 28 | 29 | 30 | |
| NOVEMBER 2020 | | | | | | | Begin 2nd Nine Weeks 2 Report Cards Sent Home 4 Veterans Day (No School)* 11 Fall Break (No School) 23 - 27 Thanksgiving Day* (No School) 26 | Progress Notes Sent Home 4 Baccalaureate 26 Graduation 28 Memorial Day (No School) 31 | MAY 2021 | | | | | | |
| S | M | T | W | Th | F | S | | | S | M | T | W | Th | F | S |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | | | | | | | | | 1 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 | | | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 | | | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | | | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 29 | 30 | | | | | | | | 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| DECEMBER 2020 | | | | | | | Progress Reports Sent Home 9 Early Release Day 18 Christmas Break (No School) 21-31 Christmas Day PH* 25 | End of 2nd Semester 4 Early Release Day/Last Day for Students 4 Post Planning for Teachers 7 & 8 Summer School Begins 9 | JUNE 2021 | | | | | | |
| S | M | T | W | Th | F | S | | | S | M | T | W | Th | F | S |
| | | 1 | 2 | 3 | 4 | 5 | | | | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 | | | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 | | | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | | | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | | | | 27 | 28 | 29 | 30 | | | |
| JANUARY 2021 | | | | | | | New Year's Day PH* 1 Students & Teachers Return 4 Martin Luther King Day* (No School) 18 End 1st Semester 22 Second Semester Begins 25 Reports Cards Sent Home 27 | Summer School Ends 23 | JULY 2021 | | | | | | |
| S | M | T | W | Th | F | S | | | S | M | T | W | Th | F | S |
| | | | | | | 1 | | | | | | | 1 | 2 | 3 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 | | | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 | | | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 | | | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | 25 | 26 | 27 | 28 | 29 | 30 | 31 |

★ = First/Last Day of School

■ = No School

— = Early Release

○ = Teacher Planning/Prof Dev

General Policies and Procedures

<https://www.boarddocs.com/fl/lcsbfl/Board.nsf/vpublic?open>

1430 – LEAVES OF ABSENCE

3430 – LEAVES OF ABSENCE

4430 – LEAVES OF ABSENCE

A leave of absence is permission granted or allowed by the School Board under its adopted policies for an employee to be absent from duty for a specified period of time with the right to return to employment upon the expiration of the leave.

Employees shall not be absent from their assigned duties except as authorized by the Superintendent. An employee who is willfully absent from duty without leave shall forfeit compensation for the time of such absence. Contracts or appointments shall be subject to cancellation by the Board and administrator shall be subject to immediate dismissal.

All leave shall expire no later than June 30th of each school year except as otherwise permitted by law. If leave is requested to extend beyond June 30th, the employee shall re-apply for leave to begin July 1st of the following school year.

Leave shall be used for the purposes set forth in the leave application. An employee who uses leave for purposes other than that set forth in the leave application may be subject to discipline, up to and including termination.

Leave may be with or without pay as provided by law, regulations of the State Board, and this policy. For any absence that is without pay, the deduction in compensation for each day of absence shall be determined by dividing the annual salary by the number of days/hours for the employment period.

- A. Paid leaves of absence may include: vacation, sick leave, personal charged to sick, bereavement leave, jury duty/court service, illness or injury-in-line-of-duty, professional and military.
- B. Unpaid leaves of absence may include: professional study, personal leave not paid, illness leave not paid, family and medical leave, maternity/adoption and child rearing leave.

Approval of Leaves

All requests for leave shall be submitted on the proper form to the support staff member's supervisor. Except in cases of emergency, a request for leave should be filed at least ten (10) days before the date on which the proposed leave is to become effective.

Long-term leave without pay may be granted for a period up to one school year. However, no more than two (2) consecutive long-term leaves for any reason shall be approved.

The approval or denial of requests for leave shall be based on the requirements of efficient operation of the District school system, as well as on consideration of what is fair to the employee.

Except in the case of sick leave or emergency, leave requests shall be approved or denied before the effective date of the leave.

A. The Superintendent is authorized to grant the following types of support staff leave:

1. sick leave
2. illness- or injury-in-line-of-duty leave, up to ten (10) days
3. military leave
4. personal leave, up to six (6) days
5. vacation leave
6. jury/witness duty leave

B. The Superintendent recommends and the Board is authorized to approve Family and Medical Act (FMLA) Leave under Policy 4430.01, FMLA Leave.

F.S. 1012.22, 1012.61, 1012.63, 1012.64, 1012.66, 1012.67
F.A.C. 6A-1.080

3124 - DRUG-FREE WORKPLACE

The School Board recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse causes impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, higher health care costs, and diminished interpersonal relationship skills. The Board commits to create and maintain a drug-free workplace.

The use of illegal drugs, the abuse of alcohol, and the misuse of prescription and over-the-counter drugs are unacceptable. The Board shall clearly communicate this message to its

instructional staff. The *Drug Free Workplace Technical Guide* is incorporated by reference and is a part of this Board policy. The procedures manual may be updated by the Superintendent as necessary to ensure compliance with applicable law and/or rule.

In addition, the Board shall publish a statement and provide a copy to each employee notifying the employee that controlled substances are prohibited in the workplace. This statement shall include notice that specific actions will be taken against District employees for violating the prohibition.

F.S. 440.101, 440.102
20 U.S.C. 3224A
20 U.S.C. Omnibus Transportation Testing Act of 1991
20 U.S.C. 701-706 Rehabilitative Act 1973
20 U.S.C. 86-201
20 U.S.C. 3171 et seq.
29 U.S.C. 705(2), 794, 794a
34 C.F.R. Parts 85, 86, 104
34 C.F.R. 34-86.201
41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988
Vocation Rehabilitation Act of 1973
Drug-Free Schools and Communities Act of 1986

4162 - DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS

The School Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with Board-owned and/or operated ("Board-owned") vehicles must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well-being.

For purposes of this policy and the procedures associated with the policy, the following definitions shall apply.

- A. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.
- B. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
- C. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.

- D. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of Board-owned vehicles.
- E. The term *CDL license holder* means all regular and substitute bus drivers, staff members who may drive students in Board-owned vehicles or inspect, repair, and maintain Board-owned vehicles, and staff members who drive vehicles designed to transport sixteen (16) or more people (including the driver).
- F. The term *while on duty* means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

The Board expects all CDL license holders to comply with Board Policy 4124 on Drug-Free Schools which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times. Further, the Board concurs with the Federal requirement that all CDL license holders should be free of any influence of alcohol or controlled substance while on duty.

The Board directs the Superintendent to establish a drug and alcohol testing program whereby each regular and substitute bus driver, and any other staff member who holds a CDL license, as well as any staff member performing safety-sensitive functions, is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:

- A. Marijuana
- B. Cocaine
- C. Opioids
- D. Amphetamines
- E. Phencyclidine (PCP)

The drug tests are to be conducted in accordance with Federal and State regulations:

- A. prior to employment (Controlled Substances Only);
- B. for reasonable cause;
- C. upon return to duty after any alcohol or drug rehabilitation;
- D. after any accident;
- E. on a random basis, and
- F. on a follow-up basis.

Any staff member who is subject to drug tests in accordance with this policy and who tests positive shall be prohibited from driving any school vehicle:

- A. using Board-owned equipment;
- B. subject to discipline, up to and including discharge, in accordance with District procedures and the terms of any applicable collective bargaining agreements.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then the test will be considered positive and the employee shall be prohibited from driving any school vehicle and be referred to the District's Employee Assistance Program.

Any staff member who refuses to submit to a test shall be prohibited from performing or continuing to perform his/her safety-sensitive functions (e.g., driving any Board-owned vehicle).

A staff member who voluntarily disclose that they have an addiction to alcohol or controlled substances may participate in the Employee Assistance Program, and will qualify for the receipt of medical insurance benefits for treatment of alcohol or substance abuse, including follow-up care, to the extent that such benefits are provided for or offered in the Board's health insurance package. Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested. Nothing herein shall prevent the Board from disciplining a staff member for misconduct associated with his/her alcohol and/or drug use regardless of whether the employee has disclosed that s/he has an alcohol or drug addiction.

A staff member will be subject to disciplinary action, up to and including termination, for any of the following reasons:

- A. Reports for duty or performs work while having an alcohol concentration of 0.02 or greater
- B. Reports for duty or performs work while testing positive for using a prohibited drug, or while being under the influence of a prohibited drug
- C. Refuses to submit to drug and/or alcohol testing
- D. Alters or attempts to alter or unduly influence alcohol and/or drug testing results
- E. Fails to remain readily available for post-accident testing (including notifying his/her supervisor of his/her location, if the staff member leaves the scene of the accident prior to the submission of a post-accident test unless the staff member's departure is to obtain necessary emergency medical care)

Prior to the beginning of the testing program, the District shall provide a drug-free awareness program which will inform each CDL license holder about:

- A. The dangers of illegal drug use and controlled substance and alcohol abuse;
- B. Board Policy 4124 - Drug-Free Workplace, Policy 4161 - Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;

C. The sanctions that may be imposed for violations of Policy 4124.

All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay, or at his/her overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the "split specimen" at a Federally certified laboratory if so requested by a staff member. The Board will not pay for the employee's time while not on duty if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential medical records as appropriate under the Americans With Disabilities Act (i.e. test results shall be provided on a right to know basis - the employee, the employer, and the substance abuse professional - and the results shall not be presented until analyzed by a Medical Review Officer.

A tested individual, upon written request, will have access to any records relating to his/her use of drugs and alcohol, including any records pertaining to his/her drug and alcohol tests. A tested individual must provide written authorization before his/her test result can be provided to any other person except a government agency specified in the applicable Federal regulations.

All tests shall be conducted in accordance with Federal testing procedures and be performed by a laboratory that is Federally certified (i.e. testing procedures and devices used will be as set forth in 49 C.F.R. Part 40).

The alcohol and drug testing program shall be under the direction of the Superintendent or designee.

The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

- A. Testing of all first and second test urine samples
- B. Clear and consistent communication with the District's Medical Review Officer (MRO)
- C. Methodology and procedures for conducting random tests for controlled substances and alcohol
- D. Preparation and submission of all required reports to the District, the MRO, and to Federal and State governments

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.

Educational Materials Related to Certain Federal Regulations, Board Policies, and Procedures

CDL license holders and other employees who perform safety-sensitive functions will be provided educational materials at the time of hire or at any time when required to operate a school vehicle. The educational materials shall explain the requirements of applicable Federal regulations and the Board's policies and District's procedures with respect to meeting these Federal regulations. The Board designates the Director of Transportation as the individual responsible for providing educational materials to CDL license holders and other employees who perform safety-sensitive functions. The educational materials will include, at a minimum, the following:

- A. The contact information for the Director of Transportation
- B. The circumstances under which employees are subject to testing for alcohol and/or controlled substances
- C. The procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee, including post-accident information, procedures, and instructions required under Federal regulations
- D. The requirement that staff members must submit to alcohol and controlled substance testing as required by the regulations
- E. An explanation of what constitutes a refusal to be tested for alcohol or controlled substances and the attendant consequences
- F. The consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment
- G. The consequences for a test indicating an alcohol concentration greater than 0.02 but less than 0.04
- H. Information concerning the effects of alcohol and drug misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management), and
- I. Information regarding the requirement that certain personal information collected and maintained under 49 C.F.R. 382.601 be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member must sign a statement certifying receipt of these materials. Each employee (and labor organization representing Board employees) shall

receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering employee questions about the materials.

Return-to-Duty (Safety-Sensitive Positions)

Employees who are removed from performing safety-sensitive functions as a result of this policy must take and pass a return-to-duty test before returning to performing safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

Subject to any collective bargaining agreement or other legal requirements, employees who are eligible to return to performing safety-sensitive functions may not do so without the approval of the Superintendent.

Effective 4/9/14

Revised 7/18/19

Revised 1/14/20

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Legal

F.S. 112.0455

F.S. 440.102

F.S. 1012.45

21 U.S.C. 812, Schedules I-V of Section 202 of the Controlled Substances Act

21 C.F.R. 1308.11-.15

49 C.F.R. Part 40 (DOT)

49 C.F.R. Part 382

49 C.F.R. Part 391

49 C.F.R. 382.101 et seq.

Omnibus Transportation Employee Testing Act, Pub. L. 102-143, Title V

3170 - SUBSTANCE ABUSE

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

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

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

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

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

Effective 4/9/14

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Legal

F.S. 1012.798

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

4170 - SUBSTANCE ABUSE

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

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

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

If a support staff member voluntarily requests counseling or assistance before the Board learns of the support staff member's substance abuse problem (through a positive test result or otherwise), the support staff member's job security or promotion opportunities will not be jeopardized by his/her request for counseling or referral assistance.

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

4210 - STANDARDS OF ETHICAL CONDUCT

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

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

A. An instructional staff member shall:

1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
2. not unreasonably restrain a student from independent action in pursuit of learning.
3. not unreasonably deny a student access to diverse points of view.
4. not intentionally suppress or distort subject matter relevant to a student's academic program.
5. not intentionally expose a student to unnecessary embarrassment or disparagement.
6. not intentionally violate or deny a student's legal rights.
7. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination.
8. not exploit a relationship with a student for personal gain or advantage.
9. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
10. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.
11. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
12. not use institutional privileges for personal gain or advantage.
13. accept no gratuity, gift, or favor that might influence professional judgment.

14. offer no gratuity, gift, or favor to obtain special advantages.
15. maintain honesty in all professional dealings.
16. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.
17. not interfere with a colleague's exercise of political or civil rights and responsibilities.
18. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination.
19. not make malicious or intentionally false statements about a colleague.
20. not use coercive means or promise special treatment to influence professional judgments of colleagues.
21. not misrepresent one's own professional qualifications.
22. not submit fraudulent information on any document in connection with professional activities.
23. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.
24. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
25. provide upon the request of a certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
26. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules.
27. self-report within forty-eight (48) hours to appropriate authorities (as determined by the District) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or

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

28. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).
 29. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).
 30. comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.
 31. as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.
- B. No instructional staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest.

C. All District instructional staff members shall adhere to the principles enumerated above. All instructional staff members shall be required to complete training on the standards established herein upon employment and annually thereafter.

Effective 4/9/14

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Legal

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

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

4210 - STANDARDS OF ETHICAL CONDUCT

An effective educational program requires the services of men and women of integrity, high ideals, and human understanding. The School Board expects all support staff members to maintain and promote these essentials.

Furthermore, the Board hereby establishes the following as the standards of ethical conduct for all support staff members in the District who have direct access to students:

A support staff member with direct access to students shall:

- A. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
- B. not unreasonably restrain a student from independent action in pursuit of learning.
- C. not intentionally expose a student to unnecessary embarrassment or disparagement.
- D. not intentionally violate or deny a student's legal rights.
- E. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination.
- F. not exploit a relationship with a student for personal gain or advantage.
- G. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
- H. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
- I. not use institutional privileges for personal gain or advantage.
- J. accept no gratuity, gift, or favor that might influence judgment.
- K. offer no gratuity, gift, or favor to obtain special advantages.
- L. maintain honesty in all dealings.
- M. not interfere with another District employee's exercise of political or civil rights and responsibilities.
- N. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination.
- O. not make malicious or intentionally false statements about another District employee.

- P. not misrepresent one's qualifications.
- Q. not submit fraudulent information on any document in connection with employment.
- R. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for employment.
- S. self-report within forty-eight (48) hours to appropriate authorities (as determined by the District) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, support staff members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and 943.059(4)(c).

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

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

All support staff members who have direct access to students shall be required to complete training on the standards established herein upon employment and annually thereafter.

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

5530 - DRUG PREVENTION

The School Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the whole school community.

For purposes of this policy, "drugs" shall mean:

- A. all dangerous controlled substances as so designated and prohibited by Florida statute;
- B. all chemicals which release toxic vapors;
- C. all alcoholic beverages;

- D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- E. anabolic steroids;
- F. any substance that is a "look-alike" to any of the above.

The Board prohibits the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia as the term is defined by law, or the misuse of a product containing a substance that can provide an intoxicating or mood-altering effect on school grounds, on school vehicles, and/or at any school-sponsored event.

It further establishes a drug-free zone within 1000 feet of any facility used by the District for educational purposes.

F.S. 1001.43, 1006.07
Public Law 101 - Drug-Free Schools and Communities Act of 1986
20 U.S.C. 3171 et seq.
20 U.S.C. 3224A

8700 - ANTI-FRAUD

This policy is implemented to make employees aware of activities that may be fraudulent, illegal, or otherwise unethical. The District will not tolerate such activities, and disciplinary measures will be implemented as appropriate.

Scope

This policy applies to any fraud, or suspected fraud, involving elected officials, employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties with a business relationship with the District.

Policy

Fraud and fraudulent activity are strictly prohibited.

Each employee or agent of the District shall be responsible for reporting any observed or suspected fraud or fraudulent activity to the Superintendent. If the observed or suspected fraud or fraudulent activity involves a School Board member or the Superintendent, the report should be made to the Board Attorney.

The obligation to report fraud includes instances when the employee knew or should have known that an incident of fraud had occurred.

All administrators shall be vigilant for any conduct that appears to constitute fraud within the areas of their responsibility.

All reporting and investigation shall be done in accordance with the District's Whistleblower's Policy and Procedure. (Policy 1211, AP 1211, Policy 3211, AP 3211, Policy 4211, and AP 4211)

Fraud – Definitions

Fraud is defined as the intentional, false representation or concealment of a material fact in order to personally benefit or induce another to act to his/her detriment.

Actions constituting fraud include, but are not limited to the following:

- A. falsifying, unauthorized altering, or forgoing District documents, including but not limited to the following:
 - 1. claims for payments or reimbursements, which would include, but not be limited to, submitting false claims for travel or overtime
 - 2. absence or leave forms, an example of which would be reporting falsely an absence as a sick day or failing to report an absence
 - 3. files, either in electronic or printed format, photographic records or audio records that are maintained by the District, or accounts belonging to the District
 - 4. a check, bank draft, wire transfer, or any other District financial document
 - 5. student records that are maintained in either electronic or printed formats
 - 6. fire, health, sanitation, and safety reports that are maintained in either electronic or printed formats
- B. misappropriating funds, supplies, or other assets of the District
- C. handling or reporting money or financial transactions in an improper or illegal manner
- D. disclosing, either directly or indirectly, confidential and proprietary information to outside parties for personal gain
- E. disclosing to other persons the purchasing/bidding activities engaged in or contemplated by the District so that any entity, person, or business has an unfair advantage in the purchasing/bid process
- F. causing the District to pay excessive prices or fees where justification is not documented

- G. accepting or offering a bribe, gifts or other favors under circumstances that indicate that the bribe, gift or favor was intended to influence a decision that was, or needed to be, made
- H. removing, destroying, or using for personal gain records, furniture, fixtures and/or equipment
- I. using State or Federal funds for other than their designated and approved purposes, or
- J. using District equipment or work time for any outside private business activity.

This list is meant to illustrate the types of activities that are prohibited, and is not intended to be all-inclusive. Other misconduct of a similar nature is prohibited.

Investigation

If the allegations of fraudulent misconduct involve a District employee, the Superintendent shall determine whether an investigation by the District is warranted. If the Superintendent determines that the allegations appear to involve criminal misconduct, the matter shall be referred to the Sheriff's Office.

If the allegation involves the Superintendent or a Board member, the allegation shall be referred to the Board Attorney. If the Board Attorney determines that the allegations appear to involve criminal misconduct, the matter shall be referred to the Sheriff's Office. If the Board Attorney determines that the allegations do not appear to involve criminal misconduct, the matter shall be assigned by the Board Attorney to a third party, who is not an employee of the District, for the purpose of conducting an investigation concerning the allegations. Upon the conclusion of this investigation, the investigator shall forward the report to the Board Attorney. The Board Attorney shall forward the report to the Board which shall take such action as is appropriate.

Any investigation conducted pursuant to this policy shall be conducted without regard for the length of service, position/title, or relationship of the individual who is alleged to have committed or concealed fraud.

Confidentiality

The District will maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and the District's obligations under the Freedom of Information Act and F.S. Chapter 119. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the Superintendent or his/her designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other District employees or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated

allegations that are not privileged could harm an innocent individual's reputation and result in potential civil liability.

Non-Retaliation

Those who, in good faith, report suspected fraudulent activity will not be subject to any retaliation as a result of bringing the suspected misconduct to the attention of the District. They will be subject to protection of the District's Whistleblower's Policy and Administrative Procedure. (Policy 1211, AP 1211, Policy 3211, AP 3211, Policy [4211](#), and AP 4211)

Additionally, individuals who knowingly make a false report of suspected fraud or fraudulent activity shall be subject to disciplinary action pursuant to the District's Whistleblower's Policy and Administrative Procedure. (Policy 1211, AP 1211, Policy [3211](#), AP 3211, Policy 4211, and AP 4211)

1216 - DRESS AND GROOMING

The School Board believes that administrative staff members set an example in dress and grooming for their staff and students to follow. Administrators who understand this precept and adhere to it enlarge the importance of this task, present an image of dignity, and encourage respect for authority. These factors act in a positive manner toward the maintenance of discipline.

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

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their administrative responsibilities;
- C. dress in a manner that communicates pride in personal appearance;
- D. be groomed in such a way that their hair style or dress does not disrupt the educational process.

3216 - STAFF DRESS AND GROOMING

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

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

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their instructional responsibilities;
- C. dress in a manner that communicates to students a pride in personal appearance;
- D. be groomed in such a way that their hair style or dress does not disrupt the educational process.

4216 - STAFF DRESS AND GROOMING

The School Board believes that support staff members, like instructional staff members, set an example in dress and grooming for students to follow. Staff members who understand this precept and adhere to it enlarge the importance of this task and present an image of dignity and professionalism.

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

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

1362 - 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 Superintendent 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, transgender status or 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 Superintendent will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Superintendent 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 staff member found to have been subjected to unlawful harassment, and, where appropriate, the person(s) who committed the unlawful harassment.

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

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

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 Superintendent 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

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. This unlawful harassment may include, but not be limited to, the following:

1. teasing;
2. threats;
3. intimidation;
4. stalking;
5. cyberstalking;
6. cyberbullying;
7. physical violence;
8. theft;
9. sexual, religious, or racial harassment;
10. public humiliation; or
11. destruction of property.

B. "Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

2. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. has the effect of substantially disrupting the orderly operation of a school.

C. Sexual Harassment

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

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

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
3. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

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

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

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
2. Unwanted physical and/or sexual contact.
3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
4. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
5. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature placed in the work or educational environment, which may embarrass or offend

individuals.

6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
7. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
8. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
9. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
10. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.
11. 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 and gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment, or such that it creates a hostile or abusive employment or educational environment.

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

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 (Including Anti-Semitism)

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 disabling condition, such as negative comments about speech patterns, movement, physical impairments, or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic

information.

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**

Members of the School District community and third parties, which includes all staff, are encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor, or other School District official so that the Superintendent may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer within two (2) business days.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. 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 work 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. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the Policy 1362 investigation and provide him/her with a copy of the resulting written report.

A. Anti-Harassment 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").

Aaron Day
Assistant Superintendent
850-643-2275 ext. 11236
12926 NW CR 12
Bristol, Florida 32321
aaron.day@lcsb.org

B. Section 504 Compliance Officer/ADA Coordinator

The Board designates the following individuals to serve as the District's Section 504 Compliance Officer/ADA Coordinators.

Lara Deason
ESE Director
850-643-2275 ext. 11245
12926 NW County Road 12
Bristol, Florida 32321
lara.deason@lcsb.org

C. Title IX Coordinator

The Board designates the following individuals to serve as the District's Title IX Coordinators.

Aaron Day
Assistant Superintendent
850-643-2275 ext. 11236
12923 NW County Road 12
Bristol, Florida 32321
aaron.day@lcsb.org

D. Publication Required

The names, titles, and contact information of these individuals will be published annually in the parent and staff handbooks and on the School District's website.

The names, titles, and/or contact information of the persons presently serving as Compliance Officers may change from time to time, and such changes shall be deemed technical corrections within the meaning of Bylaw 0131.1 and shall be made pursuant to that bylaw.

E. Duties and Responsibilities

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 individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in

agreement to participate in an informal process.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Superintendent'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.

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 which are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare, after consultation with the Board Attorney and/or Superintendent, 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 unlawful harassment which are reported to them to a Compliance Officer within five (5) calendar days of learning of the incident.

V. Investigation and Complaint Procedure

Any employee or other member of the School District community or visitor to the District who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment or retaliation was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights (OCR), the Florida Commission on Human Relations (FCHR), or the Equal Employment Opportunity Commission (EEOC).

A. Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

Employees, 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 parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Employees, other members of the School District community, or third parties who believe that they have been unlawfully harassed or retaliated against 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, any other adult member of the School District community, or a third party against a student will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (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 on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed by another individual 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 individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

1. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
2. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
3. If both parties agree, the Compliance Officers may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officers or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) calendar days of receiving the informal complaint. Parties who are 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.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers or designee in accordance with the Board's records retention policy. (See Policy 8310 and Policy 8320)

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 if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of an employee, 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.

An individual who believes s/he has been subjected to offensive conduct/harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing with a teacher, principal, or other District employee, the Compliance Officer, Superintendent, or other District employee. Due to the sensitivity surrounding complaints

of unlawful harassment and retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a complainant informs a teacher, principal, or other District employee, the Compliance Officer, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; 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, 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 work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent and/or Board Attorney.

Within five (5) business days of receiving a formal complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subjected to offensive conduct/harassment/retaliation. A Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

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

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation 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 should consult with the Board Attorney. A written report shall then be prepared and delivered to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the complainant has been subject to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

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

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

A complainant or respondent who is dissatisfied with the final decision of the Superintendent may appeal to the Board by filing a written notice of appeal with the Superintendent within ten (10) business days of the date of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

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

VI. Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the respondent.

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

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

VII. Sanctions and Monitoring

The Superintendent shall vigorously enforce the Board's prohibitions against unlawful harassment 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 Superintendent 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 Superintendent 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

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

IX. Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

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

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

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

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 and 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

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;
- 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 interim measures offered and/or provided to complainants, 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.

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 4/14/20

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Legal

F.S. 110.1221

F.S. 250.481

F.S. 760.01

F.S. 760.10

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 C.F.R. Part 1635

29 U.S.C. 6101, The Age Discrimination Act of 1975

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

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

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

National School Boards Association Inquiry and Analysis - May 2008

7540.04 - STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Network/Internet. The District is pleased to provide Network/Internet service to its staff. The District's Internet system has a limited educational purpose. The District's Internet system has not been established as a public access service or a public forum. The Board has the right to place restrictions on its use to assure that use of the District's Internet system is in accord with its limited educational purpose. Staff use of the District's computers, network and Internet services ("Network") will be governed by this policy and the related administrative guidelines, and any applicable employment contracts and collective bargaining agreements. The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Network. Users have a limited privacy expectation in the content of their personal files and records of their online activity while on the Network.

The District encourages staff to utilize the Network/Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The District encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities.

It is not possible for the District to technologically limit student access to content that is available through the District's network/internet connection to only that content that has been previewed and approved by District staff for instruction, study, and research or for District business purposes.

The Board has, however, implemented the use of a Technology Protection Measure, which is a specific technology that will protect against (e.g., filter or block) access to visual displays/depictions that are obscene, child pornography, and materials that are harmful to minors, as defined by the Children's Internet Protection Act. At the direction of the Board, the Technology Protection Measure has been configured to protect against access to other material and/or web sites considered inappropriate for students to access. The Technology Protection Measure may not be disabled at any time that students may be using the Network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. The Superintendent may temporarily or permanently unblock access to sites containing appropriate material, if access to such sites has been inappropriately blocked by the Technology Protection Measure. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the Technology Protection Measure.

The District utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors. The Superintendent may disable the Technology Protection Measure to enable access for bona fide research or other lawful purposes.

Staff members will participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

- A. the safety and security of students while using e-mail, chat rooms, social media and other forms of direct electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online;
- C. the consequences of unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by students or staff online; and,
- D. unauthorized disclosure, use, and dissemination of personal information regarding minors.

Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above, and staff members will monitor students' online activities while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions and/or use of specific monitoring tools to review browser history and network, server, and computer logs.

The disclosure of personally identifiable information about students online is prohibited.

Site administrators are responsible for providing training so that Network/Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. The School Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Network/Internet. All Network/Internet users are required to sign a written agreement annually or at the time of employment to abide by the terms and conditions of this policy and its accompanying procedures.

Staff members are responsible for good behavior on District's computers/network and the Network/Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Network/Internet are often public in nature. General school rules for behavior and communication apply. The District does not sanction any use of the Network/Internet that is not authorized by or conducted strictly in compliance with this policy and its accompanying procedures. Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked, and disciplinary action taken against them.

Users granted access to the Network/Internet through the District's computers assume personal responsibility and liability, both civil and criminal, for uses of the Network/Internet not authorized by this policy and its accompanying procedures. Furthermore, pursuant to State law, staff members shall not use the District's technology resources to knowingly distribute to a minor any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format and/or by any manner. Any staff member who knowingly distributes any such material to a minor also commits a felony under State law, and is subject to disciplinary action up to and including termination.

An employee's personal or private use of social media, such as Facebook, Twitter, MySpace, blogs, etc., may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to engage in conduct that violates Board policies, the *Code of Ethics of the Education Profession in Florida*, the *Principles of Professional Conduct for the Education Profession in Florida*, or any other State or Federal laws, and may result in disciplinary action. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer.

Staff members retain rights of communication for collective bargaining purposes and union organizational activities.

Federal and State law forbids schools and their employees from using or disclosing student education records without parental consent. (See Policy [8330](#) – Student Records) Posting personally identifiable information about students in any way on the Internet is, therefore, prohibited. Staff members, who violate State and Federal law, as well as Board policy, related to the disclosure of personally identifiable information about students might be disciplined. Further, Staff members who similarly violate State and Federal law, as well as Board policy, related to the disclosure of confidential employee information might also be disciplined.

The Board designates the Superintendent as the administrator responsible for initiating, implementing, and enforcing this policy and its accompanying procedures as they apply to staff members' use of the Network.

F.S. 847.012, 1001.41, 1012.32

H.R. 4577, P.L. 106-554, Children's Internet Protection Act of 2000

P.L. 110-385, Title II, Protecting Children in the 21st Century Act

47 U.S.C. 254(h),(1), Communications Act of 1934, as amended

20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended

20 U.S.C. 6777, 9134 (2003)

18 U.S.C. 2256

18 U.S.C. 1460

18 U.S.C. 2246

76 F.R. 56295

8330 - STUDENT RECORDS

In order to provide appropriate educational services and programming, the School Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Maintenance of Student Records

The Board is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and necessary and relevant to the function of the School District or specifically permitted by this Board shall be compiled by District employees.

Each school shall maintain a permanent cumulative record for each student enrolled in the school which shall contain the data as prescribed by Administrative Rule F.A.C. 6A-1.0955 and this policy. Each student's cumulative record shall include the following types of data:

A. Category A Records, Permanent Information

1. Student's full legal name.
2. Authenticated birthdate, place of birth, race, ethnicity, and sex.
3. Last known address of the student.
4. Name(s) of the student's parent(s) or guardian(s).
5. Name and location of last school attended.
6. Number of days present and absent, date enrolled, date withdrawn.

7. Courses taken and record of achievements, such as grades, credits, or certification of competence.
8. Date of graduation or date of program completion.
9. Records of requests for access to and disclosure of personally identifiable information from the student's educational records.

B. Category B Records, Temporary Information

1. Health information, family background data, standardized test scores, State-mandated achievement test scores, educational and vocational plans, honors and activities, work experience reports, and teacher/counselor comments.
2. Reports of student services or exceptional student staffing committees including all information required by F.S. 1001.42.
3. Correspondence from community agencies or private professionals.
4. Driver education certificate.
5. A list of schools attended.
6. Written agreements of corrections, deletions, or expunctions as a result of meetings or hearings to amend educational records.
7. Written requests to waive access to confidential records.
8. Written requests to restrict the release of directory information.
9. Court orders of relevance.
10. Records of major student disciplinary actions, suspension, and/or expulsion records.
11. Home language survey.
12. Student Limited English Proficiency (LEP) Plans.
13. Such other records of educational importance as the school shall deem necessary.
14. Records designated for retention by the Florida Department of State in General Records Schedule GS7 for *Public Schools Pre-K - 12, Adult and Vocational/Technical*.

Category A and B records shall be maintained in compliance with the approved District records retention schedule.

Individual exceptional student records shall be kept separate from regular cumulative records. These records shall be sent to each succeeding school the student attends in the District and shall be maintained in accordance with the approved District records retention plan.

Periodic review for elimination of outdated information in student records by the custodian or designees shall be made in accordance with F.S. 1001.52, and the approved District records retention plan. The custodian of the student records shall be responsible for maintaining the accuracy of information by purging student records in accordance with the General Records Schedule for Public Schools (GS-7). Explanations placed in the education record and the record of access shall be maintained for as long as the education record to which it pertains is maintained. This procedure must be implemented before records are released to any vocational-technical centers, community colleges, or institutions of higher learning in which the student seeks or intends to enroll.

| Type Record | Location | Custodian | Address |
|--|-------------------------|-----------------------------------|--|
| Active and inactive student records as specified in the current Student Records Manual for the District | Last school attended | Principal of last school attended | As shown in local directory |
| Inactive student cumulative records (Category A) as specified in the current Student Records Manual for the District | Central District office | Superintendent or designee | Records Management Educational Services Facility |
| Individual exceptional student education records as specified in the current Student Records Manual for the District | Last school attended | Principal of last school attended | As shown in local directory |
| Individual student psychological records as specified in the current Student | Last school attended | Principal of last school attended | As shown in local directory |

Limitations on Collection and Retention of Certain Information

The District shall not collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of a student. For purposes of this paragraph, the term “biometric information” means information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that are attributable to a single person, including fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty. Examples of biometric information include, but are not limited to, a fingerprint or hand scan, a retina or iris scan, a voice print, or a facial geometry scan.

The District shall not maintain any report or record relative to a student that includes a copy of a student's fingerprints.

The Superintendent or designee will be responsible for the privacy and security of records that are not under the supervision of the school principal.

Notwithstanding the provisions of this paragraph, if the District used a palm scanner system for identifying students for breakfast and lunch programs on March 1, 2014, it may continue to use the palm scanner system through the 2014-2015 school year.

Access to Student Records

The rights of students and their parents with respect to education records created, maintained, or used by the District must be protected in accordance with FERPA, State law, and the implementing regulations and rules issued pursuant thereto. Students and their parents have the right to access their education records, including the right to inspect and review those records, have the right to waive their access to their education records in certain circumstances, have the right to challenge the content of education records, have the right of privacy with respect to such records and reports, and receive annual notice of their rights with respect to education records.

In addition to students and their parents and eligible students, student records shall be available only to designated school officials and personnel, to such other persons as the parent or eligible student authorizes in writing, a court of competent jurisdiction, or to other individuals or organizations as permitted by law. The term “parents” includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term “eligible student” refers to students who are eighteen (18) years of age or older, or who are enrolled in a postsecondary institution, regardless of age.

Schools may, without consent of parents, guardians, or eligible students, provide access to school officials to perform an administrative, supervisory, or instructional task, or to perform a service or benefit for the student or the student's family, and psychologists within the School District providing they have a legitimate educational interest. Support employees may be

designated by the principal for the purpose of doing clerical work and maintaining student records. However, such persons shall receive in-service training concerning the confidentiality of student records and work under the supervision and control of an administrative staff member.

Whenever a student has attained eighteen (18) years of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by the District, shall thereafter be required of and accorded to the eligible student only, unless the eligible student is a dependent of his/her parents as defined in Title 26 U.S.C. Section 152 of the Internal Revenue Code of 1954. The School District may, in this instance, disclose personally identifiable information from the education records to the parents without the prior consent of the eligible student.

Whenever a student has enrolled in a postsecondary institution, regardless of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by the postsecondary institution shall thereafter be required of and accorded to the eligible student only. However, if the student is not eighteen (18) years of age, then the permission and consent required of and rights as to the student's records maintained by the District shall be retained by the parents.

The custodian of the student record shall permit the eligible student or the parents or guardians of the student who is or has been in attendance in the School District to inspect and review the education records of the eligible student or student. Provisions for such inspection and review shall be made within a reasonable period of time of the request, but in no case shall be more than thirty (30) days after the request has been made.

The District presumes that the eligible student or either parent of the student has the right to inspect, review, and receive copies of the education records of the student or eligible student unless the Board, its staff, or the individual school has been provided a legally binding instrument or court order governing such matters as divorce, separation, or custody which provides to the contrary.

In instances where records are opened to parents, guardians, or eligible students, schools shall make available a member of the professional staff to interpret the record and shall provide copies, upon request and payment of the current District copy rate, which shall not exceed the maximum rate for copies of public records as set forth in F.S. Chapter 119.

The copy rate will include actual reproduction costs and will not include the labor costs for retrieval.

School officials shall provide requesting parents, guardians, or eligible students an opportunity for a hearing to challenge the content of their child's or the eligible student's school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Parents, guardians, and eligible students may waive their right of access to confidential letters or statements of recommendations or evaluation. Such waiver shall be made in writing to the

custodian of the records and shall be signed by the parent, guardian, or eligible student. Such waiver shall apply to recommendations or evaluation only if:

- A. the parent, guardian, or eligible student is, upon request, notified of the names of all persons submitting confidential letters or statements; and
- B. such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

The waiver of the right of access may be revoked in writing with respect to actions occurring after the revocation.

Court Request of Records

- A. Student records may be disclosed to a court of competent jurisdiction provided that reasonable notification is given in advance to the parents and student. If the principal or his/her designee is unable to notify prior to the time for compliance set forth in the court order, s/he shall bring to the court's attention the provision of the Family Educational Rights and Privacy Act of 1974 and comply with the court's instruction.
- B. Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending an institution of postsecondary education or a dependent of such parent as defined in 26 U.S.C. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

The Superintendent may, in writing, authorize access to student records to representatives of the Federal, State, or local educational authorities.

Transcripts of a student's records may be released without written consent from the students' parents, guardians, or eligible student, to any vocational-technical center, community college, or any postsecondary institutions of higher learning in which the student seeks or intends to enroll. A copy of the records may be released to the student's parents, guardians, or eligible student upon request. This policy is also applicable in instances where such a request is in connection with a student's application for, or receipt of, financial aid.

Hearing Procedure to Correct Student Records

Whenever a parent, guardian, or eligible student believes the content of the student record is inaccurate, misleading, or in violation of their privacy, they may request in writing an informal meeting with the custodian of the record for the purpose of requesting the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained in the student record.

If the parties at the informal meeting agree to make deletions, to expunge material, or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing and signed by the parties, and the appropriate school officials shall take the necessary actions to implement the agreement. If an agreement is not reached, denial of the request and notification

of the right to a formal hearing shall be made in writing to the parent, guardian, or eligible student with a copy to the Superintendent or designee.

Upon the request of a parent, guardian, or eligible student, a formal hearing shall be held. Such hearing shall be requested, in writing, within ten (10) days of the written notice of denial at the informal meeting, to the Superintendent or designee, who shall appoint a hearing officer who shall be any official of the school system with no direct interest in the outcome of the hearing. The hearing officer shall convene and conduct the hearing and shall render a decision in writing to all concerned parties within ten (10) days of the conclusion of the hearing. Such hearing shall be held within a reasonable period of time but in no case shall be held more than thirty (30) days from the date of the written request.

The parents, guardian, eligible student, and officials of the school shall be afforded a full and fair opportunity to present evidence relevant to the issues raised. The hearing shall be recorded and available to all parties. However, the record of such hearings are exempt from disclosure under F.S. Chapter 119.

If the decision of the hearing officer is that the records are not inaccurate, misleading, or otherwise in violation of privacy rights, the parent, guardian, or eligible student shall be allowed to comment in writing on the information in the education record and set forth any reasons for disagreeing with the decision. This written response shall be filed in the education records of the student.

Disclosure of Student Record Information

Notwithstanding any other provision in this policy, student education records shall not be disclosed to any person, public body, body politic, political subdivision, or agency of the Federal government except when authorized by State or Federal law or in response to a lawfully issued subpoena or court order. In accordance with State law, student education records are exempt from the provisions of F.S. Chapter 119.

A. Prior Written Consent

1. Prior written consent of the parent, guardian, or eligible student shall be obtained prior to disclosing personally identifiable student information other than directory information. The written consent shall include: signature of the parent, guardian, or eligible student; date; specification of records or information to be disclosed; purpose of the disclosure; and the party or class of parties to whom a disclosure is to be made.
2. Disclosures of personally identifiable student information will be made only on the condition that the party or parties to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the parent, guardian, or eligible student, as appropriate. Personally identifiable student information which is disclosed to an institution, agency, or organization may be used by its officers, employees, and agents, but only for the purpose for which the disclosure was made. The District presumes the parent, guardian, or eligible student has the authority to grant permission for disclosure of personally identifiable student information unless the District has been provided with

evidence that there is a legally binding instrument or State law or court order governing such matters as divorce, separation, or custody which provides to the contrary.

B. Without Prior Written Consent

Personally identifiable information or records of a student may be released to the following persons or organizations without the prior written consent of the student or the student's parent or guardian:

1. Officials of schools, school systems, career centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent or student upon request.
2. Other school officials, including teachers within the educational institution or agency, who have a legitimate educational interest in the information contained in the records.
3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or State or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable Federal statutes and regulations of the United States Department of Education, or in applicable State statutes and rules of the State Board of Education.

The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (see Form 8330 F16)

This written agreement must include:

- a. designation of the receiving individual or entity as an authorized representative;
- b. specification of the information to be disclosed;
- c. specification that the purpose of the disclosure is to carry out an audit or evaluation of a government-supported educational program or to enforce or comply with the program's legal requirements;
- d. a summary of the activity that includes a description of the methodology and an explanation of why personally identifiable information is necessary to accomplish the activity;
- e. a statement requiring the organization to destroy all personally identifiable information when it is no longer needed to carry out the audit or evaluation, along with a specific time period in which the information must

be destroyed; and

- f. a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Under the audit exception, the District will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the District will verify, to the greatest extent practicable, that the personally identifiable information is used only for the audit, evaluation, or enforcement of a government-supported educational program. The District will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the District will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the District will verify that the information is destroyed when no longer needed for the audit, evaluation, or compliance activity.

- 4. Appropriate parties in connection with a student's application for or receipt of financial aid, if necessary to determine the eligibility for the aid; determine the amount of the aid; determine the conditions of the aid; and/or enforce the terms and conditions of the aid.
- 5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the studies are conducted in a manner that does not permit the personal identification of students and their parents by persons other than representatives of such organizations and if the information will be destroyed when no longer needed for the purpose of conducting such studies.

In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (see Form 8330 F14)

This written agreement must include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

- 6. Accrediting organizations, in order to carry out their accrediting functions.

7. School Readiness programs as provided in State law in order to carry out their assigned duties.
8. For use as evidence in student expulsion hearings conducted by a district school board under F.S. Chapter 120; however, public records of expulsion hearings shall not contain any personally identifiable information.
9. Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.
10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from F.S. 119.07 (1) and shall be protected in a way that does not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and the personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.
11. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. 152 (section 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, if the information is disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained under this paragraph to any person.
13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of such interagency agreements is

intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

14. Consistent with the Family Educational Rights and Privacy Act, the Department of Children and Families or a community-based care lead agency acting on behalf of the Department of Children and Families, as appropriate.
15. Parents of a dependent student as defined by the Internal Revenue Service Tax Code of 1986 and in this policy.
16. "Directory information" as specified in this policy.
17. If the District initiates legal action (a lawsuit) against a parent, or if the parent initiates legal action against the District. In such circumstances, the District may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the District to proceed with legal action as the plaintiff or to defend itself.
18. If the release is to the Attorney General of the United States or to his/her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in Sections 2331 and 2332 of Title 18, U.S. Code.

Under this exception, school officials are not required to record (i.e., on an access log) the disclosure of information from a student's education record when the school makes pursuant to an ex parte order.

Further, an educational institution that, in good faith, produces information from education records in compliance with an ex parte order shall not be liable to any person for that disclosure.

19. If the release is otherwise permitted under Federal law.

C. Record of Disclosures

Record of any requests or disclosures of personally identifiable student information shall be maintained except for disclosures to the parent, guardian, or eligible student; disclosure of directory information; or to any other school officials with a legitimate educational interest. The record of requests for disclosure shall include the following: the parties who have requested or obtained personally identifiable student information, the legitimate interests of the persons requesting or obtaining the information, and date parental/eligible student consent was obtained.

With regard to such disclosures, a "school official" is determined to be any employee of the School Board of Liberty County, Florida, with direct responsibility for providing services to students. A "legitimate educational interest" is determined to mean responsibility for providing direct educational services to students which will include teaching, counseling, psychological services, or other services to students which require

access to personally identifiable information and/or those specified in the law.

D. Disclosures - Health or Safety Emergencies

Disclosure of personally identifiable student information may be made by school officials in the event of a health or safety emergency. Such emergency situations shall be declared in writing to the Superintendent by a recognized legal official with authority to declare such emergency. The declaration of a health or safety emergency shall include the need for specific personally identifiable student information, the time requirements for the information, and the parties to whom the information is disclosed who are responsible for utilizing the information to deal with the emergency.

DIRECTORY INFORMATION

The District shall make available, upon request, certain information known as "directory information" without prior permission of the parents or the eligible student. The District shall charge fees for copies of designated directory information as provided in State law. Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The Board designates as student "directory information": a student's name; photograph; address; telephone number, if it is a listed number; e-mail address; date and place of birth; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; grade level; enrollment status; date of graduation or program completion; awards received; and most recent educational agency or institution attended. Designation of directory information shall occur at a regularly scheduled Board meeting. At the meeting, the Board shall consider whether designation of such information would put students at risk of becoming targets of marketing campaigns, the media, or criminal acts.

An annual written notice shall be given to inform parents, guardians, and eligible students of their rights of access, waiver of access, challenge and hearing, privacy, categories of personally identifiable student information designated as directory information data, and the location and availability of the District's policy on education records of students. Alternate methods of notice shall be made for parents, guardians, or eligible students unable to comprehend a written notice in English. Parents or eligible students may, by providing a written statement to the principal within two (2) weeks of the first day of the school year or entry into the school system request that all specific portions of directory information for that specific student not be released.

Directory information shall not be provided to any organization for profit-making purposes, unless the request is approved, in a nondiscriminatory manner, by the Superintendent.

In accordance with Federal law, the District shall release the names and addresses of students in grades ten through twelve (10-12) to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. Such data shall not be released if the eligible student or student's parents submit a written request not to release such information. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces". The Superintendent is authorized to charge mailing

fees for providing this information to a recruiting officer. A secondary school student or parent of the student may request that the student's name, address, and telephone listing not be released without parental consent.

Whenever parental consent is required for the inspection and/or release of a student's health or educational records or for the release of "directory information", either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The District may disclose "directory information" on former students without student or parental consent.

Transfer of Student Records

When a student, previously enrolled in the District transfers out of the District to another school, public or private, within this State or out of State, the Principal, upon written request of the principal of the receiving school, the parent, guardian, or eligible student, shall, within three (3) school days, transfer a copy of the student's cumulative record containing Category A and B information to the requesting school. Pursuant to Federal law, disciplinary records with respect to suspension and expulsion shall be considered "other records of educational importance" and, as a Category B record, shall be transferred to the requesting school. The Board authorizes the administration to forward all Category A and B student records, including disciplinary records with respect to any current suspension and expulsion, upon request to a school or school district in which a student of this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. The school shall retain a copy of the Category A information in its files. A copy of the Category B (Exceptional Student Education Audit File) records will also be retained. Category B health and testing information shall be retained if it is related to a weighted or categorical program placement which is subject to audit. The files which are retained will be held by the Principal who is the custodian of the records for the period of time specified in the Student Records Manual. Category A student records and Category B (Exceptional Student Education Audit File) beyond the specified time after the student leaves the District will be forwarded to Records Management. When a request comes to the school for student records after the files have been sent to Records Management, the written request should be forwarded to Records Management. Based upon reasonable requests, viewers of educational records will receive explanation and interpretation of the records. Records Management will make copies of the student's files at the current District's copy rate, which shall not exceed the maximum rate for copies of public records as set forth in F.S. Chapter 119.

If applicable, the records to be transferred shall also include:

- A. verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services; and
- B. psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by School District or charter school staff, as appropriate.

The records shall be transferred within three (3) school days of receipt of a written request from the principal of the receiving school, the parent, guardian, or eligible student.

While all reasonable efforts shall be made to collect for damaged or lost library books or textbooks, under no conditions shall the transfer of a student's cumulative record be delayed or denied for failure to pay any fine or fee assessed by the school. Progress reports to parents (report cards) may not be withheld for failure to pay any fine, fee, or an assessment for lost or damaged books.

The Superintendent shall prepare administrative procedures to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's educational records;
- B. request amendments if the parent believes the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- C. consent to disclosures of personally-identifiable information contained in the student's educational records, except to those disclosures allowed by the law;
- D. challenge District noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the Department of Education;
- F. obtain a copy of the District's policy and administrative procedures on student records.

The Superintendent shall also develop, and update as needed, procedures for:

- A. the proper storage and retention of records including a list of the type and location of record;
- B. informing District employees of the Federal and State laws concerning student records.

The District is authorized to use the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this District specifically as a consequence of permitting access or furnishing student records in accordance with this policy and procedures.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation, or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be re-disclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no

longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

Request for Student Social Security Numbers at Enrollment

When a student enrolls in a District school, the District shall request that the student provide his/her social security number and shall indicate whether the student identification number assigned to the student is his/her social security number. A student satisfies this requirement by presenting his/her social security card or a copy of the card to a school enrollment official. However, a student is not required to provide his/her social security number as a condition for enrollment or graduation.

Effective 4/9/14

Revised 4/14/20

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Legal

F.S. Chapter 119

F.S. 1001.41

F.S. 1001.52

F.S. 1002.22

F.S. 1002.221

F.S. 1002.222

F.S. 1003.25

F.A.C. 6A-1.0955

20 U.S.C. 1232f (FERPA)

20 U.S.C. 1232g (FERPA)

20 U.S.C. 1232h (FERPA)

20 U.S.C. 1232i (FERPA)

20 U.S.C. 7908

26 U.S.C. 152

20 U.S.C. 1400 et seq., Individuals with Disabilities Act

Privacy Rights of Parents and Students - P.L. 90-247

No Child Left Behind Act of 2001 - P.L. 107-110

7540.05 - ELECTRONIC MAIL

The School Board is committed to the effective use of electronic mail by all employees of the District in conduct of their official duties. The intent is to assist employees in using electronic messages. It is not meant to limit or discourage the use of electronic mail for conducting business. Rather, it is to establish a framework for the proper use of electronic mail as an official business tool.

As required by State law, the following statement shall be posted in a conspicuous location on the District's website:

"Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail regarding official business to the District or any of its employees. Instead, contact the District or individual employee by phone or in writing."

The District complies with all Federal and State laws pertaining to electronic mail. State and Federal law exempts certain documents and information within documents from disclosure, no matter what their form. Before electronic mail is released pursuant to a public records request, all exempt information in it must be redacted.

The Board does not authorize the use of its proprietary computers and computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent from the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is not authorized by the District and is prohibited by Part III of Chapter 668 of State law. Similarly, e-mail that is relayed from any third party's mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network, and is prohibited by Part III of Chapter 668 of State law. Further, the District does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail.

The District reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the District's network. The District's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of District rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender.

Further, the Board prohibits adults from knowingly distributing to minors any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format through e-mail sent, or caused to be sent, to or through the District's network. An adult who knowingly distributes any

such material to a minor through e-mail sent, or caused to be sent, to or through the District's network also commits a felony under State law, and is subject to disciplinary action to and including termination.

F.S. 119.011, 257.05, 668.60 et seq., 668.701 et seq., 847.012

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, 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. District Compliance Officer(s)

The Superintendent shall appoint compliance officer(s) 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, Title IX of the Education Amendment Act of 1972, 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.

A. Compliance Officer(s)

The Board designates the following person to serve as the District's "Compliance Officer" (also known as "Civil Rights Coordinators"; hereinafter referred to as the CO):

Aaron Day
Assistant Superintendent
850-643-2275
12926 NW CR 12
Bristol, Florida 32321

aaron.day@lcsb.org

B. Section 504 Compliance Officer/ADA Coordinator

The Board designates the following individual(s) to serve as the District's Section 504 Compliance Officer/ADA Coordinator:

Lara Deason, ESE Director
850-643-2275 ext. 11245
lara.deason@lcsb.org

C. Title IX Coordinator

The Board designates the following individual(s) to serve as the District's Title IX Coordinator.

Aaron Day
Assistant Superintendent
850-643-2275 ext. 11236
aaron.day@lcsb.org

D. 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.

III. **Complaint Procedures**

If an employee believes that s/he has been subjected to unlawful discrimination, s/he 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.

IV. 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) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The compliance officer shall maintain the District's files and records relating to the complaint.
- D. The Superintendent will, within ten (10) work 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) work days of the hearing.

- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.
- F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. 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.

V. Filing a Complaint with OCR/FCHR/EEOC

At any time, if an employee believes that s/he has been subjected to unlawful discrimination, s/he may file a complaint with the OCR, FCHR, or EEOC.

VI. 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 prohibited by this policy, 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.

VII. 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.

VIII. 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.

IX. Retention of Investigatory Records and Materials

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;

- 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 interim measures offered and/or provided to complainants, 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.

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.

Effective 4/9/14
 Revised 11/14/17
 Technical Change 1/15/20
 Revised 4/14/20

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F.S. 110.1221

F.S. 250.481

F.S. 760.01

F.S. 760.10

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29 C.F.R. Part 1635
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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. District Compliance Officer(s)

The Superintendent shall appoint compliance officer(s) 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, Title IX of the Education Amendment Act of 1972, 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.

A. Compliance Officer(s)

The Board designates the following persons to serve as the District's "Compliance Officer(s)" (also known as "Civil Rights Coordinators"; hereinafter referred to as the "COs"):

Aaron Day
Assistant Superintendent
850-643-2275 ext. 11236

12926 NW County Road 12
Bristol, Florida 32321
aaron.day@lcsb.org

B. Section 504 Compliance Officer/ADA Coordinator

The Board designates the following individuals to serve as the District's Section 504 Compliance Officer/ADA Coordinator.

Lara Deason
ESE Director
850-643-2275 ext. 11245
lara.deason@lcsb.org

C. Title IX Coordinator

The Board designates the following individuals to serve as the District's Title IX Coordinator.

Aaron Day
Assistant Superintendent
850-643-2275 ext. 11236
aaron.day@lcsb.org

D. Publication Required

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

III. **Complaint Procedures**

If an employee believes that s/he has been subjected to unlawful discrimination, s/he 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 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.

IV. Internal Complaint Procedure

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VII. Training

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- 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;
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Effective 4/9/14
Revised 4/14/20

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F.S. 110.1221

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D. Publication Required

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III. Complaint Procedures

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Effective 4/9/14
Revised 4/14/20

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29 C.F.R. Part 1635

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

6550 - TRAVEL AND PER DIEM

A. In-County Travel

Travel on official business performed within Liberty County by the Superintendent, District employees, and authorized persons shall be reimbursed at the maximum rate allowed by F.S. Chapter 112.061; said mileage shall be determined by actual odometer reading, if travel performed by personal automobile. The Superintendent, or designee, may grant monthly allowances in fixed amounts for use of privately owned automobiles on official business. Such allowances shall be made on the basis of a signed statement of the traveler, filed before the allowance is granted or changed, and at least annually thereafter. The statement shall show the places and distances for an average typical month's travel, the reimbursable amount at distances for an average typical month's travel, the reimbursable amount at the established rate, and the monthly allowance requested. Under no circumstances shall the monthly allowance be greater than that to which the employee would be entitled at the established reimbursement rate.

B. Out-of-County Travel

In Advance

When approved in advance, expenses for out-of-county travel for employees and authorized representatives of the District shall be paid at the rate allowed by State law. Copies of receipts for lodging, transportation, tolls, registration fees, and parking must be attached to the traveler's request for reimbursement.

C. Advancement of Funds for Travel

1. Approval

Upon approval of the principal or division head, employees and authorized representative of the Board may receive advancements for approved travel. Such advancements shall be limited to per diem, mileage, plane or other public transportation tickets, and documented registration fees for the period covered by an appropriate leave form. Prior to receipt of advancement, the employee or authorized representative shall:

- a. have written authorization for both the travel and advancement from the appropriate supervisor;
- b. agree to repay all amounts of the advancement that are in excess of the documented expenditures which would otherwise be eligible for reimbursement under these policies;
- c. agree to provide receipts for lodging, registration, and actual odometer readings within two (2) working days upon return.

2. Advancement

Schools may make advancements from internal accounts and request reimbursement from budgeted funds following actual travel.

D. Prohibited Expenditures

Expenditures for travel outside the District or for cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method, are not permitted if any of the financial conditions outlined in F.S. 1011.051, and as set forth in Policy 6233 (District Budget), exist.

E. Travel Costs Paid or Reimbursed from Federal Funds

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

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

Effective 4/9/14
Revised 1/14/20

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F.S. 112.061

F.S. 1001.39

F.A.C. 6A-1.056

2 C.F.R. 200.474

1590 - PERSONNEL FILE

It is necessary for the orderly operation of the School District to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The School Board requires that sufficient records exist to determine an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with District rules, and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Florida. Materials relating to work performance, discipline, suspension, or dismissal will be reduced to writing and signed by a person competent to know the facts or make the judgment. The resignation or termination of an employee before an investigation of alleged misconduct by the employee affecting the health, safety, or welfare of a student is concluded must be clearly indicated in an employee's personnel file.

The term personnel file as used in this section shall mean all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its instructional staff, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file.

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.

Regardless of the status of an investigation, any legally sufficient complaint will be filed in writing with Florida Department of Education (FLDOE) within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the District pursuant to F.S. 1012.796(1)(d)1. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education.

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.

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.

The Superintendent shall maintain a record in each personnel file of those persons reviewing the files each time they are reviewed.

A copy of each such entry shall be given to the employee upon request.

The employee shall have access to his/her file upon request.

The related procedures manual is entitled Personnel File Procedures.

Effective 4/9/14

Revised 7/18/19

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F.S. 119.011

F.S. 119.07

F.S. 119.071

F.S. 1012.31

3590 - PERSONNEL FILE

It is necessary for the orderly operation of the School District to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The School Board requires that sufficient records exist to determine an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with District rules, and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Florida. Materials relating to work performance, discipline, suspension, or dismissal will be reduced to writing and signed by a person competent to know the facts or make the judgment. The resignation or termination of an employee before an investigation of alleged misconduct by the employee affecting the health, safety, or welfare of a student is concluded must be clearly indicated in an employee's personnel file.

The term personnel file as used in this section shall mean all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its instructional staff, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered the official record file.

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.

Regardless of the status of an investigation, any legally sufficient complaint will be filed in writing with Florida Department of Education (FLDOE) within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the District pursuant to F.S. 1012.796(1)(d)1. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education.

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.

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.

The Superintendent shall maintain a record in each personnel file of those persons reviewing the files each time they are reviewed.

A copy of each such entry shall be given to the employee upon request.
The employee shall have access to his/her file upon request.

The related procedures manual is entitled Personnel File Procedures.

Effective 4/9/14
Revised 7/18/19

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Legal

F.S. 119.011

F.S. 119.07
F.S. 119.071
F.S. 1012.31

4590 - PERSONNEL FILE

It is necessary for the orderly operation of the School District to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The School Board requires that sufficient records exist to determine an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with District rules, and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Florida. Materials relating to work performance, discipline, suspension, or dismissal will be reduced to writing and signed by a person competent to know the facts or make the judgment. The resignation or termination of an employee before an investigation of alleged misconduct by the employee affecting the health, safety, or welfare of a student is concluded must be clearly indicated in an employee's personnel file.

The term personnel file as used in this section shall mean all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its instructional staff, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file.

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.

Regardless of the status of an investigation, any legally sufficient complaint will be filed in writing with Florida Department of Education (FLDOE) within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the District pursuant to F.S. 1012.796(1)(d)1. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education.

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
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F.S. 119.011

F.S. 119.07

F.S. 119.071

F.S. 1012.31

8462 - STUDENT ABUSE AND NEGLECT

The School Board is concerned with the physical and mental well-being of the students of this District and requires that school employees comply with the mandated identification and reporting of known or suspected cases of child abuse, abandonment, or neglect in accordance with law.

Reporting Known or Suspected Cases

- A. Any person, including teachers, administrators, support personnel, and other District and school personnel who knows, or has reasonable cause to suspect that a child or a student has been abused, abandoned, or neglected by a parent, legal custodian,

caregiver, adult, or other person responsible for the child's welfare or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the Department of Children and Families in a manner prescribed by law. A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so is guilty of a misdemeanor of the first degree.

Further any person, including teachers, administrators, support personnel, and other District and school personnel, who knows, or has reasonable cause to suspect, that a child or a student is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, shall report such knowledge or suspicion to the Department of Children and Families in a manner prescribed by law.

A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so commits a felony of the third degree.

- B. The proper procedure for reporting known or suspected cases of child abuse, abandonment, and neglect is:
 - 1. Make a report immediately to the Department of Children and Families central abuse hotline, using the single Statewide toll-free telephone number: 1-800-96-ABUSE (1-800-962-2873), or via fax, web-based chat, or web-based report. School employees reporting such cases are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential and exempt as provided by law.
 - 2. As soon as practicable after making the report, the school staff member shall inform the principal or supervisor of their knowledge or suspicions, and advise that individual that the report has been made.
- C. School employees are to be advised that reporting their knowledge or suspicions of suspected abuse to a principal, or supervisor, or other school or District personnel does not comply with the mandatory reporting requirements of the law. The principal, supervisor, and other school or District personnel who are informed of suspected abuse, abandonment, and neglect likewise have an obligation to report to the central abuse hotline as required by law.
- D. No employee of the District shall be subject to reprisal or discharge because of his/her actions in reporting abuse or neglect pursuant to the requirements of F.S. 39.203.
- E. No Board employee may agree, as a condition of receiving information about child abuse, neglect, or abandonment from a victim, a perpetrator, witness, or other

person, that the Board employee will not report this information as required by law and this Board policy.

False Reports

A person who knowingly and willfully makes a false report of child abuse, abandonment, or neglect, or who advises another to make a false report, is guilty of a felony of the third degree and may be subject to other penalties in accordance with Florida law.

Posting of Notices

Each school in the District shall:

- A. post in a prominent place in each school a notice that, pursuant to F.S. Chapter 39, all employees and agents of the Board have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect;

The notice shall also include the Statewide toll-free telephone number of the central abuse hotline.

- B. post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators;
- C. post in a prominent place, in a clearly visible location and public area of the school, readily accessible to and widely used by students, a sign in English and Spanish that contains:
 - 1. the Statewide toll-free telephone number of the central abuse hotline as provided in F.S. Chapter 39;
 - 2. instructions to call 911 for emergencies; and
 - 3. directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, neglect, and exploitation.

The notice must be on at least one (1) posted in each school, on a sheet that measures at least 11 inches by 17 inches, produced in large print, and placed at student eye level for each viewing.

Training

Instructional staff members in grades K-12 and all school administrators, psychologists, nurses, and social workers are required to participate in the continuing education training provided by the Department of Children and Family Services on identifying and reporting child abuse and neglect.

Liaison

The Superintendent will act as a liaison to the Department of Children and Families and the child protection team, when a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child is referred to such a team.

The Superintendent shall also serve, or nominate a designee to represent the District, on the Local Child Abuse Death Review Committee as required by State law. The Superintendent shall also require District staff, who, in a professional capacity, dealt with a child whose death is verified as caused by abuse or neglect, or with the family of the child, to attend any meetings of the local committee at which the child's case is reviewed.

Liability

Employees who report abuse, abandonment, and/or neglect of a student may be entitled to certain statutory liability protections as set forth in F.S. 39.203.

F.S. 39.01(47)

F.S. 39.201

F.S. 39.202

F.S. 39.203

F.S. 39.204

F.S. 39.205

F.S. 39.206

F.S. 39.303

F.S. 383.402

F.S. 1001.41

F.S. 1001.42

F.S. 1006.061

F.S. 1012.98

8141 - MANDATORY REPORTING OF MISCONDUCT

The School Board recognizes its responsibilities to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process.

For purposes of this policy, the term "employee(s)" includes instructional personnel, administrative personnel, and school officers as those terms are defined in F.S. 1012.01 all employees of the District and school officers as defined in F.S. 1012.01.

Reporting Misconduct

All employees are required to report to the Superintendent alleged misconduct by District employees which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student.

If the alleged misconduct to be reported is regarding the Superintendent, the District employee shall report the alleged misconduct to the Board attorney. Failure to report such alleged misconduct shall result in appropriate disciplinary action (F.S. 1012.796(d)). The report shall be made in accordance with Policy 9130 - Public Complaints.

The Superintendent shall investigate any allegation of misconduct by District employees which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, and shall report the alleged misconduct to the Department of Education as required in F.S. 1012.796, 1001.51(12)(b), 1001.42(7)(b).

The Superintendent shall report to law enforcement agencies with jurisdiction any misconduct that would result in disqualification from educator certification or employment as set forth in F.S. 1012.315.

Staff alleged to have committed such misconduct shall be reassigned pending the outcome of a misconduct investigation.

Parental Notification of Alleged Misconduct

Within thirty (30) days of the date on which the District learns of misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, lewd conduct with a student, or any conduct that would result in disqualification from educator certification or employment as provided in F.S. 1012.315, the parent of a student who was subjected to or affected by such misconduct shall receive written notification informing the parent of the following:

- A. The alleged misconduct, including which allegations have been substantiated, if any;
- B. Whether the District reported the misconduct to the FLDOE, if required by F.S. 1012.796;
- C. The sanctions imposed by the District against the employee, if any; and
- D. Support the District will make available to the student subjected to or affected by the misconduct.

Parental notification shall be provided consistent with the provisions set forth in Policy 1590, Policy 3590, and Policy 4590, including the statutory requirement that school administrators and

instructional staff members be provided ten (10) days notice before the disclosure of derogatory material.

Filing a Complaint with the Department of Education

If it is alleged that an instructional staff member or administrator has committed a violation as provided in F.S. 1012.795, and defined by rule of the State Board of Education, the Superintendent shall file with the Department of Education a legally sufficient complaint within thirty (30) days after the date on which the subject matter of the complaint came to the attention of the Superintendent, regardless of whether the subject of the complaint is still an employee of the District. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education. The Superintendent shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the Department of Education to investigate complaints, regardless of the District's untimely filing, or failure to file, complaints and follow-up reports (F.S. 1012.796(e)).

Report of Resignation or Termination

If the Superintendent determines that a legally sufficient complaint of misconduct by an instructional staff member or an administrator who holds a certificate issued by the Florida Department of Education affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated and the Superintendent must immediately report the misconduct to the Department of Education in the format prescribed by the Department even if the instructional staff member or administrator resigns or is terminated before the conclusion of the District's investigation. The Department shall maintain each report of misconduct as a public record in the instructional personnel's certification files (F.S. 1012.796(d)).

Transmittal of False or Incorrect Report

The Superintendent shall not knowingly sign and transmit to any State official a report that the Superintendent knows to be false or incorrect.

Pursuant to F.S. 1001.42(7), a Board member may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the Board member knows to be false or incorrect.

Requirement of Disclosure of Employee Misconduct

The Board, Superintendent, or any other District employee, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel with employment references or discuss the personnel's performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect

of concealing misconduct by instructional personnel which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced (F.S. 1001.42(6)).

Posting Requirements

Pursuant to F.S. 1006.061(2), this policy shall be posted in a prominent place at each school site and on each school's internet website, so that the policy and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators is effectively communicated to all.

Liability

Employees who report misconduct which affects the health, safety, or welfare of a student may be entitled to certain statutory liability protections as set forth in F.S. 39.203 and 768.095.

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F.S. 1001.42(6)

F.S. 1001.42(7)(b)

F.S. 1001.51(12)(b)

F.S. 1006.061(2)

F.S. 1012.795

F.S. 1012.796

F.S. 1012.796(d)

F.S. 1012.796(e)

3150 - RESIGNATION

Any person who wishes to resign shall submit his/her resignation addressed to the Superintendent in writing.

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

If the Superintendent determines that misconduct by an instructional staff member who holds an educator certificate affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated and the Superintendent must report the misconduct to the Department in the format prescribed by the Department.

Additionally, Policy [8141](#) sets forth the procedures for mandatory reporting of alleged misconduct by instructional staff members to the Florida Department of Education.

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

A member of the instructional staff shall be in violation of the terms of his/her individual employment contract by leaving his/her position prior to release by the Board.

The Superintendent is authorized to accept resignations on behalf of the Board.

F.S. 1001.43, 1012.33, 1012.796(d)

5340 - STUDENT ACCIDENTS

The School Board believes that school personnel have certain responsibilities in case of accidents that occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administrative personnel, notification of parents, and the filing of accident reports.

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident.

The Superintendent shall develop administrative procedures to include the reporting of accidents, when appropriate.

F.S. 381.0056, 1001.43

8442 - REPORTING ACCIDENTS

The School Board directs that all reasonable efforts be made to ensure a safe learning and working environment for the students and employees of this District.

To that end, and so that legitimate employee claims for worker's compensation be expedited, the Board requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a student, employee of the Board, or a visitor to the schools must be reported promptly and in writing to the District's business office. Injured persons shall be referred immediately to the Principal for such medical attention as may be appropriate.

The injured employee, visitor, or the staff member responsible for an injured student shall complete a form that includes the date, time, and place of the incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any employee of the Board who suffers a job-related injury must report the injury and its circumstances to the principal or job supervisor, as appropriate, as soon as possible following

the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action.

F.S. 1006.07

7434 - TOBACCO-FREE ENVIRONMENT

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

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

To protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any indoor facility owned or leased or contracted for by the Board.

The Board also prohibits the use of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.

The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas.

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

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

1281 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL

Administrative staff members may wish to bring personal property to school either for reasons associated with professional responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the School Board is not responsible for any loss, damage, or misuse of said property. Employees who bring personal property onto District premises for work-related purposes must complete Form 1281 F1, Board Notification of Personal Property Being Brought onto District Premises for Work-Related Purposes, and notify his/her supervisor prior to bringing such property onto District premises. Except in extraordinary

circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

If the employee's supervisor or a building principal requests an employee bring a certain piece of equipment or tool to school in order to complete a specific task, and the employee completes Form 1281 F1, Board Notification of Personal Property Being Brought onto District Premises for Work-Related Purposes, the personal property may be covered by the Board's property insurance policy during the period of time referenced on the form, subject to deductibles and limitations of District insurance coverage.

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

Other individuals may wish to bring personal property onto District premises. The owner of the personal property bears all responsibility and assumes all risk for loss, damage or misuse of said personal property while it is on Board property. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

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

3281 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL

Employees may wish to bring personal property to school either for reasons associated with professional responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the School Board is not responsible for any loss, damage, or misuse of said property. Employees who bring personal property onto District premises for work-related purposes must complete Form 3281 F1, Board Notification of Personal Property Being Brought onto District Premises for Work-Related Purposes, and notify the building principal prior to bringing such property onto District premises. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

If the employee's building principal or supervisor request an employee bring a certain piece of equipment or tool to school in order to complete a specific task, and the employee completes Form 3281 F1, Board Notification of Personal Property Being Brought onto District Premises for Work-Related Purposes, the personal property may be covered by the Board's property insurance policy during the period of time referenced on the form, subject to deductibles and limitations of District insurance coverage.

Other individuals may wish to bring personal property onto District premises. The owner of the personal property bears all responsibility and assumes all risk for loss, damage or misuse of said personal property while it is on Board property. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

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

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

4281 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL

Employees may wish to bring personal property to school either for reasons associated with classified responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the School Board is not responsible for any loss, damage, or misuse of said property. Employees who bring personal property onto District premises for work-related purposes must complete Form 4281 F1, Board Notification of Personal Property Being Brought onto District Premises for Work-Related Purposes, and notify the building principal prior to bringing such property onto District premises. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

If the employee's building principal or supervisor request an employee bring a certain piece of equipment or tool to school in order to complete a specific task, and the employee completes Form 4281 F1, Board Notification of Personal Property Being Brought onto District Premises for Work-Related Purposes, the personal property may be covered by the Board's property insurance policy during the period of time referenced on the form, subject to deductibles and limitations of District insurance coverage.

Other individuals may wish to bring personal property onto District premises. The owner of the personal property bears all responsibility and assumes all risk for loss, damage or misuse of said personal property while it is on Board property. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

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

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 is in the employee's and/or School District's best interest(s).

Assignment to Schools Graded "D" or "F"

Pursuant to statutory requirements, the percentage of temporarily certified 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. 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 the 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 [x], 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.

Two (2) or more relatives shall not work in the same administrative unit except by permission of the Superintendent. In the event that an instructional staff member, due to some unusual circumstance, may have been placed in the same working unit with a relative, the instructional staff member may continue in the position until s/he can be reassigned to a position of comparable grade, pay, and reasonable personal convenience.

- A. A relative may be employed in the same school 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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Legal

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

1139 - EDUCATOR MISCONDUCT

As required by the provisions of State Board of Education Rule F.A.C. 6B-1.006(5) and the Principles of Professional Conduct of the Education Profession in Florida, an administrator is required to self-report within forty-eight (48) hours any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgement. When handling sealed and expunged records disclosed under this policy, the District shall comply with the confidentiality provisions in Florida statutes.

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

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

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

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

3120 - EMPLOYMENT OF INSTRUCTIONAL STAFF

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

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

For purposes of this policy, instructional staff includes: classroom teachers, librarians/media specialists, guidance counselors, career specialists, school psychologists, and other instructional staff (such as: primary specialists, learning resource specialists, instructional trainers, and adjunct educators).

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

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

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

The Board shall approve employment, upon recommendation of the Superintendent.

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

INSTRUCTIONAL PERSONNEL

Qualifications of instructional personnel shall be as required by law and Florida Administrative Code. To be eligible for appointment in any position in the District, a person must be of good moral character; must have attained the age of eighteen (18) years; and must, when required by law, hold a certificate or license issued under rules of the state Board of Education or the Department of Children and Family Services, except when employed pursuant to F.S. 1012.55 or under the emergency provisions of F.S. 1012.24. Previous residence in this State shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity.

Any employee who does not achieve a passing score on any subtest of the general knowledge examination will be provided information regarding the availability of State-level and District-level supports and instruction to assist him/her in achieving a passing score. Such information

will include, but is not limited to, State-level test information guides, School District preparation resources, and preparation courses offered by State universities and Florida college system institutions.

CERTIFICATION

A. State Certification

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

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

F.S. 1012.42

B. In-Field

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

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

C. District Certification

It is the intent of the Board that nondegreed vocational instructional personnel possess the credentials, knowledge, and/or expertise necessary to provide quality education in the District. The purpose of District certification is to provide evidence of instructional qualifications in order to protect the interest of students, parents, and the public.

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

NONCERTIFICATED INSTRUCTIONAL PERSONNEL

The Superintendent is hereby authorized to select and recommend noncertificated instructional personnel for appointment, pursuant to State Board of Education Rule F.A.C. 6A-1.0502, in a critical teacher shortage area, as identified by the Board. To be eligible for employment under this provision, such individuals must hold a Bachelor's or higher degree and possess expert skill in or knowledge of a particular subject or talent, but not hold a Florida teaching certificate. Instructional personnel employed under this policy will not be entitled to receive a contract.

CERTIFICATED PERSONNEL

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

ALTERNATIVE CERTIFICATION

The alternative certification program is a competency-based program designed to expand the pool of educators to include non-education majors committed to making a positive impact on student achievement.

LICENSED PERSONNEL

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

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Legal

F.S. 1012.01

F.S. 1012.22

F.S. 1012.24

F.S. 1012.27

F.S. 1012.315

F.S. 1012.32

F.S. 1012.33

F.S. 1012.42

F.S. 1012.55

F.S. 1012.56

F.S. 1012.57

F.A.C. 6A-1.0502

F.A.C. 6A-1.0503

20 U.S.C. 6301

20 U.S.C. 7801

5630 - CORPORAL PUNISHMENT AND USE OF REASONABLE FORCE AND RESTRAINT

A teacher or other member of the staff shall assume such authority for the control of students who are assigned to him/her by the principal or designee and shall keep good order in the classroom.

Corporal Punishment

Pursuant to State law, if a teacher or the principal determines that corporal punishment is necessary, it may be administered by a teacher or school principal in accordance with guidelines established by the school principal.

The principal's guidelines shall include requirements that corporal punishment be administered by the specific staff members authorized by the principal to administer such punishment. The guidelines shall also require that it be administered in the presence of another adult, and that the adult in whose presence it is administered be informed in the student's presence of the reason for the corporal punishment. The guidelines shall further require that the teacher or principal shall, upon parental request, provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present. The principal's guidelines may include other requirements and conditions under which corporal punishment may be administered.

Additionally, pursuant to State law, the School Board shall review the portion of this policy authorizing corporal punishment once every three (3) years at a public meeting where the Board takes public testimony or when the portion of this policy authorizing corporal punishment expires.

Reasonable Force and Restraint

Instructional staff as well as support staff, within the scope of their employment, may use and apply reasonable force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

Furthermore, administrators, instructional staff members, and support staff members shall not be criminally or civilly liable for any action carried out in conformity with State Board rule and/or Board policies regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority granted by this policy.

F.S. 1003.02, 1003.32, 1006.09, 1006.11

8350 - CONFIDENTIALITY

State and Federal law requires that student education records, including health records, be confidential (see Policy [8330](#)). State law also exempts certain information and records from

public disclosure (see Policy [8310](#)). As such, the School Board is obligated to take appropriate steps to maintain certain information and records as confidential.

Pursuant to State law, any District employee who has custody of information and records for which there is a statutory exemption to the right of any person to inspect and copy a public record has the duty and obligation to assert the exemption and redact the confidential information from the record before producing the remainder of such record for inspection and copying. There shall be no redaction in the case where the entire record is confidential and exempt from disclosure.

Further, individuals who have access to student education records may not remove them from Board property without express permission from their building principal or supervisor. An individual authorized to remove student education records from school property is responsible for the safety and security of the records and for returning them to the District intact. Confidential information and records may not be disclosed except as authorized by Board policy and procedures.

A student's educational record and all personally identifiable information shall not be properly released except on the condition that the information being transferred will not be subsequently released to any other party without first obtaining the consent of the parent or adult/eligible student. The disclosed information may be used by the appropriate officials of the agency or institution to which the information was properly released, but only for the purpose for which the disclosure was made.

Released copies of educational records and personally identifiable information must be destroyed when no longer required by the person to whom the information was appropriately released. In order to comply with the above, all copies of the information being released should be marked as follows: "Information contained herein may not be released without written permission of the parent or eligible student. This information shall be destroyed when no longer needed."

Individuals who have access to confidential information and records while employed by the Board are reminded that their legal obligation to maintain such confidences extends beyond their term of employment in the District and they are prohibited from releasing, disclosing, or otherwise disseminating confidential information or records subsequent to leaving the Board's employ.

Confidential Information Received from Another Public Agency

In addition, when the District receives in trust from a public agency information identified as confidential (whether such information is confidential by Florida law, Common Law Privilege, Case Law, or Federal law), the Board will maintain the confidentiality of said information to the maximum extent permitted by the law.

In order to prohibit the unauthorized disclosure of information identified as confidential by the sending public agency, the Board may seek to obtain court protection by:

- A. denying requests for release of such information absent subpoena or court order;
- B. pursuing motions to quash or protective orders to prohibit unauthorized/unlawful disclosure of such information.

When possible, the Board will attempt to notify the sending public agency of the request for release of confidential information that it provided to the District before complying with the request.

Limited Use of Social Security Numbers and Other Statutorily Exempt Information

The District recognizes the need to safeguard privacy and restrict access to personally identifiable information contained in employee and student personnel records collected in the course of the District's business. Pursuant to State law, all social security numbers held by the District are confidential and exempt from F.S. 119.071 and Section 24(a), Article I of the State Constitution. This exemption applies to all social security numbers held by the District before, on, or after the effective date of this exemption. In addition, there are statutory exemptions for other personally identifiable information.

It is the policy of the Board that neither the Board nor its employees shall permit the release of the social security numbers or other statutorily exempt information of an employee, student, or other individual except in accordance with State and Federal law. Access to documents containing social security numbers shall be restricted to only those District employees who have a need to know such information.

Further, it is the policy of the Board that social security numbers shall only be collected in order to fulfill its responsibilities as prescribed by law. The District, upon the collection of an individual's social security number shall provide that person with a statement of the purpose or purposes for which the social security number is being collected and used. Social security numbers shall not be used by the District for any purpose other than the purpose or purposes stated when the social security number was collected.

Pursuant to State law, the Board shall request that each student enrolled in the District provide his/her social security number so that it can be used as the student identification number in the information management system maintained by the District. However, also pursuant to State law, a student shall not be required to provide his/her social security number as a condition of enrollment or graduation. The District shall record the student's permanent record and shall indicate in that record if the number recorded is not a social security number.

Pursuant to State law, if a document containing social security numbers and/or other statutorily exempt information is to be released in compliance with a public records request, the social security numbers and/or the other statutorily exempt information shall be redacted before the document is provided to the requestor.

Social security numbers may be disclosed to another governmental entity or its agents or employees if disclosure is necessary for that agency to perform its duties and responsibilities.

The District shall inform the receiving agency in writing of its obligation to maintain the confidential and exempt status of such information.

Responsibility to Enforce This Policy and Consequences for Failing to Do So

As described above, the Board prohibits the release of social security numbers and other statutorily exempt, confidential information to unauthorized persons or entities.

If an employee is asked to provide a social security number or other statutorily exempt information from a file or record maintained by the District, the employee shall refuse to release the social security number and/or the other statutorily exempt information, and shall notify his/her immediate supervisor as soon as practicable.

Employees who intentionally display, disclose, transfer, or unlawfully use the social security number of any student, employee, or other individual, as well as any other statutorily exempt, confidential information, in violation of this policy shall be subject to discipline, up to and including termination.

Accordingly, the Superintendent shall provide all staff with access to this policy. In addition, the Superintendent shall take the steps necessary so that staff who have access to files and records that contain confidential information and/or social security numbers are made aware of their responsibility to see that such information is released only in accordance with Federal and State law and this policy, as well as the consequences if they fail in that regard.

F.S. 119.07(1)d, 119.071(5)(a)2, 119.071(5)(a)3, 119.071(5)(a)4, 119.071(5)(a)5
F.S. 1008.386
20 U.S.C. 1232g

LIBERTY COUNTY SCHOOL DISTRICT BENEFITS

1420 – BENEFITS (See below)

3420 – BENEFITS (See below)

4420 - BENEFITS

The School Board shall provide all [employees] with the following benefits:

A. Life Insurance

All employees will have life insurance in an amount equal to \$10,000.

B. Hospitalization and Medical Insurance

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

C. **Liability Coverage**

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

D. **Workers' Compensation**

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

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

E. **Other Insured Employee Benefits**

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

F. **Flexible Spending Accounts**

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

G. **Legal Services**

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

H. **Terminal Pay**

Employees shall be eligible for terminal pay at the time of normal retirement, provided that normal retirement coincides with termination, or payment to the beneficiary, if service is terminated by death. The Superintendent shall develop *Terminal Pay Procedures*. This procedures manual may be updated by the Superintendent as necessary to ensure compliance with applicable law and/or rule.

I. **Holidays**

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

J. **Sick Leave Pool**

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

K. **Terminal Pay for Accumulated Sick Leave**

Any regular, full-time employee or Superintendent shall be entitled to terminal pay at normal retirement; age sixty (60) for widows/widowers that are eligible for social security benefits; and at termination from the Deferred Retirement Option Program (DROP) or to his/her beneficiary if services terminated by death. Such terminal pay shall be computed as follows:

1. During the first three (3) years of service with the District, the daily rate of pay multiplied by thirty-five percent (35%) times the number of days of accumulated sick leave.
2. During the next three (3) years of service with the District, the daily rate of pay multiplied by forty percent (40%) times the number of days of accumulated sick leave.
3. During the next three (3) years of service with the District, the daily rate of pay multiplied by forty-five percent (45%) times the number of days of accumulated sick leave.
4. During the next three (3) years of service in the District, the daily rate of pay multiplied by fifty percent (50%) times the number of days of accumulated sick leave.
5. During and after the thirteenth (13th) year of service with the District, the daily rate of pay multiplied by sixty percent (60%) times the number of days of accumulated sick leave.

If an employee retires and receives terminal pay benefits based on unused sick leave, all unused sick leave credit becomes invalid.

L. Terminal Pay for Vacation/Annual Leave

A staff member who is employed on a regular or full-time basis for twelve (12) calendar months may be entitled to a lump-sum payment for his/her accrued vacation leave upon termination of employment, or normal retirement not to exceed thirty (30) days. Normal retirement as used herein means retirement with either full or reduced benefits as provided by Florida statutes; it does not include disability retirement. In the case of an employee's death, his/her beneficiary shall be entitled to the lump-sum payment of the accrued vacation leave.

1. The employee may choose to receive a lump-sum terminal payment of accrued vacation leave with the final salary warrant.
2. Payment shall be the daily rate of pay at the time of termination, retirement, or death. Terminal pay for accrued annual leave shall not exceed a maximum of thirty (30) days.
3. The employee shall have been employed by the District at the time of termination, retirement or death.
4. Employees that elect to participate in the Deferred Retirement Option Program (DROP) will be paid, upon request, for all or part of their accrued annual leave (excluding supplements) upon their enrollment into DROP. This payment will be included with the DROP participant's salary certification to the Division of Retirement at the time of enrollment in DROP. DROP participants will be eligible to receive any balance of their accrued annual leave and/or any additional earned annual leave at the termination of employment not to exceed thirty (30) days total.

M. Retirement

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

A retirement incentive of ten percent (10%) of the Board employee's salary, excluding supplements, shall be provided when s/he is eligible for normal retirement with full benefits under an existing State retirement plan. Normal retirement is defined by F.S. 121.091, 121.021 or 238.07. Those electing to participate in the Deferred Retirement Option Program (DROP) are not eligible for this incentive.

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

1419 - GROUP HEALTH PLANS

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

1419.02 - PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

3419.02 - PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

4419.02 - PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

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

- A. Group Health Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan

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

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

- A. refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful;
- B. not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits;

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

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

- A. summary health information;

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

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

F.S. 1002.02

20 U.S.C. 1232g

42 U.S.C. 1320d-2

Health Insurance Portability and Accountability Act (HIPAA)

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

29 C.F.R. Part 1635

6510 - PAYROLL AUTHORIZATION

The most substantial payment of public funds for the operation of the School District is that which is made to the employees of the School Board for services rendered. To ensure that each person so compensated is validly employed by this District and that the compensation remitted fairly represents the services rendered, this policy is promulgated.

Employment of all District personnel whether by the year, term, month, week, day, or hour in contract or temporary form must be approved by the Board, except where authority to appoint certain personnel of the District has been delegated to the Superintendent in Policy [1120](#), Employment of Administrators; Policy [3120](#) Employment of Instructional Staff; and Policy [4120](#) Employment of Support Staff.

Each motion of the Board to employ or reemploy a staff member shall include the name of the individual, the position title, and the effective date of employment. Salaries of all employees shall be determined by the Board on the recommendation of the Superintendent and shall be outlined in the annual salary schedule adopted by the Board.

All personnel are paid on a monthly schedule and by direct deposit.

F.S. 1001.51, 1012.22
F.A.C. 6A-1.052

Principles of Professional Conduct for the Education Profession in Florida

6A-10.081 Principles of Professional Conduct for the Education Profession in Florida.

(1) Florida educators shall be guided by the following ethical principles:

(a) The educator 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 educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.

(c) 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, the educator strives to achieve and sustain the highest degree of ethical conduct.

(2) Florida educators shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.

(a) Obligation to the student requires that the individual:

1. Shall make 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. Shall not unreasonably restrain a student from independent action in pursuit of learning.
3. Shall not unreasonably deny a student access to diverse points of view.
4. Shall not intentionally suppress or distort subject matter relevant to a student's academic program.
5. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
6. Shall not intentionally violate or deny a student's legal rights.
7. Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and

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

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

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

(b) Obligation to the public requires that the individual:

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

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

3. Shall not use institutional privileges for personal gain or advantage.

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

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

(c) Obligation to the profession of education requires that the individual:

1. Shall maintain honesty in all professional dealings.

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

4. Shall 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 effort to assure that each individual is protected from such harassment or discrimination.

5. Shall not make malicious or intentionally false statements about a colleague.

6. Shall not use coercive means or promise special treatment to influence professional judgments of colleagues.
7. Shall not misrepresent one's own professional qualifications.
8. Shall not submit fraudulent information on any document in connection with professional activities.
9. Shall 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. Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
11. Shall provide upon the request of the certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
12. Shall 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. Shall self-report within forty-eight (48) hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, 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 Sections 943.0585(4)(c) and 943.059(4)(c), F.S.
14. Shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), F.S.
15. Shall 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 Section 1012.795(1), F.S.
16. Shall comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.

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

Rulemaking Authority 1001.02, 1012.795(1)(j) FS. Law Implemented 1012.795 FS. History—New 7-6-82, Amended 12-20-83, Formerly 6B-1.06, Amended 8-10-92, 12-29-98, Formerly 6B-1.006, Amended 3-23-16.

2019-2020 LIBERTY COUNTY SCHOOL DISTRICT EMPLOYEE HANDBOOK INSTRUCTIONAL STAFF RESPONSIBILITY CONTRACT

- My signature signifies I have read and understand the information and policies as listed in the Employee Handbook and am aware of my professional obligation thereto as an employee of Liberty County School District.
- My signature signifies I have read and understand the policy concerning **8700 Antifraud** and am aware of my professional obligation thereto as an employee of Liberty County School District.
- My signature signifies I have read the information in **8350 Confidentiality** and am aware of my professional obligation thereto as an employee of Liberty County School District. I understand that in my work with Liberty County School District, I will be exposed to information that is confidential in nature and to breach that confidentiality is a criminal act. I will not discuss any of this information with anyone, including members of my own faculty, unless one has a legal right to know and a direct academic or safety-related responsibility to that student. Additionally, I will not discuss this information with my family or with anyone in an environment where the confidentiality of a situation may be jeopardized (teachers' lounge, field trips, school programs, classroom parties, etc.)”
- My signature signifies I have read the information on **7540.04 Staff Network and Internet Acceptable Use and Safety** and am aware of my professional obligation thereto as an employee of Liberty County School District.
- As a member of the Instructional staff, my signature indicates that I have received a copy of The Code of Ethics and Principles of Professional Conduct of the Education Profession in Florida (pages 79-81 of this handbook) and have read the information in **4210 Standards of Ethical Behavior**. I am aware of my professional obligations including the requirement to self-report arrests and convictions.
- My signature signifies I have reviewed the **2019-2020 Student Code of Conduct and the 2019-2020 Student Progression Plan** along with any other rules, regulations, policies, and directives of the school with regards to my responsibilities for student behavior in order to assist with management of student behavior.

I ☐ do / ☐ do not wish to have additional training.

Print Name

School

Signature

Date

**2019-2020 LIBERTY COUNTY SCHOOL DISTRICT EMPLOYEE HANDBOOK
NON-INSTRUCTIONAL RESPONSIBILITY CONTRACT**

- My signature signifies I have read and understand the information and policies as listed in the Employee Handbook and am aware of my professional obligation thereto as an employee of Liberty County School District.
- My signature signifies I have read and understand the policy concerning **8700 Antifraud** and am aware of my professional obligation thereto as an employee of Liberty County School District.
- My signature signifies I have read the information on **8350 Confidentiality** and am aware of my professional obligation thereto as an employee of Liberty County School District. I understand that in my work with Liberty County School District, I will be exposed to information that is confidential in nature and to breach that confidentiality is a criminal act. I will not discuss any of this information with anyone, including members of my own faculty, unless one has a legal right to know and a direct academic or safety-related responsibility to that student. Additionally, I will not discuss this information with my family or with anyone in an environment where the confidentiality of a situation may be jeopardized (teachers' lounge, field trips, school programs, classroom parties, etc.)”
- My signature signifies I have read the information on **7540.04 Staff Network and Internet Acceptable Use and Safety** and am aware of my professional obligation thereto as an employee of Liberty County School District.

I ☐ do / ☐ do not wish to have additional training.

Print Name

School

Signature

Date