

# **Hamilton County School District**



## **Policy Manual**

**SCHOOL BOARD POLICY MANUAL  
HAMILTON COUNTY SCHOOL DISTRICT**

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## **CHAPTER 1.00 - DISTRICT PHILOSOPHY**

**1.01**

### **VISION**

#### **POLICY:**

Hamilton District Schools prepare students for success in a fast-paced, ever-changing environment. Our vision for the future is based on the premise that students can learn, and learning is a lifelong process. Each student, regardless of sex, social class, ethnic or family background, has high expectations and equal opportunity for success in a high-choice, dynamic learning environment.

As the future unfolds, the District reflects professionalism, honesty and trust, moral consciousness, shared decision making, creativity, and community involvement. The District demonstrates concern for all students, families, teachers and support staff while nurturing a positive environment for learning and working.

Our District vision is fulfilled as all stakeholders recognize and accept their responsibilities for working together and building a better future.

Toward this end, the District is developing its human resources, particularly its school leaders, who have an important influence over the lives of students and the future of our state and country.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.22(1); 230.23005(10), F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: New
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## CHAPTER 1.00 - DISTRICT PHILOSOPHY

### SCOPE OF THE SCHOOL DISTRICT

1.02

1. The School Board is the governing body of the District and is responsible for the control, operation, organization, management, and administration of public schools in the county pursuant to the provisions and minimum standards prescribed by Florida Statutes and State Board of Education rules.
2. The District school system is part of the state system of public education and includes all public schools, classes, and courses of instruction and all services and activities directly related to education in the District which are under the District school officials' directions.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED: 1001.30, 1001.31, 1001.32, 1001.33, 1001.41, 1001.43, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 7/16/12**

**FORMERLY:**



## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### RESPONSIBILITIES AND AUTHORITY OF THE BOARD

2.01

1. The School Board is responsible for the organization and control of the public schools of the District and is empowered to determine the policies necessary for the effective operation and the general improvement of the school system. The School Board is a public corporate entity and may take action only when the Board is meeting in official public session and a quorum is present. Individual members of the School Board have authority to take official action only when sitting as a member of the School Board in public session except when the School Board specifically authorizes the member to act. The School Board shall not be bound in any way by any action on the part of an individual board member or an employee except when such statement or action is in compliance with the public action of the School Board.
2. The Board operates in accordance with state law and regulations and is responsible for organization, operation, supervision, and control of public schools.
3. For the purpose of transacting business and exercising School Board powers, the Board meets regularly and in duly called special meetings. Regular Board meetings will be held in accordance with the schedule adopted by the Board at its annual organization meeting, unless otherwise provided by the Board. All regular and special meetings will be open to the public.
4. The Board, desiring to operate under the highest ethical standards and recognizing that the public interest and the respect of the people in their government must be of foremost concern, adopts the following code of ethics in addition to standards of conduct set forth in state law.

Board members shall

- a. Observe the regulations and policies of the school system and all laws, rules and regulations governing education;
- b. Act responsibly in all Board-related matters with proper decorum and respect for others;

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- c. Recognize that the Board functions only as a Board through duly adopted policies and actions approved at public sessions; that individual Board members have no authority to act on behalf of the District or the Board;
- d. Communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;
- e. Carry out the duties of any elected or appointed position within the Board in a fair and impartial manner;
- f. Maintain confidentiality of privileged information;
- g. Respect the decisions of the Board;
- h. Seek to examine issues with objectivity, basing personal positions on the evidence and voting independently;
- i. Represent the entire community without fear or favor.

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

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

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 3/22/04, 9/14/09  
FORMERLY: 1.02

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### ORGANIZATION, MEMBERSHIP AND OFFICERS OF THE BOARD 2.02

1. The Board shall be comprised of members elected to four-year terms and meeting such other requirements as stipulated by law.
2. A chairperson and a vice-chairperson, and such other officers as the Board may determine, shall be elected annually by the School Board at its organizational meeting held November in accordance with Florida law. In a general election year, the organizational meeting shall be held on the second Tuesday following the general election. If a vacancy occurs in the chairperson position, the School Board shall elect a chairperson at the next regular or special meeting.
3. The chairperson shall preside at all School Board meetings, appoint committees, and perform such other duties as may be prescribed by law or by action of the School Board. The vice-chairperson shall preside in the absence of the chairperson and shall perform such other duties of the chairperson as required by circumstances. The chairperson and vice-chairperson shall be bonded in the manner prescribed by the State Board of Education.
4. The Superintendent, as provided by law, shall be the secretary and executive officer of the School Board. At any organizational meeting, the Superintendent shall act as chairperson until the organization of the School Board is completed. The chairperson and secretary shall then make and sign a copy of the proceedings of organization, including the schedule for regular meetings and the names and addresses of all district school officers, and annex their affidavits that the same is a true and correct copy of the original, and the secretary shall file copy of the document within 2 weeks with the Department of Education.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 100.041, 1001.371, 1001.41, 1001.43, 1001.48, 1001.51, F.S.

#### HISTORY:

ADOPTED: 11/9/98

REVISION DATE(S): 12/14/09, 11/20/12, 03/13/18

FORMERLY: 1.01, 1.03

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### SPECIAL COMMITTEES OF THE SCHOOL BOARD

2.03

1. Special committees may be appointed by the School Board chairperson when deemed necessary. The duties of any such committee shall be outlined at the time of appointment; the committee shall be automatically dissolved when the School Board accepts the committee's final report. Each School Board member shall be notified of all committee meetings, but shall have no vote unless the member is serving as a committee member. All meetings of School Board committees shall be open to the public.
2. Special committees or individuals who serve on special committees shall take no action which is binding upon the School Board.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.41, 1001.43, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 4/8/13**

**FORMERLY:**

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### SCHOOL ADVISORY COUNCILS

2.04

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

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

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

- d. The term *teacher* as used herein shall include classroom teachers, certified student services personnel, and media specialists.
  - e. A majority of members must be persons who are not employed at the School.
  - f. *Appropriately balanced* as used herein shall mean a proportionate number of council members considering each peer group being represented on the council, excluding the school principal. The size of the school advisory council and the ratio of representatives among the peer groups, excluding the school principal, shall be set forth in the bylaws establishing procedures adopted by each school advisory council.
2. Selection of Council Members - New council members shall be elected by their respective peer group, except for business and community representatives and the school principal.
- a. The following council members shall be elected in a fair and equitable manner as determined by their respective peer group and as set forth in the bylaws of the school advisory council.
    - 1. A teacher(s) shall be elected by teachers;
    - 2. An education support employee(s) shall be elected by education support employees;
    - 3. A student(s), when appropriate, shall be elected by students.
    - 4. A parent(s) shall be elected by parents, as defined by Florida Statutes.
  - b. The school advisory council shall select business and community member(s) to serve on the school advisory council after reviewing the list of nominees prepared by the school principal.
    - 1. Business and community representatives shall be selected initially through a nomination and selection process facilitated by the school principal of each school advisory council.

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

- a. The school principal shall seek candidates who are interested in making a commitment to participate on the school advisory council by representing businesses and the community.
  - b. Letters, newsletters, or other media releases shall be used by the school principal to seek candidates.
  - c. The school principal shall prepare a list of individuals seeking nomination to the school advisory council and shall present the list to the school advisory council for selecting the business and community representative(s).
2. Subsequent to the initial selection as described in section 2.B.1. herein, the operational guidelines of the school advisory council shall set forth procedures for nominating business and community representatives to serve on the school advisory council.
- c. The principal shall submit the list of council members to the Superintendent for review of each school to determine compliance with section I. herein. The membership list shall contain the name of each council member and the peer group which is being represented by each member and a description of how the council represents the ethnic, racial, and economic community served by the school.
3. Confirmation of the School Advisory Council - The Superintendent shall submit to the School Board for review and approval the membership list for each school advisory council in the District. The School Board shall determine if a school advisory council meets criteria specified in section 1. herein; additional members shall be appointed by the School Board when it is required to achieve the proper representation on the school advisory council.
4. Responsibilities of Councils - Each school advisory council shall
  - a. Review the results of any needs assessments conducted by the school administration.
  - b. Assist in the development of the school improvement plan and provide recommendations on specific components of the plan, such as the goals

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

of the school, indicators of school and student progress, and strategies and evaluation procedures to measure student performance.

- c. Define adequate progress for each school goal; obtain public input when defining adequate progress for school goals; negotiate the definition of adequate progress with the School Board; and notify and request assistance from the School Board when the school fails to make adequate progress in any single goal area.
  - d. Monitor students' and the school's progress in attaining goals and evaluate the appropriateness of the indicators of student progress and strategies and evaluation procedures which are selected to measure student performance.
  - e. Prepare and distribute information to the public to report the status of implementing the school improvement plan, the performance of students and educational programs, and progress in accomplishing the school goals.
  - f. Make recommendations on the accumulation and reporting of data that is beneficial to parents.
  - g. Serve as a resource for the principal and advise the principal in matters pertaining to the school program.
  - h. Provide input on the school's annual budget and the use of school improvement funds and assist in the preparation of the school budget.
  - i. Inquire about school matters, identify problems, propose solutions to problems, suggest changes, and inform the community about the school.
  - j. Act as a liaison between the school and the community.
  - k. Assist in the preparation of the feedback report to the Florida Commission on Education Reform and Accountability as required by and pursuant to Florida Statutes.
  - l. Identify other duties and functions of the school advisory council.
5. Operation of Council - Operational bylaws shall be established and mutually agreed upon by members of the school advisory council.



## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

- a. The bylaws shall contain procedures required by Florida Statutes and shall include but not be limited to:
  - 1. State the duties and functions of the council.
  - 2. Indicate the procedure for electing council members and the nomination process for selecting business and community representatives.
  - 3. Identify the procedure for electing officers, including a chairperson, vice-chairperson, and recording secretary, and determine the term of office for each position.
  - 4. Establish the membership term for each peer group.
  - 5. Specify the proportionate number of council members for each peer group for the purpose of achieving an appropriately balanced council.
- b. Regular meetings shall be held. The council shall determine the date, time, and place of the meetings.
- c. The agenda shall be advertised to the school community at least seven (7) days in advance of the scheduled meeting.
- d. Members of the advisory council shall be notified three (3) days in advance in writing of any matter that is scheduled to come before the council for a vote.
- e. All meetings shall be open, public, and subject to Florida Statutes.
- f. The school advisory council shall be subject to maintaining records pursuant to Article 1, Section 24, and Article XII, Section 20, of the Florida Constitution.
- g. School improvement plans which require waivers of the terms or conditions in negotiated agreement(s) shall be subject to the approval of the Board and Bargaining Agent.

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

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

HISTORY: ADOPTED: 11/9/98

REVISION DATE(S): 6/28/99, 3/22/04, 3/13/06, 4/8/13

FORMERLY:

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### BOARD MEETINGS

2.05

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

1. Regular School Board meetings are generally held during each calendar month. The meeting time shall be established at the organizational meeting which is held in November. The regular meeting date may be changed by School Board action at any previous meeting, provided that each member is notified by letter or by distribution of the minutes showing a record of the change. When a meeting date is changed, the Superintendent shall take appropriate action to inform the public.
  - A. Special meetings shall be held at the time designated by the Superintendent, School Board chairperson, or when called by a majority of the School Board members as specified in written notice.
  - B. Emergency meetings may be held at any time by the Superintendent either upon his/her initiative or upon the School Board chairperson's request. An emergency meeting may be called as quickly as complying with notification procedures; School Board members shall be given a tentative agenda during the notification.
    1. The Superintendent shall prepare and distribute an agenda prior to the emergency meeting.
    2. The agenda, the need for the emergency meeting, and the results of the emergency meeting shall be available to the public within twenty-four (24) hours of said meeting.
    3. Emergency meetings shall be conducted in the same manner as prescribed for regular and special meetings.
2. Regular, special, and emergency meetings of the School Board shall be held in the regular Board meeting room, unless changed in the manner prescribed

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herein. As provided by Florida Statutes, any regular or special meeting may be held at any other appropriate public place within the District by giving prior public notice of at least forty-eight (48) hours. When such a meeting is scheduled or re-scheduled at a location other than the regular meeting place, the Superintendent shall take such action to give public notice as required by Florida Statutes. All School Board meetings shall be conducted in accordance with *Robert's Rules of Order*, except that no member shall be required to stand to make a motion.

3. Any item to be placed on the agenda of a regular School Board meeting shall be submitted, in writing, to the Superintendent's office no later than four o'clock (4:00 p.m.), eight (8) working days prior to the meeting at which consideration is desired. This rule shall not preclude the right of any citizen to address the School Board; however, except for good cause as provided herein, the School Board shall not take action on any substantive proposal until such matter has been formally placed on the School Board agenda. Copies of the agenda for regular meetings shall be made available at least seven (7) days prior to the scheduled meeting date to the public or other parties who have expressed a desire for such copy of the agenda. Copies of the agenda for a special meeting shall be prepared at least forty-eight (48) hours prior to such meeting.
  - A. All agenda items on which action is deferred shall be listed on the next agenda under Unfinished Business unless a time certain is specified.
  - B. The Superintendent shall either answer correspondence sent to the School Board or bring it to the School Board's attention at its next meeting by placing it on the agenda for information or School Board action.
4. A majority shall constitute a quorum for any School Board meeting. No business shall be transacted unless a quorum is present. There is no meeting for a minority to adjourn. Unless a majority is present, no meeting can be convened.
5. The vote shall be unanimous if all members audibly vote "yes" or otherwise indicate an affirmative vote.

When a split vote occurs, the minutes shall show the vote of each member on the question. Each member who is present shall vote on each decision, ruling, or official act which is taken or adopted by the School Board, unless there is or appears to be a conflict of interest under the provisions of Chapter 112, Florida

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Statutes. In such cases the member may abstain, but shall file a memorandum pursuant to requirements of Section 112.3143, Florida Statutes.

6. The official minutes of the School Board shall be kept as prescribed by Florida Statutes. The minutes shall be kept in a safe place by the Superintendent and shall be made available by the Superintendent during the time the office is open to any citizen desiring to examine the minutes.
  - A. Only motions, resolutions, and the necessary information related thereto; the name of the person making the motion or submitting the resolution; the name of the person who seconds the motion; and, the vote or action thereon shall be recorded.
  - B. Any School Board member or Superintendent who wishes any of his/her statements to be recorded may request during the meeting that such become a part of the official minutes.
  - C. Any other matter may be made part of the official minutes by direction of the chairperson or by a majority of the School Board.
  - D. Lengthy material such as, but not limited to, student assignments may be maintained in record books which are separate from, but supplemental to, the basic record of minutes.
7. Members of the public shall have an opportunity to address the School Board at a public meeting regarding any proposition before the Board. Speakers shall adhere to the rules established by the Board in accordance with Florida Statutes.
8. The public shall be informed that it is unlawful to knowingly disrupt or interfere with a School Board meeting and that any such action may result in a misdemeanor offense of the second degree. This includes individuals who advise, counsel, or instruct students or School Board employees on techniques for disrupting a School Board meeting.
9. Workshops may be scheduled by the School Board as deemed appropriate. No formal action may be taken by the School Board during such workshops.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: CHAPTER 112, 120.525, 120.53, 230.15, 230.16,  
230.17, 230.18, 230.22(5), 230.23(1), 230.23005(10), 286.0105,  
286.011, 286.0111, 286.0113, 286.0114, 286.012, 447.605, 877.13, 1001.32, 1001.37,  
1001.371, 1001.372(1)(2)(3)(4), 1001.41, 1001.42, 1001.43, 1006.145, F.S.

HISTORY: ADOPTED: 11/9/98  
REVISION DATE(S): 5/10/10, 3/10/14  
FORMERLY: 1.04, 1.06

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### SCHOOL BOARD RULES

2.06

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

These rules may be amended, repealed, or a new rule adopted as hereinafter prescribed. The term *rule* is defined in Florida Statutes; it does not include “curricula by an educational unit,” thereby, removing the development or prescription of curriculum by a School Board from the procedural requirements established for rule making.

1. Unless an emergency exists, any proposal relating to a rule amendment, the repeal of any rule, or the adoption of a new rule shall be presented in writing to the School Board including a written explanation of the proposal.
  - a. The Superintendent shall give immediate and proper written notice to the public pursuant to the provisions of Florida Statutes, when the School Board has determined that it will give due consideration to the proposal for adoption, amendment, or repeal of a rule. The notice of a public hearing shall be advertised twenty-eight (28) days prior to the date of the hearing. The notice shall include a brief and concise explanation of the proposed rule’s purpose and effect, the estimate of economic impact to all individuals affected by the proposed rule or rule amendment, the specific legal authority for the School Board’s action, and the location where the text of the proposed change may be obtained.
  - b. Any person, who is substantially affected by a proposed rule, rule amendment, or the repeal of a rule, may within twenty-one (21) days following notice of intent to adopt or repeal such rule, file a written request with the School Board seeking an administrative determination as to the validity of the proposed rule action.
  - c. The Superintendent shall file immediately in his/her office a copy of any new rule, rule amendment, or repeal of rule adopted by the School Board; policy handbooks shall be amended accordingly.
  - d. Such rules shall become effective upon adoption by the School Board unless a time certain date is specified therein.

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2. Any person substantially affected by an existing School Board rule may petition the Division of Administrative Hearings, Florida Department of Administration, to conduct a hearing on the rule validity pursuant to Florida Statutes. Any hearing examiner's decision which is adverse to the School Board may, upon the School Board's appeal, be judicially reviewed. Any hearing examiner's decision which is adverse to the person substantially affected may, upon that person's appeal, be judicially reviewed.
3. The School Board may determine that the public health, safety, or welfare is endangered and that immediate action is required to protect the public interest. When this occurs, the School Board, at any meeting in which a quorum is present, may adopt emergency rules, without complying with the waiting period as provided in section 1. herein for public hearings and other similar requirements. The Superintendent shall properly record the effective date for any such emergency rule. Any emergency rule shall not be valid in excess of ninety (90) days from the adoption or effective date.
4. Any School Board employee, citizen, or agency may obtain information relating to the method for proposing a rule or may submit a rule proposal to the Superintendent's office.
5. A copy of the compiled rules shall be available for inspection in the Superintendent's office, the principal's office, and in the library of any school.
6. Copies of the School Board rules shall be assigned to various positions within the District as determined by the Superintendent.
  - a. A copy of any rule change shall be made available by the Superintendent to each holder of the compilation who shall be responsible for entering all changes immediately upon receipt.
  - b. A copy of the School Board rules manual shall be available to all staff members either in hard copy or on the District's web site with a hard copy available in the principal's office or school library. The school principal shall maintain a hard copy compilation current.
  - c. The principal shall inform his/her staff members of the location of the School Board rules and any changes.



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7. A School Board rule may be waived only to provide and implement overall goals and objectives of the School Board and to protect and preserve the health, safety, and welfare of the affected individual(s). Waiver of a School Board rule shall be addressed and a decision rendered regarding its waiver at a regular, special or emergency School Board meeting. A waiver of a School Board rule shall not render the policy void with respect to the continued implementation of the rule which is sought to be waived.
8. Any citizen may appeal to the Board for a variation or waiver with regard to any policy. The appeal process shall be that a written request shall be made to the Superintendent who shall review the matter and present recommendations to resolve the problem at the next regular School Board meeting to which the item may be added as a part of the agenda. In cases where an appeal process has been developed for a specific policy, the appeal shall be made in accordance with that procedure.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**120.52 - .72, 1001.43, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 3/25/02, 4/8/13**

**FORMERLY:**

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### SCHEDULE FOR LEGAL ADVERTISEMENTS

2.07

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

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1011.03, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 3/25/02, 11/8/10, 12/12/11**

**FORMERLY:**

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### COLLECTIVE BARGAINING AGREEMENTS

2.08

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

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**447.309(3), 1001.43, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 4/8/13**

**FORMERLY:**

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<b>SCHOOL IMPROVEMENT AND EDUCATION ACCOUNTABILITY</b>	<b>2.09</b>
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The School Board shall be responsible for school and student performance and for developing, approving, implementing, and maintaining a system of school improvement and education accountability pursuant to Florida Statutes and State Board of Education rules. The system shall establish the individual school as the unit for education accountability and shall conform with the provisions of planning, budgeting, and reporting as required by sections 1008.385, 1001.42, 1002.20, 1010.01, and 1011.01, Florida Statutes. *School* as used herein shall include each school-within-a-school, magnet school, self-contained educational alternative center, and satellite center.

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

1. School improvement plans which are adopted for each District school.

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

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

2. An approval process.

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

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

3. A two-year individualized assistance and intervention plan for schools that do not meet or make adequate progress, as defined in Florida Statutes and State Board of Education rules, in satisfying the goals and standards of their approved school improvement plan.
4. The District notification procedures to the Department of Education to identify any school that has completed a two-year individualized assistance and intervention plan without making adequate progress in satisfying the goals and standards of its approved school improvement plan.
5. A communication program, to inform the public about student performance and educational programs in District and school reports.
6. Funds for schools to develop and implement school improvement plans.
7. Reporting Procedures
  - A. To provide the Department of Education with annual feedback on the progress of implementing and maintaining a system of school improvement and education accountability. Items specified in section 1001.42, Florida Statutes, shall be included in all feedback reports.
  - B. To provide parents with the school financial report including the average amount of money spent per student in the school.

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

**LAW(S) IMPLEMENTED:** 24.121(5) (c), 1001.10, 1001.42,  
1001.43, 1001.452, 1002.20, 1003.413, 1008.33,  
1008.345, 1008.385, 1011.01, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.09981

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 07/17/00, 03/25/02, 03/13/06, 4/8/13, 12/12/16, 09/25/17

**FORMERLY:**

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### DISTRICTWIDE TITLE I PARENTAL INVOLVEMENT POLICY

2.092

The Hamilton County School Board, in compliance with PL 107-110, the No Child Left Behind Act of 2001, Part A – Improving Basic Programs Operated by Local Educational Agencies, Sec. 1118, Parental Involvement – A Home-School Partnership, establishes the Local Educational Agency (LEA) expectations for parental involvement and describes how the LEA will implement a number of specific parental involvement activities.

1. The Title I Program District administration and staff provide and/or assist the Hamilton County Schools implementing the Title I Program with the following:
  - a. Involving parents in jointly developing the LEA's local plan under section 1112 in the process of school review and improvement under section 1116;
  - b. Providing the coordination, technical assistance, and other support necessary to assist schools in planning and implementing effective parental involvement activities to improve student academic and school performance;
  - c. Building the school's and parents' capacity for strong parental involvement;
  - d. Coordinating and integrating parental involvement strategies under Title I, Part A with parental involvement strategies;
  - e. Conducting, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the programs served with the Title I, Part A funds, including
    1. Identifying barriers to greater participation by parents in parental involvement activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;
    2. Using the findings of the evaluation to design strategies for more effective parental involvement;

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3. Revising the LEA's parental involvement policies; and
  4. Involving parents of schools served under Title I, Part. A.
- f. Each school, to the extent practical, builds personal ties, between our schools and parents by the inclusion of the following meetings, activities, parental development workshops:
2. The School District of Hamilton County promotes and supports active family involvement in the learning process for the purpose of improving student achievement. To this end, parent and family involvement in education is defined as home-based and school-based activities including parenting, communicating, volunteering, learning at home, decision making, and collaboration with the community. Each type of involvement is valuable, and each has an impact on students, teachers, and the parents themselves and leads to highest student achievement. The School District of Hamilton County and all schools within its boundaries, in collaboration with parents and community members, will establish programs and practices that enhance parent involvement and reflect the specific needs of students and their families. The Board supports the Superintendent as he/she directs the development, implementation and regular evaluation of a comprehensive and coordinated parent involvement program in each school. School based efforts will involve parents at all grade levels in a variety of roles.
  3. The Board further supports the Superintendent as procedures are designed for the development, implementation, and regular evaluation of a comprehensive and coordinated Districtwide program to involve parents in District level decision and practices.
  4. General Expectations

The District in its Districtwide Parental Involvement Policy must establish its expectations for parental involvement in accordance with section 1118(a)(2), ESEA. The Hamilton County School District agrees to implement the following statutory requirements:

- a. The School District will put into operation programs, activities and procedures for the involvement of parents in all of its schools with Title I, Part A programs, consistent with section 1118 of the Elementary and Secondary Education Act (ESEA). Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children.

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- b. Consistent with section 1118, the School District will work with its schools to ensure that the required school level parental involvement policies meet the requirements of section 1118(b) of the ESEA, and include, as a component, a school-parent compact consistent with section 1118(d) of the ESEA.
- c. The School District will incorporate the Districtwide Parental Involvement Policy into its LEA plan developed under section 1112 of the ESEA.
- d. In carrying out the Title I, Part A parental involvement requirements, to the extent practical, the School District will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 of the ESEA in an understandable and uniform format, including alternative formats upon request, and, to the extent practical, in a language parents understand.
- e. If the LEA plan for Title I, Part A, developed under section 1112 of the ESEA, is not satisfactory to the parents of participating children, the School District will submit any parent comments with the plan when the School District submits the plan to the State Department of Education.
- f. The School District will involve the parents of children served in Title I, Part A schools in decisions about how the one percent (1%) of Title I, Part A funds reserved for parental involvement is spent and will ensure that not less than ninety-five percent (95%) of the one percent (1%) reserved goes directly to the schools,
- g. The School District will be governed by the following statutory definition of parental involvement, and expects that its Title I school will carry out programs, activities and procedures in accordance with this definition. *Parental involvement* means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring
  - 1. That parents play an integral role in assisting their child's learning;
  - 2. That parents are encouraged to be actively involved in their child's education at school;



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3. That parents are full partners in their child's education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child;
  4. The carrying out of other activities, such as those described in section 1118 of the ESEA.
5. Description of How the District Will Implement Required Districtwide Parental Involvement Policy Components
  - a. The Hamilton County School District will take the following actions to involve parents in the joint development of its Districtwide parental involvement plan under section 1112 of the ESEA:
    1. The District will reconvene the Districtwide Parent Advisory Council to solicit input into the parent involvement policy.
    2. The Council will meet at least monthly to review and update the policy.
    3. The Districtwide policy will be incorporated into the Hamilton County School District Title I Plan.
    4. The School Board meeting and workshop will be advertised prior to the meetings.
    5. During the School Board workshop or meeting, parents will have an opportunity to address any dissatisfaction with the Title I Plan.
  - b. The Hamilton County School District will take the following actions to involve parents in the process of school review and improvement under section 1116 of the ESEA:
    1. Each school will organize a School Advisory Council (SAC) made up of a majority of parents.
    2. The School Advisory Council will serve as the decision making body of the school.
    3. The council will meet quarterly to develop, review and offer suggestions for improvement of the School Improvement Plan.

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4. The council will review data, discuss strategies implemented, and evaluate progress made by students.
- c. The Hamilton County School District will provide the following necessary coordination, technical assistance, and other support to assist Title I, Part A schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance:
  1. The District Federal Programs Coordinator and Parent Liaison will meet monthly and at other times as deemed necessary with principals to provide technical assistance for parent involvement activities.
  2. The District e-mail system will be utilized and updated to provide technical assistance.
  3. The District Federal Programs Coordinator and Parent Liaison will visit Title I participating schools to offer assistance and support of parental involvement activities.
  4. The District will allocate professional development funds to Title I schools to assist schools in attending state conferences and regional workshops.
  5. The District Title I Parenting Liaison will visit schools weekly to assist with planning and conducting parent workshops at the school site and at the District parenting center.
- d. The Hamilton County School District will coordinate and integrate parental involvement strategies in Part A with parental involvement strategies under programs such as the following: Head Start, Reading First, Even Start, Parents as Teachers, Home Instruction Program for Preschool Youngsters, and state operated preschool programs.
  1. The District Resource Directory lists some of the many community support efforts to assist families in need. The directory is not all inclusive, but is updated regularly to reflect current organizations and centers which provide services to students and families. The directory is available as a reference document on the internet and hard copies are provided upon request by the School District of Hamilton County Chamber of Commerce Office.

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2. Partnerships with Hamilton County School District and its schools, community agencies, businesses, faith based organizations, and governmental agencies are utilized to coordinate resources and provide comprehensive services to ensure full and effective parent/family involvement.
  3. The District developed *Parent Guide* will provide additional resources and referrals for services in the school, District and community.
  4. The District Federal Programs Coordinator and other federal program managers, Florida Learning Diagnostic Resource Services (FLDRS) and Pre-K Gateway Coalition collaborate on a quarterly and as needed basis to combine and coordinate resources and service for parents.
- e. The Hamilton County School District will take the following actions to conduct, with the assistance and involvement of parents, an annual evaluation of the effectiveness of the parent involvement policy to improve the quality of the District Title I, Part A schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities. A focus will be geared toward parents of children who are economically disadvantaged, disabled, English Language Learners, or lack literacy skills. The school and District will use findings in the evaluation to improve the quality of parental activities and design strategies more effectively for parental involvement. If needed, the current parental involvement policy will be revised.
1. The evaluation instrument will be developed by the Districtwide Parent Advisory Council in an effort to solicit parent involvement.
  2. The policy will be evaluated annually at each of the Title I participating schools during a School Advisory Council meeting.
  3. The Chairperson of the SAC or principal's designee will be responsible for conducting this evaluation.
  4. Parents will have an opportunity and will be encouraged to complete an evaluation.
  5. The evaluation instrument will be sent home to all parents to provide an opportunity to evaluate the policy.

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- f. The Hamilton County School District will build the schools' and parents' capacity for strong parental involvement, to ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, through the following activities:
  - 1. The School District will, with the assistance of Title I, Part A, provide assistance to parents of children served by the School District or schools, as appropriate, in understanding topics such as the following, by undertaking the actions described in this program.
    - a. Topics
      - (1) The State's academic content standards
      - (2) The State's student academic achievement standards
      - (3) The State and local academic assessments including alternate assessments
      - (4) The requirements of Part A
      - (5) How to monitor their child's progress
      - (6) How to work with educators
    - b. Action
      - (1) Newsletters
      - (2) School Advisory Council
      - (3) District Advisory Council
      - (4) Hamilton County School District Website
      - (5) Parent Resource Guide
      - (6) Family FCAT Night
      - (7) Community Outreach Program
      - (8) Florida Department of Education Website
      - (9) Parent-Teacher Conferences

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- (10) Parent Teacher Organization
  - (11) Family Reading Night
  - (12) Parent Workshops
  - (13) Parent Holiday Activities
  - (14) FACT Explorer
2. The School District will, with the assistance of its schools, provide materials and training, such as literacy training and using technology as appropriate, to assist parents to work with their child(ren) to improve their child(ren)'s academic achievement and to foster parental involvement.
- a. Parent Resource Guide
  - b. Hamilton County School District Website
  - c. Community Outreach Programs
  - d. Families Building Better Readers
  - e. Florida Desk Reference
  - f. Parent Reading and Math Hands-on Workshop
3. The School District will, with the assistance of its schools and parents, educate its teachers, student services personnel, principals and other staff to reach out to communicate with and work with parents as equal partners, to value and utilize the contributions of parents, to implement and coordinate parent programs and to build ties between parents and schools.
- a. Families Building Better Readers
  - b. Community Outreach Programs
  - c. School Advisory Councils
  - d. District School Improvement Committee
  - e. Strategic Planning Committee

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4. The School District will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Head Start, Reading First, Prekindergarten, Prekindergarten Migrant/Homeless with Early Learning Coalition and other programs, and conduct other activities such as parent resource centers that encourage and support parents in full participation in the education of their children.
  - a. The Study Buddy with Brainchild
  - b. District Strategic Planning Committee
  - c. Book Give Away
  - d. Parent Fairs
  - e. K-Orientation
5. The School District will take the following action to ensure that information related to the school and parent programs, meetings, and their activities, is sent to the parents of participating children in an understandable and uniform format, including alternate forms upon request, and to the extent practicable, in a language the parents can understand.
  - a. Hamilton County student population is represented by eight percent (8%) ESOL/ELL students. The majority of these students are Spanish speaking students. The District uses District employed staff (liaisons and paraprofessionals) in the Limited English Proficient (LEP) and Migrant Programs to assist with translations into English and Spanish as appropriate. The District will continue to provide all necessary and appropriate service for ESOL students through the District and school personnel.
  - b. Translators are available to assist parents during workshops and meetings
6. Discretionary Districtwide Parent Involvement Policy Components
  - a. The Districtwide Parental Involvement Policy may include discretionary activities that the School District, in consultation with its parents, chooses

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to undertake to build parents' capacity for involvement in the school and school system to support their children's academic achievement, such as the following discretionary activities listed under section 1118(e) of the ESEA:

1. Involving parents in the development of training for teachers, principals, and other educators to improve the effectiveness of that training;
2. Providing necessary literacy training for parents from Title I, Part A funds, if the school District has exhausted all other reasonably available sources of funding for that training;
3. Paying reasonable and necessary expenses associated with parental involvement activities including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
4. Training parents to enhance the involvement of other parents;
5. To maximize parental involvement and participation in their children's education, arranging school meetings at a variety of times, or conducting in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend those conferences at school;
6. Adopting and implementing model approaches to improving parental involvement;
7. Establishing a Districtwide parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs;
8. Developing appropriate roles for community-based organizations and businesses, including faith based organizations, in parental involvement activities; and
9. Providing other reasonable support for parental involvement activities under section 1118 as parents may request.

b. Action

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1. Include parents in decision making process for teacher training, advisory committees, and provide training in such areas as policy, curriculum, budget, school reform initiatives, safety, and personnel. Where site governance bodies exist, give equal representation to parents.
2. Enable parents to participate as partners when setting school goals, literacy training, developing or evaluating programs and policies or when responding to performance data.
3. To the extent feasible, allocate funds to assist with implementation of parent involvement activities to include transportation and child care costs to enable parents to participate in school related meetings and training sessions.
4. Provide training for staff and parents on collaborative partnering with other parents and shared decision making.
5. Arrange flexible scheduling, advertising and conducting town hall meetings at a variety of locations throughout the county to accommodate parents.
6. Sponsor a variety of meetings to provide parent/teacher friendly and interactive workshops or distribute information to assist parents in understanding how students can improve skills, get assistance when needed, meet class expectations and perform well on assessments.
7. Send immediate written communication to each school principal requesting the establishment of a School Advisory Council and Parent Teacher Organization chairperson and Joint Parent Organization members.
8. Encourage and facilitate various outreach approaches to get active parent participation in the decisions that affect students, such as School Choice, course selection, and individual personalized education plans.
9. The Parent Liaison and District Advisory Council will develop and help to implement strategies that will unite the efforts of teachers, parents, and other educators toward attaining the goal of increasing student achievement and school success.



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10. The District Resource Directory lists some of the many community support efforts to assist families in need. The directory is not all inclusive but is updated regularly to reflect current organizations and centers which provide services to students and families. The directory is available as a reference document on the internet and hard copies are provided on request by the School District of Hamilton County and Chamber of Commerce office. Additionally, partnerships with Hamilton County School District and its schools, community agencies, businesses, faith based organizations, and governmental agencies are utilized to coordinate resources and provide comprehensive service to ensure full and effective parent/family involvement.
11. Provide understandable, accessible, and well publicized processes for influencing decisions, raising issues or concerns, appealing decision, and resolving problems.
12. Electronic school phone systems or prearranged telephone contact procedures may be used to contact parents at home.
13. Involve parents in setting student goals each year and in planning for postsecondary education and careers.
14. Provide opportunities for staff members to learn and share successful approaches to engaging parents in their child's education.
15. Provide tools to assist parents with student learning.
16. Staff development and parent community training teaches the importance of demonstrating respect for families; the family's primary roles in the rearing of children to responsible adulthood; and understanding the importance of sensitivity to cultural diversity.
17. The District Parent Liaison will help to provide a link between the home and school by organizing appropriate plans to keep the communication between the home and the school with the cooperation of principals and teachers.

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### 7. Adoption

- a. The Districtwide Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I, Part A program.
- b. This policy was adopted by the Hamilton County School Board on \_\_\_\_\_ and will be in effect until revised or repealed. The School District will distribute this policy annually to all parents of participating Title, I, Part A children.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1000.21, 1001.42, 1001.51, 1001.54,

1002.20, 1002.23, 1008.25, 1012.98 F.S.

NO CHILD LEFT BEHIND ACT OF 2001, P.L. 107-110

#### HISTORY:

ADOPTED: 11/20/07

REVISION DATE(S): \_\_\_\_\_

FORMERLY: NEW

### **PARENTAL INVOLVEMENT – A HOME-SCHOOL-DISTRICT PARTNERSHIP**

**2.093**

The School Board of Hamilton County recognizes that strong, continuing family and community involvement in all aspects of school programs and activities provides support for measurable improvement in student achievement.

This school board policy creates a collaborative environment in which the parents and families of our students are invited and encouraged to be involved stakeholders in the school community. It establishes the framework and responsibilities for implementation of strategies to increase family and community involvement. A copy of this policy must be distributed to all parents (e.g., by providing paper copies, electronic copies, or other appropriate means of distribution). In this rule, the term "parent" refers to any adult—mother father, older sibling, aunt, uncle, grandparent, guardian/foster parent, mentor—who plays a significant role in the care of a student or students enrolled in Hamilton County Public Schools. Although parental involvement is the specific focus of this policy, it is recognized that all those concerned with the education of students must work together cooperatively to meet the needs of students.

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

#### **1. PARENT RESPONSIBILITIES**

- a. **Parents as Their Children's First Teachers.** The importance of parents as teachers shall be recognized by parents and supported by the school. Schools will provide parents with the appropriate support and assistance needed in understanding and meeting the expectations of this role. Parents are expected to:
  1. Set guidelines and clear expectations of good behavior and academic performance;
  2. Ensure that their children have a quiet place and time to read, study, and complete homework;
  3. Discuss daily work assignments, progress reports, and report cards with their children;
  4. Ensure that their children attend school on time every day and promptly report any absences or tardiness;

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5. Communicate with the school through written and electronic messages, telephone, and/or conference meetings;
  6. Ensure that their children have the materials needed to complete class work and home learning;
  7. Take an active part in school activities, such as Back-to-School Night, PTA meetings, participating in workshops, and parent/student activities, etc.
  8. Keep their children healthy by ensuring that they get enough sleep, appropriate nutrition, and medical care;
  9. Bring to the attention of appropriate school personnel any problem or condition that negatively affects their children, or other children in the school community;
  10. Help their children develop a good self-image by providing care, discipline, support, interest, and concern;
  11. Provide the school with current and accurate home, work, and emergency contact information; and
  12. Foster in their children a positive attitude towards school and learning.
- b. Parents as Advisors, Advocates and Participants in Decision Making.
- Advisors. Parents are encouraged to participate in and influence decisions, raise issues or concerns, appeal decisions, and resolve problems.
  - Advocates. Parents are encouraged to become advocates for children on issues that affect children. They are urged to join and take a leadership role in a PTA, or other parent organization.
  - Educational Excellence School Advisory Councils. Parents must be elected to serve as active members of Educational Excellence School Advisory Councils (EESAC) and in other important decision-making bodies, where required by state and federal statutes. This will include the involvement of parents in the development of the Local Educational Agency Title I Plan required under section 1112 of *The No Child Left Behind Act of 2001* as well as their involvement in the process of school review and improvement required under section 1116 of the Act.

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- Title I School-Parent Compacts. In each school implementing the Title I Program, parents shall jointly with the school develop the annual Title I School-Parent Compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement. This compact will also identify how the school and parents will build and develop a partnership to help children achieve the State's high standards.
- Title I School's Parental Involvement Policy. In each school implementing the Title I Program, parents shall jointly with the school add language to the existing School Board Policy 2.092, Districtwide Title I Parent Involvement Policy, to describe how the school will carry out the parental involvement requirements in Section 1118 of *The No Child Left Behind Act of 2001*. This amended document will serve as the Title I School's Parental Involvement Policy. Additionally, parents in the Title I Program shall be involved in the annual evaluation and redesign of the content and effectiveness of this document, in efforts towards improving the academic quality of the school.

### 2. SCHOOL LEVEL STRATEGIES AND RESPONSIBILITIES

- a. Parent Outreach Liaisons. Each school principal will identify one or more individuals who will serve as a liaison to all parents in the school community. Responsibilities include: assessing the needs of parents; communicating this information to the school's principal and the school's advisory group(s); and informing parents of school and District services, offerings, and programs in their primary language. This individual may be a Parent Liaison or another staff member.
- b. Space for Parents. School principals will provide a Parent Resource Center as a place for parents to meet, post, and review current bulletins, and exchange information.
- c. Access to Schools. Reasonable efforts will be made to make the school building a welcoming place, clearly accessible to parents. Parents are expected to recognize, however, that their right to access does not transcend the rights of students and teachers to an orderly educational environment.
- d. Sensitivity to Exceptionalities. Reasonable efforts will be made to assist parents in understanding the needs and rights of their children. Reasonable efforts should be made to assist school personnel, students and parents in understanding the needs and rights of children with different exceptionalities.

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- e. Accommodations for Parents. School personnel should utilize flexible and creative methods to accommodate the schedules of parents, and, with the assistance of businesses, agencies and organizations, to encourage participation by addressing the need for child care, transportation and other resources. Every reasonable accommodation should be made for School Board employees who are parents to participate in the education of their children.
- f. Communication. Communication between parents and the school shall be encouraged at all grade levels, including regular parent/teacher communication, and providing parents with meaningful scope of student work. Reasonable efforts will be made to communicate with parents in their primary language. The mode of communication should also be adjusted when necessary to promote comprehension, acceptance, and trust. Additionally, schools implementing the Title I Program will distribute annually to parents, at the onset of the school year, the Title I Program Notification Letter, in a format, and to the extent practicable, in a language such parents understand.
- g. Parent Orientation. Schools will conduct orientation meetings that provide information about school procedures and programs as well as opportunities for active participation. Additionally, schools in the Title I Program should conduct an initial Orientation Meeting at the onset of the school year (which may be held during the Open House meeting/orientation) to inform parents of their school's participation in the Title I Program, to explain the parental requirements in Section 1118 of *The No Child Left Behind Act of 2001*, and to explain the Rights of the Parents to be involved.
- h. Educational Excellence School Advisory Councils. Schools must ensure that parents are included as active members of Educational Excellence School Advisory Councils and other important decision-making bodies as required by federal and state statute. To ensure that parents are knowledgeable about this involvement, all parents must receive information regarding the role of EESAC, meeting schedules, and parent elections. With the support of the EESAC, principals will develop and support strategies that facilitate opportunities for all parents to be involved in at least one support activity during the course of the year.
- i. Title I School-Parent Compacts. Each school implementing the Title I Program shall ensure that parents in the Program are involved in jointly developing, and that they receive, the annual Title I School-Parent Compact as required in Section 1118(d) of the *No Child Left Behind Act of 2001* that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement

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and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards.

- j. Title I School's Parental Involvement Policy. In each school implementing the Title I Program, parents shall jointly with the school create a policy which incorporates the existing School Board Policy 2.092, District wide Title I Parental Involvement Policy, and which describes how the school will carry out the parental involvement requirements in Section 1118 of *The No Child Left Behind Act of 2001*. This amended document will serve as the Title I School's Parental Involvement Policy. Additionally, parents in the Title I Program shall be involved in the annual evaluation and redesign of the content and effectiveness of this document, in efforts towards improving the academic quality of the school.
- k. Learning Opportunities for Parents. With the assistance of the Title I program and other appropriate District offices, schools should identify and implement community-centered, parent friendly programs and affiliations for parents to learn. The learning opportunities should target appropriate student age levels, including the needs of children from birth to age six as well as the developmental and cognitive needs and expectations of students. Additional learning opportunities should be provided for young adults, including those who are already parents, to learn how to be effective parents.
- l. Volunteers and Tutors. Principals should utilize the special knowledge, abilities, talents, and cultural experiences of parents to enhance school activities and experiences. In order to maintain a strong volunteer program, principals will identify staff who will actively recruit, train, appropriately place, support, and monitor parents in instructional and extra-curricular programs. Volunteer procedures and forms will be made available throughout the year.
- m. Resources for Parents. In order to assist parents, resources should be made available for check-out at the school site, such as: audio/visual, print, computer, and web-based programs; pamphlets and books developed especially to aid the parent-as-teacher; copies of course schedules and homework assignments; lists of grade level and course objectives; testing guidelines; and schedules. Additionally, the Title I Handbook should be made available for check-out to parents of students in the Title I Program.
- n. Advocacy. Schools and the District will support parents to become advisors and advocates for their children. They will provide understandable, accessible, and well-publicized opportunities as well as information about student and parent responsibilities and rights in order

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that parents may advocate effectively. Parent Liaisons will provide information and assistance to parents of children with exceptionalities.

### 3. DISTRICT LEVEL STRATEGIES AND RESPONSIBILITIES

- a. District Parent Resource Office. The Title I Office functions as a liaison with parents to provide a District level point of communication for referral and direction on parental involvement issues. It is the primary responsibility of this office to promote parental involvement, facilitate implementation of this policy, and maintain contact with various groups and individuals representing parents. The office will assist other programs in the implementation of parent involvement strategies. These programs will include State and District-run Voluntary Pre-kindergarten (VPK) programs, and Title I Administration.
- b. Parent Involvement Training. The Title I Office and other appropriate District offices, where applicable, will develop and provide training programs to give parents the information, tools, and resources on how to be successful advisors, advocates, and partners in the decision-making process. The training programs must include assistance to parents to understand such topics as the Sunshine State Standards, the FCAT and other assessments, the requirements of *The No Child Left Behind Act*, ways to monitor a child's progress, and ways to work with educators to improve student achievement. The District should also facilitate parent-to-parent training programs.
- c. Support for Parental Involvement Strategies. Through the Title I Office and other appropriate District offices, the District shall provide the coordination, technical assistance, and other support necessary to assist schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance as well as to build the schools' and parents' capacity for strong parental involvement as defined in the No Child Left Behind Act, section 1118. Additionally, schools implementing the Title I Program will receive support and assistance through the following Title I components: parental District Advisory Council's general and executive board meetings, Parent Liaisons, Parent Advisory Councils, and District and school-site Parent Resource Centers.
- d. Support for Communication. Appropriate District offices will develop and implement effective communication methods to ensure that all families, regardless of income, ethnic background, or language, receive and share school-to-home and home-to-school communications. Additionally, Title I Administration will provide to schools implementing the Title I Program the sample Title I Program Notification Letter, to be distributed to their parents annually, at the onset of the school year.



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- e. Staff Training. Training procedures should include the importance of parental involvement. Training programs will be identified by the Title I Office and other appropriate District offices, to assist personnel in acquiring techniques that promote effective communication with parents and the cultivation of parental involvement.
- f. Resource Guide. A resource guide will be developed for school staff members, parents, and the community, to include best practices and a directory of contact information for programs, and persons with expertise in the area of parental involvement.
- g. Title I School-Parent Compacts. Title I Administration will ensure that all schools participating in the Title I Program jointly with parents develop the annual Title I School-Parent Compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement. Title I Administration will assist with ensuring that schools distribute the Compacts to all parents in the Title I Program.
- h. Title I District Wide Parental Involvement Policy. School Board Policy 2.092, District wide Title I Parental Involvement Policy, serves as the District Wide Parental Involvement Policy required by *The No Child Left Behind Act of 2001* for schools implementing the Title I Program. This Policy has been developed jointly with, and agreed upon by, parents of children participating in the Title I Program. Title I Administration will assist in ensuring that this Policy is distributed to all parents in the Title I Program.
- i. Evaluation. The Title I Office and Parent Advisory Council will annually assess the implementation of the Parent Involvement Policy, using outcome-based data, including, but not limited to, the School Climate Survey and the Parent Benchmarks Survey, and will make written recommendations for improvement. This assessment will identify barriers to greater participation by parents in parental involvement activities, with particular attention to parents who are economically disadvantaged, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background. The findings of the evaluation will be used to design strategies for more effective parental involvement and to revise existing parental involvement policies.
- j. Business Involvement. The active cooperation of the community's businesses, agencies, organizations, and postsecondary institutions will be sought to partner with the District to provide on-site opportunities for parents to learn more about the school district, the educational needs of students, and about parenting in general. These entities may be asked

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to partner with the district to provide educational experiences at the school sites. Members of the community will be encouraged to assist students by participating in programs such as Listeners, Mentors, and Role Models. Businesses will be encouraged to provide flexible time or release time for employees to visit their children's school. The District will establish a program to designate businesses as "school friendly" when they meet established District criteria.

**STATUTORY AUTHORITY:** 1001.41(1)(2), 1001.42(23), 1001.43(10), F.S.

**LAW(S) IMPLEMENTED:** 1001.32(2)(4), 1001.43(5),  
1001.20(1)(2)(18)(b)(20)(b)(c), F.S.,  
THE NO CHILD LEFT BEHIND ACT OF 2001, P.L. 107-110

**HISTORY:** ADOPTED: 1/14/08  
REVISION DATE(S): 4/08/13  
FORMERLY: NEW

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### PROGRAM OF AWARDS

2.10

The Superintendent shall establish a program of awards for approval by the School Board.

1. Individuals who are eligible for receiving an award shall include:
  - A. Employees with long and meritorious service or distinguished service in the performance of duty.
  - B. Students who have excelled in scholarship, athletics, music, subject matter areas, citizenship, attendance, and any other areas recommended by the Superintendent and approved by the School Board.
  - C. School volunteers or advisory council members who have contributed outstanding and meritorious service.
2. The criteria for awards granted at individual schools shall be established by the principal and the instructional staff, and shall be submitted in writing to the Superintendent.
3. The criteria for awards distributed at the District level shall be developed by the Superintendent with the assistance of representatives of the supervisory, administrative, instructional, and non-instructional staffs.
4. Nonmonetary awards may be in the form of a certificate, plaque, ribbon, photograph, medal, trophy, or any appropriate award.
5. The amount of a monetary award shall be established by the School Board pursuant to Florida Statutes.
6. An Academic Scholarship Signing Day shall be established to recognize outstanding academic achievement.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1012.22, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98  
REVISION DATE(S): 11/8/10  
FORMERLY: 2.37**

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### PARTICIPATION IN ACTIVITIES

2.11

Each member of the Board is encouraged to participate in the activities and programs conducted by state, regional and national associations of the School Board. The Superintendent shall include an amount in each proposed annual budget to cover expenses to support the participation of the Board in activities and programs conducted by the state and other organizations as the Board chooses.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1001.41, 1001.43, F.S.

#### HISTORY:

ADOPTED: 11/9/98  
REVISION DATE(S): 4/8/13  
FORMERLY:

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### LEGAL COUNSEL – BOARD

2.12

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

**STATUTORY AUTHORITY:**

1001.41, 1001.42, F.S.

**LAW(S) IMPLEMENTED:**

1001.41, 1001.43, 1012.26, F.S.

**HISTORY:**

**ADOPTED:** 11/9/98

**REVISION DATE(S):** 07/17/00, 4/8/13

**FORMERLY:**

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### LEGAL COUNSEL – SUPERINTENDENT

2.13

The Superintendent shall have the authority to obtain, at Board expense, an attorney to represent him/her in any legal matter regarding the performance of his/her duties.

**STATUTORY AUTHORITY:**

1001.41, 1001.42, F.S.

**LAW(S) IMPLEMENTED:**

1001.43, 1012.26, F.S.

**HISTORY:**

ADOPTED: 11/9/98  
REVISION DATE(S): 4/8/13

FORMERLY:

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### LEGAL SERVICES FOR EMPLOYEES

2.14

1. The School Board shall provide legal services for any School Board member or employee who is charged in civil or criminal proceedings for any action arising out of or in the course of employment by the District.
2. Legal services for School Board employees shall be provided only upon the Superintendent's determination that the employee was at the assigned place of duty and was not guilty of willful neglect of duty, gross negligence, or improper conduct.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1012.26, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 4/8/13**

**FORMERLY: 2.09**

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### SCHOOL BOARD ADOPTED PLANS

2.15

(Each district will list those plans, manuals, handbooks and codes which they desired list herein.)

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

These include, but are not limited to,

AIDS/HIV

Approved List of Fees for use of facilities, equipment, District services, and materials

Bloodborne Pathogens

Collective Bargaining Agreements

Dropout Prevention Program

Employee Job Descriptions

Exceptional Student Education

Facilities Handbook

Program of Awards

Program of Studies

Student Progression Plan

Qualifications for Employment of Nondegreed Full Time and Part-time Vocational and Part-time Adult Instructional Personnel Manual



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School Attendance Zones Guidelines

School Board Omnibus Transportation Employee Testing Act Drug and Alcohol Testing

School Food Services Handbook

School Improvement Plans

Special Programs and Procedures for Exceptional Student Education Manual

Student Assignment Guidelines

Student Code of Conduct

Student Education Records Manual

Testing Handbook for District Schools

Transportation Handbook

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.41, 1001.43, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 4/8/13**

**FORMERLY:**

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### DISTRIBUTION OF DIRECTORIES FOR EMPLOYEES

2.16

#### POLICY:

Directories of employees shall be distributed, or made available only to authorized agencies and not to individuals or private business concerns.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1001.41, 1001.43, F.S.

#### HISTORY:

ADOPTED: 11/9/98

REVISION DATE(S): 4/8/13

FORMERLY: 2.33

**TITLE IX SEXUAL HARASSMENT POLICY  
AND GRIEVANCE PROCEDURE**

**2.161**

I. Sexual Harassment Prohibited by Title IX

A. Policy Against Sexual Harassment

Pursuant to Title IX of the Education Amendments Act of 1972 ("Title IX"), the District does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment are prohibited in the District.

B. Definitions

1. Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment prohibited by Title IX.
2. Formal complaint means a document filed by a complainant, the complainant's parent or legal guardian or the Title IX Coordinator alleging sexual harassment prohibited by Title IX against a respondent and requesting that the District investigate the allegation of sexual harassment. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.
3. Program or Activity includes locations, events or circumstances over which the School Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
4. Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment prohibited by Title IX.
5. Sexual harassment prohibited by Title IX means conduct on the basis of sex that satisfies one or more of the following:
  - a. An employee of the School Board conditioning the provision of an aid, benefit or service of the School Board on an individual's participation in unwelcome sexual conduct (quid pro quo)
  - b. Any unwanted or unwelcome conduct that a reasonable person would find so severe, pervasive and objectively

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offensive that it denies a person equal educational access

- c. Sexual assault, dating violence, domestic violence and stalking as defined in the federal Violence Against Women Act

Prohibited sexual harassment includes, but is not limited to, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when

- Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
- Submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting the individual.
- The conduct has the purpose or effect of having a negative impact on the individual's academic performance or employment, unreasonably interfering with the individual's education or employment, or creating an intimidating, hostile, or offensive educational or employment environment.
- Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding any term or condition of employment, employment or academic benefits, or services, honors, programs, or activities available at or through the school.

Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:

- Graphic verbal comments about an individual's body or appearance.
- Sexual jokes, notes, stories, drawings, pictures or gestures.
- Sexual slurs, leering, threats, abusive words, derogatory comments or sexually degrading descriptions.
- Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates.

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- Spreading sexual rumors.
  - Touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling.
  - Cornering or blocking normal movements.
  - Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment
6. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School Board's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security or monitoring of parts of campus, and other similar measures. Any supportive measures provided to the complainant or respondent are maintained as confidential, to the extent that maintaining such confidentiality does not impair the ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
7. Title IX Coordinator is the person designated by the School Board to receive complaints of sexual harassment and oversee, but not conduct, the investigation of those complaints as described below.

### II. Title IX Complaint (Grievance) Process

#### A. Informal Complaints

1. Any person may report sex discrimination prohibited by Title IX, including sexual harassment (whether or not the person reporting is

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the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including non-business hours, by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

2. Complainants and respondents are treated equitably by offering supportive measures to a complainant and by following this grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
3. The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.
4. Nothing herein precludes a respondent from being removed from the School's education program or activity on an emergency basis, provided that an individualized safety and risk assessment determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and that the respondent is provided with notice and an opportunity to challenge the decision immediately following the removal.
5. Nothing herein precludes a non-student employee respondent from being placed on administrative leave during the pendency of a grievance process.
6. This grievance process treats complainants and respondents equitably by providing remedies to complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following this process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies are designed to restore or preserve equal access to the School's education program or activity.

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7. The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
8. All relevant evidence is evaluated objectively, including both inculpatory and exculpatory evidence. Credibility determinations are not based on a person's status as a complainant, respondent, or witness.
9. A finding of responsibility may result in disciplinary action up to and including expulsion for students or dismissal of employees.
10. The standard of evidence used to determine responsibility is preponderance of the evidence.
11. This grievance process does not allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

### **B. Formal Complaints**

1. At any time during the informal process, the complainant has the right to end the informal process and begin the formal complaint process.
2. The formal complaint process is initiated by the filing of a written and signed complaint by the complainant, the complainant's parent or legal guardian or the Title IX Coordinator. When the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.
3. Written Notice: On receipt of a formal complaint, the Title IX Coordinator shall provide written notice to all known parties. At a minimum, the written notice required by this section must include:
  - (a) The identities of the parties involved;
  - (b) The conduct allegedly constituting sexual harassment;
  - (c) The date and location of the alleged incident;
  - (d) A statement that the respondent is presumed not responsible for the alleged conduct;
  - (e) The school's grievance process;

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- (f) A statement that a determination regarding responsibility is made at the conclusion of the grievance process;
  - (g) A statement informing the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney;
  - (h) A statement advising the parties that they may inspect and review evidence; and
  - (i) A statement informing the parties of any provision in the recipient's Code of Student Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
  - (k) If, during the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that were not included in the original notice provided, notice of the additional allegations must be provided to the parties whose identities are known.
- 4. Mandatory Dismissal of Formal Complaints: A formal complaint or any allegations therein **must** be dismissed if:
  - a. the conduct alleged in the complaint would not constitute sexual harassment prohibited by Title IX even if proved;
  - b. the conduct alleged in the complaint did not occur in the School's education program or activity; or
  - c. the conduct alleged did not occur against a person in the United States.
  - d. Such a dismissal does not preclude action under another provision of the School Board's code of conduct.
- 5. Discretionary Dismissal of Formal Complaints: A formal complaint or any allegations therein **may** be dismissed if at any time during the investigation:
  - a. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - b. the respondent is no longer enrolled or employed by the School Board; or



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- c. specific circumstances prevent the School Board from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

### 6. Investigation of formal complaint

- a. When investigating a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the School Board and not on the parties, provided that a party's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party are not accessed, considered, disclosed or otherwise used without the voluntary, written consent of the party's parent, or the party if the party is an eligible student, to do so for this grievance procedure.
- b. The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- c. The ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.
- d. The parties have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The choice or presence of advisor for either the complainant or respondent is not limited in any meeting or grievance proceeding.
- e. Any party whose participation is invited or expected is provided written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.
- f. The investigator provides both parties an equal opportunity to inspect and review any evidence obtained as part of the

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investigation that is directly related to the allegations raised in a formal complaint, including the evidence which will not be relied upon in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to the completion of the investigative report, the investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

- g. The investigator creates an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the time a determination regarding responsibility is made, sends to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.
- h. After the investigator has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the question any decision to exclude a question as not relevant.

### **7. Determination regarding responsibility**

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- a. The decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, must issue a written determination regarding responsibility.
  - b. The written determination must include:
    - (1) identification of the allegations potentially constituting sexual harassment prohibited by Title IX;
    - (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence; findings of fact supporting the determination;
    - (3) conclusions regarding the application of the School Board's code of conduct to the facts;
    - (4) a statement of, and rationale for, the result as to each allegation including a determination regarding responsibility, any disciplinary sanctions the School Board imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School Board's education program or activity will be provided to the complainant; and the procedures and permissible bases for the complainant and respondent to appeal.
  - c. The decision-maker must provide the written determination regarding responsibility to the parties simultaneously.
  - d. The determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.
  - e. The Title IX Coordinator is responsible for effective implementation of any remedies.
- 8. Appeals
  - a. Either party may appeal from a determination regarding responsibility or from a dismissal of a formal complaint or any

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allegations therein, for the following reasons:

- (1) procedural irregularity that affected the outcome of the matter;
  - (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
  - (3) the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- b. Notification of appeal must be given in writing to the Title IX Coordinator.
- c. As to all appeals, the Title IX Coordinator
- (1) notifies the other party in writing when an appeal is filed and implements appeal procedures equally for both parties;
  - (2) ensures that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator; and ensures that the decision-maker for the appeal complies with the standards set forth in Title IX and this policy.
- d. The appeal decision-maker
- (1) gives both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
  - (2) reviews the evidence gathered by the investigator, the investigator's report, and the decision-maker's written decision;
  - (3) issues a written decision describing the result of the appeal and the rationale for the result; and provides the

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written decision simultaneously to both parties and the Title IX Coordinator.

### **9. Timelines**

- a. The investigative report will be provided to the parties within 35 days from the date the formal complaint is filed.
- b. A decision will be issued within 10 working days from the date the investigative report is submitted to the decision-maker.
- c. Either party may appeal within 5 working days from the date the written determination regarding responsibility is given to the parties.
- d. Any appeal will be resolved with 15 calendar days from the filing of the appeal.
- e. If the parties agree to an informal resolution process, these deadlines are tolled from the time one party requests an informal resolution process until either the time the other party responds, if that party does not agree to the informal resolution process, or until either party withdraws from the informal resolution process.
- f. Temporary delays of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action are permitted. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; disciplinary processes required by law or School Board policy; or the need for language assistance or accommodation of disabilities.

### **III. Informal Resolution Process**

- A. At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the parties may participate in an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility. When one party requests an informal resolution process, the other party must respond to the request within three (3) days. The informal resolution process must be completed within 10 days of the agreement to participate in the process.

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- B. The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:
    - 1. The parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process, resume the grievance process with respect to the formal complaint, and be informed of any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
    - 2. The parties, voluntarily and in writing, consent to the informal resolution process; and
    - 3. The informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student, or that a student sexual assaulted another student or committed an act of dating violence as set forth in Policy 5.102 against another student.
  - C. If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the resolution, have both parties sign the document and receive a copy, and forward it to the Title IX Coordinator. If the matter is not resolved, the formal complaint process is resumed.
  - D. Parties cannot be required to participate in an informal resolution process.
  - E. An informal resolution process is not offered unless a formal complaint is filed.
- IV. Training
- A. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment prohibited by Title IX, the scope of the School's education program or activity, how to conduct an investigation and grievance process including appeals, and informal resolution processes, and how to serve impartially, including by avoiding pre-judgment of the facts at issue, conflicts of interest, and bias. Decision-makers receive training on issues of relevance of questions and evidence, including when questions

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and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators receive training on issues of relevance in order to create investigative reports that fairly summarize relevant evidence.

- B. All training materials are available to the public on request and are located on the district's website.

### **V. Conflicts of Interest**

Any Title IX Coordinator, investigator, decision-maker, or any person who facilitates an informal resolution process may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent

### **VI. Recordkeeping**

- A. The School Board will maintain for a period of seven (7) years records of:

1. Each investigation of allegations of sexual harassment prohibited by Title IX including any determination regarding responsibility and any audio or audiovisual recording or transcript, if any, required under the Title IX regulations, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the school's education program or activity.
2. Any Appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
5. For each response required under 34 C.F.R. §106.44, the School Board must create, and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment prohibited by Title IX. In each instance, the School Board will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its education program or activity. If the School Board does not provide a complainant with supportive measures, then it will document the

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reasons why such a response was not clearly unreasonable in light of the known circumstances.

### **VII. Retaliation Prohibited**

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

**STATUTORY AUTHORITY:** 120.54, 1001.41, 1001.42, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 112.51, 119.07, 760.01 et seq.,

1000.05, 1000.21, 1001.43, 1012.22, F.S.  
34 CFR 99, 34 CFR 108, 34 CFR 200.43(c), P.L., 110-233

20 U.S.C., 1681 et seq., Title IX of the United States Education Amendments of 1972;

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

29 CFR Parts 1600-1699

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

**HISTORY: NEW** **ADOPTED: 12/08/20**



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### PROHIBITING DISCRIMINATION, INCLUDING SEXUAL AND OTHER FORMS OF HARASSMENT

2.18

#### I. Policy Against Discrimination

- A. The School Board of Hamilton County, Florida prohibits all forms of unlawful discrimination against students, employees and other persons in all aspects of the District's programs, activities and operations. The term "unlawful discrimination" encompasses any unlawful policy, practice, conduct, or other unlawful denial of rights, benefits, or privileges that is based on any legally protected status or classification under applicable federal, state, or local law including but not limited to race (including anti-semitism), color, religion, gender, age, marital status, sexual orientation, pregnancy, disability, political or religious beliefs, national or ethnic origin, or genetic information. Various state and federal laws establish the actions that do (and do not) constitute unlawful discrimination with respect to each protected status or classification. Where applicable, unlawful harassment that is based on a legally-protected status is one form of unlawful discrimination.
- B. The School Board shall comply with all state and federal laws, which prohibit discrimination and are designed to protect the civil rights of applicants, employees, and/or students, or other persons or organizations protected by applicable law.
- C. The School Board shall admit students to District Schools, programs, and classes without regard to race (Including anti-semitism), color, religion, gender, age, national or ethnic origin, marital status, sexual orientation, political or religious beliefs, disability, handicap or any other distinguishing physical or personality characteristics.
- D. The School Board prohibits retaliation by any District personnel against a person for reporting, filing or being a witness in a discrimination (including harassment) charge, complaint, investigation or lawsuit associated or in connection with this policy.
- E. Established grievance procedures and appropriate discrimination complaint forms are available from the Office of Civil Rights & Equity (Professional Standards), Student Support Services or the Equity Coordinator at each school/district office. Complaints/inquiries regarding compliance with these regulations may be submitted in writing to:
  - 1. For Employee - Office of Civil Rights and Equity Compliance.
  - 2. For Students – Student Support Services.
  - 3. Job applicants with disabilities requesting accommodations under the American with Disabilities Act (ADA) may contact Human Resources.

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4. Current School District employees with disabilities requesting accommodations under the ADA may contact Professional Standards.
- F. The Superintendent shall submit an annual equity report addressing the district's educational and employment practices as required by Florida's Educational equity Act.
- II. Policy Against Sexual Harassment or Other Forms of Harassment Prohibited by Law
  - A. The School Board desires to maintain an academic and work environment in which all employees, volunteers, and students are treated with respect and dignity. A vital element of this atmosphere is the Board's commitment to equal opportunities and the prohibition of discriminatory practices. The Board's prohibition against discriminatory practices includes prohibitions against sexual harassment, or any other form of harassment based upon a person's membership in a protected class and specifically prohibited by applicable state or federal law. The School Board forbids sexual harassment, or any other form of illegal harassment, of any employee, student, volunteer or visitor. The Board will not tolerate sexual harassment, or any other form of illegal harassment by any of its employees, students, volunteers or agents.
  - B. The prohibition against discrimination including sexual and other forms of illegal harassment shall also apply to nonemployee volunteers who work subject to the control of school authorities, and to all vendors or service providers who have access to School Board facilities.
- III. Definitions:
  - A. Prohibited sexual harassment includes, but is not limited to, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when
    1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
    2. Submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting the individual.
    3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance or employment, unreasonably interfering with the individual's education or employment, or creating an intimidating, hostile, or offensive educational or employment environment.
    4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding any term or condition of employment, employment or academic benefits, or services, honors, programs, or activities available at or through the school.

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- B. Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to
  - 1. Graphic verbal comments about an individual's body or appearance.
  - 2. Sexual jokes, notes, stories, drawings, pictures or gestures.
  - 3. Sexual slurs, leering, threats, abusive words, derogatory comments or sexually degrading descriptions.
  - 4. Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates.
  - 5. Spreading sexual rumors.
  - 6. Touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling.
  - 7. Cornering or blocking normal movements.
  - 8. Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment.
- IV. Definition of Other Forms of Prohibited Harassment
  - A. Illegal harassment on the basis of any other characteristic protected by state or federal law is strictly prohibited. This includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her gender, national or ethnic origin, age, disability, marital status, sexual orientation, political or religious beliefs, citizenship, pregnancy or genetic information or any other distinguishing physical or personality race (including ant-semitism), color, religion, characteristic protected by law and that
    - 1. Has the purpose or effect of creating an intimidating, hostile or offensive work or academic environment;
    - 2. Has the purpose or effect of interfering with an individual's work or academic performance; or
    - 3. Otherwise, adversely affects an individual's employment or academic performance.
  - B. Examples of prohibited actions, which may constitute harassment include, but are not limited to, the following:
    - 1. Epithets, slurs or negative stereotyping; or
    - 2. Threatening, intimidating or hostile acts, such as physical acts of aggression against a person or his property or
    - 3. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the school or District office premises or circulated in the workplace or academic environment.
- V. Procedures for Filing Complaint of Discrimination, Sexual Harassment, or Other Form of Illegal Harassment
  - C. Procedures for Filing Complaints

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

1. Any person who believes that he or she has been discriminated against, or placed in a hostile environment based on gender, marital status, sexual orientation, race, color, national or ethnic origin, religion, age, disability, political or religious beliefs, pregnancy or any other distinguishing physical or personality characteristics by an employee, volunteer, agent or student of the School District should report the alleged harassment to the Title IX Coordinator or to any school personnel. The alleged harassment should be reported within sixty (60) days of alleged occurrence. The complaint should set forth a description of the alleged discriminatory actions/harassment, the time frame in which the alleged discrimination occurred, the person or persons involved in the alleged discriminatory actions, and any witnesses or other evidence relevant to the allegations in the complaint. Any school personnel who has notice that student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to the Title IX Coordinator. The formal complaint must be resolved according to the federal regulations and District processes that specifically apply to such formal complaints; and
  2. After receiving a complaint, the Title IX Coordinator makes an initial determination whether the allegations may be sexual harassment prohibited by Title IX. If they may be, the Title IX Grievance Process set forth in Policy 2.161 should be followed. If it does not meet the requirements for sexual harassment prohibited by Title IX, then the complaint is referred to the Compliance Officer who follows the procedures set forth below. The Title IX Coordinator will also determine whether the alleged harassment may also constitute criminal conduct and ensure that law enforcement officials are notified, if necessary. If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Children and Families.
  3. The complaint should be filed with the School Principal, Site Administrator or Supervisor. Complaints filed with the Principal, Site Administrator, or supervisor must be forwarded to the District's EEO Officer (\*Equity or Professional Standards Coordinator) within five (5) days of the filing of the complaint. If the complaint is against the principal, site administrator, or supervisor, the complaint may be filed directly with the EEO (\*Equity or Professional Standards coordinator) officer.
  4. If the complaint is against the District's EEO Officer, the Superintendent, or other member of the School Board, the complaint may be filed with the School Board Attorney.
- D. Procedures for Processing Complaints of Harassment

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

1. Complaints filed against persons other than the Equity Officer (Professional Standards Coordinator), Superintendent or member of the School Board.
  - a. Upon receipt of the written complaint by the District EEO/Equity Officer (Professional Standards Coordinator) Officer, the District EEO Officer shall appoint an investigator to conduct an investigation of the allegations in the complaint. The investigation may be conducted by school personnel or a third party designated by the school district. The investigation will be conducted within thirty (30) days. The investigator shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the person allegedly harassed. The investigator shall interview the complainant and the accused; interview any witnesses identified by the complainant, accused, or by other sources; take statements from all witnesses; and review any relevant documents or other evidence. Upon completing a review of all evidence relevant to the complaint, the investigator shall prepare a written summary of the investigation, and make a recommendation to the District EEO/Equity Officer (Professional Standards Coordinator) Officer as to whether there is reasonable cause to believe a violation of the District's antidiscrimination policy has occurred. Copies of documents, evidence and witness statements which were considered in the investigation must be sent to the EEO officer along with the summary and recommendation.
  - b. If the complaint is against the EEO officer, the School Board Attorney shall appoint an investigator, who shall conduct an investigation in the manner set forth in section V.B.1.a.
  - c. The investigation, summary, relevant documents, witnesses' statements and recommendation should be completed and forwarded to the EEO Officer within thirty (30) days, or to the School Board Attorney within thirty (30) days, if the complaint is against the EEO Officer. The EEO Officer, or School Board Attorney, respectively, shall review the investigation summary, evidence and recommendation, and determine within ten (10) days whether there is reasonable cause to believe a discriminatory practice occurred.
  - d. If the EEO Officer or School Board Attorney determines there is reasonable cause to believe a violation of the nondiscriminatory policy occurred, he or she shall within ten (10) days provide notice of the reasonable cause finding to

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the complainant and the accused. The EEO Officer or School Board Attorney shall then forward the investigatory file, reasonable cause determination, and all related documents and evidence, to the Superintendent.

- e. If the EEO Officer or School Board Attorney determines, after a review of the investigation, summary, recommendation and other evidence, that there is no reasonable cause to believe a discriminatory practice occurred, he or she shall provide within ten (10) days notice of the finding of no reasonable cause to the complainant and accused. The complainant may request a no reasonable cause finding by the EEO Officer or School Board Attorney be reviewed by the Superintendent within ten (10) days of receipt of this notice. The complainant shall provide a written statement detailing facts in support of his or her disagreement with the determination.
- f. The complainant will also be given an opportunity to meet with the Superintendent and EEO Officer/School Board Attorney to present his or her position. The Superintendent and EEO Officer/School Board Attorney shall prepare a written memorandum summarizing the content of the conference to be included in the complaint file. The Superintendent shall within ten (10) days of receipt of the notice make a final determination as to whether there is reasonable cause to believe a discriminatory practice occurred.
- g. If review by the Superintendent is not timely requested, the EEO Officer or School Board Attorney's determination of no reasonable cause shall be final.
- h. The accused may request, within ten (10) days of receipt of a notice of a finding of reasonable cause, that the determination be reviewed by the Superintendent. The request must include a written statement expressing the accused's position on the complaint and findings, and address any facts, statements or evidence which he or she submits are inaccurate. The accused will be given an opportunity to meet with the Superintendent and the EEO Officer/School Board Attorney to present his or her position. The Superintendent and EEO Officer/School Board Attorney must within ten (10) days of receipt of the notice prepare a memorandum summarizing the content of the meeting to be included in the complaint file.
- i. If review by the Superintendent is not timely requested, the EEO Officer or School Board Attorney's determination of no reasonable cause shall be final.
- j. After providing the opportunity for an informal hearing as referenced in section V.B.1.h., the Superintendent shall

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

evaluate all the evidence, the investigation summary, recommendations and findings, along with any input by the accused and complainant, and make a final determination as to whether there is reasonable cause to support the complainant's allegations. He or she shall then determine any necessary disciplinary, remedial, or other action. Notice of the final disposition of the complaint and any disciplinary and/or remedial action shall within ten (10) days of the informal hearing be forwarded to the accused and the complainant, and a copy of the notice will be filed with and maintained in the office of the District EEO Officer and the Personnel Director.

- k. All employees shall cooperate with any investigation of alleged harassment conducted under this policy or by an appropriate state or federal agency.
  - l. Employees may choose to pursue their complaints through the relevant employee grievance procedure instead of the complaint procedure in this policy.
2. Complaints against School Board Members or against the Superintendent
- a. Complaints against School Board Members or the Superintendent shall be filed with the School Board Attorney. The School Board Attorney will within twenty (20) days appoint an outside, independent investigator to conduct an investigation and make a recommendation as to whether a discriminatory practice has occurred. It is recommended, but not mandatory, that the investigator be an attorney familiar with federal and state law prohibiting discrimination on the basis of a protected status.
  - b. The complainant and accused shall be interviewed by the outside investigator. Both shall provide written lists of witnesses to be interviewed, and documents or other evidence to be reviewed as relevant to the complaint. The investigator shall interview all witnesses identified by the complainant or accused, in addition to witnesses with relevant knowledge which the investigator may discover from other sources. The investigator shall also review relevant documents and other evidence. The investigator shall within twenty (20) days of receiving the complaint prepare a written summary of his or her investigation, and a recommendation to the School Board Attorney as to whether there is reasonable cause to believe that a discriminatory practice may have occurred.

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- c. If reasonable cause is recommended by the investigator against a School Board Member or an elected Superintendent, the recommendation shall within twenty (20) days be forwarded to the Governor's office to determine if there is evidence that a misfeasance or malfeasance of office occurred. The Governor's office will be responsible for taking any necessary action in accordance with applicable law with reference to an elected official.
    - d. A finding of no reasonable cause by the outside investigator, which is reviewed and confirmed by the School Board Attorney shall be final. In compliance with Florida Statute, the investigation file shall become public record and the Superintendent or School Board Member shall answer to their constituency.
  - E. Penalties for Confirmed Discrimination or Harassment
    - 1. Student - A substantiated allegation of discrimination or harassment against a student shall subject that student to disciplinary action consistent with the *Code of Student Conduct*.
    - 2. Employee or Volunteer - A substantiated allegation of discrimination or harassment against an employee may result in disciplinary actions including termination and referral to appropriate law enforcement authorities. A volunteer shall be removed from service and a referral may be made to appropriate law enforcement authorities.
  - F. Limited Exemption from Public Records Act and Notification of Parents of Minors
    - 1. To the extent possible, complaints will be treated as confidential and in accordance with Florida Statutes and the Family Educational Rights and Privacy Act (FERPA). Limited disclosure may be necessary to complete a thorough investigation as described above. The District's obligation to investigation and take corrective action may supersede an individual's right to privacy.
    - 2. The parents of a person under the age of 18 who has filed a complaint of discrimination and/or harassment shall be notified within three (3) days of receipt of a complaint.
  - V. Retaliation Prohibited
    - A. Any act of retaliation against an individual who files a complaint alleging a violation of the District's antidiscrimination policy and/or sexual or illegal harassment policy or who participates in the investigation of a discrimination complaint is prohibited.
    - B. Retaliation may include, but is not limited to, any form of intimidation, reprisal or harassment based upon participation in the investigation of, or filing a complaint of discrimination.

**STATUTORY AUTHORITY:**

**120.54, 1001.41, 1001.42, 1012.23, F.S.**



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### LAW(S) IMPLEMENTED:

112.51, 119.07, 760.01 *et seq.*,  
1000.05, 1000.21, 1001.43, 1012.22, F.S.  
34 CFR 99, 34 CFR 108, 34 CFR 200.43(c), P.L.110-233  
42 U.S.C. 12112, American with Disabilities Act of 1990  
42 U.S.C. 2000ff *et seq.*, Genetic Information Non-discrimination Act of 2008  
29 U.S.C. 701 *et seq.*, Rehabilitation Act of 1973  
29 U.S.C. 621 *et. seq.*, Age Discrimination in Employment Act of 1967  
20 U.S.C., 1681 *et seq.*, Title IX of the United States Education Amendments of 1972;  
42 U.S.C., 2000e *et seq.*, Civil Rights Act of 1964;  
29 CFR Parts 1600-1699  
STATE BOARD OF EDUCATION RULE(S):  
6A-19.001 *et seq.*  
HISTORY: ADOPTED: 11/9/98  
REVISION DATE(S): 3/25/02, 3/22/04, 6/22/09, 6/11/12, 1/11/16, 12/8/20  
FORMERLY: 2.29; 2.291; 2.71; 2.72; 2.81

## CHAPTER 2.00 – SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### FAMILY AND SCHOOL PARTNERSHIP FOR STUDENT ACHIEVEMENT

2.20

1. The School District and each school principal are encouraged to strengthen family involvement and family empowerment in the school. The District will coordinate and integrate parental involvement strategies with school improvement, Title I, Title II, Title IV, Title VI, Community Involvement Programs, Business Partnerships, and other community involvement activities.
2. The District will provide the coordination, technical assistance, and other support necessary to assist schools in planning and implementing effective and comprehensive parent involvement programs, based on the National Standards for Parent/Family Involvement Programs, which include:
  - A. Communication between home and school is regular, two-way and meaningful.
  - B. Responsible parenting is promoted and supported.
  - C. Parents play an integral role in assisting student learning.
  - D. Parents are welcome in school and their support and assistance are sought.
  - E. Parents are full partners in the decisions that affect children and families.
  - F. Community resources are utilized to strengthen school programs, family practices and student learning.
3. The District will communicate parental choices and responsibilities to parents.
4. The District shall develop and distribute a parent guide to successful student achievement. The guide shall contain information that parents need to know about their child's educational progress and how parents can help their child's success in school.
5. The District will provide professional development opportunities for staff members to enhance understanding of effective parent involvement strategies through the District professional development plan.
6. The District, to the extent practicable, shall provide full opportunities for parents with disabilities, parents with limited English proficiency and parents of migratory

## **CHAPTER 2.00 – SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

children to participate in school and parental involvement activities and programs.

7. The District will conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this policy
  - A. To determine the effectiveness in increasing parent participation;
  - B. To identify barriers to greater parent participation; and
  - C. To report the findings to the State Board of Education.
8. The District will use the findings of the evaluations in designing strategies for school improvement and revising, if necessary, the parent involvement policies.

### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

### **LAW(S) IMPLEMENTED:**

**1000.21, 1001.42, 1001.51, 1001.54, 1002.20,  
1002.23, 1003.33, 1006.07, 1008.25, 1012.98 F.S.  
Every Student Succeeds Act, Title I, Part A, Subpart 1, Section 1116**

### **HISTORY:**

**ADOPTED: 3/22/2004  
REVISION DATE(S): 8/10/09, 08/09/10, 04/14/20  
FORMERLY: NEW**

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### REPORTING CHILD ABUSE

2.80

#### A. Definitions of Child Abuse, Abandonment or Neglect

1. *Abuse* means any willful or threatened act that results in any physical, mental or sexual injury or harm that causes, or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.
2. *Abandonment* means a situation in which the parent or legal custodian of a child, or in absence of the parent or legal custodian, the caregiver responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations.
3. *Neglect* occurs when a child is deprived of or is allowed to be deprived of, necessary food, clothing, shelter or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability, unless actual services for relief have been offered and rejected. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or legal custodian.

#### B. Prohibition Against Child Abuse, Abandonment or Neglect

The School Board strongly prohibits any action or omission constituting child abuse, neglect, or abandonment by any of its employees, agents, volunteers, or by other persons affiliated in any way with the School District. Further, all employees, agents, and volunteers of the School District must comply with Florida law requiring reporting of child abuse, neglect, or abandonment.

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### C. Notification of Responsibility

1. A notice providing the following information shall be posted in a prominent place in a clearly visible location in a public area of each school:
  - a. All employees of the District have the responsibility to report all actual and suspected cases of child abuse, abandonment or neglect; immunity from liability if they report such cases in good faith; and the responsibility to comply with child protective investigations and all other provisions of law related to child abuse, abandonment or neglect.
  - b. Statewide toll-free telephone number for the central abuse hotline.
  - c. Instructions for calling 911 for emergencies.
  - d. Directions for accessing the Department of Children and Families website for additional information on reporting abuse, neglect, and exploitation.
2. The information must be in English and Spanish, in large print, on an 11" by 17" sheet and posted at student eye level.

### D. Requirements for Reporting Child Abuse, Abandonment or Neglect

1. Florida Statute requires that any person including, but not limited to, any
  - a. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care or treatment of persons;
  - b. Health or mental health professional other than one listed in 1;
  - c. Practitioner who relies solely on spiritual means for healing;
  - d. School teacher or other school official or personnel;
  - e. Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker; or
  - f. Law enforcement officer or judge

who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, shall report such knowledge or suspicion to the Department of Children and Family Services.

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

2. Each report of known or suspected child abuse, abandonment, or neglect shall be made immediately to the Department of Children and Family Service's abuse hotline, on the single statewide toll-free telephone number. The teacher or staff member may also contact the principal, a school designee, district office or support person to let them know the case has been reported, and for their own documentation and protection file a District County Schools Child Abuse Incident Referral Report.
  3. Reporters in the categories specified in D. above, will be required to provide their names to hotline staff. The extent of confidentiality of the reporter's name, with respect to the Department's records, is governed by Florida Statute.
  4. In accordance with state law, the Department of Children and Family Services, in conjunction with applicable law enforcement agencies, are responsible for investigating allegations of child abuse, abandonment, or neglect.
- E. Complaint Against School District Employee, Volunteer or Agent
1. If a complaint is made against a School District employee, volunteer, agent or other person affiliated with the School District which, if true, would constitute child abuse, neglect or abandonment by that person, that complaint shall be immediately forwarded to the Superintendent. The Superintendent shall forward the complaint to the Department of Children and Family Services for investigation as provided by statute. The person accused of child abuse, abandonment or neglect shall be suspended from duties involving interaction with children pending investigation of the allegations. If the allegations are substantiated by the Department of Children and Family Services, the Superintendent shall take appropriate disciplinary action. School District staff shall in good faith cooperate with, and participate only as directed by, the Department of Children and Family Services and law enforcement during the investigation, and with respect to any subsequent criminal proceedings.
  2. Each school shall post in a prominent place at the school site and on each school's website the policies and procedures for reporting alleged misconduct by an instructional employee or school administrator which affects the health, safety or welfare of a student. The notice shall include the person to whom the misconduct should be reported and the penalties that will be imposed on instructional or school administrative staff who fail to report alleged or actual child abuse or misconduct.

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

3. When a report of child abuse, neglect or abandonment has been made to the Department of Children and Family Services or law enforcement agencies, a teacher, staff member, volunteer or agent should not take it upon himself/herself to interview the child, talk with the suspected abuser, discuss the allegations with other potential witnesses or otherwise investigate the case. Nor should a teacher, staff member, volunteer or agent divulge information relating to the complaint to persons other than school officials, the Child Protection Team, the Department of Children and Family Services, law enforcement, the State Attorney or other court designee. If a parent, caregiver, or legal guardian desires information related to a complaint of child abuse, that person should be directed to contact the Department of Children and Family Services and/or the applicable local law enforcement agency.
4. Florida Statute provides that a person required by state law to report child abuse, abandonment, or neglect, but who willingly and knowingly fails to do so, or prevents another from doing so, is guilty of a first degree misdemeanor. Likewise, knowingly and willingly filing a false report of child abuse, neglect, or abandonment or advising another to do so constitutes a third degree misdemeanor.
5. Child Abuse Prevention Training for School District employees, staff, volunteers shall be provided in compliance with and as specified in Florida Statute.

**STATUTORY AUTHORITY:** 120.54, 1001.41, 1001.42, F.S.

**LAW(S) IMPLEMENTED:** 39.0015, 39.01, 39.201, 39.202, 39.203,  
39.205, 39.206, 1001.43, 1006.061, F.S.

**HISTORY:** ADOPTED: 3/22/04

REVISION DATE(S): 4/8/13, 1/11/16

FORMERLY: NEW

## CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### WELLNESS PROGRAM

2.95

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

#### I. Philosophy

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

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

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



## **CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

- B. Each school within Hamilton County School District will establish an ongoing Healthy School Team that will meet biannually to ensure compliance and facilitate implementation of Hamilton County School District's wellness policy.
  - 1. The school principal and local school staff shall have the responsibility to comply with federal and state regulations as they relate to the local school wellness policy.
  - 2. In each school, the principal or designee will be responsible for establishing the Healthy School Team that will ensure compliance with the policy.
  - 3. The Healthy School Team will include, but not be limited to, the following stakeholders: parents, students, school food service program representatives, school administrators, school health professionals, physical education teachers and the public.
  - 4. The Healthy School Team will be responsible for:
    - a. Ensuring compliance with federal and state regulations for competitive food and beverage items sold on the school campus (7 CFR 210.11 and FAC 5P-1.003).
    - b. Maintaining a school calendar identifying the dates when exempted competitive food fundraisers will occur in accordance with the frequency specified in paragraph (c) of FAC 5P-1.003,
    - c. Reporting its school's compliance of the aforementioned regulations to the District Wellness Coordinator, the person responsible for ensuring overall compliance with the local school wellness policy.
- C. Hamilton County School District will review and consider evidence-based strategies and techniques in establishing goals for nutrition promotion and education, physical activity and other school-based activities that promote student wellness to, at a minimum, include a review of Smarter Lunchroom tools and techniques.

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### II. Nutrition

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

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

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- F. Schools must offer fat free or low-fat milk varieties.
- G. Ensure students are offered both fruits and vegetable every day of the week, substantially increasing offerings of whole grain rich foods.
- H. Limit calories based on age of children being served to ensure proper portion size.
- I. Increase focus on reducing the amounts of saturated fat, trans fat and sodium.
- J. Fundraising
  - 1. Fundraising efforts will be supportive of healthy eating by complying with all applicable regulations and nutrition standards for competitive foods while also emphasizing the sale of nonfood items.
  - 2. No fundraisers that include the sale of food items will occur until thirty (30) minutes after the conclusion of the last designated meal service period.
  - 3. The school board is permitted to grant a special exemption from the standards for competitive foods as specified below for the purpose of conducting infrequent school-sponsored fundraisers, not to exceed the following maximum number of school days per school campus each school year:

School Type	Maximum Number of School Days to Conduct Exempted Fundraisers
Elementary Schools	5 days
Middle/Junior High Schools	10 days
Senior High Schools	15 days
Combination Schools	10 days
  - 4. Each school's Healthy School Team will maintain a school calendar identifying the dates when exempted competitive food fundraisers will occur. (FAC 5P-1.003)

### III. Policy for Food and Beverage Marketing

- A. School-based marketing will be consistent with policies for nutrition education and health promotion. As such the following guidelines apply:

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1. Schools will only be allowed to market and advertise those foods and beverages that meet or exceed USDA's Smart Snacks in School nutrition standards.
2. Marketing activities that promote healthful behaviors (and are therefore encouraged) include: vending machine covers promoting water, pricing structures that promote healthy options in a la carte lines or vending machines, sales of fruit for fundraisers and coupons for discounted gym memberships.

### **IV. Nutrition Standards for All Foods Sold in School**

#### **A. Competitive Food Sales**

1. All foods and beverages sold on the school campus to students outside of reimbursable school meals are considered "competitive foods," and must comply with the nutrition standards for competitive food as defined and required in 7 CFR 210.11.
  - a. School campus means, for the purpose of competitive food standards implementation, all areas of the property under the jurisdiction of the school that are accessible to students during the school day.
  - b. School day means, for the purpose of competitive food standards implementation, the period from the midnight before, to 30 minutes after the end of the official school day.
2. The Food and Nutrition Services department will comply with the provisions set forth in Federal law regarding the sale of competitive food and foods of minimal nutritional value. The Food and Nutrition Services department shall be the sole provider of food and beverage items sold in all schools until thirty (30) minutes following the last lunch period, at which time other school organizations may begin to sell food and beverage items in accordance with the School Board's wellness policy and with principal approval.
3. Accordingly, all foods and beverages for sale to students on campus from vending machines, from school stores, or as fund-raisers by student clubs and organizations, parent groups, or boosters shall comply with the current USDA dietary guidelines for Americans and the USDA Smart Snacks in Schools regulations, applicable State law, and Florida Administrative Code rule, and shall only be available

## CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION

between thirty (30) minutes following the last school lunch period and thirty (30) minutes after the close of the regular school day.

4. Unless being sold by the Hamilton County School District food service program, it is impermissible for any competitive food item sold to students during the school day to consist of ready-to-eat combination foods of meat or meat alternative and grain products, as defined in 7 CFR 210.10 and 210.11 (FAC 5P-1.003).

### B. General Nutrition Requirements

1. Water - Free water must be readily available to children during breakfast and lunch.
2. Whole Grains – All snack foods sold in schools must be whole grain rich, this means they contain at least 50% whole grains, have whole grains as the first ingredient, or have a fruit, vegetable, dairy product, or protein rich food as the first ingredient.
3. Calories - Snacks must contain more than 200 calories. A la carte entrees must contain no more than 350 calories.
4. Sugar - Snacks must contain no more than 35% sugar by weight.  
  
\*Exceptions exist for dried fruit without added sugars and even for some that have added nutritive sweeteners that are required for processing and/or palatability purposes.
5. Sodium - Snacks must contain no more than 200mg of sodium. A la carte entrees must contain no more than 480mg or less of sodium.
6. Fat - Total fat must be no more than 35% of calories. Saturated fat must be no more than 10% of Calories. There must be no trans-fat in the package as served.
7. Exemptions
  - a. Entrees served in the NSLP/SBP on the day of service and the following school day.
  - b. Fresh, frozen or canned fruits and vegetables with no added ingredients, except water, which are packed in 100% juice, extra light syrup or light syrup.

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- c. Reduced fat cheese, nuts, seeds and nut/seed butters, as well as seafood and whole eggs with no added fat are exempt from the total fat and saturated fat standards.
  - 8. Beverages
    - a. Allowable beverages are limited to plain water (carbonated or non-carbonated), low-fat milk (unflavored), nonfat milk (flavored and unflavored), nutritionally equivalent milk alternatives, full strength fruit and/or vegetable juices, and full-strength fruit and vegetable juices diluted with water or carbonated water.
    - b. Beverages must be caffeine free for elementary and middle school.
    - c. Beverage portion limits: 8 fluid ounces for elementary school and 12 fluid ounces for middle and high school
  - 9. High School
    - a. Calorie free beverages are allowable in up to 20 ounce containers (less than 5 calories per 8 ounce serving and no more than 10 calories per 20 fluid ounces).
    - b. Lower calorie drinks are allowed with up to 40 calories per 8 ounces or 60 calories per 12 ounces.
    - c. Caffeine is permitted.
  - C. Special Note - These rules only apply to food sold to students. These rules do not apply to food brought from home for lunch, or for birthday parties, off-campus fundraisers, athletic events, and school plays, or for foods sold during non-school hours (30 minutes after school.)
- V. Standards for Food and Beverages Available During the School Day that are Not Sold to Students
  - A. The school will provide parents and teachers a list of ideas for healthy celebrations/parties, rewards and fundraising activities.
  - B. Class parties or celebrations shall be held after the lunch period and only foods that meet the Smart Snacks in School nutrition standards can be served.

## **CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

- C. Schools will limit celebrations that involve food during the school day to no more than one party per class per month.

### **VI. Nutrition and Health Education**

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

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

### **VII. Physical Education and Activity**

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

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

## **CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

### **VIII. Physical Education Program**

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

- A. Requires each district school board to include the availability of one-on-one counseling concerning the benefits of physical education in their written physical education policy.
- B. Continues to require 150 minutes each week for students in grades K-5 and requires at least 30 consecutive minutes of physical education on any day during which physical education instruction is conducted.
- C. Requires the equivalent of one class period per day of physical education for one semester of each year for students enrolled in grades 6-8.
- D. Provides waiver options for students and requires that each district school board is required to notify parents of waiver options prior to scheduling a student in physical education.
- E. High school students must have one credit of a HOPE physical education course for graduation purposes.
- F. Students electing one of the three-year, 18 credit graduation options do not have to meet the high school requirement and may use the physical education courses listed as elective credit. Students may waive a portion or all of these requirements only to the extent permitted by state law.

### **IX. Health Services**

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

- A. Primary coordination of health services shall be through a licensed nurse with the support and direction of the Hamilton County School District and the Hamilton County Health Department.



## **CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

- B. A coordinated program of accessible health services shall be provided, to students and staff and may include violence prevention, school safety, communicable disease prevention, health screening [including Body Mass Index (BMI)], community health referrals, immunizations, parenting skills, first aid and other priority health education topics.

### **X. Family, School and Community Partnership**

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

### **XI. Staff Wellness**

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

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

### **XII. Evaluation and Monitoring**

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

### **XIII. Triennial Progress Assessments**

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

## **CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

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

### **B. Informing the Public**

The Hamilton County School district will ensure the wellness policy, information and updates to and about the wellness policy and the triennial assessment are available to the public at all times.

1. The Hamilton County School District will ensure the most updated version of the wellness policy and the triennial assessments are always available on the school website for the public to view.
2. Wellness goals and policy updates will be provided to students, parents and staff on a monthly basis. Wellness updates may be provided in the form of handouts, Hamilton County School District website, articles and information provided in each school's newsletter, presentations and through other appropriate means to ensure that the community in the district is informed and that public input is encouraged.
3. Each school will provide all parents with a complete copy of the local school wellness policy at the beginning of the school year and make the policy available to the public by posting it on Hamilton County School District's website.

### **C. Community Involvement**

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

## **CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

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

### **D. Record Keeping**

Hamilton County School District will retain records to document compliance with the requirements of the local school wellness policy at Hamilton County, FL. Documentation kept in this location will include, but is not limited to, the following:

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

## CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION

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

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

STATE BOARD OF EDUCATION RULE(S); 6A-7.0411

HISTORY: ADOPTED: 06/19/06  
REVISION  
DATES: 11/21/06, 01/14/13  
, 09/25/17, 6/19/18  
FORMERLY: \_\_\_\_\_

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

**3.01**

### **RESPONSIBILITIES OF SUPERINTENDENT**

#### **POLICY:**

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

#### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

#### **LAW(S) IMPLEMENTED:**

**1001.32, 1001.33, 1001.42, 1001.43,  
1001.49, 1001.51, F.S.**

#### **HISTORY:**

**ADOPTED: November 9, 1998  
REVISION DATE(S): March 13, 2006  
FORMERLY:**

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### RESPONSIBILITIES OF PRINCIPALS

3.02

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

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1001.32, 1001.43, 1001.54,  
1003.31, 1006.09, 1006.28, 1012.28, F.S.

#### HISTORY:

ADOPTED: 11/9/98

REVISION DATE(S): 6/10/13

FORMERLY: 5.35, 8.12

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### SCHOOL SITE DECISION MAKING

3.021

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

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 6/10/13**

**FORMERLY: NEW**

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### EMERGENCIES

3.03

1. In case of an emergency involving the welfare and safety of students and employees, the Superintendent may suspend any part of these regulations; provided, that he/she shall report the fact of and the reason for suspension at the next meeting of the School Board; and provided further, that the suspension shall expire at the time of such report unless continued in effect by actions of the School Board.
2. In case of an emergency, the Superintendent may close any school or all schools. The members of the School Board shall be informed immediately of any event or condition which requires the closing of a school or the schools of the District, and, where the public interest requires Board action, the Superintendent shall call a special meeting of the Board.
3. In any case or condition not covered by these regulations, the Superintendent shall base the decision on his/her best judgment.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1001.33, 1001.43, F.S.

#### HISTORY:

ADOPTED: 11/9/98

REVISION DATE(S): 6/10/13

FORMERLY: 2.06



## CHAPTER 3.00 - SCHOOL ADMINISTRATION

<b>DIRECTIVES, PROCEDURES AND ADMINISTRATIVE MANUALS</b>	<b>3.04</b>
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The Superintendent shall have authority to issue such directives and to prescribe such procedures as may be necessary to carry out the purposes of School Board rules and the provisions of Florida Statutes and State Board of Education rules. The Superintendent may issue such administrative manuals or booklets of instruction as he/she may deem necessary for the effective administration of the District school system and distribute them to the employees directly concerned. Insofar as the provisions of such manuals and directives are consistent with these School Board rules, Florida Statutes, or State Board of Education rules, the provisions thereof shall be binding upon all employees.

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

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

**HISTORY:** **ADOPTED:** 11/9/1998  
**REVISION DATE(S):** 5/11/09

**FORMERLY:** 1.11

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### ADMINISTRATIVE ORGANIZATION

3.05

The administrative head of each school is the school principal. The District also appoints assistant principals and administrative assistants to the school as needed.

The District staff exists to give support and direction to the schools. The Superintendent is assisted in this responsibility by administrators on staff in the positions of assistant superintendent, directors and coordinators. The Superintendent shall prepare and submit annually organizational chart.

**STATUTORY AUTHORITY:**

1001.41, 1001.42, F.S.

**LAW(S) IMPLEMENTED:**

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

**HISTORY:**

**ADOPTED:** 11/9/98

**REVISION DATE(S):** 3/22/04, 6/10/13

**FORMERLY:** New

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### SAFE AND SECURE SCHOOLS

3.06

#### 1. Introduction

The Hamilton County District School Board has as its first obligation to provide a safe, secure and orderly learning environment in all schools and at all sponsored activities for students, school personnel, and other persons.

#### 2. Orderly Environment

An orderly environment can only be achieved by developing procedures to control students, personnel, and other persons on school property and attending School Board or school sponsored events or activities. All procedures shall reflect the following policy provisions:

- a) No person other than a student and employee of a school site shall be on a school campus during school hours unless they are in compliance with Policy 9.07 (Visitors).
- b) A student who is suspended or expelled is not in good standing and is not permitted on the school campus, school grounds, or at a school sponsored activity.
- c) Any person on a school campus or school grounds not in accordance with this policy is hereby declared to be a trespasser and shall be asked to leave immediately by any staff member. Each principal shall keep a log of such incidents which shall provide the name of the person asked to leave and other pertinent information. If said person shall again be seen upon the school campus or school grounds, any staff member shall immediately notify the principal or appropriate local law enforcement officials without further warning.
- d) Individuals who enter School Board property, activity, or School Board meeting without a legitimate reason and create a disturbance or refuse to leave the property or activity when asked by the board chairperson, Superintendent/designee, principal or person in charge are subject to criminal penalty as provided in Florida Statutes. The person in charge shall contact appropriate law enforcement officials in cases of disruptive activity or refusal to leave the school property or activity and take appropriate actions to have the offender punished as prescribed by law. The Superintendent shall be notified of any such action at schools or school activities.

### CHAPTER 3.00 - SCHOOL ADMINISTRATION

- e) No person except law enforcement and security officers may have in his/her possession any weapon, illegal substance, or dangerous substance while on school property or at school events.
- 3. The following emergency response agency(ies) will notify the District in the event of an emergency:

<b>Emergency Response Agency</b>	<b>Type of Emergency</b>
<i>Hamilton County EMS</i>	<i>Medical</i>
<i>Hamilton County Sheriff's Office:</i>	
<i>Division of Emergency Management</i>	<i>Fire/Natural Disaster/HAZMAT</i>

- 4. Safety, Security and —Emergency Plans
  - a) The Superintendent shall develop a School Safety and Security Plan with input from representatives of the local law enforcement agencies, the local Fire Marshall(s), representative(s) from emergency medical services; building administrators, representative(s) from the local emergency management agency, School Resource Officer(s) and/or representative(s) of the Hamilton County Health Department.
  - b) As required by state law, the Superintendent shall require the use of the Safe School Assessment Survey based on the School Safety and Security Best Practices Indicators created by FL DOE Safe School Assessment Tool (FSSAT) to conduct a self-assessment of the District's current safety and security practices.
  - c) Upon completion of these self-assessments, the Superintendent shall convene a safety and security review meeting for the purpose of (a) reviewing the current School Safety and Security Plan and the results of the self-assessment; (b) identifying necessary modifications to the plan; (c) identifying additional necessary training for staff and students; and (d) discussing any other related matters deemed necessary by the meeting participants.
  - d) The Superintendent shall present the findings of the safety and security review meeting to the Board for review and approval appropriate school safety, emergency management and preparedness plans. The Superintendent shall make any necessary recommendations to the Board that identify strategies and activities that the Board should incorporate into the School Safety and Security Plan and/or implement in order to improve school safety and security. The School Safety and Security Plan is,

## **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

however, confidential and is not subject to review or release as a public record.

- e) The Superintendent shall report the self-assessment results and any action taken by the Board to review the School Safety and Security Plan to the Commissioner of Education within thirty (30) days after the Board meeting.
- f) Emergency management and preparedness plans shall include notification procedures for weapon use and active shooter/hostage situations, hazardous materials and toxic chemical spills, weather emergencies, and exposure resulting from a manmade emergency.
- g) Emergency management and preparedness procedures for active shooter situations shall engage the participation of the district school safety specialist, threat assessment team members, faculty, staff and students for each school and be conducted by the law enforcement agency or agencies designated as first responders to the school's campus.
- h) Each school shall develop and maintain an up-to-date plan based upon the uniform guidelines and including the provisions of Florida law, State Board of Education rules, and other applicable regulations.
- i) Copies of school plans shall be provided to county and city law enforcement agencies, fire departments, and emergency preparedness officials.

### **5. Threat Assessment**

- a) The primary purpose of a threat assessment is to minimize the risk of targeted violence at school. The Board's threat assessment process is designed to be consistent with the process set forth in the joint U.S. Secret Service and U.S. Department of Education publication. ThreatAssessment in Schools: a Guide to Managing Threatening Situations and to creating Safe School Climates for identifying, assessing, and managing students who may pose a threat. The goal of the threat assessment process is to take appropriate preventative or corrective measures to maintain a safe school environment, protect and support potential victims, and provide assistance, as appropriate, to the student being assessed. The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might

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suggest that an individual intends to cause physical harm and is engaged in planning or preparing for that event. The Board's threat assessment process is consistent with the procedures set forth in the Comprehensive School Threat Assessment Guidelines Model, the approved instrument adopted by the FLDOE Office of Safe Schools

- b) The Board authorizes the Superintendent to create building-level, trained threat assessment teams. Each team shall be headed by the principal and shall include a person with expertise in counseling (school/psychological), instructional personnel, and law enforcement (school resource officer) and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self.
  - 1. The threat assessment team will be responsible for the assessment of individuals whose behavior may pose a threat to the safety of school staff and/or students and coordinating resources and interventions for the individual.
  - 2. If a student with a disability is reported to have made a threat to harm others and the student's intent is not clear, a referral will be made to the threat assessment team for evaluation.
  - 3. Upon a preliminary determination that a student poses a threat of violence or physical harm to him/herself or others, the threat assessment team may obtain criminal history record information. The team must immediately report its determination to the Superintendent who must immediately attempt to notify the student's parent or legal guardian. A parent or guardian has the right to inspect and review the threat assessment. The team will coordinate resources and interventions to engage behavioral and or mental health crisis resources when mental health or substance abuse crisis is suspected.
  - 4. The threat assessment team must plan for the implementation and monitoring of appropriate interventions to manage or mitigate the student's risk for engaging in violence and increasing the likelihood of positive outcomes.
  - 5. Upon the student's transfer to a different school, the threat assessment team must verify that any intervention services provided to the student remain in place until the threat assessment team of the receiving school independently determines the need for intervention services.

### **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

- a) School alarms shall be monitored on a weekly basis and malfunctions shall be reported for immediate repair.
  - b) A safety program shall be established consistent with the provisions of Policy 8.01.
  - c) Emergency evacuation drills (fire, hurricane, tornado, active shooter/hostage situation, other natural disaster, and school bus) shall be held in compliance with state requirements and formulated in consultation with the appropriate public safety agencies. Each principal, site administrator or transportation official is responsible for
    - 1. Developing and posting emergency evacuation routes and procedures;
    - 2. Assigning and training all staff members in specified responsibilities to ensure prompt, safe and orderly evacuation;
    - 3. Identifying and reporting hazardous areas requiring corrective measures; and
    - 4. Preparing and submitting a written report of each emergency evacuation drill to the District office.
  - d) In the event of an emergency, the Superintendent is authorized to dismiss early or close any or all schools. Except that the principal may dismiss the school when the Superintendent or designee cannot be contacted and an extreme emergency exists endangering the health, safety, or welfare of students. Any such actions shall be reported immediately to the Superintendent or designee along with a statement describing the reasons for the action. Such report shall be submitted to the School Board at the next regular meeting unless a special meeting is held relating to the emergency.
7. Safety – Violence Prevention
- a) The Superintendent shall develop a violence prevention plan for use by each school.
  - b) Training in identification of potentially violent behaviors and the procedures to be implemented shall be provided to personnel of the schools.
8. Security
- a) The Superintendent shall establish and implement a Domestic Security Plan consistent with the requirements of the National Incident Management

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System (NIMS).

- b) The Superintendent shall develop and implement guidelines and procedures for reviewing each school's security provisions.
- c) Designate an administrator as the school safety specialist for the District.
- d) A review of each school's security provisions shall be conducted annually by the principal with a written report submitted to the Superintendent or designee for submission to the Board for review.
- e) Each school's emergency plan shall include security provisions including emergency lockdown procedures.
- f) Establishing policies and procedures for the prevention of violence on school grounds; including assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.
- g) Adhering to background screening procedures for all staff, volunteers and mentors.
- h) Security trailers may be located on school property.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**316.614, 1001.43, 1001.51,  
1006.062, 1006.07, 1006.145,  
1006.1493, 1006.21, 1013.13, F.S.**

**STATE BOARD OF EDUCATION RULE(S):**

**6A-1.0403, 6A-3.0171**

**HISTORY:**

**ADOPTED: 11/9/98**  
**REVISION DATE(S): 5/11/09, 4/12/10, 3/10/14, 10/16/18, 12/10/19, 11/10/20, 5/11/21**  
**FORMERLY: 2.30**



## **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### DOMESTIC SECURITY

3.061

1. The Superintendent shall establish a District domestic security plan that is consistent with the requirements of National Incident Management System (NIMS). The District plan shall include a plan for each school and facility operated by the School Board. The Superintendent shall ensure that the plan is consistent with NIMS requirements by
  - A. Incorporating NIMS protocols and Incident Command System (ICS) procedures into the emergency plans;
  - B. Ensuring that emergency plans are consistent with NIMS terminology and applicable state and county emergency management protocols;
  - C. Coordinating the initial plan and plan modifications with appropriate county emergency management officials;
  - D. Assigning appropriate staff as members of the District incident command element;
  - E. Ensuring that staff receive appropriate initial training and follow up training.
2. The domestic security plan shall include the following components:
  - A. Access Control

The District shall control access to and enhance the security of school campuses, District facilities, and transportation by implementing access control procedures and practices including, but not limited to,

    1. Establishing single points of entry;
    2. Integrating fencing in to the design of school campuses;
    3. Providing uniformed school resource officers (SROs) and/or security officers;
    4. Establishing visitor control;
    5. Establishing policies and procedures for the prevention of violence on school grounds; including assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community

## **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

6. Adhering to background screening procedures for staff, volunteers and mentors;
7. Controlling bus embarkation and debarkation; and
8. Establishing safe mail handling procedures.

### **B. Emergency Equipment**

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

1. Primary and back up communication systems shall be maintained and routinely tested to ensure functionality and coverage capacity and determine if adequate signal strength is available in all areas of the school's campus;
2. Personal protective equipment shall be available to school personnel;
3. Emergency equipment shall be monitored and/or tested to ensure operability;
4. Supplies shall be monitored to ensure current shelf life;
5. Emergency supplies and equipment shall be appropriate for specific school campuses or facilities.

### **C. Training**

Initial and follow up training shall be provided for school/District personnel, students, and state and local partners. New employees shall receive training relevant to the position. When an employee is reclassified to a different position; his/her training record shall be reviewed and appropriate training shall be provided. Training shall include, but not be limited to,

1. Conducting a standard Weapons of Mass Destruction course for first responders in the District;
2. Conducting table-top exercises for school/District administrators;
3. Conducting training at schools specific to the age of students, number of students and the school needs.

## **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

4. Conducting domestic security drills;
5. Training personnel to recognize hazards and to respond appropriately;
6. Providing security training to bus drivers, bus assistants, and school personnel; and
7. Providing safe mail handling training for appropriate personnel.

### **D. Communication and Notification Procedures**

The District shall ensure that external and internal communication and notification procedures are developed and implemented. Communication and notification procedures shall include, but not be limited to,

1. Providing proper Threat Com access for appropriate school/District staff;
2. Establishing communication procedures to notify parents of possible or actual emergency;
3. Informing parents and students of the plan and the notification procedures;
4. Reviewing school and District websites to ensure that sensitive information is not included with general public information; and
5. Establishing procedures to communicate with the media during an emergency.

### **E. Coordination with Partners**

The District shall ensure coordination with state and local partners by

1. Establishing and maintaining a close working relationship with local law enforcement agencies, first responders and the county emergency operations center;
2. Notifying state and local partners of changes in the District plan; and
3. Participating on the Regional Domestic Security Task Force (RDSTF).

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### **F. Vulnerability Assessment**

The District shall assess vulnerability and establish standards by

1. Working with RDSTF for vulnerability assessment tools and standards;
  2. Tailoring assessment to each school or facility;
  3. Assisting school and District staff to assess vulnerability;
  4. Establishing core recommendations for critical areas; and
  5. Establishing standards based on best practices.
3. The District plan including all school and facility plans shall be reviewed annually or more frequently if needed. Modifications shall be made and communicated to relevant school/District personal and emergency management officials. Conditions which may warrant interim review and possible modification of the plan include addition to or renovation of a facility, change in the use of a facility, change of grades served by a school, new programs added to the school and change in security threat level.
4. The Superintendent shall request documentation of compliance with the National Incident Management System (NIMS) standards from the county emergency management agency and shall obtain certification of compliance from the Commissioner of Education.

### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

### **LAW(S) IMPLEMENTED:**

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

### **STATE BOARD OF EDUCATION RULE(S):**

**6A-1.0403, 6A-3.0171**

### **HISTORY:**

**ADOPTED: 10/16/18**  
**REVISION DATE(S): \_\_\_\_\_**  
**FORMERLY: NEW**

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### COPYING OF PUBLIC RECORDS

3.07

1. Copies of public records may be obtained by making a request to the lawful custodian of the records. Charges for copies of public records not exceeding 8 ½" x 14" in size shall be fifteen (15) cents for each one-sided copy or twenty (20) cents for each two-sided copy, unless a different fee is otherwise prescribed or permitted by Florida Statutes. A one dollar (\$1.00) fee shall be assessed for a certified copy of a public record. Copies shall be made by the appropriate staff members at a time which does not interfere with their normal work duty.
2. Charges for copies of audio, video and other materials shall be at rates established by the Superintendent/designee.
3. The Board authorizes the Superintendent to establish uniform charges for documents not covered in 1. above.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**119.07, 1001.43, 1001.52, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 7/11/00, 6/22/09**

**FORMERLY:**

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### COPYRIGHTED MATERIALS

3.08

The District shall abide by all provisions of the copyright laws including as they apply to software and media.

1. Commercial materials, whether printed or non-printed, may not be duplicated without prior written permission from the owner or copyright holder.
2. The School Board does not sanction or condone illegal duplication in any form, the use of illegally duplicated materials, or the improper use of commercially duplicated materials.
3. Procedures and guidelines for the legal duplication of materials for instructional purposes may be obtained from the school or District office.
4. Employees who willfully infringe upon current copyright laws may be subject to disciplinary action by the School Board.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**119.07, 1001.43, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 6/10/13  
FORMERLY:**

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### A MOMENT OF SILENCE

3.09

A moment of silence, not to exceed two (2) minutes, shall be provided for students at the beginning of each school day.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1003.45, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 6/10/13**

**FORMERLY:**



## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### FLAG DISPLAY AND PLEDGE

3.10

1. The pledge of allegiance to the flag shall be recited at the beginning of each school day in elementary, middle, and secondary schools.
2. The Student Handbook that is distributed to all students shall contain written notification that the student has the right not to participate in reciting the pledge of allegiance. A student may be excused from instruction and/or reciting the pledge of allegiance, including standing and placing the right hand over his/her heart, when his/her parent(s), as defined by Florida Statutes, files a written request with the school principal.
3. The United States flag and the official flag of Florida shall be displayed daily on a suitable flag staff on the grounds of each school and School Board facility when the weather permits. Flags shall be displayed according to established guidelines.
4. Each classroom and auditorium shall display the United States flag.
5. All flags shall meet the requirements of Florida Statutes.

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

**LAW(S) IMPLEMENTED:** 256.015, 1000.06, 1000.21, 1001.43, 1002.20,  
1003.42, 1003.44, F.S.

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 3/10/14, 11/22/16

FORMERLY: 2.35, 5.44

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS

3.101

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

#### 1. Student Expression of Religious Viewpoints

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

#### 2. Religious Clothing, Jewelry, and Accessories

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

#### Students Engaging in Religious Activities and Expression at School

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

## **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

### **3. Employees Engaging in Religious Activities and Expression at School**

- A. Hamilton County School District may not prevent school personnel from participating in religious activities on school grounds that are initiated by students at reasonable times before or after the school day if such activities are voluntary and do not conflict with the responsibilities or assignments of such personnel.
- B. Hamilton County School District must comply with the federal requirements in Title VII of the Civil Rights Act of 1964, which prohibits an employer from discriminating against an employee on the basis of religion.

### **4. Equal Access to School Facilities**

- A. Hamilton County School District shall give religious groups access to the same school facilities for assembling as given to secular groups without discrimination based on the religious content of the group's expression.
- B. A group that meets for prayer or other religious speech may advertise or announce its meetings in the same manner and to the same extent that a secular group may advertise or announce its meetings.

### **5. Limited Public Forum Required for Student Speakers**

- A. Hamilton County School District is required to establish a limited public forum for student speakers at any school event where a student is to speak publicly. Where student speakers are permitted, the district:
- B. Must provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint on an otherwise permissible subject;
- C. Must provide a method based on neutral criteria for the selection of student speakers at school events, activities, and graduation ceremonies;
- D. Must ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and
- E. Must state in oral or written form that the student's speech does not reflect the endorsement, sponsorship, position, or expression of Hamilton County School District. Hamilton County School District must deliver this required disclaimer at all graduation events and at any other event where a student speaks publicly.

## **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

- F. Student expression of a religious viewpoint on an otherwise permissible subject may not be excluded from the limited public forum.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

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

**HISTORY:**

**ADOPTED: 02/13/19  
REVISION DATE(S): \_\_\_\_\_  
FORMERLY: NEW**

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### AGENTS, SOLICITORS AND SALESPERSONS

3.11

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

The principal shall prohibit all forms of canvassing or soliciting of teachers or students on school premises during school hours except as otherwise approved in writing by the Superintendent.

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

**LAW(S) IMPLEMENTED:** 1001.42, 1001.43, 1013.43(2), F.S.

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 6/10/13

FORMERLY: 2.21

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### PUBLIC INFORMATION AND INSPECTION OF RECORDS

3.12

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

1. Photocopying or other reproduction of any record shall be performed upon a person's request. Charges for photocopying or reproducing shall be in accordance with the School Board Rule 3.07, Copying of Public Records.
2. Records maintained by the District which are exempt from public inspection include:
  - A. Personally identifiable records of students, pursuant to Florida Statutes and the federal Family Educational Rights and Privacy Act (FERPA).
  - B. Portions of personnel records, pursuant to Florida Statutes;
  - C. All work products developed in preparation for collective bargaining, pursuant to Florida Statutes;
  - D. Appraisals, offers, and counter offers relating to purchase of real property, pursuant to Florida Statutes;
  - E. Legal records prepared by an attorney exclusively for civil or criminal litigation, pursuant to Florida Statutes, and litigation files regarding employees while the case is active;
  - F. A complaint of misconduct filed with the District against a District employee and information obtained in the investigation until the investigation is concluded with a finding to proceed or not to proceed with disciplinary action or charges and the subject of the complaint has been notified of the finding;
  - G. Data processing software obtained under a licensing agreement which prevents its disclosure and data processing software designated by the School Board as "sensitive" pursuant to Florida Statutes; and
  - H. Sealed responses to request for bids or proposals, until such time as they are publicly opened pursuant to Florida Statutes;

## **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

- I. Personally identifiable records of dependent children of former or current employees who are insured by a District group insurance plan; and
- J. Employee and student health and medical records as prescribed by Florida Statutes and P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA).

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

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

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 2/8/10, 3/9/15

FORMERLY:

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### **SCHOOL VOLUNTEERS**

**3.13**

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

1. The school principal and each staff member who is assigned a school volunteer shall be responsible for assigning duties to school volunteers which are consistent with Florida Statutes, State Board of Education Rules, and School Board rules. School volunteers shall be recommended by the Superintendent and approved by the Board.
2. The Superintendent shall issue directives concerning school volunteers as may be deemed necessary.
3. All school volunteers who are in classrooms or schools are subject to a background check by the Department of Safety, Security and Emergency Management, and shall be registered and screened against the FDLE Sexual Predator database prior to volunteering or entering a classroom. Students of the Hamilton School District who volunteer must have a letter of reference from their school principal recommending approval as a volunteer. Volunteers who serve as mentors, volunteer coaches, overnight chaperones, and one-on-one tutors shall meet level two (2) screening requirements. A person who has been convicted of a crime that would disqualify him/her for employment in the District, shall not be accepted as a volunteer.
4. A school volunteer shall be accorded the same protection of Florida Statutes as accorded to certificated instructional personnel provided the school volunteer has completed an annual application; been duly approved by the school district as a school volunteer and has officially recorded his/her attendance in the school where he/she is rendering services under an administrative or instructional staff member.



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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 110.504(4), (5), 435.04, 40.02(15)(d)6,  
768.28; 943.04351, 1001.43, 1012.01, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.070

HISTORY: ADOPTED: 11/9/98, 06/09/14

REVISION DATE(S): 3/25/02, 8/10/09, 6/10/13  
FORMERLY:

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### DISRUPTIONS AT SCHOOL BOARD FUNCTIONS

3.14

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

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

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

810.097, 1001.37(3), 1001.43, 1006.145 F.S.

#### HISTORY:

ADOPTED: 11/9/98

REVISION DATE(S): 6/10/13

FORMERLY: 3.14

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### SUICIDE PREVENTION

3.141

1. This policy covers actions that take place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles or at bus stops, and at school-sponsored out-of-school events where school staff are present. This policy applies to the entire school community.  
The School Board is committed to protecting the health, safety and welfare of its students and school community. The Board recognizes that suicide is one of the leading causes of death for Florida's youth. It is critical for families and community members to communicate with and provide information to school staff to identify students at risk of suicide.
2. The Board directs all school district staff members to be alert to a student who exhibits warning signs of self-harm or who threatens or attempts suicide. Any such warning signs or the report of such warning signs from another student or staff member shall be taken with the utmost seriousness and reported immediately to the Principal or designee.
3. The Superintendent shall develop procedures to ensure that this policy is carried out in each of the District schools. The Superintendent will prepare and disseminate guidelines to assist school district staff members in recognizing the warning signs of a student who may be contemplating suicide, to respond to a threat or attempted suicide. The Superintendent will develop an intervention plan for in-school suicide attempts, out of school suicide attempts and an appropriate re-entry process, including a re-entry meeting to discuss the development of a safety plan and additional interventions or supports.
4. Professional development training in youth suicide prevention opportunities shall be provided to student personnel services staff, administration and instructional staff. A two (2) hour continuing education program of youth suicide awareness and prevention training, utilizing training materials from the list approved by the Florida Department of Education (FLDOE) is also available for all district staff in all job categories as well as other adults on campus who regularly interact with students or are in a position to recognize the risk factors and warning signs of suicide. Instruction about how to identify appropriate mental health services and how to refer youth and their families to those services should be included in the program. If all instructional personnel at a District school participate in the two (2) hour training the school will be considered a "Suicide Prevention Certified School".
5. Florida Statute 1003.42 required instruction of 5 hours of mental health instruction for grades 6-12 will be implemented annually through developmentally appropriate instruction and skill building and will address, at a minimum, the following topics: (1) Recognition of signs and symptoms of mental health disorders; (b) Prevention of mental health disorders; (c) Mental health awareness and assistance; (d) How to reduce the stigma around mental health disorders; (e) Awareness of resources, including local school and community resources; (f) The process for accessing treatment; (g) Strategies to develop health coping techniques; (h) Strategies to support a peer, friend, or family member with a mental health disorder; (i)

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Prevention of suicide; and (j) Prevention of the abuse of and addiction to alcohol, nicotine, and drugs.

6. The Principal shall immediately contact the parent(s) of the student exhibiting warning signs of suicide to inform the parent(s) the student will be referred to a school-based mental health services provider to perform either the C-SSRS or SAFE-T suicide risk assessment prior to determining whether the student requires an involuntary examination (Baker Act).

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1003.42, 1012.583, F.S.**

**STATE BOARD OF EDUCATION RULE(S):**

**HISTORY:**

**ADOPTED:1/14/2020**

**REVISION**

**DATE(S):**

**5/11/21**

**FORMERLY: NEW**

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### **ALCOHOL, INTOXICATING BEVERAGE OR AN ILLEGAL MOOD OR BEHAVIOR-MODIFYINGS, MOOD-MODIFYING SUBSTANCE ON BOARD PROPERTY**

**3.15**

No person shall be in possession of (except as provided through the culinary arts program), or be under the influence of, an intoxicating beverage or an illegal mood or behavior-modifying or controlled substance, as defined by Florida Statutes, while on school property, at school-sponsored activities, or while on school trips involving students.

1. All principals are hereby directed to advise an individual who has an intoxicating beverage or an illegal mood or behavior-modifying substance in his/her possession to leave the school premises immediately.
2. Any person having purchased an admission ticket to a school event shall forfeit his/her rights under this rule by having an intoxicating beverage or an illegal mood or behavior-modifying substance in his/her possession at the event.
3. Any person who has been given notice by a school official and either fails to leave the premises or leaves, but returns to the premises, in possession of an intoxicating beverage or an illegal mood or behavior-modifying substance, shall be deemed a trespasser. The police or other proper law enforcement agency may be notified to arrest the trespasser.
4. While on school-sponsored trips, the following action may become necessary:
  - a) Intoxicating beverages or an illegal mood or behavior-modifying substance in possession of minors will be seized.
  - b) Students and/or adults in possession of intoxicating beverages or an illegal mood or behavior-modifying substance may be returned sent back to school or home and/or other appropriate action taken.

#### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

#### **LAW(S) IMPLEMENTED:**

**1001.43, 1012.22, 1012.27, F.S.**

#### **HISTORY:**

**ADOPTED: 11/09/1998  
REVISION DATE(S): 3/9/2009**

**FORMERLY:**

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### **POSSESSION OF MEDICINAL DRUGS ON SCHOOL BOARD PROPERTY OR AT SCHOOL BOARD**

**3.153**

The School Board strives to protect the health, safety and well-being of students and the public. To accomplish these goals, as a general rule, prescription medication or non-prescription over-the-counter medication should be self-administered at home and should not be possessed on School Board property. Prescription medications or non-prescription over-the-counter medication should only be possessed and self-administered on School Board property when self-administration cannot reasonably be accomplished at home or otherwise off of School Board property. In circumstances when it is medically necessary, possession and self-administration of prescription medication on School Board property by adults who are not students of the School Board shall be in accordance with this policy.

“Medicinal drugs” are defined as substances or preparations commonly known as “prescription” or “legend” drugs which are required by federal or state law to be dispensed only on pursuant to a prescription, but shall not include patents or proprietary preparations as defined in chapter 495, Florida Statutes.

“Practitioner” is defined as a medical provider licensed under Chapters 458, 459, 461, or 466, Florida Statutes, to prescribe medicinal drugs.

“Prescription” is defined as any order for medicinal drugs written or transmitted by a practitioner licensed under the laws of the State of Florida.

“Patient” is defined as an individual for whom a medicinal drug is lawfully dispensed by a pharmacist licensed under chapter 495, Florida Statutes, pursuant to a prescription from a practitioner.

Patients who are not minors or students of the School Board may be in possession of a medicinal drug on School Board property, in a school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; or on an off-school property during a school-sponsored or school-approved activity, event or function, only as provided in this Policy 3.153 and Policy 5.15, and Policy 5.152.

Patients who are not minors or students of the School Board may be in possession of a medicinal drug under the terms of this policy only if:

- A. The medicinal drug is currently prescribed for the patient by the patient’s prescribing practitioner;

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B. the medicinal drug is in the original container provided to the patient by a licensed pharmacist, or by the prescribing practitioner; and

C. if the prescribed medication is also a controlled substance under chapter 893 Florida Statutes, the original container has affixed to it a label bearing the following information:

1. The name and address of the pharmacy from which such controlled substance was dispensed.
2. The date on which the prescription for such controlled substance was filled.
3. The number of such prescription, as recorded in the prescription files of the pharmacy in which it is filled.
4. The name of the prescribing practitioner.
5. The name of the patient for whom the controlled substance is prescribed.
6. The directions for the use of the controlled substance prescribed in the prescription.
7. A clear, concise warning that it is a crime to transfer the controlled substance to any person other than the person or patient for whom the controlled substance was prescribed.

A patient possessing any medicinal drug under this policy will keep the medicinal drug secured in the person's personal vehicle in a locked compartment. In circumstances when it is medically necessary for the patient to have the medicinal drug with the patient on School Board property where students may be present, the patient shall keep the medicinal drug safely and securely upon their person or in a locked cabinet or drawer which students cannot access or in the care and custody of the school nurse in the school clinic. In circumstances when it is medically necessary for the patient must have the medicinal drug with the patient in a school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; or on an off-school property during a school-sponsored or school-approved activity, event or function, the patient shall keep the medicinal drug safely and securely upon their person or in a locked secure place which students cannot access.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: CHAPTERS 893, 465, 458, 459, 461 466, F.S.

HISTORY:

ADOPTED:10/16/18

REVISION DATE(S):

FORMERLY:



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### CHARTER SCHOOLS

3.16

The purpose of this policy is to ensure the highest quality of instruction and safety for all Charter School participating students and to maintain accountability for the appropriate use of all allocated resources.

#### 1. Eligibility to Apply

- A. A proposal for a new charter school may be made by an individual, teachers, parents, group of individuals, a municipality, or any legal entity organized under the laws of the state of Florida. The school shall organize as a nonprofit organization prior to receiving approval as a charter school with the School Board.
- B. The principal, teachers, parents and/or the school advisory council at an existing public school that has been in operation at least two (2) years may submit a proposal for converting the school to a charter school, provided that they demonstrate the support of at least fifty percent (50%) of the teachers then currently employed at the school and fifty percent (50%) of the parents voting whose children are then currently enrolled in the school. A majority of the parents eligible to vote must participate in the ballot process. The ballot process must be conducted in accordance with State Board of Education rule.
- C. A charter school may operate a virtual charter school to provide full time online instruction to eligible students. An existing charter school may become a virtual charter school by amending its charter or submitting a new application.
- D. Private schools, parochial schools and home education schools are not eligible for charter status. A charter school may not be affiliated with a nonpublic sectarian school or religious institution and shall be nonsectarian in programs, admission policies, employment practices and operations.

#### 2. Timelines for Approving Charter Schools

The School Board shall annually accept applications on or before February 1, and staff may provide technical assistance to organizations and individuals submitting proposals. Before approving or denying any application, the district shall allow the applicant, upon receipt of written notification, at least seven (7) calendar days to make technical or non-substantive corrections and clarifications. A charter school application shall be approved or denied no later than ninety (90) calendar days after receipt of the application unless the sponsor and the applicant mutually agree

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in writing to temporarily postpone the vote to a specific date. An approved charter school will open 18 months later (at the beginning of the district's school year) or to be opened at a time determined by the applicant. However, a charter school may defer the opening of the school for up to three (3) years to provide time for adequate facility planning.

### **3. Application**

- A. Proposals for charter schools shall be submitted on the application form prepared by the Department of Education. The application does not constitute the charter which will be considered the legal contract between the School Board and the school organizational body.
- B. Before final approval or denial of an application, the District shall notify the applicant in writing if technical or nonsubstantive corrections need to be made or signatures need to be added if the errors may cause denial of the application. The applicant will be allowed at least seven (7) calendar days to make the corrections.
- C. The application shall include
  - 1. All items required by Florida Statutes.
  - 2. Proof of insurability from an adequate rated insurer with a policy of no less than one million dollars (\$1,000,000) for errors and omissions and general liability coverage to include but not limited to prior acts, sexual harassment, civil rights and employment discrimination, breach of contract, insured vs. insured, consultants and independent contractors.
  - 3. Coverages for property and casualty equal to replacement costs for school structures and contents, automobile and workers' compensation.
  - 4. An indemnification or hold harmless agreement releasing the School Board of all liability for actions by the charter school governing body or its employees.
- D. The applicants and members of the governing body of the proposed charter school shall submit with the application a complete set of fingerprints taken by an employee of the School District who is trained to take fingerprints. These fingerprints shall be submitted to the appropriate

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state and federal law enforcement agencies for processing with the cost borne by the applicant and charter school governing body members.

- E. The applicants, members of the governing body, and all proposed service providers shall disclose the name and sponsor of any charter school operated by an applicant, governing board member, or service provider that has closed, the reason for the closure, and the academic and financial history of those charter schools.

### **4. Charter**

- A. Within thirty (30) days of approving a charter school application, the District shall provide an initial proposed charter contract to the charter school.
- B. The applicant and the District shall have forty (40) days to negotiate the charter and provide notice for final approval of the charter contract.
- C. The following elements shall be included in the school's charter agreement with the School Board:
  - 1. School vision and mission
  - 2. Students to be served (ages, grades, current school or zone and projected FEFP categories)
  - 3. Student criteria for admissions, selection process and dismissal procedures
  - 4. Marketing/recruitment plan
  - 5. Method for achieving racial and ethnic balance of student population
  - 6. FTE enrollment verification process
  - 7. Focus of the curriculum with emphasis on reading
  - 8. Instructional methods to be used, including service to ESE, ADA and ESOL students and students who are reading below grade level
  - 9. Current baseline standard of student achievement, outcomes to be achieved and method(s) of measurement
  - 10. Methods used to identify the educational strengths and needs of students and how well goals are met by the students
  - 11. Participation in the statewide assessment program

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12. Method for determining that a student has met graduation or promotion requirements
13. *Code of Student Conduct* consistent with District policies and discipline code
14. Method of identification and acquisition of appropriate technologies needed to improve educational and administrative performance
15. Means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards
16. Nature of parent involvement
17. Conflict resolution strategies for students, parents and staff
18. Methods for resolving conflict between School Board and governing body of the charter school
19. Program evaluation and reporting plan
20. Annual progress reports to include state required information
21. Status as a private or public employer
22. Staff status related to certification or subcontracting
23. Strategies that will be used to recruit, hire, train, and retain qualified staff to achieve best value
24. Staff selection process, including fingerprinting and criminal background check
25. Disclosure of employees of the charter school who are related to the owner, board of directors, president, superintendent, school administrator or other person with decision making authority at the charter school
26. Qualifications of teachers which must be disclosed to parents
27. Professional development plan
28. Alternative arrangements for students and teachers at a converting public school who choose not to participate
29. Charter School Board members and background checks including fingerprinting for governing body

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30. Articles of incorporation and governance structure, including names, addresses, financial disclosure to include the same requirements as in Florida Statutes
  31. Financial and administrative management of school
  32. Internal financial controls and audit process
  33. Proposed budget including salary and benefits of staff and letter of credit or other funds to cover start-up costs
  34. Procedure for notification by auditor if school is in a state of financial emergency or deficit financial position
  35. Insurance coverage at specified limits no less than one million dollars (\$1,000,000) for errors and omissions and general liability and property equal to replacement costs of all structures and contents
  36. Indemnification or hold harmless agreement
  37. Transportation, food service or other plans and agreements with the District or other contractors
  38. Facilities to be used and their location and evidence of all codes having been met
  39. Length of agreement
  40. Renewal and modification of the agreement
  41. Provision for cancellation of the agreement for insufficient progress
  42. Implementation timetable
- D. The District shall provide academic student performance data to charter schools for each of their students coming from the District, as well as rates of academic progress of comparable student populations in the District school system.
- E. The governing body shall exercise continuing oversight over charter school operations.
- F. The governing body shall participate in governance training approved by the Department of Education.
- G. After a public hearing to ensure community input, the governing body of the charter school and the District shall sign the charter.

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### **5. Approval**

- A. The School Board shall review all completed applications for a charter school received on or before February 1 of each calendar year for charter schools to be opened at 18 months later (at the beginning of the district's next school year) or to be opened at a time determined by applicant. The School Board shall by a majority vote of the full Board approve or deny a formal application no later than ninety (90) days after receiving the completed application during the submission period, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date.
- B. If the Board denies an application for a charter, the Board shall provide notice of denial to the applicants in writing within ten (10) days after the meeting at which the Board denied the application. The notice must specify the exact reason(s) for denial, based on good cause, and must provide documentation supporting those reasons. The notification shall also be submitted to the Department of Education.

### **6. Selection Criteria**

Utilizing the Department of Education evaluation instrument, the School Board shall consider but is not limited to using the following criteria to evaluate applications for charter school approval:

- A. Mission, guiding principles, and purpose
- B. Target population and student body
- C. Educational program design
- D. Curriculum plan
- E. Student performance, assessment, and evaluation
- F. Exceptional students
- G. English language learners
- H. School culture and discipline
- I. Supplemental programming
- J. Governance
- K. Management and staffing

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- L. Human resources and employment
  - M. Professional development
  - N. Student recruitment and enrollment
  - O. Parent and community involvement
  - P. Facilities
  - Q. Transportation
  - R. Food service
  - S. School safety and security
  - T. Budget
  - U. Financial management and oversight
  - V. Start-up plan
- A. Nonrenewal or Termination of Charter
- A. At the end of the term of a charter, the School Board may choose not to renew the charter for any of the following grounds:
    - 1. Failure to participate in the state's education accountability system or failure to meet the requirements for student performance stated in the charter.
    - 2. Failure to meet generally accepted standards of financial management.
    - 3. Material violation of law, or
    - 4. Other good cause shown.
  - B. During the term of a charter, the School Board may terminate the charter for any of the grounds listed in paragraph VII. A. If the health, safety, or welfare of the student(s) is threatened, the charter may be terminated immediately.
  - C. At least ninety (90) days prior to renewing or terminating a charter, unless a state of emergency exists, the School Board shall notify the governing body of the school of the proposed action in writing, detailing the grounds for the action and stipulating that

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within fourteen (14) calendar days of receipt of the notice request a hearing. The hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings.

1. The administrative law judge's final order shall be submitted to the sponsor and shall award to the prevailing party attorney fees and costs incurred during the administrative proceeding and any appeals.
  2. Within thirty (30) calendar days after receiving the final order, the charter school governing board may appeal the decision as allowed by law.
- D. After all school grade appeals are final, a charter school's charter contract is automatically terminated if the school earns two (2) consecutive grades of "F" unless the school meets certain criteria.
- E. A charter may be terminated by a charter school's governing board through voluntary closure.
- F. In the event a charter is not renewed or is terminated, the School District may assume the operation of the school, or the school shall be dissolved and students assigned to other public schools. All unencumbered funds, as well as property and improvements, furnishings and equipment purchased with public funds shall automatically revert to full ownership of the School Board.
- G. If a charter is not renewed or is terminated, the governing body of the school is responsible for all debts of the charter school. The District shall not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the governing body of the school and the School Board and that may not reasonably be assumed to have been satisfied by the District.
- H. If a charter is not renewed or is terminated, any unencumbered capital outlay funds provided pursuant to 1013.62, F.S., and federal charter school program grant funds shall revert to the Department of Education for redistribution among other eligible charter schools.
8. Tuition Prohibition
- A charter school shall not charge tuition or fees, except those fees normally charged by other public schools.
9. Rule Exemptions



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A charter school shall be exempt from all School Board policies except those pertaining to health, safety, civil rights, financial records, accountability related to student enrollment reports, financial audits, and collective bargaining agreements if the staff chooses to remain part of the District bargaining unit(s).

### **10. Personnel Options**

- A. Charter school employees may bargain collectively as a separate unit or as part of the existing applicable District collective bargaining unit(s).
- B. If teachers at a charter school choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own, they shall not be considered public employees.
- C. Employees of the School District may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on approved leave, the employee may retain seniority accrued in the district and may continue to be covered by the benefit program of the School District only if the charter school and the School Board agree to the arrangement and its financing.
- D. Teachers employed or under contract to a charter school shall be certified as required by Florida Statutes or if not certified, contracted with according to the provisions defined in Florida Statutes.
- E. The charter school shall conduct screenings and employment history checks, as required by law, on candidates for instructional and administrative positions that require direct contact with students.
- F. All governing board members and employees of a charter school shall be fingerprinted and shall undergo a background screening as provided for in Florida Statutes.
- G. The governing body of a charter school may elect to participate in the Florida Retirement System after proper application and approval under Florida Statutes.

### **11. Funding**

Students enrolled in a charter school shall be funded the same as students enrolled in a basic or special program in any other public school in the District.

- A. Each charter school shall report its student enrollment to the District School Board as required by Florida Statutes and School Board policy and

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procedures. The School Board shall include each charter school's enrollment in the District's report of students.

- B. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of all Florida Education Finance Program and General Appropriations Act funds, gross state and local funds, discretionary funds, categorical program funds and federal funds. Total funding for each charter school will be recalculated during the year to adjust for the actual weighted full-time equivalent and eligible students reported by the school and the revised calculations under the Florida Education Finance Program, following the October and February Full Time Equivalent (FTE) counts.
- C. Any administrative fee charged by the School District to the charter school shall be no more than five percent (5%) of the available funds defined in 11.B. The District may only withhold an administrative fee for enrollment up to and including two hundred fifty (250) students. The District may only withhold an administrative fee for enrollment up to and including five hundred (500) students within a system of charter schools that meets designated criteria. Administering the contract includes providing technical assistance, monitoring policy compliance and processing financial, student and other records or required reports. This does not include contract(s) for other specific services to staff or student participation in the benefit packages or other special programs. The fees for these services will be negotiated and will be determined on an actual cost basis.
- D. The School District shall make every effort to ensure that charter schools receive timely and efficient reimbursement with payment issued no later than ten (10) working days after receipt of funding or pay a penalty of one percent (1%) interest per month. Under no circumstances will the School District advance funds before a charter school is open, but the School Board may approve a charter before the applicant has secured space, equipment or personnel if the applicant indicates approval is necessary for it to raise working capital.

### **12. Facilities Requirement**

A charter school shall utilize facilities which comply with the Florida Building Code adopted pursuant to Florida Statutes, the Florida Fire Prevention Code pursuant to Florida Statutes and the comprehensive land use plan as adopted by the authority in whose jurisdiction the facility is located. A certificate or temporary

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certificate of occupancy may be required by the School District within fifteen (15) days of the opening of school.

### **13. Length of the School Year**

A charter school shall provide instruction for at least one hundred eighty (180) days and may provide instruction for additional days. Reimbursement for additional days of instruction will be subject to the limits of the Florida Education Finance Program, General Appropriations Act and other rule or programs that restrict funding to the School District. Upon approval of a charter application, the initial startup must be consistent with the beginning of the school year calendar(s) adopted by School Board.

### **14. Monitoring and Review**

- A. The Superintendent, or designee, and the District internal auditor shall have ongoing responsibility for monitoring the health, safety and well-being of students and the fiscal responsibility of all approved charter schools. The Superintendent, the Superintendent's designee, the District internal auditor and all School Board members shall have free and open access to the charter school at all times.
- B. The charter school shall submit a monthly financial report to the School District.
- C. Annually, no later than forty-five (45) calendar days following the end of the regular school term, the governing body of the charter school shall submit the following for School Board review:
  - 1. The charter school's progress towards achieving the goals outlined in its charter;
  - 2. The charter school's annual report to parents pursuant to Florida Statutes;
  - 3. An annual financial audit report obtained by the school reflecting generally accepted financial accounting standards;
  - 4. Salary and benefit levels of school employees;
  - 5. Certification status of instructional personnel; and
  - 6. Any other information provided by the school, the Superintendent or the internal auditor.

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- D. Upon receipt of the required annual report, the School Board shall forward the report to the Commissioner of Education, at the same time as other annual school accountability reports.
- E. If a deteriorating financial condition is identified, the School District shall notify the governing board of the charter school and the Commissioner of Education within seven (7) business days. The governing board and District shall develop a corrective action plan and submit the plan to the Commissioner of Education within thirty (30) business days after notifying the charter school.
- F. If a certified public accountant or an auditor finds that a charter school is in a state of financial emergency, the charter school shall file a detailed financial recovery plan with the District and Commissioner of Education no later than thirty (30) days after receipt of the audit. The Superintendent or designee shall monitor implementation of the recovery plan.
- G. A charter school that receives a school grade of D shall report to the District regarding areas of deficiency. The charter school shall submit a school improvement plan for approval by the School Board. The Superintendent or designee shall monitor implementation of the plan in accordance with Florida Statutes.

### **15. Appeal Process**

- A. An applicant may appeal any denial of an application for a charter school to the State Board of Education no later than thirty (30) days after the School Board's final decision or failure to act on an application. The State Board of Education must accept or reject the decision of the School Board no later than ninety (90) days after an appeal is filed, and remand the application with its written recommendation to the School Board.
- B. The School Board shall act upon the recommendation of the State Board of Education no later than thirty (30) days after it is received.
- C. The decision of the State Board of Education is a final action subject to judicial review.
- D. A governing body may appeal the School Board's decision not to renew or to terminate a charter following the same steps described in as outlined in 7.C.

### **2. Immunity**

## **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

For the purposes of tort liability, the governing body and employees of a charter school shall be governed by Florida Statutes. The School Board shall assume no liability for actions of the governing body of the charter schools or its employees.

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

**LAW(S) IMPLEMENTED:** 120.68, 1001.02, 1001.43, 1002.33, 1002.331, 1002.345,  
1002.45, 1002.455, 1013.62, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-6.0781, 6A-6.0787

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 3/25/03, 3/22/04, 06/13/11, 09/25/17, 07/15/19  
**FORMERLY:**

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### OPENING AND CLOSING OF SCHOOLS

3.17

The Superintendent shall recommend and the Board shall set the opening and closing of schools and fix uniform dates.

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

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

**STATE BOARD OF EDUCATION RULE(S)** 6A-10045111 F. S.

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 12/12/11

**FORMERLY:**

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### SCHOOL CALENDAR

3.18

1. Annually the Superintendent shall establish a school year calendar committee.
2. The committee shall prepare a proposed school year calendar for the upcoming school year by April and present it to the Superintendent for approval and recommendation to the Board.
3. School calendars shall adhere to the provisions of Florida Statutes.
4. The Superintendent/designee shall prepare a list of specific religious observance days which occur when school is in session and may result in a student's absence in accord with provisions of the *Code of Student Conduct* and other Board rules related to student attendance.

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

**LAW(S) IMPLEMENTED:** 1001.42, 1001.43, 1001.51, 1003.21, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.09514, 6A-10.019

**HISTORY:** ADOPTED: 4/9/12

**REVISION DATE(S):** \_\_\_\_\_

**FORMERLY:**

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### VISITOR IDENTIFICATION MEASURE

**3.20**

1. The Superintendent/designee shall develop a plan for visible identification of visitors or other persons who are not students or employees of the school and shall periodically provide the School Board with the details of this plan. In developing and implementing the plan, consideration shall be given to the organization and grade level of the school and to receive input from the principals as to the feasibility of implementing such safety measures.
2. The Superintendent/designee shall develop guidelines to allow persons convicted of certain crimes as defined in 856.022, F.S., to visit a school campus activity. If approved to be on campus or at a school event, the individual shall be under the supervision of a designated staff member at all times.

**STATUTORY AUTHORITY:**

**1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**856.022, 1001.43, F.S.**

**HISTORY:**

**ADOPTED: 7/17/00**  
**REVISION DATE(S): 4/9/12**

**FORMERLY: NEW**



## CHAPTER 3.00 – SCHOOL ADMINISTRATION

3.201+

### PERFORMANCE GRADE SCHOOLS

#### POLICY:

- (1) The Superintendent shall establish procedures which shall be approved by the Board to give greater autonomy, including authority over the allocation of the schools' budget, to schools designated as performance grade category "A", making excellent progress and schools rated as having improved at least two performance grade categories as required by Florida Statutes.
- (2) Students who attend a school that has been designated as performance grade category "F" for two (2) school years in a four (4) year period shall be allowed to attend school as provided and funded by state law.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAWS IMPLEMENTED: 1001.42, 1001.43, 1002.38, 1004.41, F.S.

#### HISTORY:

Adopted: July 17, 2000 Revision Date(s): March 22, 2004 Formerly: New
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PAEC 3.201+

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

3.30

### **ADMINISTRATION OF STUDENT SURVEYS**

#### **POLICY:**

The purpose of this policy is to comply with the federal law for the collection and reporting of certain information by means of student surveys. The information that will be collected relates to student attitudes and behaviors on topics such as school safety, substance use and the prevalence of risky attitudes or behaviors, particularly with respect to alcohol and drug abuse. In addition, these surveys also collect information on general health practices and human sexuality. Such information is collected anonymously, and no personally identifiable information is obtained from or reported on any individual student. The district cooperates with other agencies such as the Florida Department of health in conducting these surveys.

- (1) All student surveys must be approved by the District Administration.
- (2) Parents will be notified of upcoming surveys that reveal information concerning one or more of the following items:
  - (a) Political affiliations or beliefs of the student or the student's parent
  - (b) Mental and psychological problems of the student or the student's family
  - (c) Sexual behavior or attitudes
  - (d) Illegal, anti-social, self-incriminating, or demeaning behavior
  - (e) Critical appraisals of other individuals with whom respondents have close family relationships
  - (f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers

## CHAPTER 3.0 –SCHOOL ADMINISTRATION

Page 2 of 2

3.30 (Continued)

- (g) Religious practices, affiliations, or beliefs of the student or student's parent
- (h) Income (other than that required by law to determine eligibility for participation in a program or before receiving financial assistance under such program)
- (3) Participation Voluntary – No student shall be required to participate in such a survey if the student or the student's parent, if the student is less than 18 years of age, objects to participation.
- (4) Right to Inspect – A student or the student's parent, if the student is less than 18 years of age, has the right to inspect any such survey instrument before the survey is administered or distributed to students if a request is made within a reasonable period of time. Parents also have the right to be advised of arrangements that will be made to protect student privacy.
  - (a) Student survey instruments and teacher directions for administering the survey will be available at each participating school within a reasonable period of time prior to the survey administration.
- (5) Notification of Parents – Parents will be notified of this policy annually at the beginning of the school year and within a reasonable period of time if any substantive change is made to this policy. Such notice shall include the specific or approximate dates during the school year when any such survey will be administered.

STATUTORY AUTHORITY: 1001.32(2), 1001.41, 1001.42, 1001.43, F.S.

LAWS IMPLEMENTED: 1001.42(20), 1003.02(4), 1013.43, F.S.

HISTORY:

Adopted: March 22, 2004 Revision Date(s): Formerly: New
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## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### AUTOMATIC EXTERNAL DEFIBRILLATORS

3.31

1. The School Board authorizes the use of an automatic external defibrillator (AED) in a perceived medical emergency.
2. All persons who are reasonably expected to use an AED shall be trained to use the device. Training shall include a course in cardiopulmonary resuscitation (CPR) or a basic first aid course which includes CPR and demonstrated proficiency in the use of an AED.
3. Each school that is a member of the Florida High School Athletic Association shall have an operational AED on school grounds. The device shall be readily available for use. The location of the device shall be registered with the local emergency medical services director. All persons who are reasonably expected to use the device shall be notified of its location.
4. The Superintendent or designee shall develop procedures to implement this policy. The procedures shall be reviewed and approved by the local emergency medical services director.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

401.2915, 768.1325, 1001.42,

1001.43, 1006.165, F.S.

#### HISTORY:

ADOPTED: 12/14/09

REVISION DATE(S): \_\_\_\_\_

FORMERLY: NEW

**ANIMALS ON CAMPUS**

**3.40**

1. Animals may be allowed on a school campus under the following conditions:
  - A. The presence of the animal(s) is related to the curriculum and significantly contributes to the instructional program.
  - B. The animal(s) does not present a danger to students or staff.
  - C. The animal is kept in an appropriate cage or container or on a leash or other restraint.
  - D. The length of time the animal(s) may be on campus is specifically designated.
  - E. Animals are housed and cared for in a humane manner.
  - F. The principal has approved the presence of the animal(s) on campus.
2. Parents shall be notified in advance that an animal(s) will be in the classroom or will be part of a class activity.
3. Any experiment involving an animal shall be under the supervision of a qualified teacher or expert in the field.
4. The principal or designee shall be responsible for contacting local animal control authorities if any wild or stray animal(s) are found in a school building or on the school campus.
5. This policy does not apply to law enforcement canine units or approved assistance and therapy animals.
6. The Superintendent shall develop guidelines for having animals on campus.

**CHAPTER 3.00: SCHOOL ADMINISTRATION**

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

**LAW(S) IMPLEMENTED:** 1001.32, 1001.43, 1003.47, 1006.07, 1006.08, F.S.

**STATE BOARD OF EDUCATION RULE(S)** 6A-2.0010

**HISTORY:** ADOPTED: 5/10/10

**REVISION DATE(S):** \_\_\_\_\_

**FORMERLY:** NEW

## CHAPTER 3.00: SCHOOL ADMINISTRATION

### SERVICE ANIMALS

3.41

1. The purpose of this policy is to implement standards related to service animals as set forth in federal and state law including
  - a. Individuals with Disabilities Education Act (IDEA);
  - b. Rehabilitation Act of 1973, as amended;
  - c. Americans with Disabilities Act (ADA);
  - d. Section 413.08, F.S.
2. A *service animal* is any dog that is trained to do work or perform tasks for the benefit of an individual with a disability. The animal must be trained to perform tasks directly related to the person's disability.
  - a. Other species of animals are not considered service animals.
  - b. Miniature horses may be used as an alternative to dogs, with certain limitations. However, they are not included in the definition of service animal.
  - c. An animal whose sole function is to provide comfort, therapy, or companionship is not considered a service animal.
  - d. A service animal is not a pet.
3. A *task* is a minor job or piece of work that the animal performs. Tasks include
  - a. Guiding a person who is visually impaired or blind;
  - b. Alerting a person who is deaf or hard of hearing;
  - c. Retrieving objects;
  - d. Assisting with mobility or balance;
  - e. Pulling a wheelchair;
  - f. Alerting an individual to the presence of allergens;
  - g. Helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors;
  - h. Reminding an individual with mental illness to take prescribed medications;
  - i. Calming an individual with posttraumatic stress disorder (PTSD) during an anxiety attack;
  - j. Alerting and protecting a person having a seizure; and
  - k. Doing other work or performing other specific tasks.
4. A service animal is personal property and may not be brought on campus without the knowledge and permission of the school or District administration. ~~A to allow~~ a student's need for and use of a service animal must be documented in the student's Individual Education Plan (IEP) or 504. To determine if an animal qualifies as a service animal the District may not ask about the nature or extent of the individual's disability but may ask the following:
  - a. If the animal is required because of a disability and
  - b. What work or task the animal is trained to perform.
5. A service animal may not interfere with the educational process of any student or pose a health or safety threat to any student, school personnel or other persons. The service animal must meet health requirements and established standards of behavior.

## **CHAPTER 3.00: SCHOOL ADMINISTRATION**

6. The service animal must be under the control of its handler.
7. The Superintendent shall develop guidelines for service animals on campus. Guidelines shall include but not be limited to
  - a. The process for requesting approval for the use of a service animal in the school or District setting;
  - b. Standards of behavior for the service animal;
  - c. Required accommodation documentation;
  - d. Required health certification for the animal;
  - e. Transportation of the service animal;
  - f. Emergency procedures; and
  - g. Orientation for school personnel and students.
8. The District shall not assume responsibility for training, health care or daily care of any service animal.

### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

### **LAW(S) IMPLEMENTED:**

**413.08, 1001.32, 1001.43, 1006.07, 1006.08, F.S.**

**28 CFR 35.104, 28 CFR 35.136,**

**28 CFR 36.104, 34 CFR 104**

### **HISTORY:**

**ADOPTED: 4/9/12, 5/11/21**

**REVISION DATE(S): 1/11/16**

**: NEW**



## CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

### STUDENT PROGRESSION PLAN

4.01

The School Board shall approve the *Student Progression Plan* and copies shall be maintained in the District office and at each school. The plan shall be pursuant to Florida Statutes and shall be comprehensive to include student performance standards and promotional and graduation requirements for Grades K-12, adult and general education, exceptional student education, dual enrollment, job entry, and vocational education including programs and courses in agriculture, business, marketing, health occupations, public service, home economics, industrial, technical education and compensatory education. The plan shall include options for virtual instruction, academic acceleration and early high school graduation. After School Board approval, the *Student Progression Plan* shall be made a part of this rule. The Area Vocational-Technical Center shall be authorized to add courses/programs during the school year in addition to those listed in the *Student Progression Plan*. These courses/programs shall be added on the basis of business, industry, or community needs.

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

**LAW(S) IMPLEMENTED:** 1001.43, 1002.3105, 1002.321, 1003.4156,  
1003.4281, 1003.4295, 1003.43, 1003.437, 1003.49, 1008.25, F.S.

**STATE BOARD OF EDUCATION RULE(S):**

**HISTORY:** ADOPTED: 11/9/98,

REVISION DATE(S): 3/25/02, 9/14/09, 6/11/12, 11/20/12, 06/09/14, 12/10/19

FORMERLY: 8.02, 8.032

## CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

### ACADEMIC ACCELERATION

4.013

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

1. Accelerated learning options shall include but not be limited to
  - a. Whole grade promotion;
  - b. Midyear promotion;
  - c. Virtual instruction;
  - d. Subject matter acceleration;
  - e. Advanced academic courses;
  - f. Credit Acceleration Program;
  - g. Enrichment programs; and
  - h. Early high school graduation.
2. All parents and students shall be notified of the opportunities for academic acceleration. Notification shall include but not be limited to
  - a. Accelerated learning options including early graduation;
  - b. Eligibility requirements;
  - c. Referral process and relevant deadlines;
  - d. Appeals process; and
  - e. Performance contracts for students who are referred by their parents.

## **CHAPTER 4.00 - CURRICULUM AND INSTRUCTION**

3. Student eligibility requirements shall be established at the school and District levels. Eligibility considerations shall include those established by law and other considerations as determined by the school or District.
4. A student may be referred for academic acceleration by a teacher, administrator, guidance counselor, school psychologist or parent.
5. An Acceleration Evaluation Committee shall be established at each school. The committee shall conduct a fair and thorough evaluation of each student who is referred for academic acceleration.
  - a. The committee shall include
    1. The principal or an assistant principal from the student's current school;
    2. A current teacher;
    3. A teacher at the grade level or subject area to which the student may be accelerated;
    4. A guidance counselor for the student's current school;
    5. A parent of the referred student; and
    6. Other school or District staff as may be advisable.
  - b. After careful evaluation based on appropriate data sources, the committee shall issue a written recommendation to the principal of the student's current school and to the parent.
  - c. The committee shall develop a written acceleration plan for each student who will be whole grade accelerated or accelerated in one (1) or more individual subject areas.
  - d. If the student is recommended for academic acceleration, the committee shall designate a school staff member to ensure successful implementation of the acceleration plan and to monitor the adjustment of the student to the accelerated setting.

## CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

6. A parent may appeal the decision of the Acceleration Evaluation Committee in writing if the committee does not recommend the child is eligible to participate in academic acceleration.
7. A performance contract shall be developed for each student who participates in an acceleration option at the request of his/her parent. The contract shall be signed by the student, parent, and school principal.
8. Provisions for academic acceleration shall be contained in the *Student Progression Plan*.
9. The District and schools shall establish procedures for the implementation of academic acceleration.

### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

### LAW(S) IMPLEMENTED:

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

### HISTORY:

ADOPTED: 11/20/12

REVISION DATE(S): 3/10/14

FORMERLY: NEW

## CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

### EARLY HIGH SCHOOL GRADUATION

4.017

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

**STATUTORY AUTHORITY:**

1001.41, 1001.42, F.S.

**LAW(S) IMPLEMENTED:**

1001.43, 1003.4281, F.S.

**HISTORY:**

ADOPTED: 11/20/12

REVISION DATE(S): 3/9/15

FORMERLY: NEW

## CHAPTER 4.00 – CURRICULUM AND INSTRUCTION

### GRADE FORGIVENESS

4.019

The purpose of the forgiveness policy is to assist students in meeting graduation requirements including a minimum grade point average and successful completion of academic and credit requirements.

#### 1. Required Courses

A grade of D or F or an equivalent of a grade of D or F in a required course may be replaced with a grade of C or higher or an equivalent of a grade of C or higher earned subsequently in the same or a comparable course.

#### 2. Elective Courses

A grade of D or F or an equivalent of a grade of D or F in an elective course may be replaced with a grade of C or higher or an equivalent of a grade of C or higher earned subsequently in another course.

#### 3. Middle Grades Students

A student in the middle grades who takes a high school course for high school credit and earns a grade of C, D, or F or an equivalent of a C, D, or F may replace the grade with a grade of C or higher or an equivalent of a grade of C or higher earned subsequently in the same or comparable course.

#### 4. Grade Point Average

Only the new grade shall be used in calculating the student's grade point average. A course grade that is not replaced according to the forgiveness policy will be used in the calculation of the grade point average.

#### 5. Student Records

All courses and grades must be included on the student's transcript. The forgiveness provision does not give the authority to delete the forgiven course and grade from the student's record.

#### 6. Notification

Students shall be notified of the grade forgiveness provisions and the procedure for replacing eligible grades.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1003.4156, 1003.4281, 1003.4282,  
1003.437, 1003.49, 1008.25, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0955

HISTORY: ADOPTED: 11/22/16

REVISION DATE(S):

FORMERLY: NEW

## CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

### THE CURRICULUM

4.02

1. The District curriculum shall be determined by
  - A. Student performance standards, curriculum frameworks, and assessment tests;
  - B. Students' needs as determined by studies, assessments and surveys;
  - C. Continuous evaluation of curriculum effectiveness in meeting students' needs in the District; and,
  - D. Florida Statutes, State Board of Education rules and the School Board.
2. The Superintendent may appoint such committees and special study groups as may be necessary to assist in determining the educational needs of the District.
3. The Superintendent shall designate an appropriate staff member who is responsible for the development and coordination of the total curriculum of the District.
4. The program of instruction shall include, but not be limited to
  - A. Elementary Level Curriculum - reading, language arts, social studies, science, health, physical education, music, art, mathematics, character education, and such other disciplines that may be considered necessary to a comprehensive elementary school program. The curriculum shall include instruction in study and work habits, critical thinking skills, health and hygiene, citizenship, career orientation, the establishment of purposes, and the development of character and morality;
  - B. Middle Level Curriculum - Mathematics, language arts, reading, science, social studies, music, art, health, physical education, exploratory career education, character education, computer literacy if resources are available, and critical thinking skills. Activities which offer desirable experiences such as consumer education, band, drama, creative writing, athletics, and student government shall be promoted. Instruction in the use of the library and counseling services shall be provided;
  - C. Senior Level Curriculum - Will consist of courses which meet the needs of all students. Both college preparatory and terminal courses shall be offered at levels which will challenge each student to perform in accordance with his/her ability.
    1. Library instruction and counseling services shall be provided.
    2. Character education shall include instruction on the development of



## **CHAPTER 4.00 - CURRICULUM AND INSTRUCTION**

leadership, interpersonal, organization, and research skills; workplace ethics and law; conflict resolution; skills that enable students to become resilient and self-motivated; and skills which assist students to become employed.

3. A program of student government, student publications, drama, music, social activities, and athletics shall be provided for the development of well-rounded citizens.
- D. A student's progression from one grade to another shall be determined, in part, upon proficiency in reading, writing, science, and mathematics.
5. The Superintendent or designee shall make an annual report to the School Board each year, giving the status of the instructional program in meeting the District's educational goals and objectives and recommendations for improving the curriculum.
6. The responsibility and right of an instructional staff member to present information of a controversial nature is hereby recognized. The teacher shall not present controversial material or issues which are not directly or closely related to the subject area being taught. In presenting controversial materials on an issue, the teacher shall present all sides of the issue without bias or prejudice and shall permit each student to arrive at his/her own conclusions.
7. A course description shall be presented for School Board approval before any course or unit in the objective study of the Bible or a comparative study of religion, as provided in Florida Statutes, is initiated in any school. The description shall detail the purpose of the course, the materials to be used, grade location, length of the course, and credit value. No teacher shall present, or permit to be presented, any material which ridicules any religious sect, belief, or faith.
8. Prior to initiating any course or unit of instruction in human growth and development, a course outline and complete description shall be presented for School Board approval. This rule does not preclude the teaching of personal cleanliness in health and physical education classes or in the elementary grades, or the teaching of matters relating to sex education as provided in state-adopted textbooks, or information relating to sex education as required in other courses using duly-adopted textbooks and materials where sex education is an incidental part of the course.
9. It shall be the responsibility of the school to make students aware of the dangers and consequences of sexually transmitted diseases. The manner, scope, and levels at which this information will be presented shall be determined by the Superintendent or designee in consultation with instructional supervisors and principal(s). Prior to initiating any such unit of instruction, the proposed program,

## **CHAPTER 4.00 - CURRICULUM AND INSTRUCTION**

the materials to be used, and other essential information shall be presented to the School Board for approval. When any questionable information is to be viewed by mixed groups, the sexes may be separated for presentation of materials.

10. Age-appropriate information about Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV) infection, and other sexually transmissible diseases shall be taught in Grades K-12. Instruction shall address causes, transmission, and prevention and shall be approved by the School Board.
11. The Superintendent or designee shall review curriculum frameworks which are prepared and distributed by the Florida Department of Education and related to AIDS education. If the curriculum frameworks are inconsistent with locally determined curriculum for AIDS education or are not reflective of local values and concerns, the Superintendent shall advise the School Board and provide recommendations for instructional activities.
12. A student shall be exempt from instructional activities on reproductive health or Acquired Immune Deficiency Syndrome (AIDS) provided his/her parent(s), or as defined by Florida Statutes, files a written request with the school principal.
13. In compliance with Florida Statute 1003.46, throughout instruction in Acquired Immune Deficiency Syndrome, sexually transmitted diseases, or health education, when such instruction and course material contains instruction in human sexuality, a school shall:
  - A. Teach abstinence from sexual activity outside of marriage as the expected standard for all school-age children while teaching the benefits of monogamous heterosexual marriage.
  - B. Emphasize that abstinence from sexual activity is a certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), and other associated health problems.
  - C. Teach that each student has the power to control personal behavior and encourage students to base actions on reasoning, self-esteem, and respect for others.
  - D. Provide instruction and material that is appropriate for the grade and age of the student.
14. The Superintendent or designee shall develop a physical education program to implement the requirements of Florida Statutes.
15. When dealing with political issues, the positions of all parties will be presented on a nonpartisan basis. Partisan political literature will not be distributed in schools.

## **CHAPTER 4.00 - CURRICULUM AND INSTRUCTION**

However, schools may give out information relating to School District taxes or the need for construction bonds.

16. All course materials and verbal or visual instruction shall conform to the requisites and intent of all Florida law and the state constitution. All instructional materials, including teachers' manuals, films, tapes, or other supplementary instructional material, shall be available for inspection by parents of the children engaged in such classes.

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

**LAW(S) IMPLEMENTED:** 1000.21, 1001.43, 1003.42,  
1003.4203, 1003.45, 1003.455,  
1003.46, 1006.28, 1006.29, 1008.25, 1010.305, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.09412, 6A-1.09414

**HISTORY:** ADOPTED: 06/09/14

REVISION DATE(S): 9/14/09, 6/11/12, 06/09/14, 3/9/15, 09/25/17

FORMERLY:

## CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

### PHYSICAL EDUCATION

4.021

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

1. The physical education program shall be consistent with the standards of the National Association for Sport and Physical Education and with the Next Generation Sunshine State Standards. It shall be an integral part of the District Wellness Program.
2. The physical education curriculum shall be a continuum from prekindergarten through grade 12. Activities shall be appropriate for the grade level and capabilities of the students and shall be of sufficient intensity and duration to provide a health benefit.
3. Goals of the physical education program shall include
  - A. Competency in motor skills and movement patterns;
  - B. Understanding of human movement as it relates to physical activities;
  - C. Understanding of the benefits of regular participation in physical activity;
  - D. Regular participation in physical activity;
  - E. Achievement of a health-enhancing level of physical fitness;
  - F. Knowledge of safety in physical activities;
  - G. Knowledge of first aid and cardiopulmonary resuscitation (CPR);
  - H. Demonstration of responsible personal and social behavior in physical activity;
  - I. Recognition and acceptance of the differing abilities of people;

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- J. Recognition of the values of physical activity for health, enjoyment, challenge, self-expression, and social interaction; and
  - K. Increase in health and wellness.
- 4. The District shall develop a comprehensive physical education plan with input from teachers, parents, students, and representatives from the medical and sports fields. The plan shall be reviewed annually by the Wellness Committee and modified as appropriate. The plan shall adhere to the requirements of Florida Statutes.
  - 5. The District shall notify parents annually that counseling concerning the benefits of physical education is available at each school. The District shall also inform parents, prior to scheduling a student for physical education, that the requirement for participation in physical education may be waived under certain circumstances as specified in law.

### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

### **LAW(S) IMPLEMENTED:**

**1001.43, 1003.41, 1003.42,  
1003.453, 1003.455, F.S.**

### **HISTORY:**

**ADOPTED: 6/22/09**

**REVISION DATE(S): 06/09/14, 3/9/15**

**FORMERLY: NEW**

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### ACADEMIC AND CAREER PLANNING

4.025

1. Middle grade students shall participate in a career and education planning course during the sixth, seventh or eighth grade. The course must be internet-based, customizable to each student, and include research-based assessments to assist with determining educational and career options and goals. Career exploration shall be included in the curriculum. The purpose of this course shall be to enable students and parents to develop a personalized academic achievement and career goals for postsecondary experience.
2. The academic and career plan shall include
  - A. A destination;
  - B. A major area of interest;
  - C. A list of courses to meet the requirements of the destination and major area of interest.
  - D. A detailed explanation of the requirements for earning a high school diploma designation.
  - E. The requirements for each scholarship in the Florida Bright Futures Scholarships Program
  - F. The requirements for state university and Florida College System institution admission.
  - G. Opportunities available to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses.
3. Destinations shall include
  - A. Four (4) year college or university, community college plus university, or military academy degree;
  - B. Two (2) year postsecondary degree;
  - C. Postsecondary career certificate;
  - D. Immediate employment or entry level military; or
  - E. A combination of any of these destinations.
4. The destinations shall accommodate the needs of exceptional education students to the extent appropriate for individual students. These students may follow the courses outlined in the *Student Progression Plan*.
5. Completion of the academic and career plan shall be required for promotion to grade nine (9).

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6. Secondary schools shall ensure that students and parents are aware of the destinations and the process of developing and revising academic plans.
7. The District shall encourage the business community to support career preparation by providing internships and apprenticeships.
8. Each high school principal shall
  - A. Designate an instructional or administrative staff member to serve as a specialist who will
    1. Coordinate the use of student achievement strategies;
    2. Assist teachers in integrating academic and career curricula, using technology, providing feedback about student achievement and implementing career and technical preparation programs;
    3. Coordinate the review of academic plans; and
    4. Coordinate the collection and retention of signed academic plans.
  - B. Implement strategies to improve reading, writing and mathematics skills and eliminate deficiencies in these areas.
  - C. Ensure that each student shall have an academic advisor if parental involvement is not evident.

### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

### **LAW(S) IMPLEMENTED:**

**1001.43, 1003.4156, 1003.491, F.S.**

### **HISTORY:**

**ADOPTED: 06/09/14  
REVISION DATE(S):12/10/19  
FORMERLY: NEW**

**EXCEPTIONAL STUDENT EDUCATION**

**4.03**

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

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

**LAW(S) IMPLEMENTED:** 1000.21; 1001.42; 1001.43,  
1003.01; 1003.57; 1006.07; F.S.

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

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 3/22/04, 8/10/09  
FORMERLY: 8.18



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### DROPOUT PREVENTION PROGRAM

4.04

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

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

**LAW(S) IMPLEMENTED:** 1001.43, 1003.53, 1006.53, F.S.

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

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 8/12/13

FORMERLY:

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### EXTRACURRICULAR PROGRAM

4.05

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

1. The principal shall be responsible for determining each participant's eligibility in interscholastic extracurricular activities pursuant to the Bylaws of the Florida High School Athletic Association, Inc. (FHSA). Any school which allows an ineligible student to participate shall be subject to the penalties set forth by the Bylaws of the Florida High School Athletic Association, Inc.
2. All extracurricular activities shall be self-supporting, when possible. Students shall not be excluded from participating in activities for lack of money for dues, materials, or uniforms. Provided, however, this does not apply to charging admission for students who are spectators of extracurricular activities.
3. Funds derived from extracurricular activities shall be processed according to the District's accounting procedures.

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

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

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 8/12/13

FORMERLY: 5.19

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### STUDENT CLUBS AND ORGANIZATIONS

4.06

1. All student clubs and organizations shall be approved by the principal before they can operate within a school center.
  - A. Vocational student organizations may be organized to provide an extension of training and may include clubs such as Vocational Industrial Clubs of America (VICA), Health Occupations Students of America (HOSA), and Future Business Leaders of America (FBLA) - Phi Beta Lambda (ΦΒΛ).
2. All student clubs and organizations shall comply with the following:
  - A. The decision of a member of an organization shall not be one of the factors in selecting additional members.
  - B. The charter and constitution of each student club or organization shall set forth the purposes, qualifications for members, and the rules of conduct and shall be maintained on file for immediate reference by all students and instructional personnel of the school.
  - C. There shall be no type of hazing in any club or organization within the school. Hazing shall be defined as any action or situation for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of the school which recklessly or intentionally endangers a student's mental or physical health or safety.
  - D. Dues shall be reasonable and not prohibitive.
  - E. All meetings shall be held on School Board property. This may be waived for special meetings and events upon the faculty sponsor's request and principal's approval.
  - F. A faculty sponsor shall be present at all meetings.
  - G. All social events shall be adequately chaperoned.

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- H. All monies accruing to any school club or organization shall be accounted for through the school's internal accounting system.
  - I. A student club or organization shall not conduct any activity or act which violates Florida Statutes, School Board rules, or the policies of the local school.
3. Any school club or organization which engages in an initiation ceremony for its members shall prepare and submit the program of initiation exercises to the faculty sponsor for review and approval by the school principal.

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

**LAW(S) IMPLEMENTED:** 1001.43, 1006.07, 1006.09,  
1006.135, 1006.14, F.S.

**HISTORY:** ADOPTED: 11/09/98  
REVISION DATE(S): 6/11/12

**FORMERLY:** 5.37, 5.371, 5.38, 5.39

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### STUDENT PUBLICATIONS

4.07

The school principal may approve establishment of a school newspaper or magazine for students and their parent(s), as defined by Florida Statutes, as a part of the school curriculum.

1. The principal shall be responsible for supervising the publication of newspapers, magazines, yearbooks, and programs and for ensuring these publications do not impede or otherwise interfere with the educational purpose of the school. Publications shall conform with School Board rules relating to communications with the public.
2. The principal shall not allow advertisements in school publications from businesses which include, but are not limited to, the sale of intoxicants or tobacco products.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1000.21, 1001.43, 1006.28, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 8/12/13**

**FORMERLY: New**

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### PUBLIC APPEARANCE OF SCHOOL GROUPS

4.08

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

1. Requests for the school band or any school organization to make a trip or a personal appearance shall be directed to the principal for approval. (For Field Trips see Policy 4.081)
2. School groups may participate in or perform for a political function by parading or playing instruments provided it is a community rally.
3. School groups may be used for school activities, civic programs, and community benefit programs.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1006.07, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 3/17/00, 8/12/13**

**FORMERLY: 2.22**

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### FIELD TRIPS

**4.081**

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

1. A field trip for one (1) day shall be limited to a radius of 100 miles from the school unless otherwise approved by the School Board.
2. Transportation costs of field trips shall be paid from the transportation budget. Educational field trips shall not be of a prohibitive cost to the students.
3. The parent or guardian shall be notified prior to any field trip. Such notice shall state the place to be visited, the date of the trip, the time of departure, and the time of return to the school. Any student making a trip shall present a note from his/her parent or guardian giving permission for him/her to make the trip.
4. The Superintendent shall develop procedures to be followed relating to educational field trips.
5. A trip which is not directly related to the instructional program but which is related to a school-sponsored or connected activity shall be considered an extracurricular trip.
6. The Superintendent shall develop procedures to be followed relating to extracurricular field trips.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1006.21, 1006.22 , F.S.**

**STATE BOARD OF EDUCATION RULE:**

**6a-3.017**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 07/17/00, 03/10/14**

**FORMERLY: 9.12**

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### ATHLETICS

4.09

1. Athletic programs shall be under the control of the school principal.
2. All District high schools shall be members of the Florida High School Athletic Association, Inc. (FHSAA) and shall be governed by the rules and regulations adopted by FHSAA. Students who participate in athletics shall meet eligibility requirements established by FHSAA and the School Board which are consistent with Florida Statutes.
3. Students practicing or participating in any type of interscholastic athletics shall provide proof of accident insurance covering medical expenses of any injury sustained in a sport. The principal shall be responsible for obtaining proof, as evidenced by a copy of the insurance card and a signed statement from the student's parent(s), as defined by Florida Statutes, of the student's insurance prior to practice or participation in interscholastic athletics. Such insurance may be made available to the parent(s) through the school, or the parent(s) may submit evidence that insurance has been provided through another source.
4. No student shall engage in practice or participate in any interscholastic game without the written permission of the student's parent(s) being on file.
5. No student shall be a candidate for an athletic team or a participant in athletic competition without filing an informed consent signed by his/her parent(s). The consent must explain the nature and risk of concussion and head injury as required by law. The consent must be filed annually prior to participating in any physical activity related to athletic competition or candidacy for an athletic team.
6. A student athlete who is suspected of sustaining a concussion or head injury in a practice or competition shall be removed from play immediately. The athlete may not return to play without a clearance from appropriate medical personnel.
7. Pursuant to Section 768.135, Florida Statutes, licensed medical personnel who act as volunteers for school events and agree to render emergency care or treatment shall be immune from civil liability for treatment of a participant in any school-sponsored athletic event, provided such treatment was rendered in accordance with acceptable standards of practice and was not objected to by the participant.
8. All students shall be subject to all School Board rules and to the *Code of Student Conduct* while attending athletic events and practices.



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9. An automatic external defibrillator (AED) will be available for use, if needed, at every preseason and regular season interscholastic contest and at every FHSAA state championship series contest. Staff will be trained to use such equipment

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

**LAW(S) IMPLEMENTED:** 768.135, 943.0438, 1000.21, 1001.43, 1002.20, 1002.31, 1006.07, 1006.15, 1006.16, 1006.20, F.S.

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 3/22/04, 8/10/09, 11/20/12, 12/12/16

**FORMERLY:** 5.45

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### ADULT EDUCATION

4.10

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

1. The program shall be designed for
  - a. An individual who has reached the age of 16 and has legally withdrawn from the secondary school of last attendance.
  - b. A high school student who can be more effectively served in this program and who needs a course(s) required for high school graduation; and,
  - c. Any adult resident who desires to further his/her education.
2. Tuition shall be assessed for the Adult General Education Program as required by law.
3. A student who withdraws from the regular high school program and subsequently enrolls in the Adult General Education Program shall be permitted to re-enter the regular high school program with the written permission of the regular high school principal and the adult education administrator.
4. A student who is enrolled in the Adult General Education Program is expected to attend every class. Attendance shall be kept and reported for each class period by the teacher. Absences shall be counted effective the first scheduled class meeting. An excused absence may be allowed in accordance with the school attendance policy.
5. An official transcript showing acceptable course work or credit completed by a student shall be placed in the student's record. An official transcript is one received directly from the school or School District.
6. Any student enrolled in the area technical center may withdraw from courses to enter active military duty without penalty. Students may reenroll in accordance with Florida Statutes.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

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

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

HISTORY: ADOPTED: 11/9/98

REVISION DATE(S): 7/17/00, 3/22/04, 12/12/11, 7/15/19

FORMERLY:

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### ALLOCATION OF INSTRUCTIONAL MATERIAL

4.11

The distribution of all textbooks, library resources, and other instructional materials shall be made on an equitable basis to District schools. The allocation of these materials shall be based solely on student full time equivalent membership funds, school enrollment and membership, or similar indicators of the schools' student population and needs.

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

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

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 8/12/13, 3/9/15

FORMERLY:

## **INSTRUCTIONAL MATERIALS SELECTION**

**4.12**

It is the constitutional duty and responsibility of the Hamilton County School Board to adopt and provide adequate instructional materials to all students of the District, whether the materials are selected from Florida Department of Education (FDOE) approved materials list or through a local selection program.

1. Adoption of Instructional Materials. The following procedures for the adoption of instructional materials apply only to those instructional materials that serve as the major content tool and basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature:
  - A. Public access to recommended materials will be provided 20 days before consideration by the School Board.
  - B. Public notice of the materials being considered for adoption shall specifically list the materials and how they can be accessed.
  - C. The School Board shall conduct an open noticed public hearing to receive comment on recommended materials prior to adoption.
  - D. The School Board shall conduct an open noticed public meeting, on a date other than the date of the public hearing required by c. (immediately above), to approve an annual instructional materials plan identifying instructional materials that will be purchased.
  - E. The School Board shall receive comment at the public hearing and meeting as prescribed by policy.

### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

### **LAW(S) IMPLEMENTED:**

**1001.43, 1006.28, 1006.29(5),  
1006.31, 1006.32, F.S.**

### **HISTORY:**

**ADOPTED: 11/9/98  
REVISION DATE(S): 2/8/10,  
5/10/10, 3/13/18, 6/19/18  
FORMERLY: 8.04, 8.11**

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### EDUCATIONAL MEDIA MATERIALS SELECTION

4.13

1. Objectives of Selection - The primary objective of the school's educational media center is to implement, enrich, and support the educational program of the school. The center shall provide a wide range of materials on all levels of difficulty, with diversity of appeal, and the representation of different points of view. The School Board asserts that the responsibility of the media center is to provide:
  - a. Materials that will enrich and support the curriculum, taking into consideration the varied interest, abilities, and maturity levels of the students served.
  - b. Materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
  - c. A background of information enabling students to make intelligent judgments in their daily life.
  - d. Materials representative of the many religious, ethnic, and cultural groups and their contributions to the American heritage.
  - e. A comprehensive collection appropriate for the users of the media center which places principle above personal opinion and reason above prejudice in the selection of materials of the highest quality.
2. Criteria for Selection of Educational Materials
  - a. The standards to determine the propriety of the educational materials shall be pursuant to Florida Statutes.
  - b. First consideration shall be given to the needs of the individual school based on knowledge of the curriculum, of the existing collection, and of the needs of children and youth. Requests from users of the collection, *i.e.*, administrators, faculty, parents, and students, shall be given high priority.

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- c. Materials shall be considered on the basis of accuracy of content, overall purpose, timeliness, importance of the subject matter, quality of the writing/production, readability and popular appeal, authoritativeness, comprehensiveness of material, reputation of the publisher/producer, reputation and significance of the author/artist/composer/producer, format and price.
  - d. Gifts of media or money shall be accepted with the understanding that their use or disposition shall be determined by those persons having the responsibility for acquisitions, according to the same selection criteria and procedures as purchased materials.
- 3. Procedures for Selection
  - a. In selecting materials for purchase, the school media specialist shall evaluate the existing collection and shall consult with:
    - 1. Reputable, unbiased, professionally prepared selection aids such as those published by companies generally accepted by the educational media profession.
    - 2. Media staff, curriculum consultants, faculty, students, and community representative.
    - 3. Media committee appointed by the principal to serve in an advisory capacity in the selection of materials.
  - b. In specific areas, the media specialist shall follow these procedures.
    - 1. Purchase materials which are outstanding and frequently used;
    - 2. Replace periodically worn or missing basic items;
    - 3. Withdraw out-of-date or unnecessary items from the collection; and,
    - 4. Examine sets of materials and materials acquired by subscription and purchase only material to fill a definite need.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1001.43, 1006.28, 1006.34(2)(b), F.S.

HISTORY: ADOPTED: 11/9/98  
REVISION DATE(S): 8/12/13

FORMERLY:



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### NONSCHOOL RELATED TRAVEL

4.14

The following provisions shall apply to trips in which students and teachers voluntarily and individually participate and which are not sponsored, endorsed, or supported by the School Board or within the scope of the regular instructional program.

1. Trips shall be organized between the individual participants and any sponsoring agency and that relationship shall be expressed in descriptive literature.
2. The School Board shall not be involved in the curriculum, itinerary, or selection of advisors for the trip.
3. Promotional activities and literature shall not include the name of the individual school or School Board nor be distributed through the school.
4. District facilities may not be used for planning or advertising such trips.
5. Participation in such travel by employees and students shall be subject to the District's leave and attendance policies.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.41, 1001.43, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 8/12/13**

**FORMERLY: 4.14**

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### DISTRICT AND STATE-WIDE ASSESSMENT PROGRAM

4.15

1. Provisions of the District and state-wide testing program for students shall be set forth in the *Testing Handbook for District Schools*. The handbook shall be approved by the School Board and is hereby incorporated by reference and made a part of these rules.
2. No student shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any District testing program on the basis of race, color, gender, national or ethnic origin, political or religious beliefs, marital status, sexual orientation, pregnancy, disability, genetic information or religion.
3. Measurement of student performance shall be the responsibility of the District for subjects and grade levels that are not measured under the statewide standardized assessment program.
4. The statewide standardized end of course assessment shall be used as the final cumulative examination for the relevant course. A local assessment may be required as the final cumulative examination for a course that is not assessed under the statewide assessment program. A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit, does not have to take the EOC assessment for the corresponding course.
5. The uniform calendar of assessment and reporting schedules, provided by the Department of Education, shall be published on the District website. The District assessment schedule and required information shall be incorporated into the uniform calendar.
6. Test modifications shall be made for students with disabilities and Limited English Proficiency (LEP) consistent with state and federal requirements.
7. The parent, as defined by Florida Statutes, of each student must be notified as regarding the progress of the student towards achieving state and District expectations for proficiency in reading, science, writing and mathematics. A student's state assessment results and the results of district-required local assessments must be reported to the parent or guardian.
8. The District shall provide student performance results on statewide standardized assessments and district-required local assessments to instructional personnel for the purpose of improving instruction.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

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

HISTORY: ADOPTED: 11/9/98

REVISION DATE(S): 6/28/99, 3/22/04, 1/11/16, 7/15/19

FORMERLY: 8.021

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### SECURITY OF TESTS

4.16

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

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

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

**LAW(S) IMPLEMENTED:** 1001.11(5), 1001.43,  
1008.22, 1008.23, 1008.24, 1008.34, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-10.042

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 3/13/06, 12/8/14  
**FORMERLY:**

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### CHALLENGED MATERIALS

4.17\*

The following procedures shall be followed when the appropriateness of District-adopted books or materials is questioned:

1. School-community citizens may register their concerns with the Superintendent or principal of the school where material is being challenged.
2. All concerns shall be presented in writing on a printed form that is available in each school office, or the Superintendent's office, or on the District website. The written objection must be filed within thirty (30) calendar days of the adoption of the material. A complainant who does not complete and return the form within the required time shall receive no consideration. The statement shall include the following information:
  - a. Author, compiler, or editor;
  - b. Publisher;
  - c. Title;
  - d. Reason for objection;
  - e. Page number of each item challenged; and
  - f. Signature, address and telephone number of person making the complaint.
3. Within thirty (30) days after the initial thirty-day period has expired, the School Board shall conduct at least one public hearing on all petitions received during the thirty-day time period. The petitioner(s) shall be notified in writing of the date and time of the hearing at least seven (7) days prior to the hearing.
4. The contested material shall be made available to the public online at least seven (7) days before the hearing.
5. The decision of the School Board, after convening a hearing, shall be final and subject to further review or petition.
6. The following procedures shall be followed for other objections to instructional materials:
  - a. A parent, as defined by Florida Statutes, may object to his/her child's use of a specific instructional material or an adult student may object to the use of a specific material in his/her instructional program. The parent or adult

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student may request a conference with the principal or principal's designee to discuss the use of the material.

- b. The complainant will be provided with the District's policies and procedures for the selection of instructional materials. The principal or designee will explain the use of the material in the instructional program and answer questions from the individual.
- c. If the issue is not resolved at the conference, the complainant will be provided with the form to file a written objection and an explanation of the process that will be followed.
- d. School-level Appeals
  - 1. A committee of teachers, educational media specialists, and other qualified personnel shall be appointed by the principal to evaluate the challenged materials and to make recommendations of any changes. The principal shall notify the Superintendent and the instructional materials coordinator when a committee is convened.
  - 2. Challenged materials shall not be removed immediately; however, such materials shall not be available for student use pending a final decision.
  - 3. Challenged materials shall be read and re-evaluated by the committee, considering the specific objections raised. The committee shall report its decision within fifteen (15) working days.
  - 4. The complainant shall be informed in writing concerning the committee's recommendations.

- e. District-Level Appeals

These procedures shall be appropriate for district-level appeals and shall be followed when the complainant disagrees with the decision rendered from the school-level appeal.

- 1. A committee shall be appointed by the Superintendent to review the appeal. The Superintendent shall designate the instructional materials coordinator as being responsible for the organization of this review committee according to School Board policies. The committee's recommendations shall be submitted to the Superintendent within fifteen (15) working days. A committee

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member shall not be selected from the school where the challenged materials originated.

- 1) The following shall serve as a review committee for elementary schools:
  - a. The chairman of a the county-wide advisory council or designee;
  - b. Elementary media specialist;
  - c. Elementary principal;
  - d. A curriculum supervisor;
  - e. Three (3) instructional staff members at the elementary level and
  - f. Two (2) parents, as defined by Florida Statutes, of elementary-age students.
- 2) The following shall serve as a review committee for secondary schools:
  - a. The Chairperson of the County-wide Advisory Council or designee;
  - b. Secondary media specialist;
  - c. Secondary principal;
  - d. A curriculum supervisor;
  - e. Three (3) instructional staff members at the secondary level ; and
  - f. Two (2) parents of secondary-age students.

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- a. The committee's review shall be treated objectively, unemotionally, and in a businesslike manner and shall be conducted in the best interest of the students, the school, and the community. Efforts shall be made to meet with citizens who register concerns to consider their objections.
  - b. The complainant shall be informed, in writing, in fifteen (15) working days after the committee's recommendation is received by the Superintendent.
7. A School Board appeal may be requested by the complainant when the school and district-level appeals do not satisfactorily resolve the concerns. The School Board shall review recommendations from the school and district-level committees and shall render the final decision on the complainant's concern.

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

**LAW(S) IMPLEMENTED:** 1000.21, 1001.41, 1001.43, 1006.28, F.S.

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 3/13/06, 12/8/14, 1/11/16

FORMERLY: New



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4.18\*

### EDUCATIONAL ENHANCEMENT DEFINED

#### POLICY:

The Superintendent shall prepare and the Board shall set procedures that define enhancement and the types of expenditures that are considered consistent with that definition.

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.223005(2),(6); Section 1, Specific Appropriations 2 of the 1997 Appropriations Act

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: New
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## CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

### HOME EDUCATION PROGRAM

4.21

1. Home education programs shall adhere to the provisions of Florida Statutes. The parent is not required to hold a valid regular Florida teaching certificate.
2. The following provisions shall govern home education programs:
  - A. The parent, as defined by 1002.01, F.S., shall
    1. Notify the Superintendent or designee in writing within thirty (30) days of the establishment of a home education program. The notice shall be signed by the parent, and include the names, addresses, and birth dates of all children who shall be enrolled in the program. The Superintendent shall accept the notice and immediately register the home education program upon receipt of the notice. Copies of applicable Florida Statutes and the home education policy will be given to the parent and a conference to discuss the requirements will be held with the parent.
    2. Maintain a portfolio of records and materials for a period of two (2) years. Contents of the portfolio shall include
      - a. A log made contemporaneously with the instruction, which designates by title the reading material being used; and
      - b. Samples of any writings, worksheets, workbooks, or creative materials used or developed by the student.

Portfolios may be inspected by a district employee upon fifteen (15) days written notice to the parent or legal guardian.

  3. Provide an annual educational evaluation of each student in the home education program. The annual educational evaluation shall document the student's demonstration of educational progress at a level commensurate with his/her ability. A copy of the evaluation shall be filed annually with School Board. The annual educational evaluation shall be conducted in accordance with Florida Statutes. The annual educational evaluation shall be conducted in accordance with Florida Statutes
  4. A Home education student may enroll in a public school solely for career and technical courses or programs. Industry certifications,

## **CHAPTER 4.00 - CURRICULUM AND INSTRUCTION**

national assessments and statewide assessments offered by the district shall be available to the home education program student.

- B. The Superintendent shall receive and accept the results of the annual educational evaluation of the student in the home education program. If the student has not demonstrated educational progress commensurate with his/her ability, the parent shall be notified in writing and have one (1) year from the receipt of written notification to provide remedial instruction. Continuation in the home education program shall depend upon the student's educational progress at the end of the one (1) year probationary period.
- C. Home education families are to provide written notice to the Superintendent's office of an address change or of their intentions to terminate the home education program.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

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

**HISTORY:**

**ADOPTED: 5/11/09, 7/15/19**

**REVISION DATE(S): \_\_\_\_\_**

**FORMERLY:**

## CHAPTER 4.00 – HUMAN RESOURCES

### Virtual Instruction

4.25

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

## **CHAPTER 4.00 – HUMAN RESOURCES**

- A. Industry certification examinations, national assessments, and statewide assessments offered by the school district shall be available to all Florida Virtual School students.
  - B. All industry certification examinations, national assessments, and statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas, unless an alternative testing site is mutually agreed to by Florida Virtual School and the District.
5. At the beginning of each school year, the District shall notify parents and students regarding the right and choice to participate in virtual instruction. Notification shall include eligibility requirements, the options available to the student, and the courses offered by Florida Virtual School and MyDistrict Virtual School.

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

**LAW(S) IMPLEMENTED:** 1000.04, 1001.20, 1001.42, 1002.20, 1002.321, 1002.37, 1002.45, 1002.455, 1003.02, 1003.4282, 1003.498, 1006.29, 1007.27, 1011.62, F.S.

**STATE BOARD OF EDUCATION RULES(S):** 6A-6.0981, 6A-6.0982

**HISTORY:** ADOPTED: 6/13/16  
REVISION DATE(S): 11/22/16, 10/16/18  
FORMERLY: NEW

## CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

4.46

### **BAND ACTIVITIES**

#### **POLICY:**

Band instruction shall be a component of the District curriculum. Any school band shall observe the following rules:

- (1) Saturday and Sunday performances shall be limited to those approved by the principal.
- (2) There shall not be more than one (1) band appearance on a night preceding a school day during any one (1) week.
- (3) Uniformed band appearances shall cease on the closing day of school for any school year except by special permission of the School Board.
- (4) A school band may not play where alcoholic beverages are being served.
- (5) A school band may not play for a partisan political rally or for religious sponsored activities of a denominational nature.
- (6) Adequate insurance shall be carried on all school-owned instruments.
- (7) The rules of the Florida School Music Association, Inc., shall be observed.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23(6); 230.23005(3)(c),(5), F.S.

#### **HISTORY:**

Adopted: July 17, 2000 Revision Date(s): Formerly:
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## CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

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

**4.71**

1. Home education students currently enrolled in home education programs registered with the School District, as well as students entering grades nine (9) through twelve (12) in a public school from a home education program, are eligible to participate in extracurricular activities, provided they meet all Florida Statutes, requirements and rules established by the School Board, and Florida High School Athletic Association (FHSAA) and Florida School Music Association bylaws.
2. A private school student is eligible to participate in an interscholastic or intrascholastic sport at a public high school, a public middle school or a six (6) through twelve (12) public school that is zoned for the physical address at which the student resides provided the student meets all Florida Statutes, requirements and rules established by the School Board, and FHSAA bylaws.
3. A full time Florida Virtual School student is eligible to participate in extracurricular activities at the school to which he/she would be assigned or could choose to attend under District enrollment policies. The student must meet all Florida Statutes and academic and conduct requirements of the District.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1006.15, F.S.**

**HISTORY:**

**ADOPTED: 3/17/00**

**REVISION DATE(S): 4/9/12, 11/20/12**

**FORMERLY:**

## CHAPTER 5.00 - STUDENTS

5.01\*

### STUDENT SERVICES PLAN

#### POLICY:

The Superintendent shall recommend and the Board shall annually adopt a Pupil Progression Plan and Student Code of Conduct as required by law.

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.23(6); 230.23005(3),(7),(8), F.S.

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: New
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## CHAPTER 5.00 – STUDENTS

### HOMELESS STUDENTS

5.02

1. Homeless children who live within the county shall be admitted to school in the District, shall have access to free public education including preschool, shall be given the opportunity to meet local and state academic achievement standards, and shall be included in state and District assessments and accountability systems.
2. Definitions
  - A. Homeless Child  
One who lacks a fixed, regular and adequate nighttime residence and includes children and youth who
    1. Are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
    2. Are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
    3. Are living in emergency or transitional shelters, abandoned in hospitals or awaiting foster care placement;
    4. Have a primary nighttime residence that is
      - a. A supervised shelter designed to provide temporary living accommodations;
      - b. An institution providing temporary residence for persons who are to be institutionalized; or
      - c. A public or private place not designed or normally used as a regular sleeping accommodation for human beings;
    5. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
    6. Are migratory children who qualify as homeless because the children are living in circumstances described in II.A.1. through II.A.5.
  - B. Unaccompanied Youth – A student who is not in the physical custody of a parent or guardian.
  - C. Certified Homeless Youth – A minor, homeless child or youth, including an unaccompanied youth, who has been certified as homeless or unaccompanied by a school district homeless liaison, the director of an emergency shelter program funded by the U. S. Department of Housing and Urban Development or designee, the director of a runaway or homeless youth basic center or transitional living program funded by the U. S. Department of Health and Human Services or designee, a licensed clinical social worker, or a circuit court.
  - D. School of Origin – The school that the student attended when permanently housed or the school where the child or youth was last enrolled.
  - E. Enroll and Enrollment – Attending school and participating fully in school activities.

## CHAPTER 5.00 – STUDENTS

- F. Immediate – Without delay.
  - G. Parent – Parent or guardian of a student.
  - H. Liaison – The staff person designated by the District as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Homeless Assistance Act.
3. The District shall identify homeless students as defined by federal and state law. If the District's liaison for homeless children and youth determines that the minor is an unaccompanied homeless youth, the liaison shall issue to the youth a certificate documenting his/her status as required by law.
  4. The District shall seek to remove barriers to the enrollment and retention of homeless children and youth.
  5. The District shall ensure the immediate enrollment of homeless students.
    - A. The District shall assist homeless children to provide documentation to meet state and local requirements for entry into school.
    - B. A homeless child shall be given a thirty (30) school day exemption to provide proof of age, certification of a school-entry health examination, proof of immunization and other documentation required for enrollment.
  6. Each homeless student shall be provided the services that are available for all other students including transportation, school nutrition programs, before and after school programs, and education services for which the child meets the eligibility criteria such as exceptional education, gifted education, vocational and technical programs, preschool programs, Title I, and limited English proficiency programs.
  7. Homeless students shall be given meaningful opportunities to succeed in school.
  8. Homeless students shall be allowed to remain in the school of origin to the extent feasible, unless this is contrary to the wishes of the parents.
  9. Homeless students and/or parents shall have the right to dispute school assignment if placement is other than the school of origin. The District shall ensure that unaccompanied youth and the parents of homeless students are notified of the right to remain in the school of origin and of the dispute process.
  10. If requested by the parent of a homeless child or by the liaison on behalf of an unaccompanied youth, the District shall be responsible for providing transportation to and from the school of origin throughout the duration of homelessness. The District shall share the responsibility for transportation if a homeless student begins living in another district in a homeless status and continues to attend the school of origin.
  11. Homeless students shall not be stigmatized, segregated, or separated in any educational program on the basis of their homeless status.
  12. The District shall follow the requirements of the McKinney-Vento Homeless Assistance Act and Florida Statutes.

**STATUTORY AUTHORITY:**  
**LAW(S) IMPLEMENTED:**

**1001.41, 1001.42, 1003.21, F.S.**  
**382.002, 743.067, 1000.21, 1001.43,**  
**1003.01, 1003.21, 1003.22, F.S.**

## **CHAPTER 5.00 – STUDENTS**

**MCKINNEY-VENTO HOMELESS ASSISTANCE ACT, P.L.100-77  
Every Student Succeeds Act of 2015. PL 114-95  
20 USC 6311(g)(1)(F)**

### **HISTORY:**

**ADOPTED: 3/09/2009  
REVISION DATE(S): 12/09/13, 12/8/14, 07/24/18, 04/14/20  
FORMERLY: NEW**

## CHAPTER 5.00 – STUDENTS

### EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE

**5.025**

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

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

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

**LAW(S) IMPLEMENTED:** 1000.21, 1001.43, 1003.01,  
1003.21, 1003.22, 1003.25, F.S.  
Elementary and Secondary Education Act of 1965, P.L. 89-10  
Family Educational Rights and Privacy Act, 20 USC 1232g  
Fostering Connections Act of 2008, P.L. 110-351  
Every Student Succeeds Act of 2015. PL 114-95  
20 USC 6311(g)(1)(F)

**HISTORY:** ADOPTED: 03/13/17  
REVISION DATE(S): 04/14/20  
FORMERLY: NEW

## CHAPTER 5.00 – STUDENTS

### STUDENT ASSIGNMENT

5.03

The School Board shall establish residential attendance zones for each school. All students, unless otherwise provided by School Board rule or authorized by the School Board's order, shall attend the school serving the student's residential attendance zone. A student's residence is the residence of his/her parent(s), legal guardian, legal custodian, or other such person as defined by any order issued by a court of competent jurisdiction of the state of Florida and by Florida Statutes. Any student residing in the School District shall be assigned to a school for attendance by the Superintendent or designee.

1. No student shall be permitted to transfer, enroll, or be admitted to a school when he/she has been expelled or suspended from another school district. This prohibition shall be effective for the period of time in which the student was expelled or suspended from another district. Such students shall be accorded the same appeals procedure which is available to District students.
2. A student may be permitted to attend a school in another residential attendance zone pursuant to the following procedures of the School Controlled Open Enrollment Plan adopted by the School Board listed below.
  - A. Parents must request reassignment following published timelines if they desire reassignment to any school other than their assigned school.
  - B. An Appeals committee will be appointed by the Superintendent. It will hear protests and requests for reassignment.
  - C. Once a child attends an out-of-zone school, preference for continued attendance will be given to that student and their younger brothers and sisters.
  - D. Parents participating in the controlled school choice program must provide their own transportation to the school of their choice,
  - E. Out of county transfers may apply for their school of choice and will be placed in their school of choice in accordance with the procedures set forth in Policy 5.031 Student Out of Zone Transfers/CHOICE following the placement of the Hamilton County Residents who have priority.
  - F. In implementing the school choice initiative, no school will be out of compliance with federal desegregation orders.

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- G. Students in the Exceptional Education Program will be placed in the best interest educationally for the child and where the programming for that specific disability is being housed.
3. Any student whose legal residence is outside the boundaries of the county may be enrolled in a District school under the provisions of Florida Statutes and the Controlled Open Enrollment Plan. The assigned school for an out-of-district student shall be designated on the basis of space available. Such transfers shall be on a nondiscriminatory basis and shall not result in reducing desegregation in either school district or in reinforcing the dual school system.
5. A student who has been attending, in the year prior to the designation, a public school that been classified as performance grade category “F” or has earned three (3) consecutive grades of “D” or a student who is assigned to a public school that has been designated as performance grade category or has earned three (3) consecutive grades of “D” may attend a higher performing public school in the District or a school in another district as allowed by law.

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

**LAW(S) IMPLEMENTED:** 1000.21, 1001.41, 1001.42, 1001.43,  
1001.51, 1002.20, 1002.31, 1002.38, F.S.

**HISTORY:** ADOPTED: 11/9/1998

**REVISION DATE(S):** 7/17/00, 5/11/09, 6/11/12, 11/22/16, 09/25/17

**FORMERLY:** 5.01

## CHAPTER 5.00 – STUDENTS

### STUDENT OUT OF ZONE TRANSFERS/CHOICE

5.031

1. The School Board strives to accommodate family choice to the maximum extent possible. Students may attend a school other than their zoned school if they have been granted a choice assignment in accordance with this policy. Disciplinary and/or attendance issues may result in a return to the home zoned school the following school year and/or may result in immediate return to the home zoned school. School choice is available for the following:
  - A. Magnet Programs
  - B. Controlled Open Enrollment
  - C. Charter Schools
  - D. McKay Scholarships
  - E. Home School
  - F. Virtual School
  - G. Dual Enrollment
2. The following provisions apply to all choice assignments:
  - A. The student must remain in the zoned school until a choice assignment is granted.
  - B. Applications for certain choice assignments must be submitted within the designated time frame. Time frames are published on the Board website by April 30 for applications for the following school year.
  - C. With the exception of children of full-time Board employees who are nonresidents of the District, students whose primary legal residence is in the District shall be given preference over non-resident students with respect to the granting of choice assignment.
  - D. The Board does not provide transportation to students with choice assignments except as otherwise provided for in this policy or by law.
  - E. Transportation may be provided for students enrolled in magnet programs at the discretion of the Superintendent or as may be required by applicable law.



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### **4. Controlled Open Enrollment**

- A. Students may be granted choice assignments to schools that are not crowded and would not become crowded as a result of such assignments.
- B. Each year, the Board will establish a ninety percent (90%) capacity for each school in the District. Schools having a projected enrollment of less than ninety percent (90%) of capacity for the following school year will be available for controlled open enrollment. Projected enrollment will be calculated by taking the number of students zoned to the school, subtracting those students granted acceptance to magnet programs at other schools, adding students granted acceptance to magnet programs at the school, and adding students with continuing zoning exceptions.
- C. Schools having a projected enrollment equal to or greater than ninety percent (90%) capacity will not be available for controlled open enrollment, any applications submitted will be placed on a waiting list. Eligible schools will be posted in the Student and Community Engagement Office and on the Board's website.
- D. Applications for controlled open enrollment will be submitted to the School on the Controlled Open Enrollment Form. The Superintendent will annually establish an application period for controlled open enrollment.
- E. The Student and Community Engagement Office will compile applications into lists by school of application.
  - 1. If the school's ninety percent (90%) capacity would not be exceeded by the number of choice applications when added to the projected school population, choice applicants for that school will be approved as in alignment with the School Choice Plan.
  - 2. If the school's ninety percent (90%) capacity would be exceeded by the number of choice applications when added to the projected student population, admission will be granted first to students who have siblings in the chosen school, and all other available positions will be filled through a stratified lottery will be utilized to maintain socioeconomic and demographic balance as defined in statute.
  - 3. Other priorities, once verified, applications for students meeting one or more of the priority criteria as described in this paragraph shall be granted priority to attend their first choice school if a seat is available. Applications with one or more of the priorities provided in

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this paragraph shall be separated from each group and placed in random order. Students who are eligible for priority preference include:

- a. Dependent children of active duty military personnel whose move resulted from military orders;
  - b. Children who have been relocated due to a foster care placement;
  - c. Children who have moved due to a court-ordered change in custody due to separation or divorce;
  - d. Children who have moved due to the serious illness or death of a custodial parent.
  - e. Students at multiple session schools; and
  - f. Students residing in the District.
- F. Parents will be notified of the approval or denial of their student's application.
- G. A student who is granted a choice assignment under Controlled Open Enrollment must register at the new school within ten (10) days of being notified or the choice assignment will be rescinded.
- H. Students who are not selected to attend the school(s) to which they applied will be notified that the District will be unable to place them at a requested school and they must register at their zoned school. The student will be placed on a waiting list in case a position opens within the first ten (10) days of the school year.
- I. Positions at a school that were assigned to a student under Controlled Open Enrollment will be monitored at the beginning of the school year. Students who have accepted assignments but who are not in attendance by the tenth (10<sup>th</sup>) day of school will have their assignments revoked. A revoked choice assignment may then be assigned to the next student on the waiting list.

### **5. Charter Schools**

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

## **CHAPTER 5.00 – STUDENTS**

directly with the charter school to resolve questions and concerns.

### **6. McKay Scholarships**

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

### **7. Home School**

Parents may elect to home school students in accordance with State law. See Policy 4.17 - Home Education Programs.

### **8. Virtual School**

Parents may elect to register their students in a virtual education program. See Policy 4.25 - Virtual Instruction.

### **9. Dual Enrollment**

See Policy - Postsecondary Enrollment Programs.

### **10. Revocation of Choice Assignment**

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

### **11. Zoning Exceptions**

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

A. Parents employed by the Board: Students are allowed to attend the school

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of parent's choice if the parent is a full time employee with Hamilton County Schools who resides in Hamilton County. A choice form must be completed and approved prior to the transfer. Students may ride the bus from the nearest existing stop servicing the requested school.

B. Exceptional Student Education (ESE) Transfers: Students who transfer into the District from another school district must have an IEP meeting to review their current IEP after obtaining approval or upon verification as a new resident. Some ESE programs do not allow for choice because they serve the specific needs of a student with a disability at a cluster site. Siblings of ESE students being served in a cluster site program may attend school with the ESE siblings. Parents must complete the request form prior to sibling transfer. Transportation may not be provided for the non-ESE siblings. Time Frame: ESE service requirements.

C. Hardship Placement:

1. medical/psychological need
2. police/DCF request
3. victim of a violent crime

D. Transfers are allowed for a student whose parents have begun actual construction on a home in the receiving school zone, if the student shall permanently move into the home by the end of the semester in which the transfer is to take place. Time Frame: One Semester.

E. Students who move to another school zone within Hamilton County before the end of the first semester of the school year are to enroll in their zoned school or may request choice. Students who move following the end of the first semester are permitted to complete the academic year at the school in which the students were legally enrolled prior to the change of address.

F. Out of district transfers, including students of Hamilton County School employees will be approved on a case-by-case basis if space is available. An application must be submitted to both the home school district and to Hamilton County Schools. The parent must show verification of release from the home school district prior to being approved and enrolling in Hamilton County Schools.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

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

HISTORY: ADOPTED: 09/25/17  
REVISION DATE(S):  
FORMERLY: NEW

## CHAPTER 5.00 – STUDENTS

### POSTSECONDARY ENROLLMENT PROGRAMS

5.032

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

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1007.27, 1007.271 F.S.

#### HISTORY:

ADOPTED: 09/25/17

REVISION DATE(S):

FORMERLY: NEW

## CHAPTER 5.00 – STUDENTS

### CONTROLLED OPEN ENROLLMENT

5.033

1. The School District shall develop a *Controlled Open Enrollment Plan* that will be approved by the School Board and considered part of this policy. This plan will enable the District to consider student assignment based on parental preference when requested by the parent as defined by Florida Statutes. The plan shall be in effect beginning with the 2017-2018 school year.
2. The plan shall include but not be limited to the following:
  - A. Eligibility requirements;
  - B. Application process;
  - C. Forty-five (45) day time period for accepting applications;
  - D. Method of determining capacity of schools;
  - E. Capacity determination for each District school;
  - F. Identification of schools that have not reached capacity;
  - G. Class size standards;
  - H. Lottery procedure for determining student assignment if transfer requests exceed available space;
  - I. Provision for a parent to request placement of siblings within the same school;
  - J. Appeals process for hardship cases;
  - K. Availability of transportation; and
  - L. Method and timeline for notifying a parent of his/her child's placement for the next school year.
3. The plan and process for implementing the plan must
  - A. Adhere to federal desegregation requirements;
  - B. Maintain socioeconomic, demographic, and racial balance;
  - C. Allow a student to remain at the chosen school until he/she completes the highest grade level at the school; and

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- D. Maintain existing academic eligibility criteria for public school choice programs.
- 4. Students residing in the District shall not be displaced by a student from another district who is seeking enrollment through the open enrollment provisions.
- 5. Preferential treatment shall be provided for
  - A. Dependent children of active duty military personnel whose move resulted from military orders;
  - B. Children who have moved due to foster care placement in a different school zone;
  - C. Children who have moved due to a court-ordered change in custody as a result of separation or divorce;
  - C. Children who have moved due to a court-ordered change in custody as a result of separation or divorce;
  - D. Children who have moved due to the serious illness or death of a custodial parent;
  - E. Students at multiple session schools; and
  - F. Students residing in the District.
- 6. The *Controlled Open Enrollment Plan* shall be available on the District website.
- 7. The process for participating in controlled open enrollment shall be posted on the District website with a list of schools that have not reached capacity, the application for participation, and the deadline for submitting the request to participate in controlled open enrollment.
- 8. The District shall report the number of students participating in public school choice by type as required by the Department of Education.
- 9. The *Controlled Open Enrollment Plan* and the process for implementing the plan shall be reviewed annually. The Superintendent shall present the plan and any recommended changes to the School Board for consideration.



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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

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

HISTORY: ADOPTED: 11/22/16

REVISION DATE(S):

FORMERLY: NEW

## CHAPTER 5.00 – STUDENTS

### CLASSROOM TRANSFER

5.035

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

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1001.21, 1001.43, 1001.51, 1003.03,  
1003.3101, 1012.42, F.S.

#### HISTORY:

ADOPTED: 11/22/16  
REVISION DATE(S):

FORMERLY: NEW

## CHAPTER 5.00 – STUDENTS

### STUDENT ATTENDANCE

5.04

1. A student who is absent without the principal's approval shall have his/her parent(s), as defined by Florida Statutes, report such absences to the school center in the manner prescribed by the *Code of Student Conduct*.
  - A. The *Code of Student Conduct* shall prescribe attendance requirements including, but not limited to, provisions for excused and unexcused absences, opportunities to make up work assignments, and reporting absences.
  - B. Students shall be excused from any examination, study, or work assignments for observance of a religious holiday or because the tenets of his/her religion forbid secular activity at such time. The school principal shall implement this provision on an individual basis pursuant to Florida Statutes and State Board of Education rule.
  - C. Students diagnosed with autism spectrum disorder may be excused from school to attend medical appointments necessary to receive therapy for autism spectrum disorder, including, but not limited to, applied behavioral analysis, speech therapy and occupational therapy.
  - D. No adverse or prejudicial effects shall result to any student who avails himself/herself to the provisions of this rule.
2. Student absences must be tracked on a daily basis and parents contacted as required by law.
3. A person designated by the Superintendent or his/her designee shall investigate truancy problems.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

985.03, 1000.21, 1001.43, 1003.21, 1003.23, 1003.24,  
1003.26, F.S.

#### STATE BOARD OF EDUCATION RULE(S):

6A-1.044, 6A-1.09514

#### HISTORY:

ADOPTED: 11/9/98  
REVISION DATE(S): 07/17/00, 03/13/18  
FORMERLY: 5.27, 5.56, 5.04

## CHAPTER 5.00 – STUDENTS

### REQUIREMENTS FOR ORIGINAL ENTRY

5.05

1. Any student who initially enrolls in the District shall be required to have on file with the immunization registry a certification of immunization for those communicable diseases as required by Florida Statutes. Any child who is excluded from participation in the immunization registry must present or have on file with the school such certification of immunization.
  - A. Students who are under twenty-one (21) years of age and are attending adult education classes shall present certification of immunization for communicable diseases.
  - B. A transfer student from another Florida district may be granted thirty (30) days to provide documentation of school-entry health and certificate of immunization record
  - C. Exceptions may be granted as provided in Florida Statutes.
2. Students in Grades PK-12 who enter Florida public schools for the first time shall present evidence of a health examination within the twelve (12) month period prior to their initial entrance.
  - A. Any student who was previously enrolled in a Florida school and who seeks admission may be granted thirty (30) days to secure documentation of a school health examination.
  - B. The Superintendent may grant exceptions to this rule pursuant to Florida Statute.
  - C. The health examination shall be completed by a health professional who is licensed in Florida or in the state where the examination was performed.
3. Any student who was previously enrolled in an out-of-state public school and who seeks admission to a District school shall be admitted on the basis of admission requirements established in the state in which the student resided prior to moving to the county, except as provided in this rule.
4. A student entering a District school from a private or nonpublic school shall be assigned to a grade based on placement tests, age, and previous school records.
5. Any student who initially enrolls in the District shall be required to report any previous school expulsions, arrests resulting in a charge and juvenile justice actions the student has had and any prior referrals to mental health services. If the

## CHAPTER 5.00 – STUDENTS

student is admitted, the student may be placed in an appropriate educational program and referred to mental health services identified by the school district when appropriate, at the direction of the School Board. The District may waive or honor the final order of expulsion or dismissal of a student if an act would have been grounds for expulsion according to the receiving District School Boards *Code of Student Conduct*.

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

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

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

**HISTORY:** ADOPTED: 3/13/06

REVISION DATE(S): 2/8/10, 10/16/18, 12/10/19

FORMERLY:

## **CHAPTER 5.00 – STUDENTS**

**5.051+**

### **GRADE PLACEMENT AND TRANSFER OF CREDIT**

#### **POLICY:**

Grade placement or subject matter credit shall be accepted at face value from other schools as shown by report cards or transcribed records only under the following conditions:

- (1) All evidence of work or credits earned at another school offered for acceptance shall be based on an official transcript authenticated by the proper school authority.
- (2) Work or credit from state or regionally accredited schools shall be accepted at face value, subject to validation if deemed necessary.
- (3) Work or credits from home education programs or non accredited schools shall be validated as follows:

Before admitting a middle or elementary grade child from either a home education program or a non accredited school, the principal shall require evidence of the student's prior attendance and grade level at such school or program. The child shall be permitted to enroll at the grade level or at the grade level attained by the majority of other students during the period since the child exited an accredited or public school, whichever is less, and be administered the standard test used in the district to determine at what grade level the child is functioning. If the test results indicate that the child is functioning at a lower grade than the grade at which the child was enrolled when admitted, the principal shall notify the parent or guardian, in writing, that the child shall be placed in the appropriate programs indicated by the school staff. High school credit may be granted to students who transfer from a non accredited school by the school being provided a detailed course description for each course and evidence of the student's mastery of that course's curriculum. School administered test may be used to determine if credit should be awarded for these transfer courses.

## **CHAPTER 5.00 – STUDENTS**

5.051+ (Continued)

High school credit may be granted to students who fully transfer from a home education program as follows:

1. Credits shall be validated through performance during the first grading period as outlined in subsection (2) of this rule.
2. Validation of credits shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should have a minimum grade point average of 2.0 at the end of the first grading period. Students who do not meet this requirement shall have credits validated using the Alternative Validation Procedure, as outlined in subsection (3) of this rule.
3. Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one of the following alternatives shall be used for validation purposes as determined by the teacher, principal, and parent:
  - (a) Portfolio evaluation by the superintendent or designee;
  - (b) Written recommendation by a Florida certified teacher selected by the parent and approved by the principal;
  - (c) Demonstrated performance in courses taken through dual enrollment or at other public or private accredited schools;
  - (d) Demonstrated proficiencies on nationally-normed standardized subject area assessments;
  - (e) Demonstrated proficiencies on the FCAT; or
  - (f) Written review of the criteria utilized for a given subject provided by the former school.

Students must be provided at least ninety (90) days from date of transfer to prepare for assessments outlined in paragraphs (3)(d) and (e) of this rule if required.

4. To be eligible to receive any type diploma from the district, home education students shall attend the high school for a minimum of two semesters which includes the last two semesters prior to graduation. Home school students who transfer to the high school with less than six (6) semesters remaining before graduation will not be considered for graduation honors.

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5.051+ (Continued)

STATUTORY AUTHORITY:

LAWS IMPLEMENTED:

STATE BOARD OF EDUCATION RULES: 6A-1.04040; 6A-1.09941

History:

Adopted: March 25, 2002 Revision Date(s): October 14, 2008 Formerly:
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5.06

### ADMISSION TO KINDERGARTEN

#### POLICY:

Any child shall be eligible for admission to kindergarten if he / she has attained the age of five (5) years on or before September 1 of the school year. Provided, however, a child who transfers from another state shall be admitted under the same age requirements as established in the state where he / she previously resided. Before admitting a child to kindergarten, the principal shall require evidence of:

- (1) The child's date of birth in the manner provided by Florida Statutes; 1003.21 (4)
- (2) An up-to-date immunization record,
- (3) A school-entry health examination conducted within one (1) year prior to enrollment in school in accordance with State Board of Education Rules.

STATUTORY AUTHORITY: 230.22(2), F.S.

LAWS IMPLEMENTED: 232.01; 232.03; 232.0315; 232.032, F.S.

STATE BOARD OF EDUCATION RULE: 6A-6.024

#### History:

Adopted: Revision Date(s): November 20, 2001 Formerly: 5.02
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## CHAPTER 5.00 - STUDENTS

5.07

### ADMISSION TO FIRST GRADE

#### POLICY:

- (1) For admission to first grade, a student shall be six (6) years old on or before September 1 of the school year and shall satisfy one (1) of the following requirements:
  - (a) Previous enrollment and attendance in a Florida public school.
  - (b) Satisfactory completion of kindergarten requirements in a non-public school; or,
  - (c) Previous attendance in an out-of-state school in which he / she was admitted on the basis of age requirement established by the state of residency.
- (2) First grade students shall progress according to the District Pupil Progression Plan.

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.23005(6),(8); 232.01, F.S.

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: 5.03
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## CHAPTER 5.00 – STUDENTS

### POSTSECONDARY VOCATIONAL PROGRAMS

5.08

1. The Superintendent or designee shall develop written procedures to implement Florida Statutes, and State Board of Education rules which pertain to-impaired or learning disabled students who enter postsecondary programs in vocational-technical education centers. The procedures shall include, but not be limited to,
  - A. A method for identifying students who meet the definition of hearing impaired, visually impaired, or learning disabled pursuant to State Board of Education rules.
  - B. Development of reasonable substitutions for admission and graduation requirements for postsecondary programs offered at a vocational-technical center.
  - C. A plan for advising students about eligibility criteria and substitution requirements.
  - D. Individualized counseling for students who may qualify for substitution requirements.
  - E. An appeal process for students who do not qualify for substitution requirements.
2. A high school or adult student who has a documented disability and is completing a postsecondary vocational program may be exempted from meeting the career basic skills levels required for completion of the program. The District shall establish exit criteria for disabled students who have not achieved the basic skills levels on the posttest.
3. A student who attends the area vocational-technical center shall be classified as either a high school student or an adult student.
  - A. A high school student is a tenth, eleventh, or twelfth grade student who is age sixteen (16) or older and is concurrently enrolled in a regular high school and the vocational-technical center for one (1) to six (6) hours daily. Ninth graders are admitted into vocational-technical home economics programs designed for exceptional education students.

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- B. An adult student is a person who is sixteen (16) years or older and has withdrawn from a regular school program.
- 4. The Superintendent or designee shall maintain records on students who apply for and who are permitted to enter postsecondary programs on the basis of Florida Statutes and State Board of Education rules. Data collected shall be in accordance with State Board of Education rules.
- 5. Upon the recommendation of the Superintendent, the Board may approve plans and agreements with institutions of higher education for dual enrollment and/or early admissions programs.

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

**LAW(S) IMPLEMENTED:** 1001.43, 1004.91, 1007.264, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-10.040, 6A-10.041

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 12/14/09

FORMERLY:

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5.09

### GRANTING PERMISSION FOR STUDENTS TO LEAVE THE SCHOOL CAMPUS

#### POLICY:

- (1) No student shall be permitted to leave the school grounds during the school day for school business / activities without the principal's prior approval or written consent from the student's parent(s) or legal guardian provided an acceptable reason is established.
- (2) The principal or the teacher shall definitely establish the identity and authority of any person who requests the release of a student from school. If the person requesting the release of the student is a person other than the parent or guardian having custody of the child, the principal or teacher concerned shall not release the child without the verified authorization of the parent or guardian who has custody of the child.
- (3) The provisions of this subsection shall not apply to a law enforcement officer, court official, or proper school employee; provided, that the person's identity and authority are clearly established.
- (4) If a student is eighteen (18) years old or otherwise identified by statutes as being treated as having achieved majority status, and having verified this with school officials, they shall be considered as acting as their own guardian for purposes of this policy if they provide proper written documentation, if feasible, that their parents / guardians have been informed of their decision.

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.23(6); 230.23005(1)(c); 415.506, F.S.

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): July 17, 2000 Formerly:
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## CHAPTER 5.00 – STUDENTS

### STUDENT CONTROL

5.10

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

1. The principal or the principal's designated representative shall see that students are properly supervised while at school and during any school-sponsored activity.
2. The teacher, other members of the instructional staff or bus driver shall assume such authority for the control and supervision of students as may be assigned by the principal or the principal's designated representative and shall keep good order in the classroom or other places where in charge of students.
  - A. No student may be suspended from school, from school bus transportation or from class, nor may corporal punishment be administered except as provided by law and the policies of the Board.
  - B. No student shall be suspended for unexcused absence, tardiness, or truancy unless otherwise provided in the *Code of Student Conduct*.
3. The School Board shall review the provisions for corporal punishment at a School Board meeting every three (3) years and shall take public testimony at the meeting.
4. This policy shall not apply to students while they are being transported to or from school by private citizens.
5. The *Code of Student Conduct* for elementary, middle, high school and postsecondary schools is hereby incorporated by reference and made a part of this rule. The *Code of Student Conduct* and any revisions shall be approved and adopted by the School Board. The *Code of Student Conduct* shall

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- A. Be developed by School Board members, appropriate grade level teachers, school personnel, school administrators, students, and parent organizations.
  - B. State grounds for disciplinary action procedures and the rights of students.
  - C. Be distributed to all teachers, school personnel, students, and students' parents, as defined by Florida Statutes, at the beginning of each school year.
  - D. Be filed in the Superintendent's office.
- 6. The *Code of Student Conduct* shall be discussed with students, school advisory committees, and parent/teacher associations at the beginning of each year.
  - 7. Any School Board decision which conflicts with provisions in the *Code of Student Conduct* shall prevail until revisions are adopted.
  - 8. The principal shall use the *Code of Student Conduct* to familiarize students with School Board rules relating to students' rights, responsibilities, and conduct at the beginning of each school year and whenever he/she deems it necessary.

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

**LAW(S) IMPLEMENTED:** 120.57(1), 1000.21, 1001.43, 1002.20, 1003.04,  
1003.21, 1003.31, 1003.32, 1006.08,  
1006.09, 1006.10, 1006.13, F.S.

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 2/8/10, 4/11/11

FORMERLY: 5.08, 5.33, 5.40

## CHAPTER 5.00: STUDENTS

### BULLYING AND HARASSMENT

5.101

1. Statement Prohibiting Bullying and Harassment
  - A. It is the policy of the Hamilton County School District that all of its students and school employees have an educational setting that is safe, secure and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment of any type against any students, employees, visitors, volunteers or agents who work on school related activities, subject to the control of school officials. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.
  - B. The District upholds that bullying or harassment of any student or school employee visitor, volunteer or agent is prohibited
    1. During any education program or activity conducted by a public K-12 educational institution;
    2. During any school-related or school-sponsored program or activity;
    3. On a school bus of a public K-12 educational institution;
    4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K- 12 education institution within the scope of the School District, meaning regardless of ownership, any computer, computer system, computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or
    5. Through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by the School District or a school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. School staff is not required to monitor any nonschool-related activity, function, or program.
2. Definitions
  - A. Accused is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.



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- B. Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation is often characterized by an imbalance of power. Bullying; and may involve but is not limited to
1. Unwanted Teasing;
  2. Social Exclusion;
  3. Threat;
  4. Intimidation;
  5. Stalking;
  6. Cyberstalking or Cyberbullying;
  7. Physical violence;
  8. Theft;
  9. Sexual, religious, anti-semitic cultural or racial harassment;
  10. Public or private humiliation; or
  11. Destruction of property.
- The term *bullying* shall include cyberbullying whether or not specifically stated.
- C. Complainant is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally or in writing.
- D. Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.
- E. Cyberstalking as defined in s. 784.048(1)(d), F.S., means to engage in course of conduct to communicate, or cause to be communicated, words,

## **CHAPTER 5.00: STUDENTS**

images, or language by or through the use of electronic mail or electronic communication directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

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

1. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits;
3. Has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being; or
4. Has the effect of substantially disrupting the orderly operation of a school.

G. Bullying, Cyberbullying/Cyberstalking and Harassment also encompass

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by
  - a. Incitement or coercion;
  - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system;
  - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

3. Behavior Standards

- A. The Hamilton County School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment. Hamilton County School District employees are responsible for adhering to the

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Principles of Professional Conduct of the Education Profession in Florida and district policies governing conduct and behavior.

- B. The District believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for District and community property on the part of students, staff, and community members. Because students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.
  - C. Refer to the Code of Conduct for specific behavior expectations.
4. Consequences
- A. Committing an act of bullying or harassment
    - 1. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances followed by the determination of disciplinary sanctions appropriate the perpetrators position within the district. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.
    - 2. Consequences and appropriate remedial interventions for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Code of Student Conduct*.
    - 3. Consequences and appropriate remedial interventions for a school employee, found to have committed an act of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate.
    - 4. Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment, shall be determined by the school or district administrator after consideration of the nature and circumstances of the act, including reports to Professional Standards and/or appropriate law enforcement officials.
  - B. Wrongful and intentional accusation of an act of bullying or harassment
    - 1. Consequences and appropriate remedial interventions for a student, found to have wrongfully and intentionally accused another as a means of bullying or harassment, range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Code of Student Conduct*.

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2. Consequences and appropriate remedial interventions for a school employee, found to have wrongfully and intentionally accused another as a means of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements.
  3. Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to Professional Standards and/or appropriate law enforcement officials.
5. Reporting an Act of Bullying or Harassment
- A. At each school, the principal or the principal's designee shall be responsible for receiving oral or written complaints alleging violations of this policy oral or written.
  - B. All school employees are required to report alleged violations of this policy to the principal or the principal's designee.
  - C. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in person to the principal or principal's designee.
  - D. The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, parents/legal guardians, visitors and other agents, how a report of bullying or harassment may be filed either in person or anonymously and how this report will be acted upon.
  - E. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment.
  - F. A school employee, school volunteer, student, parent/legal guardian or other person who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the District policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.
  - G. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.
  - H. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s).
  - I. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report. The principal/designee or District Administrator shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner.

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6. Investigation of a Report of Bullying or Harassment
  - A. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and shall begin with a report of such an act.
  - B. While the District does not assume any liability for incidents that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying or harassment against a student and the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate.
  - C. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school aboard a school bus or at school bus stop.  
Incidents that require a reasonable invest
  - D. The principal or designee shall select an individual(s), employed by the school and trained in investigative procedures, to initiate the investigation. The person may not be the accused perpetrator (harasser or bully) or victim.
  - E. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and shall be confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
  - F. The investigator shall collect and evaluate the facts including but not limited to
    1. Description of incident(s) including nature of the behavior;
    2. Context in which the alleged incident(s) occurred;
    3. How often the conduct occurred;
    4. Whether there were past incidents or past continuing patterns of behavior;
    5. The relationship between the parties involved;
    6. The characteristics of parties involved, *i.e.*, grade, age;
    7. The identity and number of individuals who participated in bullying or harassing behavior;
    8. Where the alleged incident(s) occurred;
    9. Whether the conduct adversely affected the student's education or educational environment; or the employees work or workplace environment;
    10. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
    11. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
    12. The date, time and method in which all parties involved, in the case of employees were contacted.

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- G. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all the facts and surrounding circumstances and shall include
  - 1. Any recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
  - 2. A written final report to the principal or the appropriate administrator.
- H. The maximum of ten (10) school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
- I. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment and the investigative procedures that follow.
- a. Investigation to Determine Whether a Reported Act of Bullying or Harassment is Within the Scope of the District
  - A. The principal or designee will assign an individual(s) who is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the School District.
  - B. The trained investigator(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District.
    - 1. If it is within the scope of the District, a thorough investigation shall be conducted.
    - 2. If it is outside the scope of the District and determined a criminal act, the principal shall refer the incident(s) to appropriate law enforcement.
    - 3. If it is outside the scope of the District and determined not a criminal act, the principal or designee shall inform the parents/legal guardians of all students involved.
  - C. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.
- 8. Notification to Parents/Guardians of Incidents of Bullying or Harassment
  - A. Immediate notification to the parents/legal guardians of a victim of bullying or harassment and the parents/legal guardians of the perpetrator of an act of bullying or harassment as well as notification to all agencies when criminal charges may be pursued against the perpetrator.
    - 1. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated or reasonably thereafter. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

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2. If the bullying or harassment incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform the parents/legal guardian of the victim(s) involved in the bullying or harassment incident about the Unsafe School Choice Option Every Student Succeeds Act, Title VIII, Part F, Subpart 2, Section 8532) that states “. . .a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”
- B. Immediate notification to the parents/legal guardians of the perpetrator of an act bullying or harassment.  
The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
- C. Notification to local agencies where criminal charges may be pursued.  
Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.
9. Referral of Victims and Perpetrators of Bullying or Harassment for Counseling  
When bullying or harassment is suspected or when a bullying or harassment incident is reported, counseling services shall be made available to the victim(s), perpetrator(s), and parents/guardians.
  - A. The teacher or parent/legal guardian may request informal consultation with school staff, (specialty staff, e.g., school counselor, school psychologist,) to determine the severity of concern and appropriate steps to address the concern. The involved student's parents or legal guardian may be included.
  - B. School personnel or the parent/legal guardian may refer a student to the school intervention team for or equivalent school-based team with a problem-solving focus consideration of appropriate services. Parent or legal guardian involvement shall be required when the student is referred to the intervention team.
  - C. If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. Parent or legal guardian involvement shall be required.
  - D. If a formal discipline report or formal complaint is made against an employee, the principal/designee or district administrator must refer the

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employee to the Employee Assistance Program for determination of appropriate counseling support and/or interventions.

- E. A student may be required to obtain counseling and/or attend a recognized treatment program at parental expense and show proof of completion of such counseling or program. Such offenses may include, but are not limited to, substance abuse, threats, intimidation, bullying, harassment, or acts motivated by hate or bias.
  - F. An employee component to address intervention and assistance as determined appropriate by the Employee Assistance Program that includes, but are not limited to:
    - a. Counseling and support to address the needs of the victims of bullying; and
    - b. Research-based counseling/interventions to address the behavior of the employees who bully others (e.g., empathy training, anger management).
  - G. A school-based component to address intervention and assistance shall be utilized by the intervention team. The intervention team may recommend;
    - 1. Counseling and support to address the needs of the victims of bullying or harassment
    - 2. Research-based counseling or interventions to address the behavior of the students who bully and harass others, e.g., empathy training, anger management; and/or
    - 3. Research-based counseling or interventions which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.
10. Reporting Incidents of Bullying and Harassment
- A. Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report shall include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. Cyberbullying incidents shall be included within the bullying incidents category. The report shall also include each reported incident of bullying or harassment that did not meet the criteria of a prohibited act under this section with recommendations regarding such incidents.
  - B. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying and harassment as incident codes as well as bullying-related as a related element code.
    - 1. SESIR Definitions



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- a. Bullying – Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation.
  - b. Harassment – Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.
- 2. Bullying and/or harassment incidents shall be reported in SESIR with the bullying (BUL) or harassment (HAR) code. Unsubstantiated incidents of bullying or harassment shall be coded UBL or UHR.
  - 3. If the bullying or harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code and the bullying-related code. Such incidents are
    - a. Alcohol
    - b. Arson
    - c. Battery
    - d. Breaking and Entering
    - e. Disruption on Campus
    - f. Drug Sale/Distribution Excluding Alcohol
    - g. Drug Sale/Possession Excluding Alcohol
    - h. Fighting
    - i. Homicide
    - j. Kidnapping
    - k. Larceny/Theft
    - l. Robbery
    - m. Sexual Battery
    - n. Sexual Harassment
    - o. Sexual Offenses
    - p. Threat/Intimidation
    - q. Trespassing
    - r. Tobacco
    - s. Vandalism

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

The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the

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bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

### 13. Publicizing the Policy

- A. At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.
- B. Each District school shall provide notice to students and staff of this policy through appropriate references in the *Code of Student Conduct* and employee handbooks and through other reasonable means.
- C. The Superintendent shall also make all contractors contracting with the District aware of this policy.
- D. Each school principal shall develop an annual process for discussing the school district policy on bullying and harassment with students in a student assembly or other reasonable format.
- E. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the District school buses.

### 14. Review of Policy

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

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1001.43, 1003.04, 1003.31, 1003.32,  
1006.07, 1006.08, 1006.09,  
1006.10, 1006.147, F.S.

20 USC 1232g

#### STATE BOARD OF EDUCATION RULE(S):

6A-10.081

#### HISTORY:

ADOPTED: 11/08/08

REVISION DATE(S): 12/9/13, 11/09/15, 09/25/17, 12/10/19, 04/14/20, 12/8/20

FORMERLY: NEW

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### DATING VIOLENCE AND ABUSE

5.105

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

#### 1. Definitions

- A. *Dating violence* is a pattern of emotional, verbal, sexual, or physical abuse used by one person in a current or past intimate relationship to exert power and control over another.
- B. *Abuse* is mistreatment which may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and coercive behavior to gain power and maintain control over the dating partner. This may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, and harassment through a third party, and may be physical, mental, or both.

#### 2. Reporting Dating Violence or Abuse

- A. The principal or designee shall be responsible for receiving complaints alleging violations of this policy.
- B. All school employees are required to report alleged violations of this policy to the principal or designee. The principal or designee shall in turn report alleged violations of this policy to the District's Title IX Coordinator.
- C. In addition to reporting the incident to the principal or designee, if a district employee or agent has reason to suspect that an alleged violation of this policy might constitute a crime, the district employee or agent shall also immediately report the complaint to law enforcement. Any uncertainty regarding whether an alleged violation might constitute a crime must be resolved in favor of reporting the incident to law enforcement.
- D. All other members of the school community, including students, parents as defined by Florida Statutes, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in person to the principal or designee.

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- E. In cases involving an alleged perpetrator who is of adult age and an alleged minor victim, certain suspicions of abuse must be reported to the Florida Abuse Hotline (1-800-962-2873) or local law enforcement pursuant to Section 39.201, Florida Statutes.
  - F. The principal shall establish and prominently publicize to students, staff, volunteers, and parents how a report of dating violence and abuse may be filed either in person or anonymously and how this report will be acted upon.
  - G. The victim of dating violence or abuse, anyone who witnesses an act of dating violence or abuse, and anyone who has credible information that an act of dating violence and abuse has taken place may file a report of dating violence and abuse.
  - H. Submission of a good faith complaint or report of dating violence or abuse will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. Appropriate remedial action will be pursued for persons found to have wrongfully and intentionally accused another of an act of dating violence or abuse.
  - I. Any written or oral report of an act of dating violence and abuse shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.
3. Investigations, Supportive Measures and Discipline
- A. As dating violence is included in the definition of "sexual harassment" under Title IX, all investigations, supportive measures, and discipline shall be handled in accordance with Policy 2.161.
  - B. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of dating violence and/or abuse and the investigative procedures that follow. School employees shall refrain from sharing confidential student information with other school employees, students, or community members, unless disclosure is required by law or is necessary to protect the student's safety. Any notification made must be consistent with the student's privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
4. Restraining Orders

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- A. If an order of protection has been issued, the student or his/her parent(s) should inform the school immediately.
  - B. The investigator will contact the abuser and his/her parent(s) to initiate a contract to stay away from the victim, consistent with the terms of the order, with penalties for known violations of the contract.
  - C. The principal or district administrator will notify law enforcement immediately if he/she has a reasonable belief that a criminal or civil restraining order has been violated.
  - D. The school resource officer and/or security officer will respond immediately to a report of a violation of a criminal or a civil restraining order.
5. Curriculum
- A. The health education curriculum for students in grades 7 through 12 shall include dating violence and abuse. The dating violence and abuse component shall include, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.
  - B. The curriculum shall have an emphasis on prevention-based education.
6. Training
- A. Teachers, administrators, counselors, instructional assistants, school nurses and other nonteaching staff such as bus drivers, custodians, and cafeteria workers shall receive training about dating violence and abuse.
  - B. Students, parents and school volunteers shall also be given instruction related to dating violence and abuse.
  - C. Training on the District's policy prohibiting dating violence and abuse and related procedures shall be conducted, at a minimum, on an annual basis.
  - D. The instruction shall include evidence-based methods of preventing dating violence and abuse and how to effectively identify and respond to incidents of dating violence and abuse within the scope of the school.

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

**LAW(S) IMPLEMENTED:** 1000.21, 1001.43, 1003.42, 1006.07, 1006.148, F.S.

**HISTORY:** ADOPTED: 11/8/10  
REVISION DATE(S): 12/8/20  
FORMERLY: NEW

### HAZING

5.107

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

#### 1. Definition of Hazing

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

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

#### 2. Reporting an Act of Hazing

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



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students, staff, volunteers, and parents, how a report of hazing may be filed either in person or anonymously and how this report will be acted upon.

- E. The victim of hazing, anyone who witnessed the hazing, and anyone who has credible information that an act of hazing has taken place may file a report of hazing.
  - F. A school employee, school volunteer, student, parent or other person who promptly reports in good faith an act of hazing to the appropriate school official and who makes this report in compliance with the procedures set forth in the District policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.
  - G. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.
  - H. Any written or oral reporting of an act of hazing shall be considered an official means of reporting such act(s).
  - I. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.
3. Investigation of a Report of Hazing
- A. The investigation of a reported act of hazing is deemed to be a school-related activity and shall begin with a report of such an act.
  - B. The principal or designee shall select an individual(s), employed by the school and trained in investigative procedures, to initiate the investigation. The person may not be the accused perpetrator or victim.
  - C. Documented interviews of the victim, alleged perpetrator(s), and witnesses shall be conducted privately, separately, and shall be confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
  - D. The investigator shall collect and evaluate the facts including but not limited to

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1. Description of incident(s) including nature of the behavior;
  2. Context in which the alleged incident(s) occurred;
  3. How often the conduct occurred;
  4. Whether there were past incidents or past continuing patterns of behavior;
  5. The relationship between the parties involved;
  6. The characteristics of parties involved, *i.e.*, grade, age;
  7. The identity and number of individuals who participated in hazing;
  8. Where the alleged incident(s) occurred;
  9. Whether the conduct adversely affected the student's/students' health or safety;
  10. The date, time, and method in which the parents of all parties involved were contacted.
- E. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all the facts and surrounding circumstances and shall include
1. Recommended remedial steps necessary to stop the hazing; and
  2. A written final report to the principal.
- F. The maximum of ten (10) school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
- G. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of hazing and the investigative procedures that follow.
4. Investigation to Determine Whether a Reported Act of Hazing is Within the Scope of the District

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- A. The principal or designee will assign an individual(s) who is trained in investigative procedures to initiate an investigation of whether an act of hazing is within the scope of the School District.
  - B. The trained investigator(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of hazing falls within the scope of the District.
    - 1. If it is within the scope of the District, a thorough investigation shall be conducted.
    - 2. If it is outside the scope of the District and determined a criminal act, the principal shall refer the incident(s) to appropriate law enforcement.
    - 3. If it is outside the scope of the District and determined not a criminal act, the principal or designee shall inform the parents of all students involved.
5. Notification to Parents of Incidents of Hazing
- A. Immediate notification to the parents of a victim of hazing.

The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of hazing as defined by this policy to the parent(s) of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
  - B. Immediate notification to the parents of the perpetrator of an act of hazing.

The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of hazing as defined by this policy to the parents of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
  - C. Notification to local agencies where criminal charges may be pursued.

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

### 6. Referral of Victims and Perpetrators of Hazing for Counseling

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

- A. The teacher or parent may request informal consultation with school staff, e.g., school counselor, school psychologist, to determine the severity of concern and appropriate steps to address the concern. The teacher may request that the involved student's parents are included.
- B. School personnel or the parent may refer a student to the school intervention team for consideration of appropriate services. Parental involvement shall be required when the student is referred to the intervention team.
- C. If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. Parental involvement shall be required.
- D. The intervention team may recommend
  - 1. Counseling and support to address the needs of the victims of hazing;
  - 2. Research-based counseling or interventions to address the behavior of the students who haze others; and/or
  - 3. Research-based counseling or interventions which include assistance and support provided to parents, if deemed necessary or appropriate.

### 7. Disciplinary Action

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

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### 8. Reporting Incidents of Hazing

- A. Incidents of hazing shall be reported in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report shall include each incident of hazing and the resulting consequences, including discipline and referrals. The report shall also include each reported incident of hazing that did not meet the criteria of a prohibited act under this section with recommendations regarding such incidents.
- B. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data to report hazing incidents.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1000.21, 1001.41, 1001.42, 1001.43, 1001.51,  
1001.54, 1003.04, 1003.31, 1003.32, 1006.07,  
1006.08, 1006.09, 1006.10, 1006.135, F.S.

20 USC 1232g

#### HISTORY:

ADOPTED: 12/8/14  
REVISION DATE(S): \_\_\_\_\_  
FORMERLY: NEW

## CHAPTER 5.00 – STUDENTS

### STUDENT DETENTION, SEARCH AND SEIZURE

5.11

1. The principal, a teacher, or any other staff member may temporarily detain and question a student when circumstances indicate that such student has committed, is committing, or is about to commit a violation of Florida Statutes or School Board rules.
2. Any activity involving student detention, search, and seizure shall be in accordance with procedures set forth in the *Code of Student Conduct*.
3. Each principal shall place a sign which is clearly visible to students and in a prominent location(s) within the school. The sign shall contain the following text:

#### **Notice to Students**

School authorities may search student lockers or other areas when reasonable suspicion that prohibited or illegally possessed substance or object is contained within the area pursuant to Florida Statutes.

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

**LAW(S) IMPLEMENTED:** -1001.43, 1003.31, 1006.07, 1006.09(9), 1006.13, F.S.

**HISTORY:** ADOPTED: 11/9/998

REVISION DATE(S): 2/8/10

FORMERLY: 5.34

## CHAPTER 5.00 – STUDENTS

### EXPULSION OF STUDENTS

5.12

The school principal may recommend, to the Superintendent, the expulsion of any student who has committed a serious breach of conduct including, but not limited to: willful disobedience; open defiance of authority of a School Board employee; violence against persons or property or any other act which substantially disrupts orderly conduct of the school. The school principal or designee shall recommend to the Superintendent, the expulsion of any student who has violated School Board rules which require expulsion. Mandatory expulsion includes, but is not limited to giving or selling intoxicating beverages, controlled substances, drugs, or counterfeit drugs to any person on school grounds or at any school-sponsored activity; threatening or using a weapon against any person; any felonious act; conviction of a felony; and any second offense of possessing or under the influence of intoxicating beverages, controlled substances, drugs, or counterfeit drugs on school grounds or at any school-sponsored activity.

1. The following procedures shall be observed when a student is suspended with a recommendation of expulsion:
  - A. The Superintendent or designee shall receive and review recommendations for expelling a student from the school principal or designee who is directly charged with the supervision of the student concerned. These recommendations shall be submitted in writing to the Superintendent by the individual and shall indicate the grounds for the recommendation. The student's parent(s), as defined by Florida Statutes, or the adult student shall be notified in writing to inform them of the recommendation and to provide a reasonable opportunity to meet with the principal to discuss the recommendation and shall receive a copy of the recommendation submitted to the Superintendent. Such notification shall be sent by certified mail or by regular mail if the parent(s) or the adult student has been notified in person.
  - B. A preliminary investigation shall be conducted in accordance with the following:
    1. The Superintendent or designee shall direct an investigation based on the school's recommendation within five (5) school days of receipt of a recommendation for expulsion. The student's parent(s), or adult student shall be informed that the investigation is being conducted in a manner reasonably calculated to notify them. The Superintendent or designee may extend an existing school suspension pending the results of the investigation when reasonable belief exists that the

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student's return to school or continued attendance at school is detrimental to the student, school staff, and other students or tends to interrupt the orderly conduct of the educational process.

2. The Superintendent shall inform the student's parent(s) or adult student by certified mail of the suspension or extended suspension. If requested, the student's parent(s) or adult student shall be given a hearing with the Superintendent or his/her staff to challenge the extension or imposition of a suspension. Such hearing shall be informal in nature and shall be granted upon an oral or written request.
  3. All interested parties shall be immediately informed in an appropriate manner when the Superintendent's investigation reveals that no reasonable basis exists for an expulsion recommendation to the School Board. The student shall immediately be readmitted to school with no penalty imposed for absences related to the investigation; this does not include the initial school suspension if reasonable in nature. Student records shall be properly annotated to indicate that grounds for expulsion were insufficient.
  4. All necessary school personnel shall cooperate in the investigation. Inquiries shall be made into alternatives to expulsion before further proceedings are initiated. The student's parent(s) or adult student shall be informed of any feasible alternatives and appropriate changes shall be made in the student's assignment or program to avoid expulsion proceedings. Any changes shall be based upon sound educational reasons and upon a reasonable belief that such a change will alleviate the problems leading to the school expulsion recommendation.
  5. The Superintendent may develop routine procedures and forms for gathering data relating to expulsions. Such forms and procedures shall be internal administrative matters.
  6. Investigations shall be conducted with deliberate speed, considering the nature of the facts underlying the school's recommendation and the characteristics of the student and his/her program.
- C. Charges and the notice of the right to a hearing shall be governed by the following:



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1. Charges shall be made when a preliminary investigation is completed and there is reason to believe grounds exist for expulsion. The basis of the charges shall be specified with the Superintendent's recommended action, including specific allegations of fact to support the recommendation.
  2. Charges shall be served upon the student's parent(s) or adult student in a manner reasonably calculated to inform him/her of the charges. Certified mail addressed to the last known address of the parent(s) or adult student shall be considered sufficient notice.
  3. The student's parent(s) or adult student shall be notified, in writing, of a proposed hearing date and of the right to an administrative hearing, in accordance with the provisions of Chapter 120.57(1), Florida Statutes, before the School Board, if they desire to dispute the material allegations of fact contained in the charges and the recommendation of expulsion. To request a hearing, the parent(s) or adult student shall file a written request for a hearing with the Superintendent's office at the specified address and before a certain date and time identified in the notice. Failure to request a hearing within the specified time, in writing, shall be considered a waiver of the student's right to a hearing to contest the charges.
  4. The student's parent(s), or adult student who timely requests a hearing shall be notified in a manner calculated to inform him/her of the time, place, and nature of the hearing, including a statement of the legal authority and jurisdiction under which the hearing is to be held, a reference to the particular sections of the Florida Statutes and State Board of Education rules involved, and specific references to School Board rules.
- D. A hearing shall be conducted pursuant to the following:
1. The hearing shall be governed by Florida Statutes relating to administrative procedures.
  2. The School Board chairperson may direct the Superintendent, an administrative staff member, or the School Board attorney to present the evidence and testimony to the School Board in support of the Superintendent's recommendation for expulsion.
  3. Reasonable flexibility in method or order of presentation shall be permitted. No parent or adult student shall be prohibited from

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presenting reasonable matters to the School Board because of unsubstantiated procedural irregularities.

4. No parent or adult student shall be prohibited from being represented at the hearing by an adult, whether as legal counsel or qualified representative.
  5. The School Board shall be the finders of fact and shall make conclusions of law based on competent substantial evidence presented at the hearing. Nothing herein shall prevent the School Board from seeking the advice of counsel of the attorney assisting it at the hearing. The School Board may indicate its finding of facts and conclusions of law to a School Board employee who shall write a final order for submission to the School Board for approval or modification.
- E. Any student who is being considered for expulsion dismissal shall be accorded due process of law prior to dismissal. This shall include the following:
1. A written copy of the charges against the student;
  2. The offer of a hearing at which the student may call witnesses and present evidence in the student's own behalf;
  3. The right to cross-examine witnesses;
  4. The right to defend the student's actions;
  5. Legal counsel at the student's expense to assist the student in presenting a defense; and,
  6. A written copy of the School Board's findings or action.
- F. The following shall apply to informal proceedings on undisputed facts:
1. The student's parent(s) or the adult student may request, in writing, that an informal proceeding be conducted before the School Board when the facts alleged in the charges, upon which the Superintendent's recommendation is based, are not disputed. The student's parent(s) or the adult student shall file a written request for informal proceeding before a date and time certain with the Superintendent's office as provided in the notice. Failure to timely file a written request for an informal proceeding shall be deemed a

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waiver of the student's rights to an informal proceeding before the School Board.

2. Notification of the right to informal proceedings shall be given in the same manner as in the notice of right of hearings of disputed fact. The Superintendent, acting for the School Board, may establish a date for the informal proceeding to provide timely information on proceedings of the charges. Acceptance of the informal proceeding date by the student's parent(s) or the adult student shall be deemed waiver of the notice requirements as to time. The hearing shall not be held in a manner calculated to cause inadequate preparation time. Fourteen (14) days shall be deemed sufficient preparation time unless an objection is timely raised; the days shall be calculated from the day immediately following the actual personal notice or posting of the notice by certified mail.
  3. An informal proceeding shall be held before the School Board on the date proposed in the notice of right of informal proceeding when a timely request for an informal proceeding is filed. At the informal proceeding before the School Board, the student's parent(s), the adult student, or the legal counsel or representative may present written or oral evidence in opposition to the Superintendent's recommendation for expulsion. The School Board shall consider any oral testimony or written statements submitted by the parties and render a final order in the same manner as in formal hearings of disputed fact.
- G. The Superintendent shall notify the student's parent(s) or the adult student of the official School Board action by certified mail with reasonable speed and include a copy of the School Board's final order. The notice shall inform the student's parent(s) or the adult student of his/her right to appeal the School Board's final order to the District Court of Appeal.
- H. Other provisions for dismissal proceedings shall include the following:
1. The School Board may establish a set hearing time for routine consideration of matters of expulsion.
  2. Any student who commits an act on school grounds or on a school bus which results in suspension during the last week of school shall be suspended for the remaining number of days of the suspension period when school opens the following year.

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3. Any student who is out-of -school suspended for the fourth (4<sup>th</sup>) time in a school year may be referred to the Superintendent for possible expulsion. After a student receives the third (3<sup>rd</sup>) suspension, the principal shall notify the parent(s) or legal guardian by telephone, conference, or by certified letter and explain the next suspension may result in a recommendation for dismissal. In all cases, telephone conferences shall be documented in writing.
  - I. A student who is expelled from the District by School Board action shall not be afforded a rehearing before the School Board unless prior evidence is proven to be false or new evidence is substantiated that was omitted from the original hearing. A request for rehearing shall be made by the parent(s) to the Superintendent or designee. The Superintendent's office shall determine whether the expulsion shall be reheard by the School Board.
2. The Superintendent may recommend to the School Board expulsion of a student who is found guilty of a felony. Provided, however, any student subject to discipline or expulsion for the unlawful possession or use of any substance controlled under chapter 893, Florida Statutes, shall be entitled to a waiver of the discipline or expulsion if he/she divulges information leading to the arrest and conviction of the person who supplied such controlled substance or if he/she voluntarily discloses the unlawful possession of such controlled substance prior to arrest.
3. Provisions for the expulsion of exceptional education students shall be described and set forth in the *Code of Student Conduct* and the *Special Programs and Procedures for Exceptional Student Education Manual*.
4. Students expelled are required to request re-entry in to the Hamilton County District Schools. Requests seeking a reentry date prior to the end of a Board-ordered expulsion period may only be made in keeping with subparagraph 1.I. above.
  - A. Parents of the student expelled must request re-entry in writing through the Superintendent's office.
  - B. The Superintendent shall review each request for re-entry and either grant re-entry or refer the request to the Board for further review.
  - C. Cases referred by the Superintendent to the Board will require a Board review hearing with parent(s) and student in attendance. Decisions by the Board on a re-entry request will be final in keeping with sub paragraph 1.I. above.

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Students may receive a denial, re-entry, or assignment to a District alternative educational setting.

- D. In no event will the procedure required by this paragraph 4 of Policy 5.12 for a student's re-entry after an expulsion be deemed to authorize a student's expulsion to be extended beyond the maximum period of time set forth in the definition of "expulsion" in Section 1003.01(6) Fla. Stat. or any amendments thereto. Note that the period of time set forth in the definition of "expulsion" in Section 1003.01(6) Fla. Stat. as of 2012 is "the remainder of the term or school year and 1 additional year of attendance".
5. This rule shall prevail over any District procedure which is contrary to or conflicts with these rule provisions.

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

**LAW(S) IMPLEMENTED:** 120.57(1), 1000.21, 1001.43, 1001.54, 1003.31,  
1006.07, 1006.08, 1006.09, 1012.28, F.S.

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

**HISTORY:** ADOPTED: 11/9/98,

REVISION DATE(S): 9/14/09, 7/13/15, 11/9/15

FORMERLY: 5.13, 5.131, 5.132

## CHAPTER 5.00 – STUDENTS

### **ZERO TOLERANCE FOR SCHOOL RELATED CRIMES**

**5.13**

1. It is essential that schools be safe and orderly to provide environments that foster learning and high academic achievement. The District shall strive to protect students, staff, visitors and volunteers from harm and to protect victims of crime from further victimization. This policy applies to conduct on School District property, school or District provided transportation and at any school or District sponsored activity. This policy implements the zero tolerance policy as outlined in Florida Statutes.
2. Acts that pose a serious threat to school safety are those acts that endanger the life or safety of a student, staff member or other person on campus or at a school or District sponsored activity. Such acts include but are not limited to
  - A. Aggravated battery;
  - B. Armed robbery;
  - C. Arson;
  - D. Battery or aggravated battery on a teacher or other school personnel;
  - E. Kidnapping or abduction;
  - F. Murder;
  - G. Manslaughter;
  - H. Possession, use or sale of a controlled substance;
  - I. Possession, use or sale of any explosive devise;
  - J. Possession, use or sale of any firearm or weapon;
  - K. Sexual battery.
3. Acts that are considered petty misconduct may disrupt the educational process but do not endanger the life or safety of an individual. Such acts include but are not limited to
  - A. Cellular telephone violation;
  - B. Defiance of authority;
  - C. Disruption, minor;

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- D. Dress code violation;
  - E. Eating or drinking on the bus;
  - F. Forgery;
  - G. Horseplay;
  - H. Leaving campus without permission;
  - I. Lying or misrepresentation;
  - J. Profanity;
  - K. Vehicle parking violation.
4. The District shall establish agreements with the county sheriff's office and local police department(s) that provide for reporting conduct that threatens school safety and obtaining assistance from the appropriate law enforcement agency. Law enforcement consultation is not required for petty acts of misconduct which are not a threat to school safety.
5. The District shall report to the appropriate law enforcement agency any act that poses a threat to the safety or welfare of students, staff and other persons on school property or at school events or is a serious violation of law. The following acts when committed on School District property or at a District activity shall be reported to the appropriate law enforcement agency:
- A. Alcohol violation;
  - B. Alcohol, sale or distribution;
  - C. Arson;
  - D. Battery;
  - E. Bomb or biochemical threat;
  - F. Breaking and entering or burglary;
  - G. Disruption of school, major;
  - H. Drug use, sale or distribution;
  - I. Explosives, possession or use;
  - J. Extortion;
  - K. False alarm;

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- L. Firearms violation;
  - M. Gang-related activity;
  - N. Hate crime;
  - O. Illegal organization, membership;
  - P. Robbery;
  - Q. Sexual battery;
  - R. Sexual harassment;
  - S. Sexual misconduct;
  - T. Sexual offense;
  - U. Stalking;
  - V. Trespassing;
  - W. Weapons violation;
  - X. Any felony as defined by Florida Statutes.
- 6. Consultation with law enforcement is required when a student commits more than one misdemeanor, to determine if the act should be reported.
  - 7. The school principal shall notify all school personnel of their responsibility to report to the principal or his/her designee crimes or incidents posing a threat to school safety and ensure the incident is properly documented.
  - 8. Students found to have committed one of the following offenses on school property, school sponsored transportation or during a school sponsored activity shall be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year and be referred to the criminal justice or juvenile justice system:
    - A. Bringing a firearm or weapon as defined in Chapter 790, Florida Statutes, to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school.
    - B. Making a threat or false report as defined in Florida Statutes Sections 790.162 and 790.163 respectively, involving school or school personnel's property, school transportation or a school-sponsored activity.



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- C. Assault or battery on specified officials or employees in violation of Section 784.081, Florida Statutes.
  - D. Hazing as defined in 1006.135, Florida Statutes.
- 9. When a student is formally charged with a felony or a delinquent act that would be a felony if committed by an adult, the Superintendent shall notify appropriate personnel including the principal, the transportation director, the student's classroom teachers, the student's bus driver and other school personnel who directly supervise the student.
  - 10. The School Board may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion.
  - 11. The Superintendent may consider the one (1) year expulsion requirement on a case-by-case basis and request the School Board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.
  - 12. If a student committing any of the offenses in this policy is a student with a disability, the School Board shall comply with the applicable State Board of Education rules.
  - 13. Any student found to have committed a violation of Section 784.081(1), (2) or (3), Assault or Battery on Specified Officials or Employees shall be expelled or placed in an alternative school setting or other program as appropriate. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.
  - 14. A student or his/her parent may request a review by the Superintendent of any disciplinary action taken by the District. Such request must be submitted in writing to the Superintendent within ten (10) days of the imposition of disciplinary action.

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

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

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

## CHAPTER 5.00 – STUDENTS

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 3/25/02, 03/22/04, 2/8/10, 11/8/10, 10/16/18, 12/10/19**

**FORMERLY:**

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### **GUIDELINES AND PROCEDURES CONCERNING HIV, AIDS, OR OTHER COMMUNICABLE DISEASES (STUDENTS AND EMPLOYEES)**

**5.14**

1. It is the School Board's intent to protect employees and students from exposure to infectious diseases and from risk occasioned by infectious diseases and environmental hazards and to provide reasonable accommodations to infected students and employees.
2. It is recognized that HIV-positive employees who are not debilitated or exhibiting symptoms that would facilitate transmission of the virus will remain in their current jobs if conditions permit.
3. Reasonable accommodations are available to HIV positive employees.
4. It is recognized that students with any illness, including HIV infected persons, may continue to attend school as long as academic, behavioral, and medical evidence indicates that their condition is not a threat to themselves or to others. If it becomes necessary, reasonable accommodations within the school setting shall be made, or an alternative educational services delivery shall be implemented.
5. All information regarding such matters shall be held in strict confidence and released only to those who have a legitimate need to know.
6. School Board employees shall receive and review procedures governing Hepatitis B infection, HIV, AIDS, bloodborne pathogens, other communicable disease, and environmental hazards.
7. Staff members shall cooperate with public health authorities by practicing and promoting standard precautions, as deemed by the Centers for Disease Control and Prevention (CDC). Procedures for dealing with students who pose a threat of transmitting a bloodborne health condition are contained in the *Health Services Manual*.

#### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

#### **LAW(S) IMPLEMENTED:**

**381.0098, 1001.42, 1001.43, 1002.22,  
1010.305, 1011.62 F.S.**

#### **STATE BOARD OF EDUCATION RULE(S):**

**6A-6.03020, 6A-6.0331**

## CHAPTER 5.00 – STUDENTS

**STATE DEPARTMENT OF HEALTH RULE(S):**

**64E-16**

**HISTORY:**

**ADOPTED: 3/25/02**

**REVISION DATE(S): 1/9/06, 9/14/09**

**FORMERLY:**

## CHAPTER 5.00 – STUDENTS

### ANABOLIC STEROID TESTING FOR STUDENT ATHLETES

5.141

1. As a condition of being a member of the Florida High School Athletic Association (FHSA), each school with students in grades nine (9) through twelve (12) will participate in the state-mandated anabolic steroid testing program. Each school shall adhere to the provisions established by FHSA.
2. FHSA shall designate the sports that will be included in the testing program.
3. Students participating in designated sports will be subject to random testing. Failure by a student or his/her parent(s), as defined by Florida Statutes, to consent to steroid testing will disqualify a student from participation in a designated sport.
4. All records and information related to any test or to any challenge or appeal shall be confidential, shall not be subject to the public records law, and shall not be included in a student's educational record.
5. The portion of a meeting at which exempt records are discussed shall be exempt from the open meetings law. Appeals meetings shall be exempt from the open meetings laws and shall be closed to the public.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1000.21, 1001.41, 1001.43, 1006.20, F.S.

#### HISTORY:

ADOPTED: 12/14/09  
REVISION DATE(S): \_\_\_\_\_  
FORMERLY: NEW

## CHAPTER 5.00 – STUDENTS

### ADMINISTRATION OF MEDICATION

5.15

#### Administration of Prescription Medication

1. Each school principal shall designate a staff member(s) to administer medication. The staff member(s) shall be trained annually by a registered nurse, licensed physician or a licensed practical nurse.
2. Administration of prescription or non-prescription/over-the-counter medication during school hours is discouraged unless a physician determines that a student's health needs require medication during school hours. Parents/guardians are encouraged to request prescriptions for medications which limit administration during school hours. First morning doses should be given at home with only mid-day doses administered by school health staff or designated staff member. Doses missed at home will not be administered by school health staff or designated staff member. Medication with an expired prescription date or expired manufacturer's date, will not be administered at school or during school sponsored activities. This rule, the *Standard Operating Procedures Manual*, and the *Code of Student Conduct* shall set forth provisions for administering medication.
3. All medication shall be delivered to the school nurse clinic by a parent/guardian or adult designated by the parent/guardian. All medication must be transported to and from school by the parent/guardian or adult designated by the parent/guardian. Prescription medication will only be received and stored in the original container from the licensed prescribing healthcare practitioner and pharmacy. All non-prescription/over-the-counter medication must be received in the original, sealed, unopened container with manufacturer's label attached and the student's name clearly written on the container. This medication must not be expired. All prescription medication must have the following information on the label:
  - A. Student's name
  - B. Physician's name
  - C. Name of medication
  - D. Date of prescription and name of pharmacy
  - E. Specific instructions on the administration of the medication, including specific time, route and dosage. These label instructions must match the Medication/Treatment Authorization form instructions.

F. Approximate duration of medication

G. Expiration date

4. A Medication/Treatment Authorization form completed and signed by the student's parent/guardian and the prescribing physician, as defined by Florida Statutes, shall be required for each medication. The form shall be updated annually for each medication required.
5. First dosage of any new medication shall not be administered during school hours because of the possibility of an allergic reaction.
6. Prescription medication which is kept at school shall be counted by the school nurse or designated staff member and a parent/guardian or adult designated by the parent/guardian. It shall be stored in the original container, in a secure location under lock and key as designated by the school principal and/or school nurse. Only staff that have been designated by the principal and have received training shall have access to administer the medication.
7. A student with a special health condition(s) such as asthma, diabetes, pancreatic insufficiency, cystic fibrosis or a student that has experienced or is at risk for life threatening allergic reactions, may carry and self-administer prescription medication for emergency situations and/or for the treatment of pancreatic insufficiency or cystic fibrosis, asthma or diabetes, as approved by his/her licensed prescribing healthcare practitioner, his/her parent/guardian, and the school nurse. The approval of the licensed prescribing healthcare practitioner, the parent/guardian, and the school nurse must be on file in the principal's and/or nurse's office. A student who has permission to carry and self-administer emergency medication and/or medication for asthma, pancreatic insufficiency or cystic fibrosis, and/or diabetes, may carry the medication on the school bus to and from school-sponsored events, while participating in school-sponsored activities, and while in school. The principal shall notify the bus driver and the transportation department regarding such students. The school nurse, upon performing a nursing assessment of a student, shall determine whether or not that student is ready to responsibly self-carry and administer medications at school or during school-sponsored activities without endangering the health and safety of themselves, school staff, and/or fellow students. If the school nurse determines that a student is not ready to responsibly self-carry and administer medications at school or during school-sponsored activities, the medication will be administered by school health staff and/or designated school staff.
8. A record shall be maintained on each student who receives any medication during school hours, including the date and time each dose of medication was administered. These records shall be made available at all times to the principal and authorized staff.
9. Field Trips-The requirements for the administration of medication while students

are away from school property or on official school business, shall be the same as those while on school property. All medications, including prescription and/or non-prescription/over-the-counter medications that are taken on field trips or other official school business, must be in the original container with the student's name clearly visible on the container, and stored under lock and key (except for students who have permission to self-administer emergency medications and/or medications for asthma, pancreatic insufficiency or cystic fibrosis, and/or diabetes). Only trained and designated school personnel or school health staff will administer medication away from the school site except for students who have permission to self-administer emergency medications.

#### 10. Administration of Emergency Medication

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

#### 11. Receipt, Control and Return of Medication

All medication being received at the school health room, must be counted by the parent/guardian/adult designated by the parent/guardian delivering the medication and the school health staff receiving the medication. Verification of the count shall be made in writing on the student's Medication Administration Record by the person delivering the medication and the staff receiving the medication. Staff can accept no more than a 30-day supply of prescription medication.

Medication with an expired prescription date or expired manufacturer's date, will not be administered at school or during school-sponsored activities. The medication in the bottle must match the label, match the student's name, match



the Medication/Treatment Authorization form, and have a current prescription label (within the past 30 days for controlled substances and antibiotics; within the past 12 months for other prescribed medications) on the bottle (if it is a prescribed medication).

All medication being returned to parent/guardian/adult designated by parent/guardian shall be counted with the parent/guardian/adult designated by parent/guardian receiving the medication and the school health staff who is returning the medication. Verification of the count shall be made in writing on the student's Medication Administration Record by the person returning the medication and the person receiving the medication.

All medication to be administered to a student(s) by designated and trained staff members while the student(s) is/are away from school property and/or on official school business, shall be counted with designated and trained staff members receiving the medication and the school nurse/school health staff who is releasing the medication. Verification of the count shall be made in writing on the student's Medication Administration Record by the person receiving the medication and the person releasing the medication.

All medication being returned to the school nurse/school health staff by designated and trained staff members shall be counted with designated and trained staff members returning the medication and the school nurse/school health staff who is receiving the medication. Verification of the count shall be made in writing on the student's Medication Administration Record by the person returning the medication and the person receiving the medication.

## 12. Changes to Medications

A new prescription bottle with correct labeling and a new Medication/Treatment Authorization form completed by the student's parent/guardian and the licensed prescribing healthcare practitioner is required for any dosage and/or time changes.

School health staff and/or designated staff members cannot begin or discontinue medications, alter or change dosages or times of administration, without a new Medication/Treatment Authorization form completed by the parent/guardian and the licensed prescribing healthcare practitioner.

Prescription labels shall not be altered with handwriting by a parent/guardian, designated school staff or school health staff.

### 13. Discontinued Medication

When medication is discontinued, parents/guardians are required to pick up all unused medication within one week. When the school year ends, parents/guardians are required to pick up all unused medication by the end of the last student school day. Unclaimed medication will be destroyed. When medication is destroyed, this action shall be taken pursuant of 499.0121 Florida Statute, in such a manner as no one could make use of the medication or be harmed by it.

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

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

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

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

**HISTORY:** ADOPTED: 11/20/01

REVISION DATE(S): 2/8/10, 11/8/10, 12/9/13, 12/8/14, 12/12/16

FORMERLY: 5.182, 5.183

## CHAPTER 5.00 – STUDENTS

### MEDICAL MARIJUANA

5.152

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

## **CHAPTER 5.00 – STUDENTS**

1. “Student” means an individual enrolled in a Hamilton County Public School, Pre-K through 12<sup>th</sup> grade who are subject to compulsory school attendance, as well as students with disabilities 18 through 21 years of age.
2. “Qualified student/patient” means a student/patient who is a resident of this state who has been added to the medical marijuana/low THC cannabis use registry by a qualified physician to receive marijuana or a marijuana delivery device for a medical use and who has a qualified patient identification card and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.
3. “Primary caregiver” or “caregiver” must be 21 years of age or older and a resident of this state who has agreed to assist with a qualified patient’s medical use of marijuana, has a caregiver identification card and meets the requirements set forth in F.S. 381.986(6).
4. “Designated location” means a location identified by the District in its sole discretion on school grounds, such as the nurse’s office or a building administrator’s office. District or school administration determines, in its sole discretion, the location of administration of a permissible form of medical marijuana/low THC cannabis that do not create risk of disruption to the educational environment or exposure to other students.
5. “Qualified physician” means an individual who holds an active, unrestricted license as an allopathic physician under chapter 458 or as an osteopathic physician under chapter 459 and is in compliance with the physician education requirements set forth in F.S. 381.986(3).
6. “Permissible form of medical marijuana/low THC/cannabinoid products” means non-smokeable/non-inhalable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Due to the potential for misuse, vapors, patches or other forms of administration that continue to deliver medical marijuana to a student while at school are not permitted.

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- II. Permissible administration of medical marijuana to a qualified student on school district property.
  - A. School nurses or health care personnel or school administration staff are not allowed to administer, store/hold or transport the medical marijuana/low THC cannabis in any form and it will not be stored on any District property, including school grounds, at any time.
  - B. A student's parent/guardian or caregiver may administer the permissible form of medical marijuana to the qualified student/patient on District property in the designated location if all of the following criteria are met:
    - 1. A copy of the student's valid registration form for medical marijuana must be provided to the District. The authorization for medical marijuana/low THC cannabis use for qualified students at school form must be submitted to the principal/designee every school year, and when there are any changes to the medication and the type of preparation (i.e., oils, tablet). The completed form shall include the type, amount, time to be administered, possible side effects and any special instructions regarding the medication.
    - 2. A written statement signed by the qualified student's parent/guardian must be on file which assumes all responsibility for ensuring the administering individual is qualified to perform the task, assumes all responsibility for the administration, maintenance and use under state and federal law, and releases the District from liability for any injury arising out of the administration of medical marijuana on District property.
    - 3. The parent/guardian/caregiver shall be responsible for providing the permissible form of medical marijuana to be administered to the qualified student and for removing the medical marijuana from school grounds immediately after the administration is complete.
    - 4. The District determines, in its sole discretion, that a designated location and method of administration of medical marijuana are available that do not create a risk of disruption to the educational environment or exposure to other students.
    - 5. In accordance with this policy, district or school administration shall prepare, with input from the qualified student's parent/guardian/caregiver, a written medical marijuana/low THC cannabis implementation plan that identifies the registration number for the medical marijuana registration, permissible form of the

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medical marijuana/low THC cannabis, designated location(s), and which shall be on file with the school.

6. The written plan shall be signed by the school nurse, school administrator, and the qualified student's parent/guardian/caregiver.
- C. Any parent/guardian seeking access to District property for purposes of this policy must comply with District policy and/or procedures concerning visitors to schools, including checking in through the District's Raptor\*Check-in System.
- D. Student possession, use, distribution, sale or being under the influence of medical marijuana inconsistent with this policy may be considered a violation of Board policy concerning drug and alcohol use by students or other Board policy and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.
- E. Permission to administer medical marijuana/low THC cannabis to a qualified student/patient may be limited or revoked if the qualified student/patient or the student's caregiver violate this policy or demonstrate an inability to responsibly follow this policy's parameters.
- F. At no time shall the qualifying student/patient have the medical marijuana/low THC cannabis in their possession except during the administration process, through dispensation by the designated primary caregiver, per the District's implementation plan.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

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

**HISTORY:**

**ADOPTED: 6/19/18**

**REVISION DATE(S):**

**FORMERLY:**

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**5.16**

### **EYE PROTECTION DEVICES**

#### **POLICY:**

The principal shall inform all teachers concerned with instruction in courses specified in Florida Statutes of the requirements relating to the wearing of eye protection devices. The principal shall direct such teachers to continuously follow provisions of Florida Statutes without exceptions.

- (1) The School Board shall provide protective devices for School Board employees, students, and visitors.
- (2) The student shall be required to wear the eye protection device as directed by the teacher when engaged in activities listed under the Eye Protection Device Law. The student's failure or refusal to wear the device shall be cause for his / her suspension or dismissal from the course.
- (3) Any teacher who fails to carry out the provisions of this rule shall be charged with willful neglect of duty and shall be reported to the Superintendent or designee for such action as deemed appropriate.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23(6); 230.23005(3),(6); 232.45, F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 5.41
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### STUDENT INJURIES

5.17

The following procedures shall be followed when a student is injured at school:

1. First aid shall be administered by the nearest person with first aid training.
2. The student's parent(s), as defined by Florida Statutes, shall be notified immediately.
3. The family physician shall be notified and his/her instructions followed if the parent(s) or a responsible adult member of the family cannot be reached.
4. A student shall be taken to the emergency room of the nearest hospital when a life threatening situation occurs. Discretion shall be used in moving a critically injured student without medical advice.
5. A student who is suspected of sustaining a concussion or head injury shall be immediately removed from physical activity. Approved guidelines contained in the *School Health Resource Manual* shall be followed.
6. A serious injury to a student shall be reported immediately to the principal who shall make a prompt report by telephone to the Superintendent or designee.
7. An accident report shall be filed when an injury occurs, including a detailed description of the accident and a list of witnesses.
8. An insurance report shall be prepared if an injury is covered by insurance.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1000.21, 1001.43, 1006.07, 1006.08, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 11/20/12**

**FORMERLY: 5.181**



The Hamilton School System will take action to prevent the spread of head lice/nits among students. Lice/nits screenings will be conducted at the beginning of each new school year, after the return from the Thanksgiving Holidays, Christmas Holidays, Spring Break and/or on an as needed basis for Pre-K through 8th grade. Lice/nit screenings will be conducted on an as needed basis for grade 9-12.

Students in the Hamilton County School System who have been identified as having head lice or nits will not be allowed to attend class or participate in school sponsored activities. School officials will take the following steps to identify and respond to cases of head lice or nits.

1. Teachers or paraprofessionals will immediately report any suspected cases of head lice/nits to a school administrator or school nurse/trained designee. Suspected cases may be identified at any time during the year. Upon receiving a report, the school administrator or school nurse/designee will take steps to verify the suspected case.
2. If a case of head lice/nits is found, parents or guardians will be called immediately to transport the student home. A case of head lice may be defined as the presence of live lice or nits.
3. School officials will give parents written procedures on the treatment of head lice.
4. No student will be allowed to return to class or participate in school sponsored activities until he/she is free of all nits and live lice. The parent or guardian will have to be present in order for the student to reenter school.
5. The parent must obtain a written documentation from Hamilton County Health Department, Hamilton County Student Health Center, the school nurse, or primary care physician stating the student is lice/nit free for reentry into school.
6. If a student is continuously-infested with head lice/nits and misses five days from school, he/she will be referred to the school administrator / school social worker/school counselor.
7. Any absences in excess of two days per incident will be classified as unexcused. An incident is defined as a complete cycle including detection, treatment and verification that the student is free of all nits and lice.
8. Students that have been sent home with head lice/nits are not permitted to ride the school bus until a clearance note is on file with the school nurse or Hamilton County Student Health Center.

**STATUTORY AUTHORITY:**

**LAW(S) IMPLEMENTED:**

**STATE BOARD OF EDUCATION RULE(S):**

**HISTORY:**

**ADOPTED: 5/11/09**

**REVISION DATE(S): 5/9/17**

**FORMERLY: NEW**

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5.18

### LEGAL NAME OF STUDENT

#### POLICY:

Where a parent of any other person seeks to enroll a student under a name other than the legal name, or seeks to change the name of a student already enrolled, the parent or other person shall be informed that the name of the student as recorded on the birth certificate or other supporting evidence, as provided by law, will be used on all official records until such time as a final court order verifying a legal change is received.

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.23005(8); 232.03, F.S.

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: 5.25
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### STUDENT RECORDS

5.19

School Board Rules and procedures for maintaining student records shall be consistent with Florida Statutes, State Board of Education rules, and federal laws relating to Family Educational Rights and Privacy Act and Privacy Rights of Parents and Students. The Superintendent shall be responsible for interpreting this rule and the school principal shall be responsible for controlling and supervising student records, following all rules on student records, and interpreting rules on student records to the school staff, students, and the community.

1. Procedures on student records shall be approved by the School Board and contained in the *Student Educational Records Manual*. Included shall be provisions of the No Child Left Behind Act requirements relating to the surveying of students, the collecting of information from students for marketing purposes, and certain nonemergency medical examinations.
2. Parents and students shall be notified annually of their rights regarding education records.
3. The District shall not collect or retain information including biometric information restricted by §1002.222, F.S.
4. The individual records of children enrolled in the Voluntary Prekindergarten Education Program shall be maintained as confidential records exempt from the public records law as required by Florida Statutes.
5. A school may release a student's education records to partners to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities and other signatory agencies as allowed by law.
6. Student information that is confidential and exempt shall not be released except when authorized by §1002.221, F.S.
7. District, upon receiving a written request for another school, public or private, within or out of State, shall transfer within three (3) school days the records of the student.
  - A. The records to be transferred shall include:
    1. Category A and B (including disciplinary records with respect to suspension and expulsion) records as defined by Rule 6A-1.0955 F.A.C.
    2. Verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services; and
    3. Psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by School District or charter school staff, as appropriate.
8. Reporting of student database information shall comply with these safeguards.
  - A. Data reported to the Florida Department of Education shall not disclose a student's name or identity unless required by Florida Statutes;
  - B. Data shall not be stored in a single file or released in such a manner that a complete student profile can be reported unless specified by Florida Statutes; and
  - C. Data shall be protected from unauthorized use at all times.

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9. Social security numbers may be collected from students
  - A. To be used as student identification numbers as allowed by §1008.386, F.S. until the Department of Education has issued a student identification number;
  - B. To facilitate the processing of student scholarships, college admission and other applications; and
  - C. For other purposes when consent of the parent or adult student is granted.

**STATUTORY AUTHORITY:**

1001.41, 1001.42, F.S.

**LAW(S) IMPLEMENTED:**

119.07(1), 119.071, 1001.43, 1001.52, 1002.22,  
1002.221, 1002.222, 1002.72, 1003.25, 1008.386, F.S.

20 USC §1232g (34 CFR PART 99)

P.L. 103-382 (34 CFR PART 99)

**STATE BOARD OF EDUCATION RULE(S):**

6A-1.0955

**HISTORY:**

ADOPTED: 11/9/98

REVISION DATE(S): 3/22/04, 5/11/09, 11/8/10, 12/8/14, 5/11/21

FORMERLY:

**DIRECTORY INFORMATION**

**5.20**

Students' parent(s), as defined by Florida Statutes, shall be notified annually in the *Code of Student Conduct* that the School Board may release "directory information" at the Superintendent's discretion only as set forth below.

1. Directory information includes the following data about a student:
  - A. Name;
  - B. Participation in officially recognized activities and sports;
  - C. Weight and height, if an athletic team member;
  - D. Name of the most recent previous school or program attended;
  - E. Dates of attendance at schools in the District and degrees and honors received; and,
  - F. Date and place of birth.
2. Information described in subsections 1.A., B., C., D., E., and F. herein may be published without a parent's prior consent by the School Board in conjunction with press releases about school activities, honor roll announcements, athletic events, and other school-related activities although parents/students may "opt out".
3. Information described in subsections 1.A., B., C., D., E., and F., herein may be released without a parent's prior consent routinely by the School Board to colleges, universities or other educational institutions in which the student is enrolled, may seek enrollment or may be recruited although parents and eligible students may "opt out" of such releases of directory information,. "Eligible students" are students who are 18 years of age or older.
4. Federal law (20 U.S.C. §7908(a)(1) now requires that the School Board "shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings." This requirement is also found in 10 U.S.C. §503(c)(1)(A)(ii). The information will be used for military recruiting purposes and other legitimate purposes such as informing students of scholarship opportunities at institutions of higher learning. Parental consent is not required before providing the information to recruiters and institutions of colleges, although parents/eligible students may "opt out."
5. Directory information shall not be published when the student's parent(s) submits written opt out notification to the principal within thirty (30) days of distribution of the *Code of Student Conduct*. OPT-OUT notification will be honored at any time during the school

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year, but if failure of a parent to advise the student's principal in writing of a desire to opt out of such a release shall be deemed a waiver of any right to preclude release of such directory information pursuant to this policy, Florida Statutes or federal laws.

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

**LAW(S) IMPLEMENTED:** 1000.21, 1001.43, 1002.22, 1002.222, F.S. 20

USC 1232g

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 4/12/10, 4/9/12, 03/9/15

FORMERLY: 5.26

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### TEACHER REMOVAL OF STUDENTS FROM CLASSROOM

5.22

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

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

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



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3. One (1) teacher selected by the instructional staff of the school to serve as an alternate member of the committee.
- B. A teacher, who removed a student from his/her class and who has withheld consent for the return of that student to his/her class, shall not serve on the committee when the committee makes its decision regarding the return of the student.
- C. The Placement Review Committee(s) will be selected during preschool planning. Each school's faculty shall also determine the following during preschool planning:
  1. If a current school committee(s) meets the criteria contained herein for the Placement Review Committee(s) and if the faculty wishes that committee to perform the duties of the Placement Review Committee(s).
  2. The number of Placement Review Committees needed at each school.
  3. The terms of office of the members of the Placement Review Committee(s).
  4. The method the instructional staff will use in the selection of the Placement Review Committee(s) members.
  5. The appropriate form a teacher is to use to document the behavior which resulted in the teacher having the student removed from his/her classroom.
  6. Any teacher who removes twenty-five (25%) of his/her total class enrollment shall be required to complete professional development to improve classroom management skills. Any required training under this provision shall be free of cost to the teacher.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1000.21, 1001.43, 1003.32, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 6/22/09**

**FORMERLY:**

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### DRUG AND ALCOHOL TESTING OF STUDENT ATHLETES

5.23

Recognizing that student participation in interscholastic athletics is extracurricular and voluntary and pursuant to Florida Statutes, the School Board has adopted a policy on drug and alcohol testing of student athletes including the following provisions:

1. Definitions - For purpose of this policy, the following terms and phrases shall be defined as follows:
  - A. *Alcohol* shall mean any beverage, mixture or preparation, including any medications or other products, containing alcohol or ethanol.
  - B. *Chain of custody* refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to the final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, storing specimens and reporting test results.
  - C. *Confirmation test, confirmed test, or confirmed drug test* means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. A second test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.
  - D. *Drugs* shall mean any substance or drugs identified in Schedules I through V of 21 United States Code Section 202 (controlled substances act) and as further defined by 21 CFR 1300.11 through 1300.15 and Section 893.03, Florida Statutes, and shall include, without limitation, cannabinoids (marijuana), amphetamines, alcohol, cocaine, opiates, and phencyclidine (PCP).
  - E. *Drug test or test* means any chemical, biological, or physical instrumental analysis administered - by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration - for the purpose of determining the presence or absence of a drug or its metabolites.
  - F. *Initial drug test* means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay

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procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration as such more accurate technology becomes available in a cost-effective form.

- G. *Medical review officer* or *MRO* is a licensed physician who has agreed to provide services to the School Board for the purpose of reviewing drug test results and communicating with student athletes and their parent(s) concerning any positive drug test result as more specifically described herein.
- H. *Prescription* or *nonprescription medication* means a drug or medication obtained pursuant to a prescription as defined by Section 893.02, Florida Statutes, or medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.
- I. *Parent* shall mean the parent, as defined by Florida Statutes, of a student athlete.
- J. *Reasonable-suspicion drug testing* means drug testing based on a belief that a student athlete is using or has used drugs in violation of School Board policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
  - 1. Observable phenomena while at school, athletic practice, athletic competition, or other times such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug.
  - 2. Abnormal conduct or erratic behavior while at school, athletic practice, athletic competition, or other times.
  - 3. A significant deterioration in athletic performance.
  - 4. A report of drug use, provided by a reliable and credible source.

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- 5. Evidence that a student athlete has tampered with his/her drug test.
  - 6. Evidence that a student athlete has used, possessed, sold, solicited, or transferred drugs.
  - K. *Specimen* means tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.
  - L. *Student athletes* are any students enrolled in the county public schools who are participating in or applying for participation in any interscholastic athletic program, including practices and contests under the control and jurisdiction of the School District.
  - M. *Interscholastic athletics* is defined as any play between organized varsity, junior varsity, B squads, or 7th, 8th and 9th grade squads of different schools in sports including cheerleader squads.
2. General Prohibitions and Penalties
- A. Standard of Conduct for Student Athletes - The use or possession of a drug, as defined herein, by a student athlete at any time is both illegal and detrimental to that student athlete's ability to participate in interscholastic athletics and is hereby prohibited. Any student athlete determined to be in violation of this policy is subject to disciplinary action related to his/her participating in interscholastic athletics and will be suspended from participation.
  - B. *Code of Student Conduct* - Nothing contained in this policy for drug testing for student athletes shall be construed to limit the application and enforcement of the *Code of Student Conduct*, including all of its provisions pertaining to drugs and alcohol.
  - C. Positive Test Results - A drug test administered pursuant to this policy will be deemed to have rendered a positive result indicating the presence of a drug if the quantity as determined by an initial laboratory analysis followed by a confirmation analysis of the remaining portion of a split sample is equal to or greater than the following levels:

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1. Amphetamines: 1000ng for the initial test and 500ng for the confirmation test.
  2. Cannabinoid (marijuana): 100ng for the initial test and 15ng for the confirmation test.
  3. Cocaine: 300ng for the initial test and 150ng for the confirmation test.
  4. Ethanol: Any amount if detected during the initial test and the confirmation test.
  5. Opiates: 300ng for the initial test and 300ng for the confirmation test.
  6. Phencyclidine (PCP): 25ng for the initial test and 25ng for the confirmation test.
  7. Other Drugs: If a drug test administered pursuant to this policy is intended to detect the presence of drugs other than those listed in paragraphs 1. – 6. above, then a determination as to whether such drug test renders a positive result shall be based upon the levels or quantities established for such drugs by the Medical Review Officer (MRO).
- D. Penalties - In addition to any disciplinary action that may be applicable pursuant to the *Code of Student Conduct*, any student athlete whose drug test administered pursuant to this policy renders a positive test result or who otherwise violates this policy shall be punished as follows:
1. First Offense or First Positive Drug Test Result - The student athlete shall be suspended from participation in all interscholastic athletics (including practices) and referred to a school-approved drug assessment and rehabilitation program. His/her parent(s) will sign the student athlete up and pay the enrollment fee. The student athlete will attend his/her normal classes while enrolled in the program unless he/she is under any disciplinary action set forth by the *Code of Student Conduct*. The length of the suspension shall be no less than four (4) weeks from notification of the test results. After the student athlete has satisfactorily completed the

## **CHAPTER 5.00 – STUDENTS**

program, he/she may resume participation in interscholastic athletics under a probationary status with the following conditions:

- a. Condition Number 1 - As a condition of probation, the student athlete shall be required to comply with any recommendations resulting from the assessment/counseling conducted as part of the assessment.
- b. Condition Number 2 - At the conclusion of the assessment/counseling program, the student athlete must pass a second drug test. The cost of this test will be the responsibility of the student athlete and his/her parent(s).
- c. Condition Number 3 - As a condition of probation, the student athlete will be subjected to recurring drug tests at times that would not be previously disclosed to the student athlete to deter the student athlete from committing a subsequent violation of this policy.
- d. Condition Number 4 - the student athlete shall remain on probation throughout the remainder of the time that he/she is enrolled in school.

- 2. Subsequent Offense or Subsequent Positive Drug Test Result - Upon determination that a student athlete is guilty of a second or subsequent violation of this policy or has a second or subsequent positive drug test result, the student athlete shall be prohibited from participation in all interscholastic athletics for one (1) full calendar year following the end of the athletic season during which the second offense or second positive drug test occurs. For example, if a football player has a second positive drug test during the middle of the football season, he/she would be prohibited from participating in any interscholastic athletics for the remainder of the season and for one (1) full calendar year thereafter.

- 3. Drug Testing Procedures

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- A. Consent - Each student athlete and his/her parent are required to sign a written consent for drug testing form prior to being allowed to participate in interscholastic athletics. Any random drug testing or reasonable suspicion drug testing done throughout the course of the school year will be paid for by the school. Any refusal by a student athlete to be tested shall constitute a violation of this policy.
- B. Medication - Student athletes who have been selected for drug testing and who are or have been taking prescription or nonprescription medication should disclose that fact at the time of the drug testing and upon request provide verification. This disclosure may be done by either a copy of the prescription or by the physician's written authorization.
- C. Selection Process - Drug testing of student athletes shall occur at various times throughout the school year on a team and/or individual basis whereby all student athletes participating in a particular sport would be required to undergo drug testing or where individuals would be selected at random using a numerical selection process where each student athlete's name and identity remains unknown until the random selections are complete. The times for team drug testing will be determined by the athletic director. The random selection will occur on a weekly basis throughout the fall, winter, and spring sports seasons. The random drawing of student athletes will be done by the testing agency, which is also the provider of the medical review officer. This process is to insure fairness and confidentiality for our student athletes. Reasonable suspicion drug testing will occur at the request of the coach based on a belief that student athlete is using or has used drugs in violation of athletic department policy. Re-testing of student athletes following a first offense or first positive drug test result shall occur as specified in paragraph 2.D. above.
- D. Sample Collection Procedures - Those student athletes who are selected for drug testing shall be required to report to the testing facility immediately after school and produce a urine sample under the supervision of the laboratory technician in a manner which will minimize intrusiveness and embarrassment to the student athlete while also insuring that there is no tampering with the urine specimen by the student athlete. Each urine sample container will be checked for appropriate

## **CHAPTER 5.00 – STUDENTS**

temperature and for any signs of tampering and will be sealed and labeled with a number of other means of identification which does not disclose the student athlete's name.

- E. Sample Analysis Procedures - The sealed urine sample container will be delivered to the licensed testing facility through a verifiable chain of custody. A portion of the urine sample will then be analyzed by gas chromatography/mass spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration of the United States Food and Drug Administration as such technology becomes available in a cost effective form. If the initial analysis renders a negative result, then no further analysis will be conducted. If the initial analysis renders a positive result, then a second analysis of the remaining portion of the urine sample will be conducted for confirmation of the positive result. If such confirmation analysis renders a negative result, then the drug test will be deemed negative and no further analysis or action will be taken. If the confirmation analysis renders a positive result, then the drug test result will be deemed positive, and a report of such results will be delivered to the medical review officer bearing only a number to identify the student athlete without the student athlete's name appearing on that report.
- F. Medical Review Officer's Procedure - The Medical Review Officer (MRO) will receive all reports of positive drug test results and will be supplied with information to determine the correct name of the student athlete whose identifying number appears on each positive test result report. Prior to verifying a positive drug test result, the MRO shall contact the student athlete whose name coincides with the identifying number on the positive drug test report and that student athlete's parent(s) to afford them the opportunity to discuss the test result confidentially with the MRO and provide the MRO with the student athlete's medical history and any other relevant biomedical information that would assist the MRO in determining whether he/she should verify the drug test result as positive or deem that result to be negative. If the MRO determines that the test result should be deemed negative, then no further action shall be taken and the student athlete's test result along with previous negative test results will be reported to the school principal or his/her designee as a negative result. If the MRO verifies that a positive drug test result as reported by the



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laboratory is indeed positive, then the MRO will offer (signed form) to the student/parents, the opportunity to have the original sample tested by another laboratory at the student's/parent's expense. This will be the final offer for a re-test. The MRO shall submit that positive drug test result to the student athlete's school principal or his/her designee identifying that student athlete by name so that the appropriate disciplinary action can be taken pursuant to this policy.

Re-testing of student athletes who are on probation because of a previous positive drug test or other violation of this policy shall be processed in the manner described above.

4. Appeal Procedures - In addition to the opportunity afforded to the student athlete and his/her parents to discuss that student athlete's confirmed positive drug test result with the MRO, a student athlete whose test result has been verified and forwarded by the MRO to the school principal or his/her designee for the imposition of disciplinary actions provided herein or a student athlete facing disciplinary actions provided herein as a result of other alleged violations of this policy, shall be entitled to procedural due process as follows:
  - A. Notice - The principal or his/her designee shall notify the student athlete and his/her parent(s) that the student athlete's positive drug test result has been verified by the MRO or that the student athlete has otherwise violated this policy, describe the disciplinary action to be taken, and advise the student athlete and his/her parent(s) of their right to schedule a due process hearing. This hearing will be scheduled for the following school day.
  - B. Hearing - If requested by the student athlete or his/her parent(s), the principal shall conduct a hearing within a reasonable period of time. The principal shall render a decision and provide the student athlete and parent with a written record of that decision at the hearing or within three (3) days of the hearing and sanctions shall begin immediately. The principal's decision shall be final and shall not be subject to any further administrative appeal.

## CHAPTER 5.00 – STUDENTS

### CONSENT TO STUDENT ATHLETE DRUG TESTING

I understand that submission to testing for the presence of drugs and alcohol is a condition of participation in interscholastic athletics. I further understand if I refuse to take the test, or if the test establishes a violation of the drug testing policy, I will face disciplinary action set forth by the drug testing policy.

By signing and dating this form I consent to take preseason urinalysis if required and be random tested by draw throughout my sport's season(s). The preseason test, when required, is completed prior to the start of the particular sports season after tryouts are over. The random testing will be done weekly throughout the sports season. The draw for the random testing will be performed by an outside agency with the athletes being notified on the day they are to report for urinalysis. I also understand the provisions of reasonable suspicion.

By signing and dating this form I understand that the costs for the seasonal urinalysis is the athlete's responsibility and all random testing will be paid for by the school. I also understand that the cost for the assessment and rehabilitation program, in the event of a violation of the drug testing policy, is also the responsibility of the athlete.

I hereby consent to the administration of the drug test and to the conditions listed in this consent. By signing and dating this form I attest I have read and understand the attached random drug testing policy.

Student Athlete's Name: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Parent's Name: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Notary Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

## CHAPTER 5.00 – STUDENTS

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1001.41, 1001.43, F.S.

HISTORY: ADOPTED: 11/9/98

REVISION DATE(S): 12/14/09

FORMERLY: NEW

## CHAPTER 5.00 - STUDENTS

5.24

### **EIGHTH GRADE GRADUATION**

#### **POLICY:**

- (1) A graduation exercise for eighth grades who qualify for promotion to the ninth grade shall be provided each year at each school that has the eighth grade as its highest grade level. The exercise shall be of traditional form, shall be held separately from any other school activity, and shall be primarily for the purpose of recognizing each graduate for having achieved promotion to the high school level.
- (2) Graduates with a high grade point average shall be recognized as graduating with honors or with high honors as may be determined by each school.
- (3) Dress for the graduates shall be cap and gown or other attire as may be appropriate. However, all students shall be similarly dressed; i.e., all cap and gown, all suit and tie or dresses.
- (4) This graduation exercise shall be scheduled to occur on or before the last day of school at a time that does not conflict with the graduation exercise of Hamilton County High School.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23005(8); 232.23(4) & (6), F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 5.47
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## CHAPTER 5.00 – STUDENTS

### SCHOOL HEALTH SERVICES

5.28

1. The School Board shall collaborate with the County Health Department and the District school health advisory committee to develop and implement a health services plan. This plan shall be contained in the Health Services Manual.
2. The plan shall include, but not be limited to, provisions for all aspects required by law.
3. At the beginning of each school year, the principal shall inform the parent(s) as defined by Florida Statutes, in writing, that students will receive specified health services as provided in the health services plan. A student shall be exempt from any of these services when his/her parent(s) requests an exemption in writing. When invasive screening is one (1) of the specified services, written consent of the student's parent(s) shall be obtained prior to any such screening.

**STATUTORY AUTHORITY:**

**LAW(S) IMPLEMENTED:**

**HISTORY:**

**1001.41, 1001.42, F.S.**

**381.0056, 394.463, 1001.21, 1002.20,**

**1006.062, F.S.**

**ADOPTED: 1/11/16**

**REVISION DATE(S): \_\_\_\_\_**

**FORMERLY: NEW**

## CHAPTER 5.00 – STUDENTS

### NOTIFICATION OF INVOLUNTARY EXAMINATION

5.29

1. The principal or designee shall immediately notify the parent, as defined by law, of a student who is removed from school, school transportation, or a school sponsored activity and taken to a receiving facility for an involuntary examination.
2. The principal or designee may delay the notification to the parent for up to twenty-four (24) hours if the delay is considered in the student's best interest and if a report has been submitted to the central abuse hotline due to knowledge or suspicion of abuse, abandonment, or neglect.
3. The Superintendent shall develop procedures for the notification of parents and for reporting, if appropriate, alleged child abuse, abandonment, or neglect to the central abuse hotline when a student is taken to a facility for an involuntary examination. The procedures shall be contained in the Health Services Manual.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

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

**HISTORY:**

**ADOPTED: 1/11/16**

**REVISION DATE(S): \_\_\_\_\_**

**FORMERLY: NEW**

## CHAPTER 5.00 – STUDENTS

### SPECIAL DIETARY NEEDS

5.30

1. School food service staff shall make substitutions or modifications for students with disabilities. Such substitutions or modifications shall be based on a written prescription from a licensed physician.
2. Students with food allergies that may result in severe, life threatening reactions shall be provided with food substitutions as prescribed by a licensed physician.
3. The principal shall ensure that all appropriate staff are knowledgeable about a student's special dietary needs. Confidentiality of medical information shall be maintained.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

570.981, 1001.43, 1002.20, F.S.  
20 USC §1232g (FERPA)  
P.L. 108-446 (IDEIA)

#### STATE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES RULE(S)

5P-1.001, 5P-1.002, and 5P-1.003

#### HISTORY:

ADOPTED: 5/10/10  
REVISION DATE(S): 1/14/13  
FORMERLY: NEW

## CHAPTER 5.00 – STUDENTS

### USE OF TIME OUT, SECLUSION AND PHYSICAL RESTRAINT

#### FOR STUDENTS WITH DISABILITIES

5.341

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

2. Time Out

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

- A. *Nonexclusion time out* is the least restrictive form of time out. The student is allowed to observe the classroom activity but not participate.
- B. *Exclusion time out* excludes the student from participation in and observation of classroom activities. The student remains in the classroom but cannot observe or participate in ongoing activities.

3. Seclusion

*Seclusion or isolation* removes the student from the classroom for a predetermined period of time. The student is placed in a nonstimulating room away from the classroom. The student must be observed continuously by trained personnel.

4. Physical Restraint

- A. *Manual physical restraint* is the use of physical restraint techniques that involve physical force to restrict free movement of all or part of a student's body. It is a method to prevent a student from harming himself/herself or others.



## **CHAPTER 5.00 – STUDENTS**

- B. Physical restraint should only be used in an emergency situation when an immediate and significant threat to the student or others exists.
- C. Physical restraint may only be implemented by trained, qualified school personnel.

### **5. Documentation and Reporting**

All instances of time out, seclusion and restraint shall be documented and reported as required.

### **6. Monitoring and Analysis**

- A. The use of manual physical restraint or seclusion shall be monitored at the classroom, school and District levels.
- B. The use of the behavior interventions, the appropriateness of use and the effectiveness of the interventions shall be analyzed.

### **7. Prohibitions**

School personnel shall not

- A. Use a mechanical restraint or a manual physical restraint that restricts a student's breathing or
- B. Close, lock or physically block a student in a room that is unlit or that does not meet the rules of the State Fire Marshall for a seclusion time out room.

### **8. Training**

- A. The District shall provide initial training for designated personnel in the use of time out, seclusion and physical restraint.
- B. Refresher training shall be conducted annually.
- C. Personnel who have been trained in manual restraint techniques in positions outside of the School District shall receive training in District methods.

## **CHAPTER 5.00 – STUDENTS**

### **9. Procedures**

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

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

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

**LAW(S) IMPLEMENTED:** 1001.43, 1003.32, 1003.573,  
1006.07, 1006.11, 1012.75, F.S.

**STATE BOARD OF EDUCATION RULE(S)** 6A-6.03312

**HISTORY:** ADOPTED: 7/17/00

**REVISION DATE(S):** 12/13/10, 4/11/11, 12/12/11  
**FORMERLY:**

**FOREIGN EXCHANGE STUDENTS**

**5.35**

- I. A foreign exchange student may be enrolled in a Hamilton County school provided that the student
  - A. Is sponsored by a program approved by the Council on Standards for International Educational Travel (CSIET).
  - B. Is at least fifteen (15) years or age but has not attained the age of eighteen and one-half (18 ½) years of age at the time of enrollment. Proof of age must be documented by a birth certificate or passport.
  - C. Will be living with an American host family that resides in the county and has been approved by the sponsoring program.
  - D. Shall gain legal entry into the United States with a J-1 Exchange Visa.
  - E. Provides an academic transcript from the home school with English translation.
  - F. Provides evidence of sufficient English proficiency to function successfully in the academic level in which he/she is enrolled.
  - G. Meets immunization requirements in accordance with Florida statutes.
  - H. Has health, accident and liability insurance coverage that is valid in the United States.
- II. A student shall be enrolled for a semester or a complete school year [two (2) semesters].
- III. The student shall be subject to the *Code of Student Conduct*.
- IV. Eligibility for participation in athletics shall be consistent with Florida High School Athletic Association and School Board rules.
- V. The Superintendent or designee shall approve the admission of each foreign exchange student.
- VI. The Superintendent shall develop procedures for implementing the foreign exchange student program.

## CHAPTER 5.00 – STUDENTS

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1006.07

HISTORY:

ADOPTED: 12/13/10

REVISION DATE(S): \_\_\_\_\_

FORMERLY: NEW

## CHAPTER 5.00 – STUDENTS

### STUDENT USE OF CELLULAR TELEPHONES AND OTHER COMMUNICATION DEVICES

**5.37**

1. Personal telephones and other communication devices may be brought to school with the following conditions applying:
  - a. Devices must be turned off during school hours.
  - b. If emergency calls to or from students are necessary they should be placed through the school office and not to or from the student's telephone.
  - c. Devices should be kept secure to prevent theft (e.g., vehicles, purses, backpacks, lockers).
2. Violation of these provisions shall result in the confiscation of the personal telephone or other communication devices and its return only to the parent, as defined by Florida Statutes. If the student is of majority age, then he/she may be prohibited from possessing a phone or other communication devices on campus.
3. The use of personal telephones or other communication devices at school events shall not be limited by this policy; however, the principal shall have full authority to promulgate rules that implement all provisions herein.

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

**LAW(S) IMPLEMENTED:** 1000.21, 1001.43, 1003.04, 1003.31, 1006.07,  
1006.08, 1006.09, 1006.145, F.S.

**HISTORY:** ADOPTED: 3/13/06

REVISION DATE(S): 12/14/09

FORMERLY: NEW

## CHAPTER 5.00 - STUDENTS

### CHILDREN OF MILITARY FAMILIES

5.40

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

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1000.36, 1001.43, 1003.05, F.S.**

**HISTORY:**

**ADOPTED: 4/9/12  
REVISION DATE :12/10/19**

**FORMERLY: NEW**

## **CHAPTER 5.00 – STUDENTS**

**5.051+**

### **GRADE PLACEMENT AND TRANSFER OF CREDIT**

#### **POLICY:**

Grade placement or subject matter credit shall be accepted at face value from other schools as shown by report cards or transcribed records only under the following conditions:

- (1) All evidence of work or credits earned at another school offered for acceptance shall be based on an official transcript authenticated by the proper school authority.
- (2) Work or credit from state or regionally accredited schools shall be accepted at face value, subject to validation if deemed necessary.
- (3) Work or credits from home education programs or non accredited schools shall be validated as follows:

Before admitting a middle or elementary grade child from either a home education program or a non accredited school, the principal shall require evidence of the student's prior attendance and grade level at such school or program. The child shall be permitted to enroll at the grade level or at the grade level attained by the majority of other students during the period since the child exited an accredited or public school, whichever is less, and be administered the standard test used in the district to determine at what grade level the child is functioning. If the test results indicate that the child is functioning at a lower grade than the grade at which the child was enrolled when admitted, the principal shall notify the parent or guardian, in writing, that the child shall be placed in the appropriate programs indicated by the school staff. High school credit may be granted to students who transfer from a non accredited school by the school being provided a detailed course description for each course and evidence of the student's mastery of that course's curriculum. School administered test may be used to determine if credit should be awarded for these transfer courses.

## **CHAPTER 5.00 – STUDENTS**

5.051+ (Continued)

High school credit may be granted to students who fully transfer from a home education program as follows:

1. Credits shall be validated through performance during the first grading period as outlined in subsection (2) of this rule.
2. Validation of credits shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should have a minimum grade point average of 2.0 at the end of the first grading period. Students who do not meet this requirement shall have credits validated using the Alternative Validation Procedure, as outlined in subsection (3) of this rule.
3. Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one of the following alternatives shall be used for validation purposes as determined by the teacher, principal, and parent:
  - (a) Portfolio evaluation by the superintendent or designee;
  - (b) Written recommendation by a Florida certified teacher selected by the parent and approved by the principal;
  - (c) Demonstrated performance in courses taken through dual enrollment or at other public or private accredited schools;
  - (d) Demonstrated proficiencies on nationally-normed standardized subject area assessments;
  - (e) Demonstrated proficiencies on the FCAT; or
  - (f) Written review of the criteria utilized for a given subject provided by the former school.

Students must be provided at least ninety (90) days from date of transfer to prepare for assessments outlined in paragraphs (3)(d) and (e) of this rule if required.

4. To be eligible to receive any type diploma from the district, home education students shall attend the high school for a minimum of two semesters which includes the last two semesters prior to graduation. Home school students who transfer to the high school with less than six (6) semesters remaining before graduation will not be considered for graduation honors.



## ***CHAPTER 5.00 – STUDENTS***

5.051+ (Continued)

STATUTORY AUTHORITY:

LAWS IMPLEMENTED:

STATE BOARD OF EDUCATION RULES: 6A-1.04040; 6A-1.09941

History:

Adopted: March 25, 2002 Revision Date(s): October 14, 2008 Formerly:
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## CHAPTER 5.00 – STUDENTS

### PARENTAL ACCESS TO INFORMATION

5.711

1. The Board shall incorporate into the Board approved *Student Services Plan*, rules and procedures required by Every Student Succeeds Act relating to student privacy, parental access to information and administration of physical examinations to minors.
2. The Superintendent shall develop procedures to ensure that this policy is carried out in each of the District schools.
3. The parents, as defined by Florida Statutes, of each student shall be notified at a minimum, at least annually at the beginning of the year, regarding the rules and procedures relating to this policy. Parents shall be notified within a reasonable period of time of any substantive change made to this policy.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

20 USC 1232g, 1000.21, 1001.43, 1002.22, F.S.  
Every Student Succeeds Act, Title I, Part A, Subpart 1, Section 1116  
Title IV of Public Law 90-247, [Section 445(20 USC 1232(h)(b))]

#### HISTORY:

ADOPTED: 3/22/04  
REVISION DATE(S): 12/14/09, 04/14/20  
FORMERLY: NEW

## CHAPTER 6.00 – HUMAN RESOURCES

### FLORIDA BEST AND BRIGHTEST TEACHER SCHOLARSHIP PROGRAM

6.09

- I. The Florida Best and Brightest Teacher and Principal Allocation is created to provide recruitment, retention and recognition awards to classroom teachers, instructional personnel, and principals based on criteria as defined in s. 1012.01(2), and is to be funded as provided in s. 1011.62(18).

#### Definitions

For the purpose of this policy, the following definitions shall apply:

- A. Classroom Teacher – defined in Florida Statute 1012.01(2)(a) to include K-12 teachers that are assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education and adult education. By law it does not include teachers exclusively serving students in Pre-K or post-secondary programs. Teachers will be determined to be “classroom teachers” if they are assigned K-12 students in one or more courses for at least one period during each student day and also provide regular instruction to those assigned students.
- B. Content Expert in Math, Science, Computer Science, Reading or Civics – Defined by Florida State Board of Education Rule 6AER19-01 as a teacher who has earned at least a Master’s Degree in one or more of the associated subject areas, or who has earned a Bachelor’s Degree with at least 5 years of work experience in one or more of the associated subject areas.
- C. Instructional Personnel – Defined in Florida Statute 1012.01(2)(a) – (e) District to determine who will be included as qualifying instructional personnel as any K-12 staff member whose function includes the provision of direct instructional services to students or whose functions provide direct support in the learning process of students.
- D. Newly Hired – Initial employment in Hamilton County as an instructional staff member. This initial employment can be with either a District managed school or charter school; however, a teacher shall only be eligible for one recruitment award with the Hamilton County School District. Teachers previously employed in an instructional capacity in any Hamilton county school or department, District managed or charter, prior to July 1, 2019, shall not be eligible for an award from this category.
- E. Performance Criteria and Policies Adopted by the Board – for the purpose of this award, this provision shall be defined as instructional personnel who received an overall summative evaluation rating of “Highly Effective” or “Effective” for the school year immediately preceding the award year.
- F. Principal – defined in Florida Statute 1012.01(3)(c) as K-12 staff members performing the assigned activities as the administrative head of a school and to whom have been delegated responsibility for the coordination and administrative direction of the instructional and non-instructional activities

## CHAPTER 6.00 – HUMAN RESOURCES

of the school. This does not include principals exclusively serving Pre-K or post-secondary programs.

- G. Qualifying School – A school that has improved an average of 3 percentage points or more in the percentage of total possible points achieved for determining school grades over the past 3 years. Annually, a list of eligible schools will be identified by the Florida Department of Education and provided to the District. Schools that receive an improvement rating instead of a school grade have been determined to be ineligible by the Florida Department of Education Rule.
- H. Rated as “Highly Effective” or “Effective” the preceding year – defined as receiving an overall summative evaluation rating of “Highly Effective” or “Effective” for the school year immediately preceding the award year.
- I. Recognition Award – must be rated highly effective or effective the preceding year and selected by their principal.
- J. Two Consecutive School Years – the current school year in which the awards are to be paid, and the school year immediately preceding the award year.

### II. Award Categories

The following teacher and principal awards are to be provided by the District or applicable charter school governing board utilizing the annual appropriation identified by the State:

- A. Recruitment Award: A one-time award for Section 1012.731(3)(a) provides for a newly hired classroom teacher determined to be a content expert based on criteria established under the Florida State Board of Education Rule 6AER19-01 in the areas of math, science, computer science, reading or civics.
  - 1. Began working for the District on or after July 1, 2019 for the 2019/2020 school year, or began working for the District after the completion of the preceding February FTE survey window for all subsequent years;
  - 2. Was employed continuously in a classroom teacher position through the payment date of the award or the last scheduled workday of the year in which the award is paid, whichever occurs first; and
  - 3. Completed any District required application for the award and provided any supporting documentation requested by the District to verify eligibility for the award.
- B. Retention Award (Classroom Teacher): Available to classroom teacher who:
  - 1. Received a summative evaluation rating of “Highly Effective” or “Effective” the preceding school year;
  - 2. Was employed as a classroom teacher during 3 of the 4 October and February FTE survey windows at the same eligible school over the two-year eligibility period;
  - 3. Are teaching at a qualifying school;

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4. Employed in a classroom teacher position at the same qualifying school for two consecutive years through the payment dated of the award or the last scheduled workday of the year in which the award is paid, whichever occurs first; and
  5. Completed any District required application for the award, and provided any supporting documentation identified by the district to verify eligibility for an award.
- C. Retention Award (School Principal) – Principal shall be eligible for an annual principal retention award provided he/she:
1. Was employed as a principal during 7 of the 8 October and February FTE survey windows at the same eligible school over the four-year eligibility period;
  2. Are currently serving as the school principal at the same qualifying school through the payment date of the award or the last scheduled workday of the year in which the award is paid, whichever occurs first;
  3. Served as the school principal at that same school for 4 consecutive school years, including the current school year; and
  4. Completed any District required application for the award, and provided any supporting documentation identified by the District to verify eligibility for an award.
- D. Recognition Award: Available to instructional personnel who:
1. Were employed in an eligible instructional position through the payment date of the award or the last scheduled workday of the year in which the award is paid, whichever occurs first;
  2. Received a summative evaluation rating of “Highly Effective” or “Effective” the preceding year;
  3. Selected by his/her school principal to receive the award, based on performance criteria and policies adopted by the District or charter school governing board; and
  4. Completed any District required application for the award, and provided any supporting documentation identified by the District to verify eligibility for an award.
- III. As determined by the District, Employees may be eligible for awards in more than one category in a single award year, provided he/she meets all of the eligibility criteria for each award individually.
- A. Eligibility Decisions
- As stated above, the District may require an application and/or supporting documentation to be provided by an employee seeking payment of one or more of the awards associated with the Florida Best and Brightest teacher and Principal Allocation. Failure of an employee to provide timely or sufficient applications or supporting documentation, when requested, shall be considered a waiver of eligibility and the employee will not be entitled to an award. The sufficiency of an application and/or supporting

## **CHAPTER 6.00 – HUMAN RESOURCES**

documentation for any of the awards associated with the Florida Best and Brightest Teacher and Principal Allocation shall be determined by the Office for Human Resources, such decisions will be considered final.

**B. Funding**

The Florida Legislature annually establishes the total funding allocation for each school district. The District's allocation is based on its proportional share of statewide FEFP base funding using weighted FTE. Each approved charter school operating within the District shall be provided its proportional share of the District's allocation using the same FEFP base funding and weighted FTE formula employed by the state to determine the District's allocation.

**C. Award Amounts**

The maximum amount of each award is established by the Florida Legislature through the annual General Appropriations Act. The District and charter school governing boards must pay the full award amounts specified in law for categories 1, 2 and 3 prior to paying any category 4 awards. The amount of individual category 4 awards shall be determined by dividing the number of eligible instructional personnel by the total amount of funding remaining after all category 1, 2 and 3 awards have been paid in full. Should the District's or individual charter school governing board's specific appropriation of funds be insufficient to pay the full award amounts specified in law for categories 1, 2, and 3; each award amount shall be pro-rated to match the District's or charter school governing board's specific appropriation and no category 4 awards will be paid.

The award amounts identified in law, or, in the case of category 4 awards, by policy are considered to be gross award amounts. All applicable employer and employee withholdings shall be deducted from these gross award amounts prior to payment of any award to an eligible instructional staff member or principal. Final eligibility for all award amounts shall be determined at the end of each academic year, and awards shall be paid prior to the end of the fiscal year.

**D. Duration**

Should the statutory framework or specific categorical funding appropriation related to the Florida Best and Brightest Teacher of Principal allocation be withdrawn or substantially amended by the Florida Legislature or a court of competent jurisdiction, this policy and the payments of any awards shall be immediately suspended until such time as a successor policy is developed and approved.

Should any portion of this policy be determined to be inconsistent with state law or deemed otherwise invalid by a court of competent jurisdiction, this policy and the payment of awards shall be immediately suspended until such time as a successor policy is developed and approved.

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STATUTORY AUTHORITY:

1012.01, 1012.34, 1011.62, F.S.

LAWS IMPLEMENTED:

1012.731, F.S.

HISTORY:

ADOPTED: 01/14/2020

REVISION DATE(S): \_\_\_\_\_

FORMERLY: NEW

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### EMPLOYMENT DEFINED

6.10

1. Full Time - A regular full time employee is a person who is employed for the school term or for the school fiscal year to render the minimum number of hours each day as established by the Board for that position or job.
2. Part-time - A part-time employee is a person who is employed to render less than the number of hours each day as established by the Board for a regular full time employee.
3. Temporary - A temporary employee is a person whose employment is expected to be for a limited time to fill a vacancy for which a permanent employee is not available or to perform some work of a temporary nature. Such employment will cease at the close of the school term or school fiscal year or when the temporary work has been completed. A temporary employee may be a part-time or a full time employee.

**STATUTORY AUTHORITY:**

**1001.41, 1012.22, 1012.23, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1012.22, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 4/12/10**

**FORMERLY: 3.021(2), (3), 4.09(2), (3)**



## **CHAPTER 6.00 - PERSONNEL**

**6.101**

### **DEFINITION OF PERSONNEL**

#### **POLICY:**

Instructional, Administrative, Non-Certificated and Instructional Support personnel shall be defined in accordance with the provision of Florida Statutes.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 228.041(9), (10), (39), and (40); 230.23005(11), F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.01; 4.01
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## CHAPTER 6.00 – HUMAN RESOURCES

### EMPLOYMENT OF PERSONNEL

6.102

1. All personnel shall be appointed or reappointed as prescribed by Florida Statutes and in conformance with applicable State Board of Education rules and School Board rules.
2. The Superintendent is directed to develop appropriate employment procedures governing the recruitment, screening, selection, appointment and employment of all personnel consistent with Florida Statutes, State Board of Education rules, federal requirements and School Board rules.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.42, 1001.43, 1012.22,  
1012.27, 1012.32, 1012.335, 1012.39, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.0502, 6A-1.064, 6A-4.0081,  
6A-4.0082, 6A-4.0083

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 6/22/09, 12/12/11  
FORMERLY: 3.03, 3.40, 4.02, 4.021

### APPOINTMENT OR EMPLOYMENT REQUIREMENTS

6.103

Any person desiring employment shall file a completed application on the form provided by the Superintendent.

1. Qualifications

- A. Must be of good moral character.
- B. Must have attained the age of eighteen (18) years with the exception of students employed by the Board.
- C. Must not be ineligible for employment under 1012.315, F.S., if applying for an instructional, administrative or any other position requiring direct contact with students.

2. Certificate Requirements

Each applicant for an instructional or a certificated administrative position shall hold a certificate, have a receipt from the Florida Department of Education acknowledging that an application has been filed and that issuance of the certificate is pending, or have the proper license to perform services.

- A. To be considered for a position, an applicant shall be duly qualified for that position in accordance with state law, regulations of the Florida Department of Education and the approved job description. If it appears that the applicant is eligible for proper certification, appointment may be made subject to the conditions set forth in the annual contract of employment as approved by the School Board.
- B. Any person not holding a valid Florida certificate at the time of employment shall be required, upon initial employment, to make application to the Florida Department of Education for such a certificate, through the Personnel Services office of the District. When such certificate is received, it must be filed with the office of the Superintendent. If the Department of Education declines to issue a certificate, the person's employment shall be terminated immediately. Failure to file such certificate, except for good cause as determined by the Superintendent, shall result in the termination of employment.

3. Interviews and Appointments

## **CHAPTER 6.00 – HUMAN RESOURCES**

- A. Interview teams, including those with community representatives, shall reasonably reflect the District's diverse racial, ethnic, and gender composition.
  - B. The Superintendent or designee shall monitor and ensure that appointments and assignments are consistent with the District's intent of maintaining a diverse work force.
4. Driving Record
- A. The driving record of each applicant for the position of school bus operator or for any position that would require the person to drive a School Board vehicle shall be reviewed to determine if the record contains any infractions of the driving code that would make the applicant unqualified for the position in accordance with the District safe driver plan.
  - B. The driving record of each current school bus operator shall be reviewed prior to the first day of the fall semester and periodically during the school year to determine if the record contains any infractions of the driving code that would make the operator unqualified for the position in accordance with the District safe driver plan. The driving record of any employee who is required to drive a School Board vehicle shall also be reviewed periodically during the year to determine whether the employee may continue in the position.
5. Initial Employment
- A. Any offer of employment with the School District is conditioned on submission of fingerprints as required by Florida Statute and a background investigation by the Superintendent or designee and District Criminal Background Check (CBC) committee. After a job offer, but prior to beginning employment with the District, all candidates for all positions must undergo a criminal and employment background check to determine suitability for employment. The application for employment shall inform applicants they are subject to criminal background checks, and advise applicants that failure to be truthful on the application about prior criminal history will be grounds for ineligibility or dismissal from employment.
  - B. As a condition of employment and prior to beginning work, an applicant who has received a conditional job offer must file a complete set of fingerprints taken by an authorized law enforcement officer or an employee of the District trained to take fingerprints. The fingerprints shall be processed by the Florida Department of Law Enforcement (FDLE) and

## CHAPTER 6.00 – HUMAN RESOURCES

the Federal Bureau of Investigation (FBI). The applicant shall be required to pay for full costs of processing at the time of fingerprinting.

- C. A Criminal Background Check (CBC) committee shall be established to review the criminal history of all persons nominated for initial employment. The CBC committee shall obtain criminal background information for applicants through requests to the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). The CBC committee shall include, but not be limited to, the Director of Personnel Services, the District EEO Officer, and a representative of the County Sheriff's Department.
- D. When the fingerprint or background check reports are returned, the committee shall review both the application and the report(s) concerning the individual. The CBC committee will compare the information provided by the new employee with the information received from the FDLE and/or the FBI pursuant to Florida Statute.
- E. The Superintendent or designee shall conduct employment history checks of applicants for instructional, administrative or any other positions requiring direct contact with students. The employment history check shall include, but not be limited to, screening through the use of educator screening tools described in law and contact with each previous employer. All findings shall be documented. If the Superintendent is unable to contact a previous employer, he/she shall document all efforts to contact the previous employer. For all other applicants, the CBC committee or its designee shall contact or attempt to contact all prior employers for a minimum of the past ten (10) years and all private or public educational institutions by which the applicant was previously employed while age eighteen (18) or older. The committee shall document all attempts to contact previous employers.
- F. No applicant who has received a conditional job offer shall begin work before his/her fingerprints are processed, the criminal and pre-employment investigation is completed, and a determination is rendered as to suitability for employment.
- G. Based upon the facts of an application, criminal background check or other valid or reliable data sources, applicants who are, or have been convicted of certain serious offenses may be denied employment by the School District. As used in this section the term conviction is defined as a finding of guilt, a plea of guilty, or a plea of *nolo contendere*, or a verdict of

## CHAPTER 6.00 – HUMAN RESOURCES

guilty. The withholding of adjudication or the entry of an order sealing or expunging the record requiring a pre-trial intervention or pre-trial diversion shall not be considered an exception to this section. Other information derived from the pre-employment investigation, which indicates the applicant may not be suitable for employment by the School District, may be grounds for denying employment to an applicant.

- H. An applicant shall be disqualified from employment in any position requiring direct contact with students if he/she is ineligible for employment under 1012.315, F.S.
- I. Any instructional or noninstructional persons under contract to the School District to operate student programs, student teacher, persons participating in short-term teacher assistance experiences or field experiences who have district contact with students must meet the requirements of V.A., B., E, and F. Such persons may not be in direct contact with students if ineligible under 1012.315, F.S.

### 6. Current Employees

- A. Whenever a personnel investigation of a complaint against an employee is required, a criminal background check may be conducted as part of the investigation.
- B. If it is discovered during the period of employment that a regular employee has a prior criminal record and that the employee was requested to provide this information at the time of hire, but did not do so, the employee may be subject to disciplinary action, including dismissal for submitting false information on the employment application, or otherwise having misled the District.
- C. If it is discovered during the period of employment that an employee has a prior criminal record and no falsification of an application nor attempt to mislead occurred, the record shall be reviewed by the CBC committee. The committee shall consider all information, including any mitigating conditions, and report findings of fact, possible mitigating circumstances and recommendations for action to the Superintendent. The employee shall have the opportunity to respond in writing to the findings and recommendation. The Superintendent shall review the record, recommendation and response before taking appropriate action. Appeal of the Superintendent's action shall follow collective bargaining agreements or School Board policy, as appropriate.

## CHAPTER 6.00 – HUMAN RESOURCES

- D. Instructional personnel and noninstructional or contractual personnel who have direct contact with students or have access to or control of school funds must meet the screening requirements described in law every five (5) years. Personnel whose fingerprints have not been maintained by the Department of Law Enforcement are required to be refingerprinted.
  - E. An employee whose criminal record after employment would disqualify him/her from employment shall be subject to disciplinary action up to and including termination.
7. Drug Testing
- A. Initial Employment
    - 1. A negative drug screen will be a requirement of initial employment. An applicant who has been offered a position will be referred to a Board approved, independent, certified laboratory. The drug screen must be conducted within thirty (30) days prior to employment. The cost of the drug screening will be the responsibility of the applicant.
    - 2. Applicants testing positive will not be eligible for employment by the School Board for one (1) year from the date of the test. Refusal to participate in the drug screening will prohibit an applicant from employment with the Board.
  - B. Current Employees
    - 1. An employee may be subject to drug testing based on a reasonable belief that he/she is using or has used drugs in violation of the Drug-free Workplace policy.
    - 2. An employee may be subject to follow up testing at the recommendation of a substance abuse professional or medical review officer.
    - 3. An employee shall be subject to a drug screen immediately following a work related accident or injury.
    - 4. An employee who is subject to the requirements of the Omnibus Transportation Employees Testing Act (OTETA) shall be subject to random drug testing, post accident drug testing and return to duty testing as required by federal law.
8. Acceptance of Appointment

## CHAPTER 6.00 – HUMAN RESOURCES

Failure to signify acceptance of appointment within ten (10) days after receipt of the official notice of appointment shall be considered a rejection of the offer and the position shall be declared vacant.

### 9. Reconsideration and Appeal

- A. Applicants who have been denied employment, and probationary employees who have been denied permanent employment, on the basis of their criminal record, drug screening and/or background check, may request reconsideration by the CBC committee only if they present new information not previously available to the committee.
  - B. Applicants who have been denied employment, and probationary employees who have denied permanent employment, because of their criminal record and/or background check, may appeal to the Superintendent. Applicants and probationary employees shall receive written notice of the right to appeal the decision by the CBC committee to the Superintendent. Their appeal must be in writing, and may respond to the findings and decision of the CBC committee. If new information is to be submitted, the applicant must first request reconsideration by the CBC Committee. The Superintendent's decision shall be final.
10. The District shall ensure that all aspects of the recruitment and selection process are job-related and are consistent with business necessity so as to ensure equal employment opportunity. Neither the District nor its agents shall engage in any discrimination with respect to employment in violation of any state or federal laws. Applicants shall be informed of the complaint procedure that may be used should they allege discrimination.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 381.0056, 440.102, 1001.42, 1001.43, 1012.01, 1012.22, 1012.27, 1012.315, 1012.32, 1012.39, 1012.465, 1012.55, 1012.56, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-3.0141

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 3/13/06, 6/22/09, 12/12/11

**FORMERLY:**



## **CHAPTER 6.00 - PERSONNEL**

**6.104**

### **PROBATIONARY STATUS FOR NON-INSTRUCTIONAL PERSONNEL**

#### **POLICY:**

Upon initial employment, non-instructional employees shall serve a probationary period. If a collective bargaining agreement does not provide for the conditions of a probationary period then the following provisions shall govern the implementation of this policy:

- (1) The probationary period shall begin the first day of regular employment.
- (2) The probationary period shall be six (6) months in duration.
- (3) Employment during the probationary must be continuous for probation to be successfully completed.
- (4) The probationary period may be extended if:
  - (a) The fingerprinting process is pending completion, or
  - (b) The Superintendent or designee determines that an additional probationary period is needed.
- (5) The Superintendent shall determine whether to continue the employee's employment for the duration of the contract year.
- (6) A probationary employee who is recommended for termination (non-renewal) shall not have rights of appeal nor have a written explanation.
- (7) Probationary non-instructional personnel shall be entitled the same benefits that are provided other employees in the same work position.

## **CHAPTER 6.00 - PERSONNEL**

**6.104** (Continued)

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23005(11); 231.3605, F.S.

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 4.03
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## CHAPTER 6.00 - PERSONNEL

6.105

### **DUAL EMPLOYMENT**

#### **POLICY:**

No person may be employed to work in more than one position in the school system except upon the recommendation of the Superintendent and approval of the School Board. A person who works full time in the regular day school program or any outside job may teach up to ten (10) hours per week in the adult education program. Special permission of the Superintendent and / or School Board shall be required.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23(5); 230.23005(11), F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.131; 4.25
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## CHAPTER 6.00 - PERSONNEL

6.11

### PHYSICAL EXAMINATIONS

#### POLICY:

The Superintendent may require a physical, psychological, and / or psychiatric examination by a physician licensed in the State of Florida when in the Superintendent's judgment such an examination is relevant to the teaching performance or employment status of a School Board employee. The Superintendent shall select the physician(s), psychologist(s), or psychiatrist(s) and shall pay all costs incurred in the examination (s). The employee shall allow the report of the physician(s), psychologist(s), or psychiatrist(s) to be submitted to the Superintendent with a copy being forwarded to the employee.

STATUTORY AUTHORITY: 230.22(2); 230.23(17); 231.001, F.S.

LAWS IMPLEMENTED: 230.23005(11); 231.02, F.S.

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.02(3); 2.28
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## CHAPTER 6.00 – HUMAN RESOURCES

6.111

### TRANSPORTATION EMPLOYEE DRUG AND ALCOHOL TESTING

#### POLICY:

This policy is intended to deter the use of drugs and alcohol in the workplace by establishing standard procedures for drug and alcohol testing for all employees who are required to hold a Commercial Driver's License (CDL).

Employers of persons performing safety sensitive functions and holding commercial drivers' licenses are required to implement a drug and alcohol testing program pursuant to the Omnibus Transportation Employee Testing Act of 1991 (OTETA), (Pub. L. 102-143, Title V), regulations of the Federal Highway Administration (FHWA) at 49 CFR Parts 40 and 382, and 1012.45, Florida Statutes.

#### 1. Definitions as Used in This Policy

*Prohibited Substances or Drugs* means any illegal drug or substance as identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 USC §812) and by regulations at 21 CFR §§1308.11-.15, including, but not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine. Prohibited use includes both use of any illegal drug, and misuse of legally prescribed or obtained prescription drugs.

*Alcohol Use* means the consumption of any beverage, mixture or preparation containing alcohol, including any medication or product.

*Covered Employees* means those School Board employees who are required to hold a commercial driver's license as a condition of employment and in which a driver operates

- a vehicle designed to carry 16 or more passengers,
- a vehicle which weighs more than 26,000 pounds, or
- a vehicle which carries a placard indicating hazardous cargo.

## **CHAPTER 6.0 – HUMAN RESOURCES**

*Program Manager* means the staff person designated by the Superintendent as OTETA program manager.

*Safety-sensitive function or safety-sensitive position* means all job responsibilities of a covered employee from the time he or she begins to work or is required to be in readiness for work until the time he or she is relieved from work.

*Medical Review Officer or MRO* means a physician with knowledge of substance abuse disorders and who has appropriate medical training to interpret and evaluate laboratory positive drug test results in a confidential manner, in conjunction with or without an individual medical history and any other relevant biomedical information, to determine alternative medical explanations for positive drug test results.

### **2. Treatment and Notice Requirements**

- A. Notice to Affected Employees - The Board will inform all covered employees prior to conducting drug and alcohol testing and provide the reasons for conducting the test(s). The Board will provide written notice of the required testing to covered employees.
- B. Education and Training - The Board will provide educational materials that explain the requirements of the program and its policies and procedures with respect to meeting the requirements.
- C. Treatment Information - Each covered employee who engages in prohibited conduct shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs to resolve problems associated with use of prohibited drugs or alcohol misuse. The employee is responsible for all costs associated with evaluation and/or treatment.
- D. Self-referral - An employee with a substance abuse problem may refer himself/herself to the Employee Assistance Program via the program manager at any time prior to receiving notice of a required alcohol or drug test. Such an employee will be granted a leave and be required to successfully complete a rehabilitation program prior to returning to a safety-sensitive position.

## **CHAPTER 6.0 – HUMAN RESOURCES**

### **3. Prohibited Conduct**

- A. Prohibited Substance or Drugs - No covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance. The employee must provide advance notice to the supervisor of the use of prescribed therapeutic drugs that cause symptoms such as drowsiness and excitedness.
- B. Alcohol - No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having a blood alcohol concentration (BAC) of .02 or greater. The use of alcohol is prohibited during the duty day, and for four hours prior to reporting for duty. The consumption of alcohol is also prohibited for up to eight hours, or until tested, following an accident as described in post-accident testing below. While operating a vehicle, covered employees may not have any item in their possession which contains alcohol, unless that item is a part of the vehicle's official inventory. Alcohol-free medications are available, and covered employees should advise their physicians of the need for such substitutes.
- C. Refusal to Test - No employee shall refuse to submit to a required test, delay reporting for a test, or attempt to adulterate test results. Any of the above shall be considered a positive test, in accordance with FHWA regulations, and a violation of this policy.

Medical Review Officer Contact - No employee may refuse to contact the MRO. All initial positive drug tests must be reviewed and confirmed by an MRO. The results are discussed with the employee prior to being reported to the district. If the MRO is unable to contact the employee, the program manager will be notified. When the employee is contacted by the program manager or a designee, the employee must call the MRO immediately.

### **4. Consequences of Engaging in Prohibited Conduct**

- A. Removal from Work - Covered employees with a confirmed positive test for alcohol or controlled substances are in violation of Board policy and will immediately be removed from safety-sensitive positions, placed on leave without pay, and provided a list of substance abuse professionals (SAP). Upon submission of a written substance abuse treatment plan

## **CHAPTER 6.0 – HUMAN RESOURCES**

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6.111 (Continued)

from a SAP, licensed physician or counselor and enrollment in an out-patient or in-patient treatment program, the employee may be granted paid leave, if accrued leave is available, after entering into a rehabilitation contract with the Board.

Failure to contact the MRO upon notification shall be considered a violation of this policy. The employee shall be removed from the safety-sensitive position and shall be subject to disciplinary action up to and including termination.

- B. Rehabilitation Program, Return-to-Duty Test - Prior to returning to work, the employee must provide written documentation of an evaluation by a SAP; the successful completion of a rehabilitation program, if recommended by the SAP; and a negative return-to-duty, alcohol and/or drug test.
- C. Stand-down from Work - An employee with a BAC of .02 or higher shall be immediately removed from the safety-sensitive position for a minimum of twenty-four (24) hours and placed on leave without pay. Prior to returning to work, the employee must have a negative return-to-duty alcohol test.
- D. Recommendation for Termination - Termination of employment will be recommended for any employee who:
  - fails to be evaluated by a SAP or fails to successfully complete a substance abuse rehabilitation program; or
  - has a second positive test for alcohol and/or controlled or illegal substances; or
  - fails to submit to any required alcohol or drug test.

### **5. Testing, Analysis, and Results**

The Board intends to comply with all alcohol and controlled-substance testing procedures contained in 49 CFR Parts 382, 392, and 395. The School Board recognizes the need to protect individual dignity, privacy, and confidentiality in the alcohol and drug testing program. Specimen analysis shall be conducted in a manner to assure a high degree of accuracy and reliability, using laboratory



## **CHAPTER 6.0 – HUMAN RESOURCES**

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6.111 (Continued)

facilities which are certified by the U.S. Department of Health and Human Services and the Florida Agency for Health Care Administration.

The following are conditions upon which testing may be conducted as required by Federal regulations or when circumstances warrant:

- A. Pre-employment Testing - All applicants for employment for positions requiring a Commercial Driver's License (CDL) shall undergo testing prior to employment except as otherwise specified pursuant to 49 CFR §382.301(c). Written documentation must be provided by the candidate for employment to substantiate any exception.
- B. Reasonable Suspicion Testing - A supervisor or designee outside the bargaining unit who has been trained in accordance with the requirements of FHWA regulations shall require a driver to submit to an alcohol or drug test when the supervisor or designee has reasonable suspicion to believe that a driver has violated the prohibitions contained in the FHWA regulations and this policy.

Reasonable suspicion must be based on documented objective facts and circumstances which are consistent with the long- and short-term effects of alcohol or substance abuse, including, but not limited to, physical signs and symptoms, appearance, behavior, speech and/or body odor.

- C. Post-accident Testing - Alcohol or drug testing will be administered following an accident when the driver was performing a safety-sensitive function. For this purpose, *accident* is defined by the FHWA to include at least one of the following criteria:
  - loss of human life;
  - driver received a citation from a law enforcement officer and either a driver or passenger received immediate medical treatment away from the scene of the accident; or
  - one of the vehicles involved was to be towed from the scene of the accident due to operational impairment.

Such testing must be conducted within the time limits set forth in the FHWA regulation.

## **CHAPTER 6.0 – HUMAN RESOURCES**

- D. Random Testing - All covered employees shall be subject to random, unannounced drug and alcohol testing. The annual random rate for alcohol testing shall be twenty-five percent (25%) of the covered employees. The annual random rate for controlled substance testing shall be fifty percent (50%) of the covered employees.

Alcohol testing shall take place before, during, or after driving, and within reasonable proximity to driving. When an employee tests positive for alcohol, a second test shall be performed no less than fifteen (15) minutes and not more than twenty (20) minutes later. The results of the second test shall be controlled.

Drug testing may take place at any time during the Board's regular work day.

- E. Return to Duty Testing - All employees who previously tested positive on a drug or alcohol test must submit to a return-to-duty test and test negative prior to returning to duty.
- F. Follow-up Testing - Unannounced follow-up alcohol and/or controlled substance testing as directed by a SAP in accordance with FHWA regulations shall occur when it is determined that a covered employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of drugs. The number and frequency of follow-up testing shall be determined by the SAP, with a minimum of six (6) tests within a year.
- G. Split Sample Test - An employee who tests positive for a controlled substance may request that a test of the split sample be conducted. The second test will be conducted by a different laboratory, as selected by the employee from a list provided by the Board. The employee shall be responsible for pre-payment of the second test by certified check or money order. However, in the event the second test is negative, the Board will reimburse the employee. If performed, the second test shall be controlling.

## **CHAPTER 6.0 – HUMAN RESOURCES**

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6.111 (Continued)

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

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F. S.

**LAW(S) IMPLEMENTED:** 112.0455, 440.102, 1001.43, 1012.45, F.S.  
49 CFR PART 40, DOT, 49 CFR PARTS 382 & 391,  
FEDERAL HIGHWAY ADMINISTRATION

**HISTORY:** **ADOPTED:** March 13, 2006  
**REVISION DATE(S):**  
**FORMERLY:**

## CHAPTER 6.00 – HUMAN RESOURCES

### LICENSE OF SCHOOL BUS OPERATOR

6.112

Each school bus operator shall possess the minimum qualifications prescribed in Florida Statutes, State Board of Education rules and other controlling regulation.

1. All school bus operators shall hold a valid Commercial Driver's License (CDL) for a Class B vehicle with passenger (P) and school bus (S) endorsements.
2. The license shall be displayed in a conspicuous place in the school bus or shall be carried by the operator while operating the bus.
3. Any school bus operator who should have known that his/her driver's license has expired or has been suspended or revoked and who drives a bus shall be subject to disciplinary action up to and including dismissal.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 322.57, 1001.43, 1012.45, F.S.

49 CFR 350, *et al.*

**STATE BOARD OF EDUCATION RULE(S):** 6A-3.0141, 6A-3.0171(1)(d)

**HISTORY:** ADOPTED: 12/14/09

REVISION DATE(S): \_\_\_\_\_

FORMERLY: NEW

## CHAPTER 6.00 – HUMAN RESOURCES

### RESPONSIBILITIES OF SCHOOL BUS OPERATORS

6.113

1. School bus operators shall be responsible for adhering to the requirements of federal laws and regulations, Florida Statutes, State Board of Education rules, driving regulations, School Board policies, District safe driver plan and the adopted District job description.
2. Responsibilities shall include, but not be limited to, the following:
  - a. To maintain an appropriate Florida driver's license.
  - b. To refrain from driving with an expired, suspended or revoked license.
  - c. To complete annual school bus operator training.
  - d. To participate in the substance abuse testing and alcohol detection program required by 49 CFR 382 and 49 CFR 391.
  - e. To refrain from using a cellular telephone or other wireless communications device while actively driving a bus.
  - f. To maintain order and discipline on the bus.
  - g. To instruct students, teachers, and chaperones who are being transported on field and activity trips regarding the locations and proper use of school bus emergency exits prior to each trip.
  - h. To perform a complete interior inspection of the bus after each run and trip to ensure that no students remain on the bus.
  - i. To ensure that no one is on the bus while refueling.
  - j. To avoid unnecessary idling of the bus while in the vicinity of students.
  - k. To adhere to the requirements for the reduction of heavy-duty idling.
3. Failure to fulfill the responsibilities of a school bus operator may result in disciplinary action up to and including dismissal.

## CHAPTER 6.00 – HUMAN RESOURCES

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 316.305, 322.57, 1001.42, 1001.43, 1012.45, F.S.

49 CFR 382, 49 CFR 391

STATE BOARD OF EDUCATION RULE(S): 6A-3.0141, 6A-3.0171

DEPARTMENT OF ENVIRONMENTAL

PROTECTION RULE(S) 62-285.420

HISTORY: ADOPTED: 8/10/09

REVISION DATE(S): \_\_\_\_\_

FORMERLY: NEW

## CHAPTER 6.00 – HUMAN RESOURCES

### YEAR OF SERVICE DEFINED FOR ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

6.12

1. The minimum time which may be recognized as a year of service for contractual purposes shall be full time actual service rendered under contract for more than one-half (1/2) of the number of days or more than one-half (1/2) the number of total hours required for the normal contractual period of service for the position held. In determining such service, sick leave and holidays for which the employee received compensation shall be counted, but all other types of leave and holidays shall be excluded. The contractual period of service required for the position shall be determined by the number of months an employee works.
2. Any claim to a year of service for salary purposes shall be the equivalent of the service required for a continuing, professional service, annual, or multi-year contract. Credit for service rendered in another state or as otherwise allowed under the adopted salary schedule shall be determined by using the minimum service required in the District for a comparable position and in accordance with the contract agreement between the School Board and the local education association.
3. Credit for experience will be given for years for which the person is receiving a retirement benefit
  - a. Up to 5 to 10 years in critical needs areas
  - b. Up to 5 years in other certified areas

**STATUTORY AUTHORITY:**  
**LAW(S) IMPLEMENTED:**  
**HISTORY:**

**1001.41, 1012.22, 1012.23, F.S.**  
**1001.43, 1011.60, 1012.01, F.S.**  
**ADOPTED: 3/25/02**  
**REVISION DATE(S): 1/26/09, 3/11/13, 10/13/14**  
**FORMERLY: 3.04**

## CHAPTER 6.00 – HUMAN RESOURCES

6.13

### **THE INSTRUCTIONAL STAFF**

#### **POLICY:**

The instructional staff shall be composed of school-based personnel, as defined in Florida Statutes, other than administrators and school support personnel. The instructional staff shall be assigned direct responsibility for the supervision, instruction, and evaluation of students in disciplines which promote individual growth and development for becoming a member of society. Instructional staff members shall hold a valid Florida Educator's Certificate or the equivalent as prescribed by Florida Statutes and State Board of Education Rules.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S

**LAWS IMPLEMENTED:** 1000.21, 1001.43, 1012.32, 1012.39, 1012.53,  
1012.54, 1012.56, 1012.57, F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): March 22, 2004 Formerly: New
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## CHAPTER 6.00 – HUMAN RESOURCES

### TEACHING OUT-OF-FIELD

6.131

1. For initial employment each member of the instructional or certificated administrative staff shall be employed in the subject field in which he or she is properly certified except as approved by the Superintendent. Employees hired to teach out-of-field must complete the minimum college credit hours or equivalent as specified in this policy each year toward certification in order to be eligible for reappointment.
2. Each principal shall report to the Superintendent any teacher who is assigned to teach a subject(s) for which he or she is not properly certificated. Such reports shall be filed at the beginning of each school year or when changes occur and shall include the following information: teacher's name, the certificate area(s) on the Florida Educator Certificate, the out-of-field assignment, and the justification. The School Board minutes shall reflect such approvals.
3. The District shall report out-of-field teachers on the District website within thirty (30) days before the beginning of each semester.
4. Recommendations will be given to a teacher to assist in meeting in-field certification requirements.
5. Continuing and professional services contract personnel who are out-of-field for certification shall complete the minimum college credit hours or equivalent as specified in this policy each year toward certification. Failure to comply with this policy may result in actions permitted by law or the *Principles of Professional Conduct for the Education Profession in Florida*.
6. A teacher out-of-field in a subject other than English for Speakers of Other Languages (ESOL) shall complete at least six (6) semester hours of college credit or the equivalent toward the appropriate certification within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all course requirements are completed for the appropriate certification.
7. A teacher out-of-field in ESOL only shall complete at least three (3) semester hours of college credit or the equivalent toward the ESOL requirements within the first two (2) calendar years from date of initial assignment and three (3) semester hours or the equivalent during each calendar year thereafter until all course requirements for certification in ESOL or completed.
8. A teacher out-of-field in ESOL and another subject shall complete at least six (6) semester hours of college credit or the equivalent toward the appropriate

## **CHAPTER 6.00 – HUMAN RESOURCES**

certification within one (1) calendar year from the date of initial appointment to the out-of-field assignment and each calendar year thereafter until all course requirements are completed for the appropriate certification. During the first two (2) years, at least three (3) of the required hours or the equivalent shall be completed in ESOL strategies. Beginning with the third year and each year thereafter, at least three (3) semester hours or the equivalent shall be completed in ESOL strategies and at least three (3) semester hours in requirements for the other subject shall be completed until all course requirements are completed for the appropriate certifications.

9. All out-of-field teachers shall sign an agreement to work toward the appropriate certification. The principal shall be responsible for obtaining signatures on the agreement and a copy shall be placed in the teacher's personnel file. Each year as applicable, the out-of-field teacher shall file appropriate verification of course work until fully certified.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1012.42, 1012.55, 1012.57, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.0503, 6A-10.081

**HISTORY:** ADOPTED: 3/13/06  
REVISION DATE(S): 12/12/16  
FORMERLY:

## CHAPTER 6.00 – HUMAN RESOURCES

### ASSISTING TEACHERS TO BECOME HIGHLY QUALIFIED

6.133

The Superintendent shall develop procedures to assist experienced teachers to meet the highly qualified requirements of the No Child Left Behind Act.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1012.22, 1012.27, 1012.42, F.S.

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

20 USC 7801

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.0503

**HISTORY:** ADOPTED: 2/8/10

REVISION DATE(S): \_\_\_\_\_

FORMERLY: NEW

## CHAPTER 6.00 – HUMAN RESOURCES

<b>EMPLOYMENT OF ATHLETIC COACHES WHO ARE NOT FULL-TIME EMPLOYEES OF THE SCHOOL BOARD</b>	<b>6.14</b>
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(To be used only if such persons are employed in system.)

Persons who are not full time employees of the School Board and hold an athletic coaches certificate, issued by the state of Florida, may be recommended by the Superintendent and appointed by the School Board, on a contract basis, to perform designated secondary school athletic coaching responsibilities, subject to the following conditions:

1. The principal has determined that qualified full time employees of the School Board are not available to perform these responsibilities.
2. The contracted employment conforms to rules and regulations of the State Board of Education and the bylaws of the Florida High School Athletic Association (FHSA).
3. The employment procedures and contracted services conform to Standards and Procedures provided by the Superintendent including, but not limited to:
  - A. Use of an approved agreement form for contracted services.
  - B. Assessment of the qualifications of such persons.
  - C. Agreement by the contracted employee to abide by the *Code of Ethics of the Education Profession in Florida*.
  - D. Evaluation of performed services to be conducted by the principal and appropriate records maintained.
4. An individual who is employed only as an athletic coach must hold a valid cardiopulmonary resuscitation (CPR) certificate issued by the American Heart Association or the American Red Cross and must have received training about the dangers of drug use including performance enhancing drugs.

## **CHAPTER 6.00 – HUMAN RESOURCES**

5. Payment for services shall be according to the approved District schedule of salary supplements for the services rendered.
6. The District shall attempt to ensure that community-based coaches reflect the diversity of racial, ethnic, and gender groups that the School Board believes to be important to the educational experiences of students.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 119.07, 1001.43, 1012.22, 1012.24,  
1012.27, 1012.31, 1012.33, 1012.36, 1012.55, 1012.56, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-4.0282

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 2/8/10

FORMERLY:

## CHAPTER 6.00 – HUMAN RESOURCES

### EDUCATIONAL PARAPROFESSIONALS AND AIDES

6.15

Aides and paraprofessional are any person assigned by the School Board to assist an instructional staff member(s) in performing his/her instructional or professional duties or responsibilities. A paraprofessional has additional responsibilities consistent with the requirements of the federal Every Student Succeeds Act.

1. The conditions of employment of an aide paraprofessional shall include the following:
  - A. An aide shall have a high school diploma or hold a high school equivalency diploma issued pursuant to State Board of Education rules.
  - B. A paraprofessional shall meet one of the following requirements:
    1. Hold an associate's or higher degree;
    2. Two (2) years of study at an institution of higher education; or
    3. A rigorous state or local assessment of knowledge of and the ability to assist in instruction in reading, writing, and mathematics or reading readiness, writing readiness, or mathematics readiness.
  - C. Be at least eighteen (18) years of age.
  - D. Present a complete set of fingerprints taken by law enforcement agency or properly trained District personnel and the appropriate processing fee. The fingerprints shall be acceptable for processing by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The Director of Human Resources or designee shall initiate a record check by the two (2) agencies.
  - E. A drug test shall be required of all noninstructional applicants recommended for hire and shall be administered by the Board approved testing laboratory.
2. The principal shall ensure that the aide or paraprofessional assigned to the school possesses a clear understanding of state and District rules relating to his or her responsibilities and to the safety, welfare, and health of students. It shall be the principal and the instructional staff member's responsibility to ascertain that a paraprofessional possesses the necessary knowledge about rules to perform duties of a special nature in a proper and reasonable manner.
3. It shall be the principal's responsibility to assure the School Board and the Superintendent that each aide or paraprofessional possesses a clear understanding of all state and District instructional practices and rules relevant to his/her responsibilities if he/she is expected to assist a teacher in promoting learning activities. When an aide or paraprofessional is assigned duties requiring knowledge of instructional practices and policies or providing prescribed physical care for students of a specialized nature, it is the instructional staff member's responsibility to ascertain in advance whether the paraprofessional possesses the necessary knowledge and skills.
4. The paraprofessional shall complete a period of supervised practice when assigned to a new instructional staff member or assigned a type of duty which he/she has not previously performed. The length of such supervised practice may vary depending upon previous experiences of the paraprofessional. A record shall

## **CHAPTER 6.00 – HUMAN RESOURCES**

- be maintained in each school to show the length, nature, and inclusive dates of each supervised practice assignment for each paraprofessional.
5. An education paraprofessional may administer or proctor statewide standardized assessments or assessments associated with Florida Approved Courses in accordance with Florida Statutes and State Board of Education rules. Paraprofessionals must complete required training prior to performing these tasks.
  6. An aid or paraprofessional shall not perform any of the following:
    - A. Establish instructional objectives;
    - B. Render decisions regarding the relevancy of certain activities or procedures to achieve instructional objectives;
    - C. Make decisions regarding the appropriateness of training materials for accomplishing instructional objectives; and,
    - D. Evaluate a student's attainment of instructional objectives unless clear and objective criteria such as a specific achievement standard on an objective test are defined.
  7. The principal and instructional staff members who are assigned aides or paraprofessional personnel shall be responsible for assigning duties to which are consistent with Florida Statutes, State Board of Education rules, School Board rules, and other controlling regulations.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.  
**LAW(S) IMPLEMENTED:** 1001.43, 1008.24, 1012.22, 1012.32, 1012.37, F.S.  
34 CFR 200  
Title I Part A Section 1111(g)(2)(J)  
**STATE BOARD OF EDUCATION RULE(S):** 6A-1.070, 6B-1.006  
**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 12/14/009, 1/11/16, 04/14/20  
FORMERLY:

## CHAPTER 6.00 – HUMAN RESOURCES

### SUBSTITUTE TEACHERS

6.16

1. Each school principal is authorized to employ a substitute teacher when an instructional staff member is unable to perform assigned duties. The principal shall obtain substitute teachers from the approved list published by the personnel department,
2. Applicants who seek employment as substitute teachers shall meet the following minimum qualifications and provide the appropriate materials as required by the Department of Human Resources:
  - A. Hold a high school diploma or equivalent and a minimum of sixty (60) semester hours of credit from an accredited college or university;
  - B. Be at least eighteen (18) years of age;
  - C. Submit a complete set of fingerprints taken by a law enforcement agency or properly trained District personnel and the appropriate processing fee to obtain a records check by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI); and,
  - D. Complete an initial orientation/training program and other training required by Florida Statutes.
3. The Superintendent shall approve applicants as substitute teachers provided their qualifications are found to be satisfactory. Applicants shall not be eligible for substitute teaching until approved.
4. The compensation for substitute teachers shall be for services rendered in accordance with the salary schedule adopted annually by the School Board. Provided, however, substitutes for postsecondary education programs may be hired on an hourly basis when necessary.
5. A retired member of a Florida state-administered retirement system may be employed as a substitute teacher as allowed by law.
6. Substitute teachers shall hold
  - A. A valid Florida Educator's Certificate.
  - B. A valid substitute certificate/document issued by the District or another Florida school district. The substitute certificate/document shall verify satisfaction of requirements specified in section 2. herein.



## CHAPTER 6.00 – HUMAN RESOURCES

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 121.091, 1001.43, 1012.32, 1012.35, 1012.36,  
1012.39, 1012.55, 1012.56, F.S.

STATE BOARD OF EDUCATION RULES(S): 60S-4.012

HISTORY: ADOPTED: 11/09/98  
REVISION DATE(S): 03/13/06, 11/09/15, 6/13/16  
FORMERLY:

## CHAPTER 6.00 - PERSONNEL

6.17\*

### EMPLOYMENT OF NON-DEGREED VOCATIONAL AND ADULT INSTRUCTIONAL PERSONNEL

#### POLICY:

The Superintendent is authorized to develop a procedural manual for the employment of non-degreed vocational and adult instructional personnel which is entitled Qualifications for Employment of Non-degreed Full-time and Part-time Vocational and Part-time Adult Instructional Personnel per Florida Statutes. These procedures shall be consistent with Florida Statutes and shall be approved by the School Board. The manual shall be published and made available to persons who are seeking employment in one (1) of these positions.

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.23005(11); 231.02; 231.1725; 231.47; 231.471, F.S.

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.37; 3.38
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## **CHAPTER 6.00 - PERSONNEL**

**6.171\***

### **NON-CERTIFIED INSTRUCTIONAL PERSONNEL**

#### **POLICY:**

Persons who possess expert skill in or knowledge of a particular subject or talent but who do not hold a Florida teaching certificate constitute an invaluable community resource for the education of the students in the District. Such persons may serve as non-paid volunteers or as a paid member of the instructional staff to render instructional service in the individual's field of specialty but shall not be required to hold a Florida teaching certificate. Policies concerning non-certificated instructional personnel shall be as follows:

(1) **Employment Procedures**

Procedures shall be the same as those followed for certificated personnel, except that non-certificated personnel shall not be entitled to a contract as prescribed by State Board of Education rules. The supervisor recommending the appointment must explain the circumstances that necessitate employing a non-certificated instructional person. A copy of such material shall be placed in the employee's personnel file.

(2) **Personnel Records**

The records of non-certificated personnel shall contain the same kinds of information that would be contained in the record of a regular member of the instructional staff. In lieu of a certificate and transcripts there shall be complete, detailed and certified documentation attesting to the individual's expertise in the area for which he / she is employed. The record shall also contain a statement of the specific instructional duties assigned to be performed and evaluations of performance of such duties.

(3) **Salary**

Non-certificated persons shall be paid according to the terms set forth in the salary schedule.

## CHAPTER 6.00 - PERSONNEL

### 6.171\* (Continued)

(4) Assignment, Suspension, and Dismissal

Non-certificated instructional personnel may not be assigned to any teaching duties other than those for which specifically employed. They shall remain employed only as long as the need exists. At any time during the employment of a non-certificated instructional person there is an indication that he / she is not carrying out his / her duties as assigned, he / she shall be suspended from that duty immediately and further action, including dismissal, shall be recommended by the Superintendent.

(5) Assessment of Performance

The performance of each non-certificated person shall be assessed against his / her specifically assigned duties. The supervisor recommending the appointment of these personnel shall monitor performance and provide a written evaluation at least once each school term using the teacher evaluation form.

(6) Student Welfare

Each non-certificated instructional person shall, prior to assuming his / her duties, be instructed as to his / her responsibilities in regard to the health, safety, and welfare of students. If assigned duties require knowledge of rules, regulations or policies of a special nature, the written statement of duties assigned shall include the duty to be familiar with such material.

(7) Instructional Practices and Policies

Prior to assuming their duties all non-certificated instructional personnel shall be advised of the State, District, and school policies relevant to instructional responsibilities.

STATUTORY AUTHORITY

230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED

230.23005(11); 231.095; 231.096; 231.15, F.S.

History:

Adopted: March 25, 2002 Revision Date(s): Formerly:
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## CHAPTER 6.00 – HUMAN RESOURCES

### CONTRACTS: INSTRUCTIONAL AND ADMINISTRATIVE

#### PERSONNEL

6.18

1. Any person employed as a member of the instructional staff shall hold a valid Florida Educator's Certificate or professional license except as noted elsewhere in policy. Any person employed as an administrator shall meet those qualifications as enumerated in the Board adopted job description. All instructional and administrative staff shall be entitled to and shall enter into a written contract with the School Board as provided by law. All contracts shall be on forms prescribed by the Commissioner of Education. Any member of the instructional or administrative staff who is willfully absent from duty without leave shall forfeit compensation for the time absent, and his/her contract shall be subject to cancellation by the Board.

#### A. Contracts with Instructional Staff

1. Each member of the instructional staff shall receive a contract in accordance with the provisions of law. The contracts shall be in accordance with the duly adopted salary schedule(s) of the Board and shall be for a definite term of service.
2. A probationary contract for one (1) school year shall be awarded upon initial employment in the District regardless of previous employment in the District, in another district or in another state.

#### B. Contracts with Administrative Staff

1. Each member of the administrative staff on initial employment shall be given a written contract for a period not to exceed three (3) years subject to the condition that renewal of the contract from year to year will be based on an annual review of the services rendered and renewed only when acceptable and satisfactory service has been rendered. The first ninety-seven (97) days of the initial contract shall be a probationary period during which the employee may be dismissed without cause.

## **CHAPTER 6.00 – HUMAN RESOURCES**

2. When the administrative staff member has rendered three (3) years of satisfactory and acceptable service, the School Board may enter into a contract for a fixed period of time not to exceed three (3) years. Any further renewal of the contract shall be based on a review and evaluation made during the last year of the contract and any additional contract shall be for a period of time not to exceed three (3) years.
2. A contract year for principals, other school site administrators and instructional personnel may not exceed ten (10) calendar months of service unless otherwise approved by the School Board.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 120.57, 1001.41, 1011.60, 1012.22,  
1012.32, 1012.33, 1012.335, 1012.34, 1012.56, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.0502, 6A-1.064

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 3/17/00, 3/13/06, 2/8/10, 12/12/11  
**FORMERLY:**

## CHAPTER 6.00 – HUMAN RESOURCES

### **CERTIFICATION OF ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL**

**6.19**

No person shall be employed or continued in employment if he/she does not hold or is ineligible to hold a Florida Educator's Certificate, a local certificate, or a certificate issued by a Florida school district that has a reciprocal agreement with the School District or holds a professional license. However, a person may be employed under emergency conditions, pursuant to Florida Statutes, or may qualify as noncertificated instructional personnel pursuant to School Board rule. The staff member shall be responsible for maintaining a valid certificate. The staff member shall register his/her certificate and each certificate re-issuance or renewal in the District office as soon as the Department of Education issues the new validity period on the certificate.

1. The Superintendent shall designate a certification contact person to work directly with the Bureau of Educator Certification, Florida Department of Education, to assist personnel with certification issues.
  - A. If an individual employed by the District does not achieve a passing score on any subtest of the general knowledge examination, the District must provide information regarding the availability of state-level and district level supports and instruction to assist in achieving a passing score.
  - B. Information must include state-level test information guides, school district test preparation resources and preparation courses offered.
2. An individual nominated for an instructional position shall be properly certificated, be eligible for certification, meet conditions prescribed in State Board of Education rules or qualify for employment or re-employment as a non-degreed vocational education or adult education teacher based on School Board rule.
3. Pursuant to Sections 1012.39, 1012.55 and 1012.57, employment of temporary instructors, teachers of adult education, non-degreed teachers of career education, adjunct educators, career specialists, and experts in the field, each school district will establish the minimal qualifications for the issuance of Hamilton County Public Schools Certificates. Such certificates establish eligibility for employment, but do not confer a right to employment.
  - A. The School Board defines an adjunct educator as a teacher who has expertise in the subject area to be taught. A teacher shall be considered to have expertise in the subject area to be taught if the teacher demonstrates sufficient subject area mastery through passage of a subject area test. The district is permitted to issue adjunct certificates to qualified applicants.
  - B. Adjunct certificate holders should be used primarily to enhance the diversity of course offerings offered to all students.
  - C. Adjunct teaching certificates issued for full time teaching positions are valid for no more than three (3) years and are nonrenewable.

## CHAPTER 6.00 – HUMAN RESOURCES

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1011.60, 1012.24,  
1012.54, 1012.55, 1012.56,  
1012.57, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.0501, 6A-1.0502, 6A-1.0503

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 03/13/06, 12/10/19  
FORMERLY:



## **CHAPTER 6.00 – HUMAN RESOURCES**

**6.191**

### **DISTRICT CERTIFICATES**

#### **POLICY:**

The School Board authorizes issuance of School District Certificates to substitute teachers, part-time adult education teachers, and full time and part-time nondegreed vocational education teachers. The fields of certification shall be specified in the *Qualifications for Employment of Nondegreed Full Time and Part-time Vocational and Part-time Adult Instructional Personnel* manual. Each certificate shall bear an effective date of July 1 of the school fiscal year for which it is issued and shall expire on June 30.

1. The following types of Full Time Certificates shall be issued at the nondegreed vocational level.
  - A. Nondegreed instructional personnel will be issued a two (2) year Temporary Certificate upon receipt of fingerprint clearance from the FDLE and FBI.
  - B. A five (5) year Professional Certificate will be issued when all requirements have been completed as specified for a Professional Services Contract.
  - C. To re-issue a valid Professional Certificate, official transcripts must be filed with the appropriate renewal form showing six (6) semester hours of college credit which includes three (3) semester hours specific to each area on the certificate. One hundred twenty (120) Inservice Points shall be considered equivalent.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1012.32, 1012.39, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.0502

**HISTORY:** ADOPTED: November 9, 1998  
REVISION DATE(S): March 13, 2006

## CHAPTER 6.00 – HUMAN RESOURCES

### LEAVE OF ABSENCE

6.20

1. Leave of Absence - A leave of absence is permission granted by the School Board or allowed under its adopted policies for an employee to be absent from duty for a specified period of time with the right to return to employment upon the expiration of leave. Any absence of a member of the staff from duty shall be covered by leave duly authorized and granted. Leave shall be officially granted in advance and shall be used for the purposes set forth in the leave application. Leave for sickness or other emergencies may be deemed to be granted in advance if prompt report is made to the proper authority. No leave, except military leave, will be granted for a period in excess of one year. Leave may be with or without pay as provided by law, regulations of the State Board and these rules. For any absence that is without pay, the deduction for each day of absence shall be determined by dividing the annual salary by the number of days/hours for the annual employment period.
2. The Superintendent shall develop procedures to implement leave provisions.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1012.22, 1012.61,  
1012.63, 1012.64, 1012.66, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.080

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 8/10/09

FORMERLY: 3.17, 4.07

## CHAPTER 6.00 – HUMAN RESOURCES

### LEAVE APPLICATION

6.21

An application for leave shall be in writing and on the form prescribed by the School Board and shall be directed to the School Board. The principal or supervisor, or other person under the direct supervision of the Superintendent, shall submit any leave application directly to the Superintendent. Leave granted for a school year or for the remaining part thereof will expire at the end of the school year or school fiscal year for which such leave is granted.

A District employee having leave for the year or for the remaining part thereof, who plans to return to duty the next school fiscal year, shall send a copy of such notice to the administrative supervisor by March 1 of that fiscal year. Return to employment is contingent upon an open position being available.

**STATUTORY AUTHORITY:**

**1001.41, 1012.22, 1012.23, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1012.66, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 8/10/09**

**FORMERLY: 3.18, 4.071**

## **CHAPTER 6.00 - PERSONNEL**

**6.211\***

### **APPROVAL OF LEAVES**

#### **POLICY:**

All requests for leave shall be submitted on the proper form and shall be approved either by the School Board or the Superintendent as provided herein:

- (1) The following types of leave require approval of the School Board:
  - (a) Extended Health Leave or Disability Leave including Maternity Leave
  - (b) Military Leave in excess of seventeen (17) days
  - (c) Personal Leave in excess of ten (10) days
  - (d) Illness-in-line-of-Duty Leave
  - (e) Leave to seek political office
  - (f) Family and Medical Leave
  - (g) Sabbatical or Educational Leave
- (2) The Superintendent is authorized to grant the following types of leave:
  - (a) Sick Leave
  - (b) Personal Leave not in excess of ten (10) days
  - (c) Annual Leave

## **CHAPTER 6.00 - PERSONNEL**

**6.211\*** (Continued)

- (d) Jury Duty assignment
- (e) Military Leave not to exceed seventeen (17) days
- (f) Witness Duty absence
- (g) Temporary Duty

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23005(11); 231.39; 231.41; 231.434, F.S.

**STATE BOARD OF EDUCATION RULE:** 6A-1.080; 6A-1.081; 6A-1.083; 6A-1.084

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.182; 4.072
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## CHAPTER 6.00 - PERSONNEL

6.212\*

### **EFFECTIVE DATE FOR LEAVE, SUSPENSION, OR TERMINATION**

#### **POLICY:**

The effective date of any employment termination or unpaid leave of absence shall be the first day on which a School Board employee is not paid unless otherwise provided herein. The effective date of any suspension or paid leave of absence shall be the first day on which a School Board employee does not work. The following provisions apply to paid benefits for a holiday(s):

- (1) An employee who terminates employment and does not work on the first day following a holiday(s) shall not receive pay for the holiday(s). The termination date shall be considered the last work day on which the employee is paid prior to the holiday(s).
- (2) An employee, to earn holiday pay may not be on an uncompensated leave either the day before or day after the holiday.

#### **STATUTORY AUTHORITY**

230.22(2); 230.23(17), F.S.

#### **LAWS IMPLEMENTED**

230.23(5); 230.23005(11); 236.02(3), F.S.

#### **History:**

Adopted: November 9, 1998 Revision Date(s): March 25, 2002 Formerly:
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## **CHAPTER 6.00 - PERSONNEL**

**6.213\***

### **NOTIFICATION OF ABSENCE**

#### **POLICY:**

- (1) The principal shall notify and / or submit the appropriate leave form to the Superintendent when he / she plans to be away from school. The principal shall designate a responsible member of the administrative or instructional staff to be in charge during his / her absence. Where possible, the name of the person to be in charge of the school when the principal is absent shall be submitted to the Superintendent each year prior to the close of pre-planning.
- (2) An employee who is absent from duty for any reason shall notify the principal or his / her immediate supervisor as early as possible. Such notification shall be given in advance unless conditions beyond the control of the employee make such advance notification impossible.
- (3) In an emergency, the principal may authorize the absence of an employee without pay for a period not to exceed two (2) days; provided, such authorized absence is immediately reported to the Superintendent.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17) F.S.

**LAWS IMPLEMENTED:** 230.23005(11); 231.39; 231.434; 231.44, F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.171; 4.073; 4.074
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## **CHAPTER 6.00 - PERSONNEL**

**6.214**

### **RESIGNATIONS**

#### **POLICY:**

- (1) Any administrative or instructional staff member who wishes to resign shall submit his / her resignation in writing addressed to the School Board. The letter of resignation shall state the reasons for the resignation and the desired effective date. The resignation of any administrative or instructional staff member shall be sent to and countersigned by the person's administrative supervisor who shall forward the resignation to the Superintendent for presentation to the School Board. No resignation shall become effective until accepted by the School Board.
  - (a) The resignation of an administrative or instructional staff member may be accepted during the contractual period of service provided that an acceptable reason is given and a qualified and satisfactory replacement is available. Any resignation for an ensuing school year shall be accepted without question if submitted prior to June 20 of the current school year.
  - (b) All resignations shall be processed through the Superintendent's office.
  - (c) An employee who violates the terms of an employment agreement or written contract by leaving his / her position without first being released from the agreement or contract by the School Board shall be subject to the jurisdiction of the Education Practices Commission. When this occurs, the Superintendent shall be responsible for notifying the Commissioner of Education about the School Board's action of declaring the position as abandoned and vacant.
- (2) A non-instructional employee who wishes to resign shall submit his / her resignation in writing addressed to the School Board on the prescribed



## **CHAPTER 6.00 - PERSONNEL**

### **6.214 (Continued)**

resignation form. Whenever possible, two (2) weeks prior notice shall be given. The letter of resignation shall state the reason for the resignation and the desired effective date. A resignation of an employee shall be sent to and countersigned by his / her immediate administrative supervisor. The resignation shall be submitted to the School Board at its next regular or special meeting. No resignation shall become effective until accepted by the School Board; the School Board may refuse to accept any resignation for cause.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17) F.S.

**LAWS IMPLEMENTED:** 230.23(5); 230.23005(11); 231.001; 231.28; 231.29; 231.36(2), F.S.

**STATE BOARD OF EDUCATION RULES:** 6B-4.0041; 6B-4.0044; 6B-4.0046; 6B-4.0048

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.06; 4.05
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## **CHAPTER 6.00 - PERSONNEL**

**6.215**

### **RETIREMENT OF EMPLOYEES**

#### **POLICY:**

Any employee who plans to retire shall submit his / her resignation to the School Board for retirement. Employees are encouraged to submit the resignation at least ninety (90) days in advance of the retirement date.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23005(11); 231.001, F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 4.21
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## CHAPTER 6.00 – HUMAN RESOURCES

### DEFERRED RETIREMENT OPTION PROGRAM (DROP)

6.216

The Deferred Retirement Option Program (DROP) as defined in Chapter 121, Florida Statutes, is an alternative method of deferred payment of retirement benefits for up to sixty (60) or ninety-six (96) months after an eligible member of the Florida Retirement System reaches his/her normal retirement date but wishes to continue employment with a Florida Retirement System employer. In order to participate, the employee must submit a binding letter of resignation, establishing a deferred termination date. DROP will allow the participant to defer all retirement benefits payable during the DROP period. Upon termination of DROP, the participant will receive the DROP benefits and their regular retirement benefits under Chapter 121, Florida Statutes.

- I. Participation in DROP - All members of the Florida Retirement System are eligible for DROP. Members electing to participate in DROP must meet the eligibility and timeline requirements outlined in Florida Statute.
- II. Benefits Payable
  - A. Sick Leave - Employees will be paid terminal pay for accumulated sick leave at retirement, or, if service is terminated by death, to his/her beneficiary. Upon election to participate in DROP, and based upon the employee's established deferred termination date, previously accumulated sick leave shall be paid the employee according to Policy 6.31 in the following prorated installments:
    1. Deferred Termination Date: Payment Schedule
      - a. 0 through 12 months  
One lump-sum payment in the month of DROP termination.
      - b. 13 through 24 months  
50% at the end of the first 12 months and final payment in the month of DROP termination.
      - c. 25 through 36 months  
33-1/3% at the end of each 12-month period and final payment in the month of DROP termination.

## **CHAPTER 6.00 – HUMAN RESOURCES**

- d. 37 through 48 months  
  
25% at the end of each 12-month period and final payment in the month of DROP termination.
- e. 49 through 96 months  
  
20% at the end of each of the first four 12-month periods and final payment in the month of DROP termination.
- 2. Sick leave will be earned during DROP as prescribed by Florida Statutes. Accumulated sick leave earned during DROP participation will be paid to the employee at the end of their DROP participation in accordance with Policy 6.31 or as prescribed in any Board approved alternative retirement plan.
- 3. It is in the intent of this policy that an individual entering DROP will be allowed to use sick leave which was accrued prior to their retirement and entrance into DROP. The procedures for utilization of such leave shall be as follows:
  - a. Sick leave earned prior to DROP shall be calculated in accordance with Policy 6.31.
  - b. The value of sick leave will be established at the time of entry into DROP. Should a DROP participant use sick leave accrued prior to entrance into DROP, the monetary value of their remaining sick leave shall be reduced by the value of the sick leave used.
  - c. Final adjustments in the total amount of compensation for accrued sick leave will be made prior to the final payment at the end of DROP.
- B. Vacation Leave - Employees electing to participate in DROP shall be entitled to terminal pay for accrued vacation leave in accordance with state law, Board policy, and/or union contract. Upon election to participate in DROP, payment shall be made in the month prior to DROP termination.
  - 1. Vacation leave earned prior to entering DROP which exceeds the maximum lump sum payment allowed by Board policy may be used during DROP; however, the employee shall not be entitled to compensation at the end of DROP for any unused portion of the accumulated leave.

## **CHAPTER 6.00 – HUMAN RESOURCES**

2. Employees will earn vacation leave during the DROP period as prescribed by Florida Statute, Board policy, and/or union contract. Vacation leave accumulated during DROP participation will not be paid to the employee at the end of DROP participation, except to the extent the employee has earned additional vacation leave which combined with the original payment does not exceed the maximum lump sum payment allowed by Board policy and State law.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 121.091, 1001.43, 1012.61, 1012.65 F.S.

**HISTORY:** ADOPTED: 11/09/1998

**REVISION DATE(S):** 06/24/2002, 03/22/2004, 02/12/2019

**FORMERLY:** NEW

## **CHAPTER 6.00 - PERSONNEL**

**6.22\***

### **ABSENCE WITHOUT LEAVE**

#### **POLICY:**

- (1) Administrative and instructional - Any member of the administrative or instructional staff who is willfully absent from duty without leave shall forfeit compensation for the time of the absence and the employee's contract may be subject to cancellation by the School Board. In addition, such absence without leave may interrupt continuity of service.
- (2) Non-instructional - Any other employee who is willfully absent from duty without leave may be subject to dismissal from employment and shall forfeit compensation for the time of the absence. In addition, such absence without leave may interrupt continuity of service. In addition, such absence without leave may interrupt continuity of service.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17) F.S.

**LAWS IMPLEMENTED:** 230.23005(11); 231.36; 231.39; 231.44, F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.181
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## CHAPTER 6.00 – HUMAN RESOURCES

### PERSONAL LEAVE

6.23

1. Personal Leave Chargeable to Sick Leave - Employees may be allowed six (6) days paid leave for personal reasons each year to be charged against accrued sick leave. Such leave shall be non-cumulative and any request for such leave shall be approved, in advance, by the Superintendent or his/her designee. Such personal leave will not be approved for days immediately before or after a holiday or vacation period, except in cases of emergency or extenuating circumstances approved by the principal/supervisor.
2. Unpaid Personal Leave - Employees shall make written application for such leave without compensation. Personal leave shall terminate at the end of the contractual period. Personal leave may be granted at the discretion of the School Board as hereinafter provided:
  - A. Family Leave – Any employee of the Board, who fills a regularly established position, will be granted family maternity leave without pay provided a written application for leave accompanied by a statement verifying the pregnancy is submitted. Such leave shall not exceed the balance of the school fiscal year in which the child is born.
  - B. Parental Leave – Any employee of the Board, who fills a regularly established position, may be granted parental leave for the contract year a period of one (1) year for the purpose of child-rearing.
    1. An employee who has parented a child may apply for parental leave for a period not to exceed the balance of the school fiscal year in which the child is born and one (1) succeeding year subject to appropriate notice.
    2. An employee may apply for a leave of absence on the event of his/her adoption of a child, provided such leave shall not exceed the balance of the school fiscal year in which such adoption shall occur and the next succeeding year, and provided a written application for such leave is submitted to the employee's immediate supervisor within two (2) calendar weeks after approval for adoption by the recognized agency or source.

## **CHAPTER 6.00 – HUMAN RESOURCES**

3. In all instances herein where a leave of absence shall extend beyond one (1) school fiscal year, re-application shall be made in accordance with the rules of the Board.

### **C. Leave Related to Domestic or Sexual Violence**

1. An employee, who has been employed by the District for at least three (3) calendar months, may request and shall be granted up to three (3) days of unpaid personal leave within a twelve (12) month period if he/she has been a victim of domestic or sexual violence or if a family or household member has been a victim of domestic or sexual violence.
2. The leave must be used for one or more of the following purposes:
  - a. To seek an injunction for protection against domestic violence or for protection in cases of repeat violence, dating violence or sexual violence;
  - b. To obtain medical care and/or mental health counseling for the employee or a family or household member;
  - c. To obtain services from a victim-services organization;
  - d. To make the employee's home secure from the perpetrator or to seek new housing; and/or
  - e. To seek legal assistance related to the violence.
3. All records related to such leave will be considered confidential.
4. This leave shall be noncumulative and shall be requested in advance except in the case of an emergency.
5. If an employee elects to be on paid leave, he/she may request personal leave chargeable to sick leave provided that the employee is eligible to be on such leave or he/she may request annual (vacation) leave provided that the employee accrues annual leave and has an annual leave balance.



## **CHAPTER 6.00 – HUMAN RESOURCES**

- D. Leave for political campaigning. An employee who has filed for election to a political office and who desires personal leave for political reasons shall file an application for leave. The School Board may grant such personal leave without pay for a period not to exceed thirty (30) calendar days prior to the election.

A School Board member, upon taking office following his/her election or appointment to fill an unexpired term of office shall be granted a leave of absence from their previously held position with the school district. Upon the expiration of he/her term of office and returning from the leave of absence, shall receive full credit towards salary computation and other benefits for each year having served as School Board Member.

The Superintendent, upon taking office following his/her election or appointment to fill an unexpired term of office shall be granted a leave of absence from their previously held position with the school district. Upon the expiration of his/her term of office and returning from the leave of absence, shall receive full credit towards salary computation and other benefits for each year having served as Superintendent of Schools.

- E. Each extended leave-without-pay request shall be considered on its own merit by the School Board. Return from leave is contingent on there being a vacant position in the system which the employee is qualified to fill. Requests for extended leave to take another position for salary shall be denied unless there are extenuating circumstances that are acceptable to the Board.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 741.313, 1001.43, 1012.61, 1012.66, F.S.

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 6/28/99, 04/17/00, 6/22/09, 3/10/20

FORMERLY: 3.19, 4.11

## **CHAPTER 6.00 - PERSONNEL**

**6.24\***

### **SICK LEAVE**

#### **POLICY:**

- (1) Personnel employed on a full-time basis shall be entitled to earn one (1) day of sick leave per month of employment. Such leave shall be cumulative from year to year, and any leave charged against accrued sick leave shall be with full compensation. Sick leave shall be credited as follows:
  - (a) Administrative and non-instructional personnel. Such full-time employees shall be credited with four (4) days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for one (1) day of sick leave for each month of employment.
  - (b) Instructional personnel. Such full-time employees shall be entitled to four (4) days of sick leave as of the first day of employment of each current year, and thereafter are credited for one (1) day of sick leave at the end of each month of employment.
  - (c) The total number of sick leave days earned shall be no more than one (1) day of sick leave times the number of months of employment during the year of employment, or four (4) days whichever is greater.
  - (d) Sick leave shall not be used prior to the time it is earned.

## **CHAPTER 6.00 - PERSONNEL**

### **6.24\* (Continued)**

- (2) Accrued sick leave shall be taken only when the employee's service is interrupted by temporary disability which renders him / her incapable of performing his / her duties, or because of the illness or death of his / her father, mother, brother, sister, husband, wife, child, other close relative, or member of his / her own household. The term "temporary disability" as used herein shall include personal illness or injury and, in addition any temporary disability of the employee arising out of pregnancy, childbirth, miscarriage, abortion, or recovery therefrom which renders the employee physically incapable of performing assigned duties.
- (3) Any claim for sick leave shall be filed with the Superintendent, or his / her designee, within five (5) working days upon return of the employee to duty.
  - (a) The claim shall be in writing and shall set forth the days absent and that such absence was allowable under the provisions of Florida Statutes. The claim shall be duly signed by the claimant certifying that the facts are true and correct and that the claim is valid and legal.
  - (b) Where there is any doubt as to the validity of a sick leave claim, the Superintendent may require the claimant to file a written certification of illness from a licensed physician or other supporting evidence where personal illness is not involved. Consequences of false claims for sick leave are as follows:
    - 1. Administrative and instructional personnel. A false claim for sick leave shall be deemed cause for cancellation of the contract and for action seeking the revocation of the teaching contract.
    - 2. Non-instructional personnel. A false claim for sick leave shall be deemed grounds for termination of the employee.
- (4) An employee who has used all accrued sick leave but who is otherwise entitled to sick leave shall be granted sick leave without pay. The claim for such sick leave shall clearly state that the leave is without compensation. An application for sick leave due to extended illness shall have attached to it a statement from a practicing physician certifying

## CHAPTER 6.00 - PERSONNEL

### 6.24\* (Continued)

that such leave is essential and indicating the probable duration of the illness and the needed leave.

- (5) When an employee of the School District interrupts service and subsequently returns to duty in the District without having transferred his / her sick leave credit to another Florida school district, such accrued sick leave credit shall become valid on the first (1<sup>st</sup>) day of contractual service.
- (6) When an employee retires and receives terminal pay benefits based on unused sick leave, all unused sick leave credit shall become immediately invalid.
- (7) An employee may transfer sick leave earned in a similar capacity with another Florida school district to the District. However, no transferred leave shall be credited to an employee's account at a rate, or in an amount exceeding that earned while an employee of the District School Board. The employee is responsible for the request for transfer of sick leave.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23005(11); 231.39; 231.40, F.S.

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.021; 3.20; 4.08; 4.09
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## CHAPTER 6.00 – HUMAN RESOURCES

### ILLNESS-OR-INJURY-IN-LINE-OF-DUTY LEAVE

6.241

1. Any full time regular employee shall be entitled to illness-or-injury-in-line-of-duty leave for a period not to exceed ten (10) school days when he/she has to be absent from work because of a personal injury received in the discharge of his/her duties or because of illness from any contagious or infectious disease contracted in the performance of his/her duties. Illness-in-line-of-duty leave is intended to deal with the illnesses normally known as childhood diseases; such as, mumps, measles, and chicken pox. This leave does not include normal adult illnesses such as colds and influenza. This leave is noncumulative.
2. In order to be considered for injury-in-line-of-duty leave, the following conditions shall be met:
  - A. The employee must provide written testimony or evidence that his/her injury was received in the line of duty.
  - B. The employee must supply a letter from a medical doctor, who treated the patient, stating that in his/her opinion there is a strong probability that the illness was contracted at the work site.
  - C. The employee must file a written claim as outlined below.
3. The employee who has claim for compensation while absent because of injury or illness incurred as prescribed herein shall file a claim in the manner prescribed by law by the end of the school month during which the absence has occurred.

The Board may approve such claims and authorize the payment in accordance with the provisions of law.
4. Leave for any employee, as prescribed by law, shall be authorized for a total not to exceed ten (10) work days during any school fiscal year for an illness contracted or any injury sustained in the line of duty, or a total of ten (10) days for the same illness or injury. The employee granted such leave is entitled to full pay status for a period not to exceed ten (10) working days. If the employee is unable to resume work at the end of a ten (10) work day period, he/she may elect to use accrued sick leave and receive salary payments.

## CHAPTER 6.00 – HUMAN RESOURCES

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.61, 1012.63, 1012.66, 1012.69, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.080

HISTORY: ADOPTED: 11/9/998  
REVISION DATE(S): 8/10/09  
FORMERLY: GCBD; GDBD

## CHAPTER 6.00 – HUMAN RESOURCES

### FAMILY AND MEDICAL LEAVE

6.242

1. In compliance with the Family and Medical Leave Act of 1993, full time school employees are entitled to take up to twelve (12) weeks unpaid leave a year for the following reasons:
  - a) The birth of the employee's child;
  - b) The placement of a child with the employee for adoption or foster care;
  - c) To care for the employee's spouse, child or parent who has a serious health condition;
  - d) A serious health condition rendering the employee unable to perform his/her job, or
  - e) Any qualifying exigency, as defined by the Department of Labor, that arises because the spouse, son, daughter or parent of an employee is a service member serving with the Armed Forces; a veteran of the Armed Forces, National Guard or Reserves; or on active duty or has been notified of an impending call or order to active duty as a member of the National Guard or Reserve or a retired member of the Regular Armed Forces or Reserve in support of a contingency operation.
2. An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to a total of twenty-six (26) weeks of leave during a twelve (12) month period to care for the service member. This leave is available only during a single twelve (12) month period. Entitlement for military caregiver leave applies on a per covered service member, per injury basis.-
3. During the single twelve (12) month period described in section 2 an eligible employee is entitled to a combined total of twenty-six (26) weeks of leave under the provisions of sections 1 and 2. This does not limit the availability of leave under section 1 during any other twelve (12) month period.
4. Employees are to provide at least thirty (30) days notice, if possible, of their intention to take leave. Medical certification that the leave is needed is required for the employee's own serious health condition or that of a family member. The School Board will continue the employee's health insurance under the same conditions as if the employee were working. Upon returning from leave, the

## **CHAPTER 6.00 – HUMAN RESOURCES**

employee will be restored to the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1012.66, F.S.

THE FAMILY AND MEDICAL LEAVE ACT OF 1993,  
PART 825 OF THE CODE OF FEDERAL REGULATIONS,  
TITLE 29, U.S. DEPARTMENT OF LABOR,  
EMPLOYMENT STANDARDS ADMINISTRATION,  
WAGE AND HOUR DIVISION

**HISTORY:** ADOPTED: 11/9/1998  
REVISION DATE(S): 5/11/09, 11/8/10  
FORMERLY: New



## CHAPTER 6.00 – HUMAN RESOURCES

### USE OF SICK LEAVE BY FAMILY MEMBERS OR EMPLOYEES

**6.243**

Any district employee may donate up to fifty percent (50%) of his/her accumulated sick leave, not to exceed twenty-five (25) days, to another district employee as follows:

The donating employee must retain at least five (5) sick leave days after the donation has been made.

Sick leave deducted from each donor's donated leave shall be in proportion to the actual need.

Sick leave in the donor pool that is unused shall be refunded to each donor employee on a proportionate basis.

In order for an employee to be eligible to be a recipient of donated sick leave, the recipient must file with the Finance Department a written request that includes documentation establishing a need for additional sick leave. Use of donated sick leave shall be only for purposes as allowed under the Sick Leave Policy 6.24. Medical documentation from the physician treating the illness or injury for which the leave is being requested should support the need for the days requested. Upon receipt of the appropriate documentation and request, the request will be approved.

Donated sick leave may not be used by a recipient until all of the recipient's sick leave has been depleted, excluding sick leave from any existing Sick Leave Bank, if the recipient participates in the Sick Leave Bank.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1012.61, F.S.**

**HISTORY:**

**ADOPTED: 3/25/2002**

**REVISION DATE(S): 11/20/12, 4/8/13, 8/12/13**

**FORMERLY:**

## CHAPTER 6.00 – HUMAN RESOURCES

### MILITARY LEAVE

6.25

1. Military leave shall be granted to an employee who is required to serve in the armed forces of the United States or of the state of Florida in fulfillment of obligations incurred under the Selective Service Laws or because of membership in the reserves of the armed forces or the National Guard.
  - A. When an employee enters voluntarily into any branch of the armed forces for temporary or an extended period of service, military leave shall be granted at the School Board's discretion.
  - B. Request for military leave shall be in writing and countersigned by the principal or immediate administrative supervisor. The request shall include
    1. A copy of the military order; and
    2. Written evidence that effort has been made to serve the duty when school was not in session. This shall be required only of personnel who are employed for ten (10) or eleven (11) months.
2. An employee granted military leave for extended active duty shall, upon the completion of the tour of duty, be returned to employment without prejudice; provided that an application for re-employment is filed within six (6) months following the discharge date or release from active military duty. Following receipt of the application for re-employment, the School Board shall have a reasonable time, not to exceed six (6) months, to assign the employee to duty in the same or similar position he/she left in the District.
3. Compensation allowed during military leave may not exceed two hundred forty (240) working hours except as provided in Section 115.07, Florida Statutes.
4. An employee who enters active military service shall be governed by the provisions of Sections 115.07, 115.14, 121.111, and 250.341, Florida Statutes.

**STATUTORY AUTHORITY:**

**LAW(S) IMPLEMENTED:**

**STATE BOARD OF EDUCATION RULE(S):**

**HISTORY:**

**1001.41, 1012.22, 1012.23, F.S.**

**115.07, 115.09, 115.14, 121.111,  
250.341, 1001.43, 1012.66, F.S.**

**6A-1.080,**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 11/8/10, 5/11/21**

**FORMERLY: 3.24, 4.12**

## **CHAPTER 6.00 - PERSONNEL**

**6.26\***

### **JURY / WITNESS DUTY**

#### **POLICY:**

- (1) An employee of the Board who is summoned as a member of a jury panel may be granted temporary duty leave. Any jury fees may be retained by the employee. The Board shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a juror.
- (2) An employee who is subpoenaed as a witness, not involving personal litigation, may be granted temporary leave. Any witness fees may be retained by the employee. The Board shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a witness.
  - (a) When an employee is subpoenaed in line of duty to represent the Board as a witness or defendant, he / she may be granted temporary duty leave, since his / her appearance in such cases shall be considered a part of his / her job assignment. The employee may retain any fees received from the court. In the event no fees are received from the court, he / she may be paid per diem and travel expenses.
  - (b) In no case shall temporary duty leave with pay be granted for court attendance when an employee is engaged in personal litigation. In such cases, an employee may request personal leave.

## **CHAPTER 6.00 - PERSONNEL**

**6.26\*** (Continued)

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 40.24; 40.271; 230.23005(11); 231.39, F.S.

**STATE BOARD OF EDUCATION RULE:** 6A-1.084

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.21; 3.22; 4.17; 4.18
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## **CHAPTER 6.00 - PERSONNEL**

**6.27\***

### **PROFESSIONAL LEAVE**

#### **POLICY:**

Professional leave may be granted at the discretion of the School Board or Superintendent to an employee with or without pay in accordance with the following provisions:

- (1) Professional leave is granted to a member of the instructional or administrative staff to engage in activities which will result in their professional benefit or advancement, including earning of college credits and degrees, or that will contribute to the profession of teaching. Any member of the instructional or administrative staff under a twelve (12) month contract may be granted three (3) consecutive weeks of professional leave during any school fiscal year with compensation when school is not in session; provided, that such leave shall be cumulative not to exceed thirty (30) working days.
- (2) A non-instructional employee may be granted professional leave to improve their job effectiveness; provided such leave is approved by the Superintendent.
- (3) Extended professional leave is leave in excess of thirty (30) consecutive work days. Such leave is primarily for the benefit of the employee or that of the teaching profession. Such leave may be granted to any member of the instructional or administrative staff who has served satisfactorily and successful in the schools of the district; provided, that such leave shall not exceed a period of one (1) year. Partial compensation may be authorized only when the person has served in the district for at least three (3) years or when leave is granted for staff development. Extended professional leave must be approved by the School Board.

## CHAPTER 6.00 - PERSONNEL

6.27\* (Continued)

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.23005(11); 231.39, F.S.

STATE BOARD OF EDUCATION RULE: 6A-1.081

HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.28; 4.10
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## CHAPTER 6.00 – HUMAN RESOURCES

### VACATION LEAVE

6.28

The following schedule shall be used in determining the accrual of vacation leave:

- I. Employees who are full-time and employed on a twelve (12) month contract shall accrue vacation, exclusive of holidays, with compensation at the rate of one and one-half (1-1/2) days per month cumulative to eighteen (18) work days per year.
- II. Vacation leave shall accrue at the close of each month. Leave balances carried forward into the new fiscal year cannot exceed sixty (60) days.
- III. Vacation leave may be granted by the Superintendent upon the written request of the employee and with prior approval of the employee's administrative supervisor. Vacation leave shall be scheduled so that there will be a minimum disruption of the school system. Vacation leave shall not be granted until earned and credited to the employee.
- IV. Vacation leave may be taken in one-quarter (1/4) hour increments.
- V. Accrued vacation leave may be used for other leave purposes with the approval of the Superintendent.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1012.22, 1012.62, 1012.66, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.082

**HISTORY:** ADOPTED: 11/09/1998

**REVISION DATE(S):** 06/24/2002, 02/12/2019

**FORMERLY:** 3.021, 3.25, 4.09, 4.14

## CHAPTER 6.00 - PERSONNEL

6.29\*

### TEMPORARY DUTY

#### POLICY:

- (1) An employee may be assigned to be temporarily away from his / her regular duties and place of employment for the purpose of performing other educational services, including participation in surveys, professional meetings, study courses, workshops and similar services of direct benefit to the school district. Such assignment may be initiated by the Superintendent or by the individual who desires the temporary duty as days of duty.
- (2) The Superintendent shall develop procedures and guidelines to implement this policy.

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.03; 230.23005(11); 230.33; 231.39, F.S.

STATE BOARD OF EDUCATION RULES: 6A-1.084

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: 1.084; 3.23; 4.15
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## CHAPTER 6.00 – HUMAN RESOURCES

### SALARY SCHEDULES

6.30

1. All personnel shall be paid in accordance with salary schedules as adopted by the School Board.
2. Salary schedules shall include provisions for differentiated pay in accordance with Florida Statutes and may include provisions for performance based pay.
3. Any employee subject to the overtime provisions of the Fair Labor Standards Act of 1938, as amended, and who is required to work in excess of forty (40) hours in any work week, shall be compensated for the hours in excess of forty (40) at the rate of one and one-half (1½) times the regular rate of pay for the service performed or shall be provided compensatory time.
4. Any employee working beyond his/her designated total weekly hours without prior permission of the Superintendent through the principal or supervisor may be subject to disciplinary action.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1011.60, 1012.22, 1012.55, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.052

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 12/12/11

FORMERLY: 3.10, 3.33, 4.022, 4.20

## CHAPTER 6.00 – HUMAN RESOURCES

### TERMINAL SICK LEAVE PAY

6.31

Any employee of the Board shall be eligible for terminal sick leave pay at the time of normal retirement provided that normal retirement coincides with termination. *Normal retirement* shall mean retirement under any plan established by the legislature with either full or reduced benefits. *Normal retirement* shall not be interpreted to mean withdrawal of funds. Payment shall be made to the beneficiary of an employee if service is terminated by death.

#### I. Instructional Staff and Educational Support Employees

Terminal pay for accumulated sick leave shall be paid at the hourly base rate of pay at the time of retirement. Payment shall be calculated according to the following:

- A. During the first three (3) years of service in the District, the hourly rate of pay multiplied by thirty-five percent (35%) times the number of hours of accumulated sick leave.
- B. During the next three (3) years of service in the District, the hourly rate of pay multiplied by forty percent (40%) times the number of hours of accumulated sick leave.
- C. During the next three (3) years of service in the District, the hourly rate of pay multiplied by forty-five percent (45%) times the number of hours of accumulated sick leave.
- D. During the next three (3) years of service in the District, the hourly rate of pay multiplied by fifty percent (50%) times the number of hours of accumulated sick leave.
- E. During and after the thirteenth (13<sup>th</sup>) year of service in the District, the hourly rate of pay multiplied by one-hundred percent (100%) times the number of hours of accumulated sick leave.

#### II. Other Full Time Employees

Full time employees who are not classified as instructional staff or educational support employees as defined by law shall be eligible for terminal sick leave payment at the time of normal retirement as follows:

- A. Terminal pay from sick leave accrued prior to July 1, 2004 shall be paid at the base rate of pay on June 30, 2004.

## **CHAPTER 6.00 – HUMAN RESOURCES**

- B. Terminal pay for sick leave accrued on or after July 1, 2004 shall be paid at the base rate of pay at the time it was earned.
- III. Any person entitled to terminal sick leave pay shall have been under contract to render services to the District for the period immediately preceding termination, retirement, or death; shall not be under suspension from duty except for reasons pertaining to health; and shall not ~~or~~ have any charges pending which could result in dismissal from employment.
- IV. Terminal pay for sick days transferred from another school district cannot exceed the number of days earned while employed with the Hamilton County School District.
- V. Payment for terminal sick leave will be made directly to the 401(A) Sick Pay Deferral Plan unless the accumulated leave amount is less than \$1,000. Leave payout for amounts less than \$1,000 will be made in a lump sum payment to the employee.
- VI. An employee who plans to retire should submit his/her resignation to the Board at the time he/she submits to the retirement system his/her application for retirement benefits.
- VII. Deferred Retirement Option Program

Employees electing to participate in the Deferred Retirement Option Program (DROP) shall be eligible for terminal payment of sick leave as described in Policy 6.216.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1012.61, F.S.

**STATE BOARD OF EDUCATION RULE:** 6A-1.052, F.A.C.

**HISTORY:** **ADOPTED:** \_\_\_\_\_

**REVISION DATE(S):** 11/20/01, 6/24/02. 8/9/10, 02/12/2019

**FORMERLY:** 3.27, 4.16

## CHAPTER 6.00 – HUMAN RESOURCES

### BEREAVEMENT LEAVE

6.32

1. In the event of the death of a member of an employee's immediate family (spouse, child, mother, father, brother, sister, brother-in-law, sister-in-law, aunt, uncle, guardian, stepparent, stepchild, grandparent, grandchild, daughter-in-law, son-in-law, parent-in-law, grandparent-in-law, or any relative residing within the employee's household) an employee on regular permanent status shall be granted up to three (3) days of paid leave.
2. Documentation is required to be submitted with the leave request form. This would include a copy of the obituary or other satisfactory documentation of proof of death and relationship to the immediate family member.
3. Bereavement leave is of a special nature and may not be deferred or converted to any other purpose. It is not charged against any other leave account and is not accumulated in the manner of annual or sick leave. Payment in lieu of bereavement leave is not authorized. It is the supervisor's responsibility to approve and monitor the usage of bereavement leave.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, 1012.66 F.S.

#### LAWS IMPLEMENTED:

#### STATE BOARD OF EDUCATION RULE:

6A-1.052

#### HISTORY:

ADOPTED: 01/14/20  
REVISION DATE(S)

## CHAPTER 6.00 – HUMAN RESOURCES

### EMPLOYEE HEALTH INSURANCE

6.321

1. The School Board shall pay an employee's normal health insurance contribution as provided herein.
  - A. An employee who works less than twenty (20) hours per week will not be eligible for group insurance benefits.
  - B. The District's contribution of health insurance premium for one (1) month shall be paid when an employee enters a nonpay leave status. Subsequently, the employee shall be provided an opportunity to continue the total health insurance premium for a period not to exceed eleven (11) months while in a nonpay leave status.
  - C. When an employee enters a nonpay leave status involving a workers' compensation claim, the District's contribution of health insurance premium shall be paid until the employee is released to return to work or a settlement is reached in the worker's compensation case through regular channels.
  - D. The District's contribution of health insurance premium shall be paid for a maximum of twelve (12) weeks for any employee who is on unpaid sick leave or unpaid approved family leave. This rule is in compliance with the Family and Medical Leave Act of 1993. Twelve (12) weeks will equal six cumulative Board contributions which will occur when missing six (6) paychecks with Board contributions.
2. A School Board member or employee who is a Florida resident and a member of the Florida National Guard or a reserve in any branch of the United States military and who is called into active military duty is entitled to health insurance pursuant to the provisions and conditions prescribed in Section 250.341, Florida Statutes.
3. The School Board may offer health insurance plans with dependent coverage.
  - A. The Board portion of health insurance shall be the same for all employees participating in the District health insurance plan. Total premium will be based on the specific plan and dependent coverage.
  - B. Evidence of dependent eligibility is required upon enrollment of dependents into the District health insurance plan. In addition, evidence of dependent eligibility shall be reviewed and verified during the open enrollment period on each third-year anniversary of continued enrollment.

## **CHAPTER 6.00 – HUMAN RESOURCES**

- C. Any event that changes the status of dependent eligibility (e.g., divorce, birth of child, etc.) must be reported, and supporting documentation provided, to the payroll department within thirty (30) days of the event.
  - D. Failure to comply with dependent eligibility requirements could result in loss of coverage for the employee and/or dependents.
4. Retired School Board personnel and their eligible dependents may continue to participate in the current group health insurance program of the District provided the person enrolls immediately upon retirement from active employment with the School Board and continues coverage without interruption. Retirement shall mean application for and receipt of retirement benefits under any Florida Retirement System plan. An employee who retires under the Public Employee Optional Retirement Program (PEORP) shall be considered a retiree if he/she meets the age and service requirements defined in 112.0801, F.S. The health insurance coverage shall be identical to that offered to School Board employees. Health insurance premiums for continued participation shall be paid by the retiree.

**STATUTORY AUTHORITY:**

**1001.41, 1012.22, 1012.23, F.S.**

**LAW(S) IMPLEMENTED:**

**112.0801, 250.341, 1001.43, F.S.**

**HISTORY:**

**ADOPTED: 11/09/1998**

**REVISION DATE(S): 12/14/2009, 03/10/20**

**FORMERLY:**

**3.021, 3.27, 4.09(5)(6), 4.16**

## CHAPTER 6.00 – HUMAN RESOURCES

### TERMINAL VACATION LEAVE PAY

6.33

Employees who are full-time and employed on a twelve (12) month contract shall be entitled to a lump-sum payment for their accrued vacation leave upon termination of employment, transfer to less than a twelve (12) month position within the District, election to the Hamilton County School Board or Superintendent position, or normal retirement. 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.

- I. The employee may choose to receive a lump-sum terminal payment of accrued vacation leave with the final salary warrant or extend his/her employment status through the last day of accrued vacation leave.
- II. Payment shall be made at the employee's base rate of pay at the time of termination, transfer, retirement, or death and shall not exceed a maximum of 60 days (Note: maximum allowed by law is 60 days of actual payment).
- III. Terminal vacation leave pay shall not be paid to any employee, or to any employee's beneficiary, who has previously received terminal vacation leave pay from the District, except as may be allowed for Deferred Retirement Option Program participants per Board Policy 6.216.
- IV. Any person entitled to terminal vacation leave pay shall have been under contract to render services to the District for the period immediately preceding termination, retirement, or death; shall not be under suspension from duty except for reasons pertaining to health; and shall not have any charges pending which could result in dismissal from employment.
- V. Payment for terminal vacation leave will be made directly to the 401(A) Vacation Pay Deferral Plan unless the accumulated leave amount is less than \$1,000. Leave payout for amounts less than \$1,000 will be made in a lump sum payment to the employee.
- VI. Deferred Retirement Option Program

Employees electing to participate in the Deferred Retirement Option Program (DROP) shall be eligible for terminal payment of annual leave as described in Policy 6.216.

**STATUTORY AUTHORITY:**

**1001.41, 1012.22, 1012.23, F.S.**

## CHAPTER 6.00 – HUMAN RESOURCES

**LAW(S) IMPLEMENTED:** 1001.43, 1012.65, F.S.

**HISTORY:** ADOPTED: \_\_\_\_\_

**REVISION DATE(S):** 06/24/2002, 02/12/2019

**FORMERLY:** NEW



## CHAPTER 6.00 – HUMAN RESOURCES

### PROFESSIONAL ETHICS

6.37

1. An effective educational program requires the services of personnel of integrity, high ideals, and human understanding. All employees shall be expected to maintain and promote these qualities. The Board shall also expect all administrative, instructional and support staff members to adhere to the *Principles of Professional Conduct for the Education Profession in Florida*.
2. Administrative and instructional personnel, as defined by Florida Statute, shall be required to complete training on these ethical standards. All other employees shall be encouraged to participate in training related to professional ethics.
3. The Superintendent and School Board members shall complete annual ethics training as required by law.
4. All employees shall be responsible for reporting misconduct by School Board employees that affects the health, safety or welfare of a student.

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

**LAW(S) IMPLEMENTED:** 112.313, 112.3142, 1001.42, 1012.01,  
1012.22, 1012.27, 1012.796, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-10.081

**HISTORY:** ADOPTED: 3/09/2009, 6/13/16

REVISION DATE(S): \_\_\_\_\_

FORMERLY: NEW

## CHAPTER 6.00 – HUMAN RESOURCES

### REPORT OF MISCONDUCT

6.39

The School District of Hamilton County shall adhere to all requirements related to employee misconduct that affects the health, safety or welfare of a student.

#### 1. Mandatory Reporting of Misconduct

- A. It is the duty of all employees to report to the Superintendent alleged misconduct by any School Board employee that affects the health, safety or welfare of a student. Failure of an employee to report such misconduct shall result in disciplinary action.
- B. Instructional personnel and school administrators shall report alleged misconduct of other instructional personnel or school administrators who engage in or solicit sexual, romantic, or lewd conduct with a student.

#### 2. Investigation

The Superintendent shall immediately investigate any allegation of misconduct by an employee that affects the health, safety or welfare of a student.

- A. An employee who is alleged to have committed such misconduct shall be reassigned to a position not requiring direct contact with students pending the outcome of the investigation.
- B. Information related to the alleged misconduct shall be considered confidential until the investigation is concluded with a finding to proceed or not to proceed with disciplinary action or charges and the subject of the complaint has been notified of the finding.
- C. The Superintendent shall report alleged misconduct to the Department of Education as required by Florida Statutes. The Superintendent shall report alleged misconduct of instructional personnel or school administrator who engage in conduct that would be considered disqualifying pursuant to Section 1012.315, Florida Statutes. Failure to report such conduct to law enforcement forfeits the Superintendent's salary for up to one year.
- D. The School District shall notify the parents of a student affected by an educator's violation of the district's Standards of Ethical Conduct. This notice must be provided to the parent within thirty (30) days of knowledge of the incident and inform the parent of:
  - 1. The nature of the misconduct,

## **CHAPTER 6.00 – HUMAN RESOURCES**

2. If the District reported the misconduct to the department in accordance with Section 1012.796, Florida Statutes,
3. The sanctions imposed against the employee, if any, and
4. The support the school district will make available to the student in response to the employee's misconduct.

### **3. Legally Sufficient Complaint**

The Superintendent shall file any legally sufficient complaint with the Department of Education within thirty (30) days after the date the District became aware of the subject matter of the complaint. A complaint is considered to be legally sufficient if it contains ultimate facts that show that an instructional or administrative employee has committed a violation as provided in 1012.795, F.S., and defined by State Board of Education rule.

### **4. Resignation or Retirement in Lieu of Termination**

If an instructional or administrative employee resigns or retires in lieu of termination for misconduct that affects the health, safety or welfare of a student, the Superintendent shall report the misconduct to the Department of Education as required.

### **5. Employment Reference**

A representative of the School District shall not provide an employment reference or discuss the performance of an employee with a prospective employer in an educational setting without disclosing the person's misconduct that affected the health, safety or welfare of a student. A District official shall not enter into any confidentiality agreement regarding terminated or dismissed personnel or personnel who resigned or retired in lieu of termination.

### **6. Notification**

The policies and procedures for reporting alleged misconduct by employees that affects the health, safety or welfare of a student shall be posted in a prominent place at each school and on each school's website. The notice shall include the name of the person to whom the report is made and the consequences for misconduct.

### **7. Protection from Liability**

- A. Any individual who reports in good faith any act of child abuse, abandonment or neglect to the Department of Children and Family Services

## **CHAPTER 6.00 – HUMAN RESOURCES**

or any law enforcement agency shall be immune from any civil or criminal liability that might result from such action.

- B. An employer who discloses information about a current or former employee to a prospective employer, at the employee's request or at the prospective employer's request, shall be immune from civil liability for such disclosure as provided by Florida Statute.

### **8. False or Incorrect Report**

The Superintendent, a Board member or any District official shall not sign and/or transmit any report regarding employee misconduct to a state official that he/she knows to be false or incorrect. An individual who knowingly makes a false or incorrect report shall be subject to disciplinary action as prescribed by Florida Statute.

#### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

#### **LAW(S) IMPLEMENTED:**

**39.203, 112.313, 119.071, 768.095, 1001.42, 1006.061,  
1012.01, 1012.22, 1012.27, 1012.795, 1012.796, F.S.**

#### **STATE BOARD OF EDUCATION RULE(S):**

**6A-10.081**

#### **HISTORY:**

**ADOPTED: 3/09/09,  
REVISION DATE(S): 6/13/16, 10/16/18  
FORMERLY: NEW**

## CHAPTER 6.00 – HUMAN RESOURCES

### **VIOLATION OF LOCAL, STATE AND/OR FEDERAL LAWS**

**6.40**

1. Anyone known to be violating a local, state, and/or federal law on School Board property or at a school function will be subject to referral for prosecution to the appropriate law enforcement agency. The referral process will be subject to Florida Statutes and School Board rules.
2. Any employee in violation of the reporting requirements of this policy 6.40 may be subject to disciplinary action by the Superintendent or Board up to or including dismissal.
3. As required by the provisions of State Board of Education Rule 6A-10.081 the *Principles of Professional Conduct for of the Education Profession in Florida*, and Florida Statutes, professional employees and noninstructional and contractual personnel who have direct contact with students or who have access to or control of funds are required to self-report within forty-eight (48) hours to the Superintendent any arrests/ or charges involving the abuse of a child, the sale and/or possession of a controlled substance or any disqualifying offense. 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 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.
4. It is the duty of all employees to report to the Superintendent any misconduct by any School Board employee that affects the health, safety or welfare of a student in accordance with School Board policy.
5. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585 and 943.059, Florida Statutes.

#### **STATUTORY AUTHORITY:**

**1001.41, 1012.22, 1012.23, F.S.**

#### **LAW(S) IMPLEMENTED:**

**887.13, 943.0585, 943.059, 1001.41, 1001.42,  
1001.43, 1006.145, 1012.22, 1012.27, 1012.465, F.S.**

#### **STATE BOARD OF EDUCATION RULE(S):**

**6A-10.081**

## CHAPTER 6.00 – HUMAN RESOURCES

HISTORY:

ADOPTED: 11/09/1998

REVISION DATE(S): 6/28/99, 3/22/04, 3/13/06, 3/9/09, 6/13/16

FORMERLY:

## CHAPTER 6.00 – HUMAN RESOURCES

### CONFLICT OF INTEREST IN PURCHASING

6.401

1. No employee of the District shall on behalf of the District either directly or indirectly purchase, rent, or lease any realty, goods, or services from any business entity of which the employee or the employee's spouse or child has a material interest. No business in which an employee holds ownership or material interest shall provide either directly or indirectly purchase, rent, or lease any realty, goods, or services to the District, subject to Florida Statutes and provisions herein.
2. This policy is not intended to prohibit the School Board from authorizing purchases or other related activities from or with a business or individual related to an employee who provides an acceptable bid or quote for such services or goods and, when all other conditions are equal or comparable. This policy does not prohibit reimbursements to employees for purchases made in connection with their employment.
3. Any employee who is found to have violated the provisions of this policy shall be subject to the provisions of policy 6.30.

#### STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

#### LAW(S) IMPLEMENTED:

112.313, 1001.43, F.S.

#### STATE BOARD OF EDUCATION RULE(S):

6A-10.081

#### HISTORY:

ADOPTED: 3/13/06  
REVISION DATE(S): 12/12/16  
FORMERLY: NEW

## CHAPTER 6.00 - PERSONNEL

6.41

### NEPOTISM

#### POLICY:

- (1) An employee may not be recommended for employment or supervised by a close relative.
- (2) Two or more close relatives may not work in the same administrative unit except by special permission of the Superintendent.
- (3) Close relatives are defined as mother, father, son, daughter, brother, sister and spouse.

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 112.3135; 230.23(5); 230.23005(11), F.S.

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: 2.32
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## CHAPTER 6.00 - PERSONNEL

6.42\*

### RECORDS AND REPORTS

#### POLICY:

All School Board employees shall faithfully and accurately maintain records and file reports as may be required by Florida Statutes, State Board of Education Rules, and School Board Rules, or as the Superintendent may deem necessary for the effective administration of the District school system. Such records shall include student attendance, property inventory, personnel, school funds and other types of information. Reports shall be submitted on forms prescribed for such purposes at designated intervals or on specified dates. All such reports shall be filed by the designated time. The Superintendent may withhold any salary warrants until the required report is submitted in acceptable form. School Board employees who resign shall receive the final salary warrant when all reports are current and officially checked.

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.23(11); 230.23005(11); 231.09, F.S.

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: 2.12
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## CHAPTER 6.00 – HUMAN RESOURCES

### TELEPHONE CALLS, ELECTRONIC COMMUNICATIONS AND FACSIMILES

6.44

District communication equipment shall be used for designated purposes and shall not be used for personal or nonschool purposes.

1. An employee shall not make a personal long distance call or send a facsimile or other electronic transmission at School Board expense. An employee who violates this rule shall be required to pay for the call or facsimile. Such action shall be reported to the Superintendent at the principal or District department head's discretion.
2. All long distance telephone calls, facsimiles, or other electronic transmissions that relate to extracurricular activities of the school, including athletics, shall be paid from the school's internal funds collected for the specific activity.
3. Prior authorization for all long distance calls and facsimiles shall be given by the principal or District department head.
4. Employee use of District cell telephones shall be to the extent possible, limited to business use only. The District shall be reimbursed for any personal calls made by the employee. Procedures for implementing this provision shall be developed.
5. The expenditure of public funds for cellular phones or service, personal digital assistants (PDAs), or other mobile wireless communication devices or service shall be consistent with the provisions of Florida Statutes.
6. Any long distance telephone call made by a School Board member which is charged to the District office shall be paid by the School Board, provided the purpose of the call was to conduct School Board business.
7. The principal or District department head shall review telephone and facsimile bills and shall refer excessive or questionable bills to the Superintendent or designee for consideration.

## CHAPTER 6.00 – HUMAN RESOURCES

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 230.23(10), 230.23005(11), 1001.43, 1011.09, 1012.22, F.S.

HISTORY: ADOPTED: 11/9/98  
REVISION DATE(S): 2/8/10

FORMERLY:

## CHAPTER 6.00 – HUMAN RESOURCES

### EMPLOYEE USE OF CELLULAR TELEPHONES

6.441

1. It is the policy of the School Board to provide selected employees cellular telephones in support of fulfilling their assigned duties. In lieu of a District provided cell phone, the Superintendent may approve a monthly cell phone allowance. The expenditure of public funds for cellular phones or service shall be consistent with the provisions of Florida Statutes.
2. In order to ensure that cellular telephones are used only for the benefit of the School District, the following conditions shall exist
  - A. Personal calls or calls unrelated to school business are prohibited except in emergency situations.
  - B. Employees with assigned cellular telephones shall submit monthly logs showing each call sent or received. The log shall include the date, telephone number called, party contacted, and reason for the call.
  - C. Should a personal call be made or received and the cost charged to the District, the employee shall reimburse the District for the actual cost.
  - D. The Superintendent shall develop procedures for implementation of this policy.

Failure to follow this policy may result in disciplinary action including suspension or termination from employment.

**STATUTORY AUTHORITY:** 1001.41, 1001.42, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1011.09, 1012.27, F.S.

**HISTORY:** ADOPTED: 3/13/06

REVISION DATE(S): 2/8/10, 11/8/10

FORMERLY: NEW

## CHAPTER 6.00 – HUMAN RESOURCES

### ALCOHOL AND DRUG-FREE WORKPLACE

6.45

1. No employee shall possess, consume or sell alcoholic beverages or be under the influence of alcohol on the job or in the workplace.
2. No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of, on the job or in the workplace, any narcotic, drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in the Controlled Substances Act (21 USC 812) and as further defined by regulations at 21 CFR 1300 or Florida Statutes, Chapter 893, without a valid prescription.
3. The appropriate use of legally prescribed drugs and nonprescription medication is not prohibited. However, it is the employee's responsibility to inform the physician of the employee's job duties and to ask the prescribing physician to determine whether or not the prescribed drug may impair the employee's job performance. It is the employee's responsibility to remove himself/herself from service if unfit for duty.
4. An employee in a safety sensitive position must obtain a written release from the prescribing physician if he/she has prescribed any substance that carries a warning label indicating that mental functioning, motor skills or judgment may be adversely affected. The release must state that the employee is able to perform safety sensitive functions.
5. *Workplace* is defined as the site for the performance of work done in connection with the duties of an employee of the School Board. That term includes any place where the work of the School District is performed, including a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; or any off-school property during a school-sponsored or school-approved activity, event or function, such as a field trip, workshop or athletic event.
6. As a condition of employment, each employee will
  - A. Abide by the terms of this policy, and
  - B. Present a negative drug screen result. The drug screen must have been conducted by a Board approved, independent, certified laboratory within thirty (30) days prior to employment.

## **CHAPTER 6.00 – HUMAN RESOURCES**

- C. Notify the Superintendent of any criminal drug statute arrest or conviction for a violation occurring on the premises of the School Board, at the workplace, or during the conduct of any official activity related to the School Board within forty-eight (48) hours. Identified employees must be in compliance with Policy 6.40, sections II and III.
7. The School Board shall
- A. Notify the appropriate agency within ten (10) days after receiving such notice from an employee or otherwise receiving actual notice of such conviction; and
  - B. Take one of the following actions, within thirty (30) days of receiving such notice, with respect to any employee who is so convicted:
    - a. Require such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; or
    - b. If the employee fails to participate satisfactorily in such program, the employee may be nonrenewed or his or her employment may be suspended or terminated, at the discretion of the School Board; or
    - c. Take appropriate personnel action against such an employee, up to and including termination.
  - C. Offer assistance and information on drug abuse in order to maintain an alcohol and a drug-free workplace. Employee assistance will be available through the personnel department and the Employee Assistance Program. The School Board shall also conduct periodic workshops on drug and alcohol abuse in the workplace to inform employees and supervisors of the dangers of substance abuse and of the provisions in this policy.
8. Drug and/or alcohol testing will be conducted for employees under the following circumstances:
- A. An employee may be subject to drug testing based on a reasonable belief that he/she is using or has used drugs in violation of the Drug-free Workplace policy.

## **CHAPTER 6.00 – HUMAN RESOURCES**

- B. An employee may be subject to follow up testing at the recommendation of a substance abuse professional or medical review officer.
  - C. An employee shall be subject to a drug screen immediately following a work related accident or injury.
  - D. An employee who is subject to the requirements of the Omnibus Transportation Employees Testing Act (OTETA) shall be subject to random drug testing, post accident drug testing and return to duty testing as required by federal law.
9. The Superintendent shall develop procedures to implement the provisions of an alcohol and drug-free workplace.

**STATUTORY AUTHORITY:** 893.01, 1001.41, 1012.22, 1012.23, 1012.27, F.S.

**LAW(S) IMPLEMENTED:** 440.102, 1001.41, 1001.43, 1012.795, F.S.  
DRUG FREE WORKPLACE ACT OF 1988,  
34 CFR PART 85, SUBPART F

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 3/13/06, 5/11/09, 12/12/11, 11/09/15  
FORMERLY: NEW

## CHAPTER 6.00 - PERSONNEL

6.46

### **POLITICAL ACTIVITIES OF EMPLOYEES**

#### **POLICY:**

- (1) School Board employees shall not solicit support of any political candidate, partisan or non-partisan, during regular work hours.
- (2) A School Board employee who offers himself / herself as a candidate for public office shall notify the Superintendent immediately upon qualifying for election. He / she shall conduct his / her campaign so as not to interfere with his / her responsibilities.
  - (a) Personal leave without pay may be taken during the campaign period.
  - (b) Such candidate shall adhere strictly to Florida Statutes governing political activity on the part of public officials and public employees.
  - (c) A successful candidate for an office requiring a part-time responsibility shall report immediately to the Superintendent after the election and thereafter, when deemed necessary by the Superintendent or School Board, to evaluate the compatibility of the dual responsibility and the need for personal leave without pay.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 106.15; 230.23005(11), F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 3.19; 4.11(2)
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## **CHAPTER 6.00 - PERSONNEL**

**6.50\***

### **GRIEVANCE PROCEDURE FOR PERSONNEL**

#### **POLICY:**

Whenever an employee or applicant feels that he or she has a complaint, every effort is to be made to arrive at a satisfactory resolution of the problem on an informal basis. When this cannot be done, employees not covered by a collective bargaining complaint procedure, can resort to the more formal procedures as provided herein. If the collective bargaining agreement is silent on an issue this procedure may be used by the employee.

- (1) Definitions:
  - (a) "Complaint" shall mean any dispute or disagreement involving the interpretation or application of any existing Board rule or practice. It does not include disputes involving the interpretation or application of a collective bargaining agreement, or any provision thereof. Such disputes must be resolved through the grievance procedure in the bargaining agreement.
  - (b) "Complainant" shall mean any employee, or group of employees, directly affected by the alleged misinterpretation or violation, filing a complaint.
  - (c) "Employer" shall mean the School Board or its representatives.
  - (d) "Day" shall mean a working day.
- (2) Time Limits - The number of days indicated at each level is to be considered the maximum. Time limits may be extended by mutual agreement between the parties.
- (3) Released Time - The complaint procedure will normally be carried out during non-work time. If, however, the Board elects to carry out provisions during work time, the complainant shall lose no pay.

## **CHAPTER 6.00 - PERSONNEL**

### **6.50 (Continued)**

- (4) Complaint Procedure:
  - (a) Informal discussion - If an employee believes there is a basis for complaint, he or she shall discuss the complaint with his or her immediate supervisor within five (5) days (except in cases of discrimination or harassment allegations involving the supervisor, in which case they shall report to the Equity coordinator) of the occurrence of the alleged violation except in cases involving harassment or discrimination in which sixty (60) days will be allowed.
  - (b) Level one - If the complainant is not satisfied with the informal resolution he or she may, within ten (10) days, file a formal complaint on the proper form and deliver it to his or her immediate supervisor or alternate. The Supervisor or alternate shall communicate his or her answer in writing to the complainant within ten (10) days after receipt of the complaint. Class complaints involving more than one (1) supervisor and complaints involving an administrator above the building level may be filed by the complainant at level two.
  - (c) Level two - If the complainant is not satisfied with the resolution at level one he or she may, within ten (10) days of the answer, file a copy of the complaint with the Superintendent. Within ten (10) days of receipt of the complaint the Superintendent shall indicate his or her disposition in writing to the complainant.
  - (d) Board appeal - If the complainant is not satisfied with the resolution by the Superintendent, he or she shall have the right to appeal the Superintendent's decision to the School Board; provided request for placement on Board agenda is filed within ten (10) days of the receipt of the Superintendent's decision.
- (5) Confidentiality and protection from retaliation will be provided to the extent possible to any employee, student, applicant or affected party who alleges discrimination or harassment.

## ***CHAPTER 6.00 - PERSONNEL***

### **STATUTORY AUTHORITY**

230.22(2); 230.23(17), F.S.

### **LAWS IMPLEMENTED**

230.23(5); 230.23005(11); 230.32(4); 230.33(7); 447.401, F.S.

### **History:**

Adopted: Revision Date(s): March 25, 2002 Formerly:
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## CHAPTER 6.00 – HUMAN RESOURCES

### COMPLAINTS AGAINST EMPLOYEES

6.51

- (1) Any complaint of serious charges against an employee of the School Board shall be referred to the Superintendent and shall be investigated by The Superintendent/designee.
- (2) Any formal complaint against an employee which involves serious charges shall be in writing and shall bear the signature of the person making the complaint.
- (3) Where Board action is required, the Superintendent shall report the results of the investigation to the Board for review and possible action.
- (4) No action shall be taken against an employee based on a complaint by a parent, student or other person unless the employee has been given a written copy of such complaint; moreover, no complaint shall be placed in the employee's personnel file unless the employee is provided a copy thereof.
- (5) The Superintendent or designee shall report to the Department of Education legally sufficient complaints within thirty (30) days after the date on which the complaint comes to the attention of the School District.
- (6) Appropriate disciplinary action will be taken against employees who fail to promptly notify the Superintendent of any legally sufficient complaint.

**STATUTORY AUTHORITY:**

**1001.41, 1012.22, 1012.23, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.42, 1001.43, 1012.22, 1012.796, F.S.**

**HISTORY:**

**ADOPTED: 5/11/09**

**REVISION DATE(S): \_\_\_\_\_  
FORMERLY:**

**SUSPENSION AND DISMISSAL**

**6.52**

1. No employee may be suspended from duty except by the Superintendent or the School Board. The Superintendent may suspend a member of the staff during an emergency for a period extending to and including the next meeting of the School Board or in accordance with the provisions of policy 6.53.
2. In the case of a suspension without pay by the School Board, an affected employee shall be entitled to a hearing on the charges as to why he/she should be suspended without pay. Said hearing shall be upon reasonable notice by the School Board.
3. If any dismissal proceeding in which the substantial interest of the employee is affected, or in which the employee has a property interest, the employee shall be entitled to a hearing on the merits of the case in accordance with the provisions of Chapter 120, Administrative Procedure Act.
4. In the event an employee is entitled to a hearing, the Superintendent shall notify the affected employee in writing of his/her right to a hearing at the time a petition for suspension or dismissal is filed. The petition for suspension or dismissal must set forth the charges against the employee. The petition shall further notify the employee that in the event a written request for a hearing is not received by the Superintendent within fifteen (15) days after receipt of said notice, if the employee is under annual or professional service contract or thirty (30) days after receipt of said notice if the individual is under continuing contract, that the employee waives his/her right to a hearing. In the event no such notice is sent by the Superintendent, the employee shall be deemed to have requested a hearing.
5. In the event a hearing is required as prescribed by law, pursuant to this policy, a written notice of hearing shall be furnished to the employee in a timely manner according to law stating the date, place and time of the hearing.
6. No member of the staff may be dismissed except by action of the School Board.
7. Dismissal during the term of a contract of a staff member shall be for cause. Such dismissal shall include:
  - A. For an employee holding a continuing contract or its equivalent
    1. Immorality;

## **CHAPTER 6.00 – HUMAN RESOURCES**

2. Misconduct in office;
  3. Incompetency;
  4. Gross insubordination;
  5. Willful neglect of duty;
  6. Drunkenness;
  7. Conviction of any crime involving moral turpitude; or,
  8. Other actions which substantially impair the effectiveness of the employee.
- B. For an instructional employee holding a professional service contract or permanent status
1. Immorality;
  2. Misconduct in office;
  3. Incompetency;
  4. Two (2) consecutive annual performance evaluation ratings of unsatisfactory under 1012.34 F.S.;
  5. Two (2) annual performance evaluation ratings of unsatisfactory under 1012.34, F.S. within a three (3) year period;
  6. Three (3) consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement or unsatisfactory under 1012.34, F.S.;

## **CHAPTER 6.00 – HUMAN RESOURCES**

7. Gross insubordination;
  8. Willful neglect of duty;
  9. Conviction of a crime involving moral turpitude; or,
  10. Other actions which substantially impair the effectiveness of the employee.
- C. For an administrative or supervisory employee holding an annual or multi-year contract
1. Immorality;
  2. Misconduct in office;
  3. Incompetency;
  4. Gross insubordination;
  5. Willful neglect of duty;
  6. Drunkenness;
  7. Conviction of a crime involving moral turpitude; or,
  8. Other actions which substantially impair the effectiveness of the employee.
- D. For an employee holding an annual contract or its equivalent
1. Immorality;
  2. Misconduct in office;
  3. Incompetency;

## **CHAPTER 6.00 – HUMAN RESOURCES**

4. Gross insubordination;
  5. Willful neglect of duty;
  6. Conviction of a crime involving moral turpitude; or,
  7. Other actions which substantially impair the effectiveness of the employee.
- E. Other actions which substantially impair the effectiveness of any employee include but are not limited to the following:
1. Inappropriate sexual conduct including, but not limited to lewd and lascivious behavior, indecent exposure, solicitation of prostitution, sexual battery, possession or sale of pornography involving minors or sexual relations with a student;
  2. Possession, sale, use or being under the influence of controlled substances;
  3. Committing or conviction\* of a criminal act (felony);
  4. Committing or conviction\* of a criminal act (misdemeanor);
  5. Possession of guns or weapons on School Board property;
  6. Alcohol related offenses;
  7. Driving under the influence of alcohol;
  8. Misuse of corporal punishment or inappropriate method of discipline;
  9. Falsification or alteration of employment paperwork, district forms or documents or certification;
  10. Using position for personal gain;
  11. Harassment or discrimination of a student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation or social and family background;



## CHAPTER 6.00 – HUMAN RESOURCES

12. Harassment or discrimination which interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive or oppressive environment;
13. Inappropriate or disparaging remarks to or about students or exposing a student to unnecessary embarrassment or disparagement;
14. Inappropriate relationship with a student;
15. Inappropriate interactions with colleagues including, but not limited to physical or verbal altercation;
16. Misappropriation of funds or theft of personal property;
17. Excessive absenteeism or tardiness;
18. Absence without leave (AWOL) or abandonment of job;
19. Failure to correct performance deficiencies;
20. Insubordination, which is defined as a continuing or intentional failure to obey a direct order, reasonable in nature, and given by and with proper authority;
21. Misconduct or misconduct in office;
22. Unauthorized use, theft or vandalism of School Board property.
23. Failure to comply with School Board policy, state law, or appropriate contractual agreement;
24. Safe Driver Plan (Transportation Department only); or
25. Smoking on School Board property.

\*Conviction is defined as a finding of guilt, a plea of guilty, a plea of *nolo contendere* or entering a pre-trial intervention program, whether or not there is a formal adjudication of guilt.

- F. Failure to include a particular act or type of conduct does not preclude the Board from disciplining an employee for such omitted act or conduct if it otherwise constitutes one of the grounds listed in Section 1012.33, F.S., or other Florida Statutes.

## **CHAPTER 6.00 – HUMAN RESOURCES**

8. The Superintendent or designee shall be authorized to investigate and take action on a complaint against a person who has an expired Florida Educator's Certificate and has committed an act during the validity period of this certificate. Pursuant to Florida Statutes, all legally sufficient complaints shall be filed within thirty (30) days of said complaint that is brought to the Superintendent's attention.
9. The Superintendent shall notify the Florida Department of Education of instructional personnel who have received two (2) consecutive unsatisfactory annual evaluations and have been given written notice and intent that his/her employment is being terminated or nonrenewed.
10. Nonrenewal of employees during their probationary period or upon expiration of a time-limited contract shall not be considered dismissal and shall not be subject to this policy.
11. Any provision in the Collective Bargaining Agreement which is contrary shall supersede this policy.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** CHAPTER 120, 790.115, 1001.43, 1012.22,  
1012.27, 1012.33, 1012.335, 1012.795, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-5.056

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 5/11/09, 1/14/13

**FORMERLY:** 3.07, 3.36, 4.40, 4.28

## **CHAPTER 6.00 – HUMAN RESOURCES**

**6.521**

### **EFFECTIVE DATE FOR LEAVE, SUSPENSION OR TERMINATION**

#### **POLICY:**

The effective date of any employment termination or unpaid leave of absence shall be the first day on which a School Board employee is not paid unless otherwise provided herein. The effective date of any suspension or paid leave of absence shall be the first day on which a School Board employee does not work. The following provisions apply to paid benefits for a holiday(s):

1. An employee who terminates employment and does not work on the first day following a holiday(s) shall not receive pay for the holiday(s). The termination date shall be considered the last work day on which the employee is paid prior to the holiday(s).
2. An employee to earn holiday pay may not be on an uncompensated leave either the day before or day after the holiday.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1011.60, 1012.22, F.S.

**HISTORY:** ADOPTED: March 13, 2006  
REVISION DATE(S):  
FORMERLY:

**SUSPENSION WITH PARTIAL OR NO PAY****6.53**

The School Board hereby delegates authority of employee suspension with partial or no pay to the Superintendent in order to facilitate personnel management, to maintain an orderly and productive work environment, to avoid public embarrassment to employees, and to eliminate minor disciplinary action from the School Board's agenda.

1. The suspension shall not exceed five (5) days.
2. The suspension may be wholly or partially without pay.
3. Suspension shall be authorized only if the Superintendent finds that the employee has
  - a) Been absent without leave;
  - b) Been insubordinate;
  - c) Endangered the health or well-being of a fellow employee or of a student(s);
  - d) Willfully neglected duty;
  - e) Consumed an alcoholic beverage while working; or,
  - f) Violated School Board rules to the extent that disciplinary action is required, but the violation is not severe enough for dismissal.
4. An employee who is suspended under the authority of this rule shall be granted all due process rights accorded by the Florida Statutes.
5. This rule grants the Superintendent authority in addition to that provided by Florida Statutes. It shall not be construed to limit the Superintendent's statutory powers.

**STATUTORY AUTHORITY:** 1001.43, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1012.22,  
1012.27, 1012.33, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-5.056

**HISTORY:** ADOPTED: 11/9/1998

**REVISION DATE(S):** 3/13/06, 1/14/13

**FORMERLY:**

## CHAPTER 6.00 – PERSONNEL

### STAFF TRAINING

**6.60**

All employees shall be provided opportunities for professional growth and development through participation in staff development activities.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1012.22, 1012.38, 1012.583, 1012.98, 1012.985 F.S.

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 03/25/02, 09/25/17

FORMERLY: NEW

## CHAPTER 6.00 – HUMAN RESOURCES

### WHISTLEBLOWER PROTECTION

6.65

1. This policy shall be known as the Whistleblower Protection Policy.
2. Definitions
  - a) *Employee* – Any person hired by the School Board after completing the personnel procedures required by the School Board.
  - b) *Independent Contractor* – Any person or company other than a School Board employee, who provides goods and/or services to the School Board and enters into a contractual agreement with the School Board.
  - c) *Adverse personnel action* – Discharge, suspension, transfer, demotion, reprimand, warning, withholding or reduction of salary or benefits of employee, or any other adverse action taken against an employee within the terms and conditions of employment by the School Board; or debarment, suspension, cancellation of contract of an independent contractor.
3. Prohibited Action
  - a) Neither the School Board, Superintendent, department heads nor principals shall take or recommend to the School Board to take adverse personnel actions against an employee for disclosing information pursuant to the provisions of this policy.
  - b) Neither the Superintendent nor the School Board shall take any adverse personnel action that affects the rights or interests of an independent contractor in retaliation for the contractor's disclosure of the information under this policy.
  - c) The provisions of this policy shall not be applicable when an employee or independent contractor discloses information known to be false.
4. Disclosure of Information
  - a) The information disclosed under this section shall include reporting of any violation or suspected violation of federal, state or local laws, School Board policy or administrative directive by a School Board member, employee, or independent contractor which presents a substantial and specific danger to interests of the School Board. Additionally, information

## **CHAPTER 6.00 – HUMAN RESOURCES**

disclosed, which indicates acts or suspected acts of malfeasance, misfeasance, gross waste of funds or neglect of duty committed by an agency, shall be included.

- b) The information shall be disclosed to the appropriate entity having the authority to investigate, police, manage, or otherwise remedy the violation or act.

### **5. Protection**

- a) This policy protects employees and other persons who disclose information on their own motive in a written and signed complaint, or who are requested to participate in an investigation, hearing or other inquiry conducted by the Superintendent, School Board, state agency or federal government.
- b) Any employee who is subject to adverse personnel action has a right to file a grievance pursuant to the applicable collective bargaining agreement or School Board policy. An independent contractor may appeal to the School Board for administrative review.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**112.3187, 1001.32, 1001.43, F.S.**

**HISTORY:**

**ADOPTED: 5/11/09**

**REVISION DATE(S): \_\_\_\_\_**

**FORMERLY: NEW**

## CHAPTER 6.00 – HUMAN RESOURCES

### NURSING MOTHERS

6.70

1. Under the provisions of the Fair Labor Standards Act, the District shall provide reasonable unpaid breaks for an employee to express breast milk for her child for up to one (1) year after the birth of the child.
2. A private area, free from intrusion, shall be made available to the employee.
3. A nursing mother shall be responsible for notifying her supervisor of her intent to exercise her right under the Fair Labor Standards Act.
4. The Superintendent shall develop procedures for the notification of employees and for the implementation of this policy.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 383.015, 1001.43, 1012.23, F.S.

**Fair Labor Standards Act of 1938 (29 USC 207, Section 7)**

**HISTORY:** **ADOPTED: 4/11/11**

**REVISION DATE(S): \_\_\_\_\_**

**FORMERLY: NEW**



## CHAPTER 6.00 – HUMAN RESOURCES

### SOCIAL SECURITY NUMBERS

6.78

#### 1. Collection

- a) Social security numbers shall be collected only when allowed by law or when necessary for the performance of the school system's duties.
- b) The District shall collect the social security number of each applicant and employee for the following reasons:
  - 1. Verification of citizenship or immigration status, as required by the U.S. Department of Homeland Security or other governmental agencies;
  - 2. Employee benefit processing, including membership in the Florida Retirement System, health insurance, prescription, insurance, or other benefits offered to employees by the School Board;
  - 3. Data Collection;-processing pre-employment and post-employment criminal background checks required by law.
  - 4. Compliance with reporting requirements of the I.R.S., U.S. Social Security Administration, and Florida Agency for Work Force Innovation, and such other official reporting responsibilities impose by law. And
  - 5. For such other purposes as may be directed by the employee, such as direct deposit of wages or salary, etc.
- c) Social security numbers or federal employer identification numbers shall be collected from all vendors to facilitate vendor record keeping by the School Board and to permit compliance with income reporting requirements of the U.S. Internal Revenue Code, including but not necessarily limited to issuance of U.S. Internal Revenue Form 1099.
- d) Social security numbers may be collected from students:
  - 1. As required by § 1008.386, Florida Statutes;
  - 2. To facilitate proper processing of student scholarship applications;

## CHAPTER 6.00 – HUMAN RESOURCES

3. As otherwise consented to by the student or the student's parent.

- e) Social security numbers shall be collected from Dividend volunteer program applicants for:
  - 1. Initial background screening not requiring fingerprints;
  - 2. For full criminal background screening (Level II Screening-§ 435.04, Fla. Stat.) for service as a one-on-one mentor, over night field trip chaperone, or random Dividend applicant volunteer screening.

### 2. Notification

- a) Applicants for employment and employees shall be notified of the requirement for providing their social security number prior to the time of the completion and submission of the application for employment, the submission of their recommendation for employment to the school board and the purposes for which an applicant/employee's number will be used. Such notification shall include the specific law governing the collection, use or release of a social security number and whether the collection of social security numbers is authorized or mandatory under law.
- b) Applicants for the Dividend program shall be notified of the requirement for providing their social security number prior to the time of the completion and submission of the application for the Dividend program and that their number will be used for background checking purposes as listed above;
- c) Students and their parents shall be notified that they will be asked to provide their social security number at the time of enrollment, however, students and their parents shall also be notified that a student is not required to provide a social security number as a condition of enrollment or graduation. Further, that student social security numbers will be used for the purposes above stated.

### 3. Review

The Superintendent shall review the collection of social security numbers to ensure that the reasons for collection and the process for collection and maintenance are consistent with Florida Statutes. The Superintendent shall report his/her findings as required by law.

### 4. Confidentiality

## **CHAPTER 6.00 – HUMAN RESOURCES**

A social security number shall be considered confidential and exempt from public inspection in accordance with Florida Statutes. Social security numbers may be disclosed to another agency or governmental entity if it is necessary for the receiving entity to perform its responsibilities.

**STATUTORY AUTHORITY:** 1001.41, 1001.42, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 119.071, 1001.43, 1012.23, F.S.

**HISTORY:** ADOPTED: 5/11/09

**REVISION DATE(S):** 9/14/09, 5/10/10

**FORMERLY:** NEW

## CHAPTER 6.00 – HUMAN RESOURCES

### PERSONNEL FILES

6.80

The term *personnel file*, as used in this rule, shall mean all records, information, data, or materials maintained by the District in any form or retrieval system whatsoever, with respect to any employee, which is uniquely applicable to that employee.

1. A personnel record shall be maintained by the Superintendent on each employee. The record shall include
  - A. Application for employment
  - B. References
  - C. Annual evaluations
  - D. Letters of commendation, reprimand, etc.
  - E. Data substantiating placement on the salary schedule (education, official transcripts, experience, etc.)
  - F. Teaching certificate, if applicable
  - G. Any other pertinent data.
2. Except for materials pertaining to work performance or other matters that may be cause for discipline, suspension or dismissal under laws of this state, no derogatory materials relating to an employee's conduct, service, character, or personality shall be placed in the personnel file of such employee. No anonymous letter or anonymous materials shall be placed in the personnel file.
3. Materials relating to work performance, discipline, suspension, or dismissal must be reduced to writing and signed by a person competent to know the facts or make the judgment.
  - A. No such materials may be placed in a personnel file unless they have been reduced to writing within forty-five (45) days, exclusive of the summer vacation period, of the administration becoming aware of the facts reflected in the materials.

## **CHAPTER 6.00 – HUMAN RESOURCES**

- B. Additional information related to such written materials previously placed in the file may be appended to such materials to clarify or amplify as needed. A copy of such materials to be added to an employee's personnel file shall be provided to the employee either by certified mail or by personal delivery.
  - C. The employee's signature on a copy of materials to be filed in the employee's personnel file signifies receipt and does not necessarily indicate agreement with its content. The employee will be afforded due process rights as outlined in Florida Statutes.
4. Personnel files, regardless of their location in the school system, are open to inspection pursuant to Chapter 119, Florida Statutes, except as follows:
- A. Any complaint and any material relating to the investigation of a complaint against an employee shall be confidential until the conclusion of the preliminary investigation, or until such time as the preliminary investigation ceases to be active as defined in Florida Statutes.
  - B. Employee evaluations prepared pursuant to Florida Statutes, rules adopted by the State Board of Education, or a local School Board shall be confidential until the end of the school year immediately following the school year during which each evaluation is made. No evaluations prepared prior to July 1, 1983, shall be made public.
  - C. No material derogatory to the employee shall be open to inspection until ten (10) days after the employee has been notified pursuant to III.B of this rule.
  - D. The payroll deduction records of the employee shall be confidential.
  - E. Employee medical records, including medical claims, psychiatric and psychological records, shall be confidential; provided however, at any hearing relative to an employee's competency or performance, the hearing officer or panel shall have access to such records.
  - F. Any information in a report of injury or illness filed pursuant to Florida Statute that would identify an ill or injured employee.
  - G. Agency personnel information that is excluded under the provisions of 119.071, F.S.

## **CHAPTER 6.00 – HUMAN RESOURCES**

5. Notwithstanding other provisions of this rule, all aspects of each employee's personnel file shall be open to inspection at all times by School Board members, the Superintendent and the principal or their respective designees, in the exercise of their respective duties.
6. Notwithstanding other provisions of this rule, all aspects of each employee's personnel file shall be made available to law enforcement personnel in the conduct of a lawful criminal investigation.

**STATUTORY AUTHORITY:** 1001.43, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 112.08(7), 119.07, 119.071, 1001.43, 1008.24, 1012.31, F. S.

34 CFR 99 (FERPA), 45 CFR 164 (HIPAA)

**HISTORY:**

**ADOPTED:**

**11/9/98 REVISION DATE(S):** 2/8/10, 12/09/13, 3/9/15

**FORMERLY:** GBL

## CHAPTER 6.00 – HUMAN RESOURCES

### ASSESSMENT OF EMPLOYEES

6.81

The Superintendent shall develop or select personnel performance assessment systems for all staff.

Each member of the staff shall receive, at a minimum, an annual evaluation by his/her immediate administrative supervisor. The purpose of the evaluation shall be to improve the services of personnel in all departments. The administrative supervisors and department heads shall use the evaluation form provided by the Superintendent.

1. A copy of each employee's evaluation report shall be filed in the District personnel office.
2. The assessment of all employees shall be based on observations of the individual's work by his/her immediate supervisor and shall be made at least once each year prior to reappointment. Evaluation of instructional personnel and school administrators shall include indicators of student learning growth.
3. The Superintendent shall arrange for the assessment of all principals, supervisors and administrative personnel as required by law.
4. The principal and/or administrator supervising personnel shall arrange for the assessment of all employees under his/her supervision as required by law.
5. Prior to preparing the written report of the assessment, the individual being assessed shall be informed as to the criteria and the procedure to be used.
6. The written report of the assessment shall be reviewed with the employee and discussed with him/her by the person who made the assessment.
7. An employee may respond to an assessment in the manner provided by law or other approved procedures.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1008.22, 1008.36, 1012.22, 1012.27,  
1012.34, F.S.

**HISTORY:** ADOPTED: 11/9/98,

REVISIONDATE(S):4/9/12,3/8/15,1/11/16  
FORMERLY: 3.10, 3.31, 4.22

## CHAPTER 6.00 – HUMAN RESOURCES

### INSTRUCTIONAL EMPLOYEE PERFORMANCE CRITERIA

6.811

1. The Superintendent or designee shall develop and present, for School Board approval, instructional employee performance criteria and/or measures. Such performance criteria and/or measures shall be consistent with statutory requirements, but may include additional elements as deemed appropriate. Student performance data shall be used in the evaluation of instructional personnel.
2. Instructional personnel shall be informed of the criteria for assessment including the use of student performance data and indicators of student learning growth.
3. The Superintendent shall submit the instructional performance appraisal system to the Department of Education for approval.

**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43, 1008.22, 1008.36, 1012.22,  
1012.27, 1012.34, F.S.

**STATE BOARD OF EDUCATION RULE(S)** 6A-5.030, 6A-50411

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 7/17/00, 12/08/14, 1/11/16, 09/25/17

**FORMERLY:**



## **CHAPTER 6.00 – HUMAN RESOURCES**

**6.90**

### **SCHOOL BOARD EMPLOYEES WITH HIV, AIDS, OR OTHER COMMUNICABLE DISEASES**

#### **POLICY:**

1. It is the School Board's intent to protect employees from exposure to infectious diseases and from risk occasioned by infectious diseases and environmental hazards and to provide reasonable accommodations to infected employees.
2. It is recognized that HIV-positive employees who are not debilitated or exhibiting symptoms that would facilitate transmission of the virus will remain in their current jobs if conditions permit.
3. Reasonable accommodations are available to HIV positive employees.
4. All information regarding such matters shall be held in strict confidence and released only to those who have a legitimate need to know.
5. School Board employees shall receive and review procedures governing immunization against Hepatitis B infection, HIV, AIDS, bloodborne pathogens, other communicable disease, and environmental hazards.
6. Staff members shall cooperate with public health authorities by practicing and promoting "universal precautions," as deemed by the Centers for Disease Control (CDC). Procedures for dealing with students who pose a threat of transmitting a bloodborne health condition are contained in the *Health Services Manual*.

## ***CHAPTER 6.0 – HUMAN RESOURCES***

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6.90 (Continued)

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

**LAW(S) IMPLEMENTED:** 381.0098, 1001.42, 1001.43,  
1002.22, 1010.305, 1011.62, F.S

**STATE BOARD OF EDUCATION RULE(S):** 6A-6.03020, 6A-6.0331

**STATE DEPARTMENT OF HEALTH AND  
REHABILITATION SERVICES RULE(S):** 10D-104

**HISTORY:** **ADOPTED:** March 13, 2006  
**REVISION DATE(S):**  
**FORMERLY:**

## CHAPTER 6.00 – HUMAN RESOURCES

### **AIDS, BLOODBORNE PATHOGENS AND ENVIRONMENTAL HAZARDS**

**6.91**

The Board shall adopt appropriate procedures and guidelines consistent with federal and state regulations regarding the training and methods of handling and ameliorating the potential risks of exposure to bloodborne pathogens, other communicable diseases, and environmental hazards, such as asbestos, lead in drinking water, and radon gas.

**STATUTORY AUTHORITY:** 1001.41, 1001.42, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 381.0098, 1001.43, 1012.27, 1013.12, F.S.

**STATE DEPARTMENT OF HEALTH RULE(S):** 64E-16

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 06/09/14  
FORMERLY: 3.091, 4.241

## CHAPTER 7.00 - BUSINESS SERVICES

### SCHOOL BUDGET SYSTEM

7.01

Through the budget process the School Board intends for its budget to be prepared in a needs responsive, fiscally sound manner, with an emphasis on providing additional resources at the school level with any increase in recurring operating revenues.

In accordance with this philosophy, the School Board intends the following guidelines to be adhered to in the preparation of the annual operating budget:

1. **Balanced Budget** – The budget should be prepared to ensure that the operating fund recurring revenue budget for the fiscal year shall be equal to or greater than the recurring expenditure budget.
2. **Fund Balance Reserve** – An adequate fund balance reserve is necessary to cover unforeseen events (including, but not limited to, revenue shortfalls and student enrollment under projections). The adopted annual operating fund budget shall include, if feasible, a fund balance reserve which is at least four percent (4%) of the recurring expenditure budget.
3. **Fund balances** shall be classified and reported in accordance with the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions.
  - When it is appropriate for fund balance to be assigned, the responsibility to assign funds is delegated to the Superintendent or his/her designee. The Superintendent's designee shall be the Director of Business Services. Assignments may occur subsequent to fiscal year-end.
  - The Hamilton County School Board will utilize funds in the following spending order, as applicable:
    - Restricted
    - Committed
    - Assigned
    - Unassigned

## **CHAPTER 7.00 - BUSINESS SERVICES**

4. The budget system shall be related to the goals and objectives of the District and its programs. To assure equity among schools and program elements, personnel and other resources shall be allocated to the schools on a formula basis or by other means as determined by the Board.
5. The Superintendent shall prepare an annual District budget in the form prescribed by the Commissioner of Education. In formulating the budget, the Superintendent shall take into consideration the immediate and long range needs of the District's school system and student achievement data obtained pursuant to Florida Statutes. The Superintendent shall submit the proposed annual budget to the School Board for review.
6. It is the Board's intent that the guidelines enumerated above shall be controlling unless unusual circumstances dictate otherwise. In such instances, any variances from the guidelines will be highlighted and explained prior to the adoption of the budget by the Board.
7. The tentative budget, the adopted budget, and any amended budget(s) shall be posted on the District's official website as required by law.

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

**LAW(S) IMPLEMENTED:** 1001.43, 1008.385, 1010.01,  
1010.04, 1011.01 –1011.18, F.S. **ADOPTED:**

**HISTORY:** 11/9/98

**REVISION DATE(S):** 3/22/04, 4/9/12, 3/9/15

**FORMERLY:**

## **CHAPTER 7.00 –BUSINESS SERVICES**

7.011

### **EDUCATIONAL ENHANCEMENT FUNDS**

#### **POLICY:**

- (1) Lottery Trust Fund Allocations (enhancement funds) received from state proceeds will be used to provide educational opportunities based on the needs of students, as determined by the School Board or as required to be distributed by state law, and consistent with proviso language included in the annual state appropriation bill or other state requirements.
- (2) Enhancement funds may be utilized to:
  - (a) Maintain approved programs.
  - (a) Develop and implement school improvement plans.
  - (b) Supplement school funding through the expansion of existing programs.
  - (c) Enhance equipment or facilities as permitted by state law.
  - (d) Provide financial awards for School Recognition.
  - (e) Provide such other services, programs, or distribution as may be required or permitted by state law or regulations. Such services or programs shall be identified during the annual budget adoption process by the Board.
- (2) Enhancement funds provided directly to schools shall be subject to annual audit to assure compliance with state law and sound business practice.

## **CHAPTER 7.0 – BUSINESS SERVICES**

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7.011 (Continued)

STATUTORY AUTHORITY: 1001.42, F.S.

LAWS IMPLEMENTED: 1001.43, 1011.62 F.S.  
ANNUAL STATE APPROPRIATIONS ACT

HISTORY:

Adopted: November 9, 1998 Revision Date(s): March 25, 2002, March 22, 2004 Formerly:
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## CHAPTER 7.00 –BUSINESS SERVICES

### PROCEDURES FOR ADMINISTERING THE DISTRICT BUDGET 7.02

The Superintendent shall ensure that all District obligations and expenditures are within the appropriation allowed in the District school budget.

- I. The Superintendent shall propose a budget amendment for the School Board's consideration if a budgetary appropriation is insufficient to meet District needs.
- II. The Superintendent is authorized to tentatively approve budget amendments for school budgets. Such amendments shall be consolidated each month and presented for School Board approval.
- III. The School Board authorizes an expenditure which exceeds the amount budgeted by function and the School Board subsequently approves the expenditure and amends the budget at its next scheduled meeting.

**STATUTORY AUTHORITY:** 1001.41, 1001.42, F.S.  
**LAW(S) IMPLEMENTED:** 1001.42, 1001.43, 1001.51, 1010.01, 1010.04,  
1011.05, 1011.06, 1011.07, 1011.60, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.006, 6A-1.007

**HISTORY:** **ADOPTED:** 11/9/98  
**REVISION DATE(S):** 6/16/08  
**FORMERLY:**



## CHAPTER 7.00 - BUSINESS SERVICES

### FACSIMILE SIGNATURE

7.021

1. The facsimile signature of the School Board Chairperson and the Superintendent may be affixed to warrants provided an affidavit has been filed in accordance with Section 116.34(3), Florida Statutes. The facsimile signature may be used in lieu of a manual signature on
  - a. Any public security as permitted by Florida Statutes;
  - b. Any instrument of payment;
  - c. Any official order, proclamation, instrument of conveyance, or resolution, provided, however, that the same has been authorized by said School Board and such authorization be reflected in the minutes thereof; and
  - d. Contracts with school personnel.
2. Definitions as used in this policy are as follows:
  - e. *Public security* means a bond, a note, certificates of indebtedness, or other obligation for the payment of money, issued by the Board.
  - f. *Instrument of payment* means a check, draft, warrant, or order for the payment, delivery, or transfer of funds.
  - g. *Instrument of conveyance* means an instrument conveying any interest in real property.
  - h. *Facsimile signature* means a reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer.
3. The Vice-chairperson of the School Board shall have no authority to sign warrants or school documents except when he/she is required to assume the duties of the Chairperson, in which case, he/she shall be legally empowered to sign such warrants and other legal documents as the chairperson would be empowered to sign. However, the Vice-chairperson may not use a facsimile signature.

## **CHAPTER 7.00 - BUSINESS SERVICES**

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

**LAW(S) IMPLEMENTED:** 116.34, 1001.43, F.S.

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 4/11/11, 11/09/15  
FORMERLY: 6.16

## **CHAPTER 7.00 - BUSINESS SERVICES**

### **7.03**

#### **LEASE AND LEASE-PURCHASE OF LAND, FACILITIES AND EQUIPMENT**

##### **POLICY:**

The Superintendent shall make recommendations to the School Board regarding any offer received from a person or entity for the lease or lease-purchase of any land owned by the District.

- (1) The lessee shall state in writing how the land will be used for educational purposes.
- (2) The Superintendent's recommendation shall include:
  - (a) The location and description of the land and its present use.
  - (b) The long-range plan for its use.
  - (c) The stated use of the land by the prospective lessee.
  - (d) The fair market value of the parcel, as determined pursuant to State Board of Education Rules, when the land is to be released by a lease to purchase agreement.
  - (e) The terms and value to be received from the prospective lessee.
- (3) Prior to final action on the proposal for a lease or lease-purchase agreement, the School Board shall hold an open and public hearing on the issue after due notice is given as required by Florida Statutes. At this meeting the proposed agreement, in its final form, shall be made available for inspection and review by the public.

The Superintendent may recommend the acquisition of land, facilities, and equipment under lease or lease-purchase agreements under provision of Florida Statutes through competitive bids or proposals.

## **CHAPTER 7.00 - BUSINESS SERVICES**

### **7.03 (Continued)**

- (4) The Superintendent's recommendation shall include:
- (a) Such acquisition is in the best interest of the District;
  - (b) Length and terms of such agreements;
  - (c) Procedures for developing and approval of agreements;
  - (d) Estimated annual costs and sources of funding;
  - (e) Proposed schedule for any required public advertisements and hearings;
  - (f) All required written documents necessary for the execution and maintenance of agreements;
  - (g) Agreements do not constitute a debt, liability, or obligation of the State or Board, or pledge the faith and credit of the State or Board.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23(9); 230.23005(2), (4); 230.33(4); 235.056(2); 235.057, F.S.

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: New
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## CHAPTER 7.00 –BUSINESS SERVICES

7.04

### **BONDED PERSONNEL**

#### POLICY:

Each Board member, the Superintendent and any employee of the School Board who is responsible for school funds or property shall be placed under a bond or insured in an amount to be determined by the School Board as provided in State Board of Education rules or state law.

STATUTORY AUTHORITY: 112.08; 1001.41, 1001.42, F.S.

LAWS IMPLEMENTED: 112.08; 1001.42(10)(h); 1001.43, 1010.07, F.S.

STATE BOARD OF EDUCATION RULE: 6A-1.0692

#### HISTORY:

Adopted: November 9, 1998  
Revision Date(s): March 22, 2004  
Formerly: 6.19

## **CHAPTER 7.00 - BUSINESS SERVICES**

**7.05\***

### **INTERNAL FUNDS**

#### **POLICY:**

- (1) Definition. Internal funds are defined as all monies collected and disbursed by personnel within a school for the benefit of the school or a school-sponsored activity. Internal funds shall be considered as unbudgeted public funds under the control and supervision of the School Board with the Administrator having responsibility as prescribed by the School Board (as used in this rule, school shall also mean a District department and Administrator shall mean a department head).
- (2) Governance Provisions. The collecting and expending of school internal accounts shall be in accordance with Florida Statutes, State Board of Education Rules, School Board Rules, and the Financial and Program Cost Accounting and Reporting for Florida Schools manual published by the Florida Department of Education. Sound business practices shall be observed in all transactions.
- (3) Accounting Categories. Separate accounting categories for school internal account funds shall be established to distinguish regular sources of funds from sources of funds derived from groups other than the student body.
  - (a) Regular sources of funds shall be a category for money received and expended for school activity programs. This includes, but is not limited to athletic and music events, concession sales, fund-raising by student body groups, gifts and contributions, paid admissions to entertainment, publications, school stores, summer programs, vending machines, salvage drives, property deposits, instructional aids, and advertisements.

## **CHAPTER 7.00 - BUSINESS SERVICES**

### **7.05\* (Continued)**

- (b) Other sources of funds shall be a category for money collected from sources other than student activities. These sources generally are derived from cooperative efforts with schools involving non-student organizations such as the faculty, parent-teacher organizations, alumni associations, and educational foundations. The activities of these non-student organizations shall contribute to the general welfare of students.

Other sources of receipts may include, but are not limited to, collections for the School Board, flower and gift funds, and trust accounts for specific groups.

#### **(4) Basic Principles.**

- (a) All fund-raising projects and activities of the school, by any group within, connected with, or in the name of the school shall contribute to the educational experiences of students and shall not conflict with the total instructional program of the school system.
- (b) School activity funds shall be used to supplement the program supporting the activities provided by the School Board.
- (c) Purchases which are made from internal funds shall conform with requirements for purchasing and securing bids on purchases made by the School Board, except that purchases made from funds handled in trust for individuals are exempt from such requirements.
- (d) Student body business practices shall be conducted in such a manner as to offer a minimum of competition to commercial firms.
- (e) Purchases for any school shall not exceed the cash resources of the school during any school year.
- (f) Funds collected generally shall be expended to benefit those students currently in school for whom the funds were accrued; funds derived from the student body as a whole shall be expended to benefit the student body as a whole.

## **CHAPTER 7.00 - BUSINESS SERVICES**

### **7.05\* (Continued)**

- (g) Florida Statutes and State Board of Education Rules controlling purchases by school organizations shall be observed.
  - (h) The Superintendent shall be responsible for initiating such disciplinary action as may be deemed necessary in the event of violations of any of these rules.
  - (i) The collection of monies and the performance of other non-instructional duties by teachers shall be kept to a minimum.
- (5) Administration. Internal funds shall be categorized in accordance with subsection (3) herein. When a bank balance exceeds one hundred thousand dollars (\$100,000.00) and the excess is not insured, an additional account(s) shall be opened in another bank.
- (6) Responsibilities.
- (a) The School Board shall:
    - 1. Require that its written rules relating to internal funds be enforced;
    - 2. Provide fidelity bonds for employees responsible for such funds; and,
    - 3. Provide for an annual audit of internal funds by a qualified auditor.
  - (b) The Superintendent shall administer all rules established by the School Board relating to internal funds.
  - (c) Each school Administrator shall:
    - 1. Be held accountable for the handling of all phases of internal funds accounting in his / her school; and,
    - 2. Use a uniform system of accounting as directed by the Superintendent.



## **CHAPTER 7.00 - BUSINESS SERVICES**

### **7.05\* (Continued)**

- (7) Management of School Internal Account Funds (MSIAF). The efficient and accurate accounting of school internal account funds requires that sound procedures be followed in handling school monies received and expended. Common practices which shall be followed to ensure effective management of these funds include:
- (a) The Administrator of each school shall authorize one (1) or more persons, in addition to himself / herself, for signing checks to withdraw funds from the bank account. Two (2) signatures shall be required for all withdrawals, one (1) of which shall be that of the Administrator. Persons signing checks shall provide proper supporting evidence such as sales slips or invoices to substantiate each check.
  - (b) School activity accounts shall not be used for any purpose which represents an accommodation, loan, or credit to School Board employees or other persons, including students. Collections received shall not be used to cash individual checks. School Board employees or others shall not make purchases for personal use through the student body in order to take advantage of student body purchasing privileges, such as tax exemptions, school discounts, and the like.
  - (c) Methods of preserving and destroying records shall be in accordance with Florida Statutes and State Board of Education Rules.
  - (d) Revenues which may be credited to classes and club accounts include: dues, assessments, and donations from members; income from entertainment, dances, parties, etc.; and, sale of club or class sweaters, emblems, insignias, cards, announcements, etc. Authorization for expenditures shall require approval of a designated class or club officer, the sponsor, and the Administrator.
    - 1. No class or club account may be overdrawn at the end of the school year.

## **CHAPTER 7.00 - BUSINESS SERVICES**

### **7.05\* (Continued)**

2. No off-campus clubs may be permitted to carry accounts on school activity account books.
  3. Any remaining balance in a class account after graduation of that class and after the class has had an opportunity to determine the disposition of the balance, shall be considered as general funds and shall be transferred to the general fund six (6) months after the graduation date. The same procedure shall apply to the fund balance of any club six (6) months after the close of the school year during which said club becomes inactive.
- (e) Any gifts identified as coming exclusively from a particular student group(s) shall be financed entirely by those group(s). This shall not prevent a class or club from contributing toward a project undertaken by several classes or clubs or by the student body. All such gifts to the school shall first receive the Administrator's approval. A student organization, upon the Administrator's approval, may earmark an amount for a specific future project which may reasonably be expected to materialize within the period that members of the organization are still in attendance at school. Disbursements from these reserves are subject to the standard procedures governing school activity funds. The reserve account, once approved and established, shall not be drawn on for other purposes. If the original purpose for the reserve becomes inoperative, funds in the account shall be transferred to the general fund or returned to the sponsoring organization.
- (f) Commissions earned from photography sales and other transactions shall be credited to the general fund or other designated accounts. Contracts and collections of monies from these types of activities shall comply with the provisions established by the Administrator.
- (g) The following procedures shall guide all employees who are responsible for school activity funds:

## **CHAPTER 7.00 - BUSINESS SERVICES**

### **7.05\* (Continued)**

1. Receipts shall be deposited daily, one hundred percent (100%) intact.
  2. Receipts shall be written for all money that is received or collected.
  3. No money shall be kept in the school overnight except authorized petty cash.
  4. Funds collected during late afternoon or evening activities shall be placed in a night depository as arranged by the Administrator. Sponsors or any other individuals shall not be expected to have the responsibility of protecting funds, but shall place such funds in a night depository. Under no circumstances shall such funds be left on the school premises. Any employee who fails to turn in funds each day shall be held liable for any loss.
- (8) Investment of School Internal Funds. The school Administrator shall provide for the investment of any school internal funds which are surplus or not needed immediately for expenditure. Such investments may be placed in savings accounts of banks or savings and loan institutions, certificates of deposits issued by banks, United States Government securities, or any other guaranteed in total by United States government securities.
- (9) Financial Transactions and Records. Complete and accurate records of all financial transactions, including records of all school and student activity funds, shall be kept by the Administrator on forms furnished by the School Board. The Administrator's monthly financial report on internal accounts shall be made promptly for each calendar month. The September report shall include all activity relating to those accounts for the period from July 1 through September 30. The monthly report shall be due by the tenth (10<sup>th</sup>) of the following month and shall be delinquent after the fifteenth (15<sup>th</sup>) of such month.

## **CHAPTER 7.00 - BUSINESS SERVICES**

### **7.05\* (Continued)**

- (10) Retention of Financial Records. Records which are maintained as part of school internal funds and public records under Florida Statutes may not be destroyed or otherwise disposed of without specific authorization. All requests for disposition of school internal fund records after completion of an audit shall be referred to the staff members designated by the Superintendent to manage records retention. Records shall not be destroyed without written authorization.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23005(2)(e); 237.02(4), F.S.

**STATE BOARD OF EDUCATION RULES:** 6A-1.001; 6A-1.085; 6A-1.087; 6A-1.091

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 6.03(1)(2); 6.30
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## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### HOSPITALITY FUNDS

7.051

The Superintendent may authorize expenditures for purposes of promotion, public relations activities and hospitality, as set forth herein. Such expenditures are restricted as to the source of funds, amount of annual expenditures and conditions for expenditures, as set forth herein and as limited by law or regulations.

1. Expenditures may include promotion and public relation activities and hospitality of business guests provided they will directly benefit or are in the best interest of the District. Expenditures may also include, but are not limited to, activities involving graduation, visiting committees, orientation and work conferences, recruitment of employee, official meetings and receptions, guest speakers accreditation studies, and other developmental activities, awards or other types of recognition for meritorious performance.
2. Expenditures shall be made from auxiliary enterprises and undesignated donation to the District for promotion and public relations except that federal funds may be used to purchase food when federal program guidelines permit such use.
3. Expenditures for hospitality of business guests shall be limited to the maximum permitted by state law and rule.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1010.08, F.S.**

**STATE BOARD OF EDUCATION RULE(S):**

**6A-1.0143**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 06/19/18**

**FORMERLY: 6.23**

## **CHAPTER 7.00 - BUSINESS SERVICES**

### **SCHOOL FOOD SERVICE FUNDS**

**7.06**

School food service funds shall be considered part of the District School Fund and shall be subject to all requirements applicable to the District School Fund such as budgeting, accounting, reporting, and purchasing.

1. Daily deposits of school food service funds shall be made by authorized personnel in a bank(s) designated by the School Board.
2. Revenue from the sale of all items handled by the Food Service Department shall be considered school food service income. This includes income from sale of cans, bottles, jars, rice bags, swill, and similar items. Such funds shall not be expended as cash.
3. All payments from school food service funds shall be made by check or wire transfer.
4. School food service funds shall be used only to pay regular operating costs.
5. Any loss of records, cash, or supplies through theft or otherwise shall be reported immediately to the Superintendent's office. Such losses shall be itemized and a copy of the report submitted with the regular reports.
6. Funds shall be collected and expended in compliance with United States Department of Agriculture regulations.
7. The Board shall annually adopt prices charged to students and adults who participate in the food services program.
8. The Superintendent shall develop written procedures for conducting the District's food services program.

## CHAPTER 7.00 - BUSINESS SERVICES

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1006.06, 1010.05, 1010.20, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.001, 6A-1.012,  
6A-1.087

STATE DEPARTMENT OF AGRICULTURE

AND CONSUMER SERVICES RULE(S): 5P-1.003

HISTORY: ADOPTED: 11/9/98  
REVISION DATE(S): 3/22/04, 8/10/09, 1/14/13  
FORMERLY: 10.45, 10.60

## CHAPTER 7.00 - BUSINESS SERVICES

### ACCOUNTING AND CONTROL PROCEDURES

7.07

1. The financial records and accounts of the School Board shall be kept by the Superintendent on forms prescribed by State Board of Education rules. If such forms are not prescribed by State Board of Education rules or Florida Statutes, a uniform system shall be established by the School Board.
2. The Superintendent shall submit to the School Board a financial statement for each month of the school fiscal year. The format of the statement shall be approved by the School Board and shall include a cumulative report to date of all receipts and expenditures for the school fiscal year.
3. The Superintendent shall develop and the School Board approves procedures under which any funds under their control are allowed to be transmitted by electronic transaction.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

215.85, CHAPTER 668, 1001.43, 1001.51,

1010.11, 1011.60, 1011.62, F.S.

#### STATE BOARD OF EDUCATION RULE(S):

6A-1.001

#### HISTORY:

ADOPTED: 11/9/98

REVISION DATE(S): 3/22/04, 6/22/09

FORMERLY:



## **CHAPTER 7.00 - BUSINESS SERVICES**

### **INVENTORIES AND PROPERTY RECORDS**

**7.08**

The Superintendent or designee shall maintain an adequate and accurate record of all tangible personal property of the District. The record shall indicate the date of acquisition, the fund from which purchased, identification number, and property record number, and shall be consistent with all requirements of Florida Statutes and the rules of the Auditor General. School inventories shall be verified by the District administration at the Superintendent's direction.

1. All equipment shall be listed that has a value or cost as established by Florida Statutes or State Board of Education rules. The principal shall notify the District office of all removals, transfers, and receipt of donated or purchased property that meets criteria for being recorded as a fixed asset in order to update records and new equipment.
2. Property inventories shall be performed annually. It shall be each principal's duty to designate a person to make an annual inventory of all school property within his/her building(s). This report shall include recommendations for the disposition of obsolete and surplus equipment and equipment beyond economical repair. Such inventory shall be filed with the District office either at the time designated in writing by the property control officer or at the time of any principal's resignation.
3. Any incoming principal and the property control officer shall make an inventory of all school equipment when the new principal assumes the duties of the position. This inventory shall be checked against the last inventory made at the school and a report shall be filed with the District office to identify any shortages or discrepancies.
4. The principal shall also be responsible for taking inventories of properties not covered in section 1. herein such as student furniture, library books, films and tapes, and other materials as deemed appropriate. These inventory records shall remain on file in the individual school.

## **CHAPTER 7.00 - BUSINESS SERVICES**

5. The Superintendent shall prescribe the procedures for the accountability of property as defined in Florida Statutes.
6. All equipment purchased by the various District organizations or by outside organizations for District use shall become School Board property and shall be recorded and inventoried in the same manner as all other equipment of a similar nature.
7. The principal shall keep an inventory of all equipment in his/her school on forms provided by the property control officer.
8. The Superintendent or designee shall maintain a current and perpetual inventory of all stock in School Board warehouses and shall file an annual end-of-the-year report of the count and value of such items with the finance department.
9. The Superintendent shall report to the School Board any property that has been lost or stolen if recovery is not made by the next regular School Board meeting after the discovery of the loss or theft. Such report shall include a recommendation for inactivation of the property record and information concerning possible personal liability which may be appropriate as the circumstance of the loss or theft may indicate.

**STATUTORY AUTHORITY:**

**1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**CHAPTER 274, 1001.43, F.S.**

**STATE BOARD OF EDUCATION RULE(S):**

**6A-1.087**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 12/14/09**

**FORMERLY:**

## CHAPTER 7.00 – BUSINESS SERVICES

7.09

### **ACQUISITION, USE AND EXCHANGE OF SCHOOL PROPERTY**

#### **POLICY:**

- (1) Acquisition
  - (a) All property purchased through District funds, internal funds, or donations from outside sources shall be acquired using District purchasing procedures.
  - (b) All property, including vehicular equipment, shall be under the full control and name of the School Board.
  - (c) All property with a value of \$500.00 or more consistent with the provisions of this policy manual, acquired through internal accounts or donations, shall be reported immediately by the principal or site supervisor to the designated property records office on the prescribed forms.
  - (d) Principals and site supervisor shall be responsible for determining that all property is identified and accounted.
- (2) Exchange - Each principal and work site supervisor shall determine the property needs for his/her school or department. The principal or District department head shall declare any property which is not needed, upon approval of the designated property control office, and may requisition additional property through proper procedures.
  - (a) Surplus property shall be reported on proper forms to the designated Property Records office which shall be responsible for acquiring and storing the surplus property.
  - (b) Property items with a value of \$500.00 or more as established in (1)(c) above may be exchanged between and District departments when approval is granted by the designated Property Records office and subsequently by the appropriate District department head. Notification of each approval shall be

## CHAPTER 7.0 – BUSINESS SERVICES

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7.09 (Continued)

filed in writing with the designated Property Records Office to adjust property records of schools and District departments.

- (c) School Board equipment may be used by employees away from School Board property under certain conditions when prior approval is obtained from the principal or District department head. These conditions include familiarization with the equipment for instructional purposes or improvement of job performance.
  - (d) School Board equipment shall not be used for gainful outside employment or private use of employees or by any outside group or organization.
- (3) Acquisition of real property is not included under this policy.

STATUTORY AUTHORITY: 1001.42, F.S.

LAWS IMPLEMENTED: 273.01, 1001.43, 1011.06, F.S.

HISTORY:

Adopted: November 9, 1998 Revision Date(s): March 22, 2004 Formerly: New
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## **CHAPTER 7.00 - BUSINESS SERVICES**

**7.091**

### **ACQUISITION OF REAL PROPERTY**

#### **POLICY:**

- (1) A determination by the School Board that real property is needed for school use shall be based on approved master planning data. Two (2) or more proposed locations shall be considered for each acquisition unless extenuating circumstances preclude such consideration. Extenuating circumstances shall be as follows:
  - (a) Availability of alternate locations because of prior land use commitments; the need to acquire land adjacent to an existing school site for purpose of expanding said site; or the purpose of establishing a new school center adjacent to an existing school center for implementation of programs that may be suitably carried out through common use of facilities for more than one (1) school.
  - (b) Joint use of land, as part of a master plan, for educational purposes and community recreational and cultural purposes.
- (2) The Superintendent or designee may negotiate with the owner and determine the purchase price of the land, if such is determined to be in the best interest of the School Board.
- (3) If it is determined to be in the best interest of the School Board, two (2) independent, qualified real estate appraisers shall be appointed to provide a standard narrative form of appraisal complete with supporting data. Final settlement shall not exceed the amount of the highest appraisal.

## **CHAPTER 7.00 - BUSINESS SERVICES**

### **7.091 (Continued)**

- (4) If negotiations with the owner are not successful, the School Board may exercise its right of eminent domain, and proceedings shall be filed in a court having jurisdiction and a date of value established on which to base the marked value of the property.
- (5) Topographical surveys and legal descriptions shall be obtained, including metes and bounds description of all real property considered for purchase.
- (6) Upon decision of the School Board to acquire real property, a title search shall be initiated by a competent, legal consultant or a title search company, and a policy of title insurance will be required upon completion of acquisition proceedings secured by surety satisfactory to the School Board.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23005(2)(e),(6); 235.19, F.S.

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 7.18
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## **CHAPTER 7.00 - BUSINESS SERVICES**

**7.10\***

### **SALE, TRANSFER OR DISPOSAL OF PROPERTY**

#### **POLICY:**

Subject to law and regulations of the State Board, the School Board may sell, transfer or dispose of any school real or tangible property, including instructional materials, which is declared by resolution of the Board to be unnecessary or unsuitable for school purposes because of location, condition or other cause.

The Superintendent shall develop procedures for disposing of property declared surplus by the Board.

**STATUTORY AUTHORITY:** 112.08; 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23005.(2)(c); 235.04, F.S.

**STATE BOARD OF EDUCATION RULE:** 6A-1.087

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 7.08
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## **CHAPTER 7.00 - BUSINESS SERVICES**

**7.11\***

### **LOST OR STOLEN PROPERTY**

#### **POLICY:**

- (1) The principal or designee shall notify the following individuals when any school property has been vandalized, stolen, or lost:
  - (a) The proper law enforcement agency immediately to provide such information as may be available if the property is believed to have been stolen;
  - (b) The District Office by telephone; and,
  - (c) In writing with a copy of such notice being sent to the Superintendent.
- (2) The custodian of the property records shall prepare a written report and recommendations to the Superintendent if the property is not recovered within thirty (30) days.
- (3) The Superintendent shall report to the Board any property that has been lost or stolen if not recovered within thirty (30) days after the discovery of the loss or theft except major losses shall be reported to the Board immediately. Such report shall include a recommendation that the property record be made inactive and any information applicable to personal liability shall also be reported.



## **CHAPTER 7.00 - BUSINESS SERVICES**

**7.11\*** (Continued)

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23(2); 230.23005(2),(9), F.S.

**STATE BOARD OF EDUCATION RULE:** 6A-1.087

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 7.13
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## **CHAPTER 7.00 - BUSINESS SERVICES**

**7.12\***

### **AUDITS**

#### **POLICY:**

- (1) District Audits.
  - (a) Periodic audits shall be made of accounts, records, financial practices, and program elements of the District pursuant to Florida Statutes and State Board of Education rules.
  - (b) The School Board may select an independent auditor to perform audits of the District when the Auditor General advises a financial audit will not be completed within the twelve (12) month period immediately following the fiscal year or if otherwise deemed needed by the School Board.
    1. Selection of the auditor shall be pursuant to provisions in Section 11.45, Florida Statutes. Other auditors may be selected as permitted by law.
    2. The certified public accountant who coordinates the financial audit shall have completed twenty-four (24) hours of in-service training in government or governmental auditing as approved by the Board of Accountancy within the last three (3) years.
    3. At the conclusion of the audit field work, the preliminary findings shall be discussed with the Superintendent or designee. The auditor's comments shall reflect items which are intended to be included in the final audit report.

## CHAPTER 7.00 - BUSINESS SERVICES

### 7.12\* (Continued)

- (2) Audits of Internal Accounts
  - (a) Each principal shall report in writing to the auditor of internal accounts within ten (10) days of receiving an audit report. The written report shall address the audit report and any discrepancies cited therein.
  - (b) The Superintendent may direct an audit of a school's internal accounts without prior notification. Such audits may be conducted by a School Board employee or an independent accounting firm.
- (3) Non financial audits shall be conducted by persons or entities qualified to conduct audits of the program, functions, or service to be audited.
- (4) Results of all audits shall be provided to the School Board for information and appropriate action consistent with law if action is required.

#### STATUTORY AUTHORITY

230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 11.45; 230.23(2); 230.23005(2); 237.02(4), F.S.

STATE BOARD OF EDUCATION RULE: 6A-1.087

#### History:

Adopted: November 9, 1998 Revision Date(s): March 25, 2002 Formerly:
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## CHAPTER 7.00 - BUSINESS SERVICES

### ANTIFRAUD

7.121

1. The School Board of Hamilton County will not tolerate fraud or the concealment of fraud.
2. This policy applies to any fraud, suspected or observed, involving District employees, outside support organizations, vendors, contractors, volunteers, outside agencies doing business with the School Board and any other persons or parties in a position to commit fraud on the School Board.
3. Fraud includes, but is not limited to, knowingly misrepresenting the truth or concealment of a material fact in order to personally benefit or to induce another to act to his/her detriment.

Actions constituting fraud include but are not limited to

- A. Falsifying or unauthorized altering of District documents.
  - B. Accepting or offering a bribe, gifts or other favors under circumstances that indicate that the gift or favor was intended to influence an employee's decision-making.
  - C. Disclosing to other persons the purchasing/bidding activities engaged in, or contemplated by the District in order to give any entity, person or business an unfair advantage in the bid process.
  - D. Causing the District to pay excessive prices or fees where justification is not documented.
  - E. Unauthorized destruction, theft, tampering or removal of records, furniture, fixtures or equipment.
  - F. Using District equipment or work time for any outside private business activity.
4. Any perceived fraud that is detected or suspected by any staff member or other person shall be reported immediately to Human Resource Services for guidance as to whether pursuit of an investigation is warranted. The obligation to report fraud includes instances where an employee knew or should have known that an incident of fraud occurred. Any investigation required shall be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship. Investigations shall be conducted in a confidential manner.
  5. Violation of this policy may result in disciplinary action, termination of employment, termination of contract or legal action.

## **CHAPTER 7.00 - BUSINESS SERVICES**

6. The Superintendent or designee shall develop procedures to implement this policy. Procedures shall include but not be limited to
  - A. Employee notification and education;
  - B. Self-assessment of risk of fraud;
  - C. Reporting suspected or detected fraud;
  - D. Investigation of fraud;
  - E. Consequences and disciplinary action.
7. The Superintendent shall present the procedures to the School Board for approval.
8. The process for notifying the District of suspected or detected fraud shall be available to all employees and the public.

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

**LAW(S) IMPLEMENTED:** 1001.42, 1001.421, 1001.43, F.S.

**HISTORY:** ADOPTED: 5/11/09

**REVISION DATE(S):** 4/9/12, 6/13/16

**FORMERLY:** NEW

## CHAPTER 7.00 - BUSINESS SERVICES

### PETTY CASH FUNDS

7.13

The Superintendent may establish petty cash funds for his/her office, each District department, and each school. Petty cash funds shall be used for operating expenses in accordance with State Board of Education Rules and provisions described herein.

1. A principal or District department head may establish a petty cash fund by submitting a request to the Finance Division for approval. Approval shall be obtained prior to issuing any checks.
2. The Superintendent or designee shall reimburse the funds from the budgetary accounts of schools and District departments when petty cash is exhausted.
3. Petty cash funds shall be accounted for separately from all other funds maintained at each school and District department. The amount of petty cash funds shall not exceed three hundred dollars (\$300.00) for the Superintendent's office, each District department and two hundred dollars (\$200.00) for each school.
4. An itemized receipt for each expenditure shall be kept to receive reimbursement.

**STATUTORY AUTHORITY:**

**1001.42, 1006.21, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1011.07, F.S.**

**STATE BOARD OF EDUCATION RULE(S):**

**6A-1.087**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 12/12/11  
FORMERLY:**

## CHAPTER 7.00 - BUSINESS SERVICES

### PURCHASING POLICIES AND BIDDING

7.14

The Superintendent or designee shall be responsible for all purchases of materials, equipment, and services from District school funds. Only persons authorized by the Superintendent or School Board rules may make any purchase involving the use of school funds. Unauthorized expenditures shall not be approved by the School Board. Florida Statutes, State Board of Education rules, School Board rules and administrative procedures shall be carefully observed when making any purchases. The District shall recognize purchasing terms as defined by law and rule.

The following provisions shall govern purchasing and bidding procedures:

1. Authorization to Execute Purchase Orders. The Purchasing Agent shall be authorized to sign purchase orders.
2. Development of and Adherence to Specifications. Purchases through bids and quotations procedures shall be based upon justification and specifications which are clear, definite, and certain as to character and quality and shall conform to standard specifications for the various classes of supplies, materials, parts, services, or equipment desired. Such specifications shall be conducive to securing the most economical price for the highest quality product which best meets the needs of the educational program. Specifications shall be as open as possible and it shall be made clear in the invitation to bid that use of a trade name does not give exclusive rights to that product. Preferential bidding shall not be permitted. The Superintendent or designee shall be responsible for soliciting the assistance of District staff members who use the products to prepare specifications and to evaluate bids.
3. Requirements for Competitive Bids. Sealed bids shall be requested for any purchase of materials, equipment, or service in excess of the purchasing threshold provided in 287.017, F.S. for Category Two, unless the item is purchased on the basis of an established state contract, through approved online procurement, under the provisions of sections 9 or 10 herein, or is otherwise exempted from bidding by Florida Statutes or State Board of Education rules. A particular item or group of similar items which is anticipated to exceed a collective legally permitted total during the fiscal year shall be subject to the bid requirements as described herein.
4. Standard Bid Procedures
  - A. The Purchasing Agent shall maintain a list of all potential bidders by category of commodity or service and shall include the names of all persons

## **CHAPTER 7.00 - BUSINESS SERVICES**

or firms that requested placement on the list. The Purchasing Agent shall mail each request for bids to each person and firm on the list for that particular commodity and may mail the request for bids to other known persons or firms that are capable of providing the requested commodity.

- a. The Purchasing Agent may remove the name of any person or firm from the list upon failure to respond to three (3) consecutive requests for bids.
- b. The Superintendent or designee may remove the name of any unqualified or unreliable person or firm from the list. Provided, however, the person or firm may apply to the Purchasing Agent for reinstatement to the vendor list after being removed for one (1) year.
- c. Prior to issuance of a purchase order in excess of the threshold provided in 287.017, F.S. for Category Two, the vendor shall execute an affidavit, pursuant to Florida Statutes, certifying that neither the firm nor any of its principals have been convicted for a public entity crime and place on the convicted vendor list within the previous thirty-six (36) months.
- d. Prohibit the acquisition of unnecessary or duplicative items. [2 CFR 100.318(d)/7 CFR 3016.36(b)(4)].
- e. The District shall take all affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible in accordance with 2 C.F.R 200.321.

### **B. Bid Receipt, Opening, and Tabulation**

Sealed bids shall be received in the purchasing office at the time and date designated in the request for bids. All bids shall be opened publicly in the presence of at least one (1) School Board employee. The Purchasing Agent shall read aloud the name of the bidder and the amount and shall make recommendations to the Superintendent who shall make a recommendation to the School Board. The tabulation shall be signed by the Purchasing Agent and School Board employee in attendance. Bids received after the designated time shall not be accepted or considered.

### **C. Award of Bids**

- a. Each bid shall be awarded on the basis of the lowest and best bid which meets specifications with consideration being given to the specific quality of the product, conformity to the specifications,



## **CHAPTER 7.00 - BUSINESS SERVICES**

suitability to school needs, delivery terms and service, and past performance of the vendor. In case of a tie, the recommendation shall be made by first to those whose place of business lies within Hamilton County, then the final determination shall be made through a coin toss. Samples of products may be requested when practical. The School Board shall reserve the right to reject any or all bids.

- b. The District may award contracts to the lowest, responsible bidder as the primary awardee and to the next lowest and responsible bidder(s) as alternate awardees provided that the awarding of multiple contracts is clearly stated in the bid solicitation documents.
  - D. Public Inspection of Bids - Sealed bids, proposals or replies in response to a competitive solicitation shall be exempt from public inspection or copying as provided in §119.071, F.S. When documents are no longer exempt and may be copied, the fee for photocopying shall be in accordance with the School Board Policy 3.07, Copying of Public Records. Original bids and quotations and the transmittal envelopes shall not be removed from the purchasing office.
  - E. Award to Other Than Low Bidder - Any bid recommendation other than the low bid shall be accompanied by a written statement signed by the Purchasing Agent giving the reasons and justification for such action as provided in section 4.B. herein. Single or combination items may be considered in determining the recommendation.
  - F. Bid Withdrawal - A bidder may withdraw a bid before the designated time for opening bids by submitting a written request to the Purchasing Agent and identifying the reason(s) for the desired bid withdrawal. A bidder shall not be permitted to withdraw a bid for any reason after the designated time for opening bids unless mutually agreed upon by both parties.
5. Electronic Bidding
- A. Electronic bidding may be utilized when it is determined to be in the best interest of the District. All requirements for advance notification of bid specifications and date and time of bidding shall be met.
  - B. Each bid shall be awarded on the basis of the lowest and best bid which meets specifications with consideration being given to the specific quality of the product, conformity to the specifications, suitability to school needs, delivery terms and service, and past performance of the vendor.

## **CHAPTER 7.00 - BUSINESS SERVICES**

- C. Multiple awards may be made provided that the solicitation documents clearly state this option.
  - D. Any bid recommendation other than the low bid shall be accompanied by a written statement signed by the Purchasing Agent giving the reasons and justification for such action.
  - E. Documentation of the bid process shall be maintained for audit purposes.
6. Emergency Situations
- A. Occasionally, situations arise which necessitate immediate action in order to ensure the health and safety of students and staff, or to keep a facility in operation. In such cases, at the determination of the Superintendent, the normal procedures may be waived and all Board members will be notified of such action as soon as practicable. The purchasing department shall be required to make telephone contacts with at least two (2) vendors to request quotations, determine availability and ability to deliver services or products in a timely manner. All such contacts must be documented and followed by written bids from those contacted. The Superintendent shall be given all facts relating to the problem and a recommendation for the purchases necessary to resolve the problem. Upon the Superintendent's approval, the lowest and best bidder will be given authorization to proceed. A formal tabulation, giving complete details and justification, shall be submitted at the next regular Board meeting for ratification.
  - B. If the Superintendent determines in writing that the time required to obtain pricing information will enhance the emergency situation, the emergency purchase may be made without quotations.
7. Requisitions
- Each purchase shall be based upon a requisition originating from the principal or District department head. Each requisition or contract shall be properly financed, budgeted, and encumbered prior to issuing a purchase order. Under extreme emergencies, the Purchasing Agent or designee may grant permission for a purchase without a requisition; provided, however, any emergency purchase shall be followed immediately with an emergency requisition. A purchase shall not precede a requisition except under emergency provisions.
8. Purchase of Foods and Nonfood Items for the Food Service Department
- The Superintendent shall develop and prescribe a Competitive Procurement Plan for purchasing food and nonfood supply items for the school food service program.

## **CHAPTER 7.00 - BUSINESS SERVICES**

- A. The Plan shall contain procedures to ensure conformity with the Federal Food, Drug and Cosmetic Act, the Federal Meat Inspection Act, and the Meat Inspection Law of Florida when purchasing foods.
- B. The Plan shall provide for various types of selection procedures including online procurement if approved by the state, as alternatives to the bidding requirements prescribed herein. Bidding requirements specified in this rule shall be waived if they conflict or are inconsistent with the Plan. All purchases of milk shall comply with State Department of Agriculture and Consumer Services rules.
- C. Purchases of equipment items and professional services shall be excluded from the Plan and shall be subject to procedures for purchases described herein.

### **9. Government and Agency Bids**

Subject to provisions of law, the Superintendent may authorize purchase bids approved by the state of Florida, other government agencies, or educational consortia.

### **10. Acquisition of Professional or Educational Services**

The Superintendent is authorized to contract for professional or educational services to complete projects or activities authorized or approved by the School Board.

- A. Selection of an architect, construction management, professional engineer, landscape architect, or land surveyor to perform professional services for a School Board project shall be in accordance with the School Board Policy 7.141, Selecting Professional Services.
- B. Contracts or commitments for educational or professional services shall be approved by the School Board if such contracts or commitments exceed amounts permitted without School Board approval by state laws or regulations.

### **11. Single Source Commodities or Contractual Services**

A commodity or contractual service that is available from a single source may be exempted from requirements for competitive solicitation provided that the District posts notice of its intent to purchase a specific item or service and subsequently posts notice of its intent to enter a single source contract.

## **CHAPTER 7.00 - BUSINESS SERVICES**

### **12. Conflict of Interest**

The following provisions shall apply for conflict of interest. Any violation of these provisions by a School Board employee may be grounds for dismissal.

- A. No contract for goods or services may be made with any business organization in which
  - 1. The Superintendent or School Board member has any financial interest whatsoever;
  - 2. A spouse or child of the Superintendent or School Board member has an employment relationship or material interest as defined by Section 112.312, Florida Statutes; or,
  - 3. A School Board employee has an employment relationship or material interest as defined by Section 112.312, Florida Statutes.
- B. No School Board employee may directly or indirectly purchase or recommend the purchase of goods or services from any business organization in which his/her spouse or child has a material interest as defined by Section 112.312, Florida Statutes.
- C. School Board employees or officials may not use bid prices or school prices or receive gifts or any preferential treatment in making personal purchases. A School Board employee shall not be prohibited from participating in any activity or purchasing program that is publicly offered to all School Board employees or in District surplus sales provided there is no preferential treatment.

### **13. Multi-year Purchase Agreements**

No obligation shall be created by contract, purchase order, maintenance agreement, lease-purchase agreement, lease agreement, or other instrument which exceeds a period of twelve (12) months. The Superintendent shall develop and prescribe a uniform termination clause which shall be incorporated in and made a part of any multi-year obligation agreement or contract.

### **14. Bid Protest**

- A. A bidder, who wishes to file a bid protest, must file such notice and follow procedures prescribed by Section 120.57(3), F.S. for resolution. For bids solicited by the purchasing department, the notice must be filed with the purchasing department. For bids solicited by the Facilities department, the

## **CHAPTER 7.00 - BUSINESS SERVICES**

notice must be filed with the facilities department or such persons as the Superintendent designates.

- B. Any person who files an action protesting a decision or intended decision pertaining to a bid pursuant to F.S. 120.57(3)(b), shall post at the time of filing the formal written protest, a bond payable to the Hamilton County School Board in an amount equal to one percent (1%) of the total estimated contract value, but no less than five hundred dollars (\$500) nor more than five thousand dollars (\$5000). The bond shall be conditioned upon the payment of all costs which may be adjudged against the protester in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If, after completion of the administrative hearing process and any appellate court proceedings, the District prevails, it shall recover all costs and charges, which shall be included in the final order or judgment, including charges made by the Division of Administrative Hearings, but excluding attorney's fees. If the protester prevails, he/she shall recover from the District all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.
  - C. Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed in Section 120.57(3), F.S., shall constitute a waiver of proceedings under Chapter 120, F.S.
15. The Superintendent shall develop and establish administrative procedures for purchasing that comply with Florida Statutes, State Board of Education rules, and School Board rules, and that serve to implement the policies prescribed herein.

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

**LAW(S) IMPLEMENTED:** **112.312, 119.071, 120.57, 212.0821, 255.04, 274.02, 287.017, 287.057, 287.133, 1001.421, 1001.43, 1010.01, 1010.04, 1013.47, F.S.**

**STATE BOARD OF EDUCATION RULE(S):** **6A-1.012, 6A-1.085, 6A-1.087**

**STATE DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICE RULE(S)** **5P-1.003**

**HISTORY:** **ADOPTED: 11/9/98**

**REVISION DATE(S): 8/10/09, 12/12/11, 7/16/12, 1/14/13, 7/24/18**

**FORMERLY: 6.091; 9.16; 10.02(12)**

## CHAPTER 7.00 - BUSINESS SERVICES

### SELECTING PROFESSIONAL SERVICES

7.141

When it is determined that the School Board may need to contract for the professional services of an architect, professional engineer, land surveying, landscape architects, construction management, or registered land surveyor, the procedures prescribed herein shall be followed:

1. Definition - The term *firm* means any firm, partnership, corporation, association, individual, or other legal entity entitled to practice architecture, engineering, or land surveying in the state of Florida.
2. Prequalification - The Superintendent shall, by letter, inform not less than five (5) firms of the type of service desired by the School Board and shall determine whether or not such firms have an interest in qualifying to render such services when needed. The Superintendent shall continue his/her efforts until at least three (3) firms have indicated an interest. There shall be a list of prequalified firms for each of the specialized areas of professional services enumerated in Florida Statutes.
  - A. Upon receipt of notice of interest, the Superintendent shall request the firm to furnish the following information:
    1. A full and complete statement of qualifications and capabilities;
    2. Number of years in business;
    3. Location of firm's office nearest the county seat;
    4. The membership of the firm's staff and the special qualifications of the person or persons who would render the type of service desired; and,
    5. The names and address of at least three (3) school boards or other agencies for whom similar services have been performed within the last five (5) years and the date and the specific service rendered in each case.

## **CHAPTER 7.00 - BUSINESS SERVICES**

- B. Within thirty (30) days following indication of interest, the Superintendent shall complete the file on each firm. In addition to the information filed by the agency or firm, the Superintendent shall obtain a written evaluation from at least three (3) agencies for which such service has been rendered. Any firm which prequalifies under this rule shall file an annual statement of qualifications and performance data and thereby keep its file current.
  - C. Any firm which has furnished the information prescribed in this subsection shall be sent a copy of the legal notice when service in the firm's area of specialty is to be contracted.
- 3. Public Notice and Applications - Where the board by official action determines that it will enter into a contract for such professional services, the Superintendent shall cause to be published once each week for three (3) successive weeks in the local newspaper a public notice stating the type of professional services desired, giving a general description of the project, and stating how an interested firm may apply and the deadline for applications.
  - A. Each firm which prequalifies, as provided in section II. of this rule, shall be sent a copy of the public notice together with a request that an application be filed if the firm desires to be considered.
  - B. Each firm which files an application and which has not prequalified shall be required to complete the information required in section II. of this rule within ten (10) days following the deadline for making applications.
- 4. Rating of Applications - Based on the data filed by each applicant firm and the follow up data obtained by the Superintendent, the School Board will determine the order in which the applicants will be arranged for negotiation purposes.
  - A. To facilitate the selection process, the Superintendent shall prepare a full and complete summary report on each applicant firm.
  - B. Based on data available and its best judgment, the School Board will select the three (3) firms most qualified to perform the desired professional services and will rate them as first, second, and third most qualified for negotiation purposes.

## **CHAPTER 7.00 - BUSINESS SERVICES**

5. Negotiations - Subsequent to the above determination, the School Board will notify the firm rated as first most qualified and establish a date for the firm to make its presentation and to enter into negotiations with the Board for the professional services.
  - A. If the Board cannot obtain a fair, reasonable and competitive price for which the professional services will be rendered by such firm, negotiations shall be formally terminated by the Board. The Board will then undertake negotiations with the firm rated second most qualified. If an accord cannot be reached with this firm, negotiations will be formally terminated, and the Board will then undertake negotiations with the firm rated third most qualified
  - B. If the Board is unable to negotiate an acceptable contract with any one (1) of the first three (3) firms, it will select from among the remaining applicants in the order of competence and qualifications and continue its negotiations, provided, that such firms are considered competent to perform the services desired.
6. Special Assistance - Where the professional service contract will require a fee in excess of twenty-five thousand dollars (\$25,000), the Department of Transportation or the Department of General Services will be requested to provide assistance in selecting a consultant for professional services; provided that the School Board after three (3) attempts has not obtained a reasonable, fair, and competitive price.
7. Contracts - Any contract entered into by the School Board for professional services, as provided herein, shall include a prohibition against contingent fees.
8. Single Source Contractual Services - A contractual service that is available from a single source may be exempted from requirements for competitive solicitation provided that the District posts notice of its intent to purchase a specific service and subsequently posts notice of its intent to enter a single source contract.
9. The Superintendent or designee may authorize outside consultants to provide professional reviews, assistance or training.



## **CHAPTER 7.00 - BUSINESS SERVICES**

10. Full or part-time employees of the Board shall not contract for additional service to the Board as consultants.

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

**LAW(S) IMPLEMENTED:** 287.055, 1001.43, 1001.51, 1011.06, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.012, 6A-2.0010

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 6/22/09, 5/10/10

FORMERLY:

## CHAPTER 1.00 - DISTRICT PHILOSOPHY

<b>LOCAL PREFERENCE IN PURCHASING AND CONTRACTING</b>	<b>7.142</b>
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In order to support the economic interests of the businesses and residents of Hamilton County, Florida, preference shall be given to a local business in the purchase of commodities and services procured by the Board as set out herein.

### PROCEDURES

#### (1) Definitions

- (a) "Bid" shall mean Bidder responses to Invitations to Bid, Requests for Qualifications, and Requests for Proposal.
- (b) "Bidder" means a vendor submitting a response to Invitations to Bid, Requests for Qualifications, and Requests for Proposal.
- (c) "Local Bidder" means a Bidder having a Qualifying Business Presence within one or more of the Preferred Geographic Areas for at least one (1) calendar year prior to the time a Bid is submitted.
- (d) "Non-local Bidder" means any Bidder other than a local Bidder.
- (e) "Qualifying Business Presence" means either:
  - 1. A permanent, occupiable, physical structure from which the Bidder operates its principal place of business; or
  - 2. Any Bidder employing at least 75% of its total employees having permanent residences in a single Preferred Geographic Area in which case the business shall be deemed as having a Qualifying Business Presence within that single area.
- (f) "Preferred Geographic Area" means:
  - 1. Hamilton County.
  - 2. Any other Florida county.

- (g) “Responsive, responsible bidder” means a vendor who is qualified to perform the work required and meets all the conditions of the invitation to Bid or Request for Proposal, and shall also include the consideration of the following items: the ability and capability to perform the contract or provide the goods or services required; and whether the vendor can perform the contract or provide the goods or services within the time specified in the solicitation.

**(2) Local Preference in Purchasing and Contracting**

- (a) Invitations to Bid: When a responsive and responsible, Non-local Bidder submits the lowest price in response to an Invitation to Bid, and the price submitted by the lowest responsive and responsible Local Bidder is within two (2) percent of the price submitted by the Non-local Bidder, then the Local Bidder shall have three (3) business days from notification to submit an offer to match the price(s) offered by the overall lowest, responsive and responsible bidder, in which case the Local Bidder shall be recommended for award.
- (b) Requests for Proposal: In a Request for Proposal, bids are scored by a points system utilizing multiple criteria, only one of which is price. Local Bidders shall have a bonus multiplier that is applied to the Local Bidder’s overall score according to the following scale:
- Hamilton County (+10% of the Local Bidder’s overall point total)
  - Any other Florida county (+2% of the Local Bidder’s overall point total)

The bid shall be awarded to the bidder having the highest overall point total including the bonus modifier, if any.

**(3) Evidence of Eligibility**

In order to be eligible for the preference granted in this policy the vendor must provide conclusive written evidence that all criteria are met. Supporting documents capable of certification by a local or state governing body (e.g., a certificate of occupancy or business license) must be so certified. Post office box addresses, mail drops, or addresses on utility bills cannot alone constitute evidence of eligibility. Any bidder who fails to submit sufficient documentation shall not be granted local preference consideration for the purpose of that specific contract award. The Superintendent, or

designee, has ultimate authority and discretion to determine whether sufficient evidence has been provided to qualify for local preference under this policy.

**(4) Priority or Tie-Breaking**

- (a) In the event priority must be determined between a Local Bidder and a Non-Local Bidder for any reason under this policy, including bid award, the Local Bidder shall be given the higher priority.
- (b) In the event priority must be determined between local Bidders for any reason under this policy, including bid award, priority shall be determined according to the order the Preferred Geographic Areas are listed in part of this policy, with the first listed given the highest priority. Priority within any single Preferred Geographic Area shall be determined by the date the bidder opened its business within the Preferred Geographic Area with the Local Bidder having the earliest date given highest priority.

**(5) Exemptions**

This policy 7.142 shall not apply to any of the following purchases or contracts:

- (a) Goods or services provided under a cooperative purchasing agreement, or “piggyback” solicitation;
- (b) Contracts for professional services procurement subject to the Consultants’ Competitive Negotiation Act (F.S. 287.055) or subject to any competitive consultant selection policy or procedure adopted or utilized by the School Board;
- (c) Purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of that preference; including but not limited to §255.0991, Florida Statutes, entitled “Contracts for construction services; prohibited local government preferences”; or
- (d) Purchases made or contracts let under emergency or noncompetitive situations exempt from competition.

**(6) Waiver of the Application of Local Preference**

The application of local preference to a particular purchase or contract for which the School Board is the awarding authority may be waived upon approval of the School Board.

- (7) This policy regarding local preference is intended to be supplementary to any other School Board policies governing procurement. All other policies, rules, statutes, or laws regarding procurement and ethical purchasing must be observed.
- (8) The prohibition against preferential bidding in Policy 7.14, paragraph 2, shall not be deemed to limit the provisions of this Policy 7.142.

**STATUTORY AUTHORITY:** 120.81(1)(a), 1001.32(32), 1001.41;  
1001.42; 1001.43, F.S.

**LAW(S) IMPLEMENTED:** 1001.43(2)(a), 1001.42, 120.57(3), 119.47, 1011.09, 1011.20,  
1010.04, 1011.06, 1011.07, 112.312, 112.312(3), 255.0991

**F.A.C** 6A-1.012

**HISTORY:** **ADOPTED:** 06/08/15  
**REVISION DATE(S):** \_\_\_\_\_  
**FORMERLY:**

## CHAPTER 7.00 - BUSINESS SERVICES

7.15

### **PAYMENT OF VOUCHERS/INVOICES**

#### **POLICY:**

Expenditures for payment of vouchers and invoices shall be made by warrants or wire transfers of the School Board. Authorization for such payments shall be deemed approved by the Board if within amounts approved in the Board-adopted District budget or amendment thereto. In cases of expenditures exceeding approved purchasing limits, specific School Board approval is required and shall be reflected in School Board minutes. Approval of individual warrants themselves by the School Board shall not be required.

Payment for construction purchases and construction services shall be made in a timely manner as set forth in chapter 218. Florida Statutes.

#### **STATUTORY AUTHORITY**

230.22(2); 230.23(17), F.S.

#### **LAWS IMPLEMENTED**

230.23(10); 230.23005(2); 230.33(12); 237.02, F.S.

#### **History:**

Adopted: November 9, 1998 Revision Date(s): March 25, 2002 Formerly:
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## CHAPTER 7.00 - BUSINESS SERVICES

### PAYROLL PROCEDURES

7.16

1. Payrolls shall be submitted for all School Board employees and shall be properly signed by a designated administrative employee. Such payrolls shall be supported, where applicable, by time records.
2. Payroll checks or warrant distribution dates shall be established administratively to ensure that the employees are paid promptly in accordance with Florida Statutes.
3. No payment shall be made except to properly authorized and approved personnel.
4. Payment shall be based on the duly adopted salary schedule for each position. From time to time payments in the form of a bonus or other legally authorized payment may be made.
5. Full time and part-time regular, probationary, and temporary employees shall be paid at the regular established pay period.
6. Administrators shall be responsible for submitting accurate payrolls in accordance with the payroll time schedules and procedures.
7. Salary adjustments shall be paid at subsequent payroll periods. A person whose services are terminated shall be paid the full salary balance at the regular pay period following termination. Any exceptions shall be approved by the Superintendent/designee.
8. A payroll deduction for an employee beyond those required by Florida Statutes shall have the Superintendent's approval and shall be made only upon the written request of the employee.
9. Any employee organization certified by the Florida Public Employees Relations Commission as the official bargaining agent for a group of District employees or other groups designated by law may be entitled to a payroll deduction for membership dues. The organization may be billed annually for the cost of deducting and transmitting such dues to the organization.

## **CHAPTER 7.00 - BUSINESS SERVICES**

10. No payments shall be made for overtime services without prior approval of the Superintendent/designee.
11. There shall be no payroll deductions permitted in violation of Section 106.15, Florida Statutes.

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

**LAW(S) IMPLEMENTED:** 1001.43, 1011.60, 1012.22, F.S.

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 11/20/01, 03/25/02, 9/14/09

**FORMERLY:** 6.02, 6.07, 6.08



## CHAPTER 7.00 - BUSINESS SERVICES

### AUTHORIZED TRAVEL EXPENSES

7.17

Authorized travel for officers and employees of the School Board shall be reimbursed as follows:

1. In-District Travel - Travel by an authorized officer or employee within the District shall be reimbursed at current federal rates, provided, however, that no reimbursement shall be made for travel between an employee's home and his/her official headquarters.
2. Out-of-District Travel
  - A. One-day Trips - Expenses by officers or employees on authorized school business which require less than one (1) day shall be reimbursed for travel and meals.
  - B. Overnight Trips - Expenses by officers or employees on authorized trips requiring absence overnight or in excess of twenty-four (24) hours shall be reimbursed for travel, lodging and meals. Travel shall be the most economical route or method.
3. Mileage shall be computed as follows:
  - A. In-District - In accordance with the District's mileage schedule or the odometer reading from the point of departure to the destination.
  - B. Out-of-District - Pursuant to the mileage chart established on the official state road map plus vicinity mileage.
4. Meals shall be reimbursed at the per diem rates established in state statute. Mileage shall be reimbursed at the current federal rate.
5. Travel shall be coordinated when more than one (1) traveler is going to the same destination at approximately the same time, if practical. Mileage reimbursement for travelers who choose not to carpool shall be pro-rated, between drivers, based on the number of travelers transported.

## **CHAPTER 7.00 - BUSINESS SERVICES**

6. A purchase order or District Purchasing Card shall be issued and processed through the District office when a common carrier is used. Air travel shall be used when practical, using airlines on state contracts if available.
7. Reimbursement may be requested for tolls, taxies, and registration fees when properly documented. No reimbursement may be authorized for gratuities. Reimbursement for registration lodging or meals shall not be allowed if included in the registration fee paid by the District.
8. All out-of-district travel by School Board members shall have approval of the School Board. The official headquarters of each School Board member shall be his/her place of residence and all in-district travel, shall be computed on this basis.
9. The Superintendent or designee is authorized to approve monetary advances for anticipated travel expenses for persons who are traveling on the School Board's behalf and whose responsibilities require extensive travel from the District. The financial advancement shall not exceed eighty percent (80%) of the anticipated cost of each trip.
10. The expenditure of public funds for travel shall be consistent with the provisions of Florida Statutes.

**STATUTORY AUTHORITY:**

**1001.42, F.S.**

**LAW(S) IMPLEMENTED:-**

**1001.39, 1001.43, 1011.09, F.S.**

**STATE BOARD OF EDUCATION RULE(S):**

**6A-1.056**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 4/12/10**

**FORMERLY: 6.01**

## **CHAPTER 7.00 - BUSINESS SERVICES**

**7.18**

### **INDEBTEDNESS CREATED AGAINST A SCHOOL OR THE SCHOOL BOARD**

#### **POLICY:**

Any school employee shall be personally liable for creating any bill of indebtedness against a school or against the School Board unless authority exists under duly adopted policy of the School Board or unless authorized in writing by the Superintendent. Any person violating the provisions of this Rule shall be subject to cancellation of his contract or dismissal from employment.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17) F.S.

**LAWS IMPLEMENTED:** 230.23(5); 230.23005(2)(f), F.S.

**STATE BOARD OF EDUCATION RULE:** 6A-1.1012(1)

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 2.13
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## CHAPTER 7.00 - BUSINESS SERVICES

### FUND-RAISING FOR SCHOOL PROJECTS AND ACTIVITIES

7.19

All fund-raising projects and activities by schools or groups within the school shall contribute to the educational and extracurricular experiences of students and shall not be in conflict with the overall instructional program as administered by the Superintendent.

1. Money derived from any school fund-raising project or activity shall be deposited in the school's internal funds account and shall be disbursed as prescribed by School Board rules and State Board of Education rules.
2. Each school shall continuously evaluate its fund-raising projects and extracurricular activities of the school program, the promotion of education experiences, the time involved for students and teachers, and the additional demands made on the school community.
3. The determination of the fund-raising projects and activities for a school shall be the principal and the staff's responsibility, and shall conform to the following conditions and other directives provided by the Superintendent:
  - A. Fund-raising activities and projects within all schools shall be kept within a reasonable limit. Before approving any project or activity, the principal shall require full justification of the need and explanation of the manner in which the funds will be expended.
  - B. A written request for fund-raising projects and activities shall be submitted by the principal to the Superintendent or designee for approval.
  - C. Merchandising projects shall be kept to a minimum.
4. A parent-teacher association or any other organizations connected with the school may sponsor fund-raising activities provided school work and time are not adversely affected. Such activities shall be conducted in accordance with School Board rules. Unlawful activity shall be prohibited by any school group or on School Board property.
5. A student shall not sell raffle tickets on the school grounds during the school day. Students may not sell any other item on the school grounds without first having the principal's approval.

## **CHAPTER 7.00 - BUSINESS SERVICES**

6. Individuals and business agencies shall not be subject to excessive annoyances from the solicitation of funds by school groups or school personnel. The solicitation of funds away from school shall require the Superintendent or designee's approval. When possible, all necessary money shall be raised for school needs without recourse to any solicitation away from the school. The Superintendent shall approve a solicitation activity only when funds cannot be raised otherwise. This rule does not preclude private or volunteer contributions for athletic or other purposes. Federal and State law prohibit the sale of "foods of minimal nutritional value" as listed in Code of Federal Regulations 210, Appendix B. Competitive foods are those sold in competition with the National School Lunch Program and the National School Breakfast Program to students on school premises. A school board may allow the sale of carbonated beverages to students in high schools by a school activity or organization authorized by the principal at all times if a beverage of one hundred (100) percent fruit juice is sold at each location where carbonated beverages are sold. However, carbonated beverages may not be sold when/during breakfast or lunch is being served or eaten.
7. Food and beverage services which are available to students shall be provided only during the school day by the food and nutrition service program.
  - A. School organizations are authorized to conduct the sale of food and beverage items one (1) hour following the close of the last lunch period in secondary schools only.
  - B. Food sold by school organizations shall comply with the provisions of State Board of Education rules.

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

**LAW(S) IMPLEMENTED:** 1001.51, 1006.07, 1010.01, 1011.07, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.085, 6A-7.0411

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 6/22/09

**FORMERLY:**

## **CHAPTER 7.00 - BUSINESS SERVICES**

**7.20**

### **INVESTMENT OF FUNDS**

#### **POLICY:**

- (1) The Superintendent shall invest temporarily idle funds to earn the maximum return for the period available while assuring minimal risk to principal. Funds may be placed in the following types of investments:
  - (a) Bids from qualified depositories;
  - (b) Certificates of deposits;
  - (c) Time deposits;
  - (d) Securities of the United States Government; or,
  - (e) Other forms of authorized investments.
- (2) The principal shall invest temporarily idle internal account funds in qualified depositories at the best available return while assuring minimal risk.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.03; 230.23(10)(k); 230.23005(2), F.S.

**STATE BOARD OF EDUCATION RULES:** 6A-1.057

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 6.03
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## **CHAPTER 7.00 - BUSINESS SERVICES**

**7.21**

### **RISK MANAGEMENT INSURANCE**

#### **POLICY:**

The Superintendent shall recommend annually to the School Board insurance programs that are in the best interest of the District. When considering the risk management programs, the Superintendent shall evaluate all options available as provided in Florida Statutes.

In order to minimize losses associated with District risk exposure, and to protect staff, students and the public, the Superintendent or designee may develop or cause to be developed an appropriate risk management program or plan.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23(10)(i); 230.23005(9), F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 6.21
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## **CHAPTER 7.00 - BUSINESS SERVICES**

**7.22**

### **HAMILTON COUNTY EDUCATION FOUNDATION**

#### **POLICY:**

The Hamilton County School Board authorizes the District to establish a foundation fund in the name of Hamilton County Education Foundation subject to the provisions of Florida Statutes.

- (1) The Board of Directors of the Hamilton County Education Foundation shall be approved by the School Board.
- (2) The Board of Directors is allowed to use the property, facilities, and personal services of the District; however, such use must be in keeping with the District's policies regarding the use of facilities and grounds.
- (3) The School Board shall oversee the activities of the organization.
- (4) Such organization must be organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, programs of the Hamilton County School District.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17) F.S.

**LAWS IMPLEMENTED:** 230.23005(1),(7),(9); 237.40, F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: New
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## CHAPTER 7.00 - BUSINESS SERVICES

### BID PROTEST RESOLUTION

7.23

The following procedures shall govern the resolution of protests from contract bidding procedures prior to initiation of formal or informal proceedings pursuant to Chapter 120, Florida Statutes.

1. The School Board shall provide notice of its decision or intended decision concerning a bid solicitation or contract award as follows:
  - a. For bid solicitation, notice of a decision or intended decision shall be sent by United States mail or by hand delivery.
  - b. For any other Board decision relating to contract bidding procedures, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened, or by certified mail, return receipt requested. This notice shall contain the following statement: "Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."
2. Any person who is affected adversely by the Board decision or intended decision shall file with the Board a notice of protest in writing within seventy-two (72) hours after the posting of the bid tabulation or after receipt of the notice of the Board's decision or intended decision, and a formal written protest within ten (10) days after the date he filed the notice of protest. Failure to file a formal written protest shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.
3. Upon receipt of a notice of protest which has been timely filed, the Board shall stop the bid solicitation process or the contract award process until the subject of the protest is resolved by final School Board action, unless the Board sets forth in writing particular facts and circumstances which require the continuance of the

## **CHAPTER 7.00 - BUSINESS SERVICES**

bid solicitation process or the contract award process without delay to avoid an immediate and serious danger to the public health, safety or welfare.

4. The Board, on its own initiative or upon the request of a protestor, shall provide an opportunity to resolve the protest by mutual agreement between the parties within seven (7) days of receipt of the formal written protest.
  - a. If the subject of a protest is not resolved by mutual agreement within seven (7) days of receipt of the formal written protest, and if there are not disputed issues of material fact, an informal proceeding shall be conducted pursuant to Section 120.57, Florida Statutes, and of these rules.
  - b. If the subject of a protest is not resolved by mutual agreement within seven (7) days of receipt of the formal written protest, and if there is a disputed issue of material fact, the Board shall refer the matter to the Division of Administrative Hearings of the Department of Administration for a formal hearing pursuant to Section 120.57, Florida Statutes, and these rules.
5. Construction bids protested shall be in accordance with the policy on the topic found in the section of these policies dealing with construction.

**STATUTORY AUTHORITY:** 1001.42, 1001.43, F.S.

**LAW(S) IMPLEMENTED:** 120.53(2), 120.57, F.S.

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 7/17/00, 3/22/04, 12/8/14

FORMERLY: NEW

## CHAPTER 5.00 – STUDENTS

### GRANT MANAGEMENT

7.30

1. The Superintendent shall seek grant funds to expand the financial capabilities of the District and provide additional resources to enhance educational opportunities and to support student learning and performance.
2. All grant monies awarded to the District shall be used in accordance with applicable federal and state laws and rules, grantor rules, and School Board policies.
3. For projects utilizing federal funds, the District shall adhere to the requirements of Uniform Grant Guidance (UGG). In the event that state requirements are more stringent than federal requirements, state mandates shall be followed.
4. The Superintendent shall develop procedures for grant administration that include but are not limited to
  - a. Application process for grant funds including School Board approval;
  - b. Procurement of materials and equipment;
  - c. Standard of conduct including conflict of interest;
  - d. Property control;
  - e. Cash management;
  - f. Record maintenance;
  - g. Financial reporting;
  - h. Protection of personally identifiable information; and
  - i. Internal evaluation of accomplishments as related to program goals.exchange student program.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1001.43, 1001.51, 1008.385, 1010.01, F.S.  
2 CFR 200, 20 USC 7906

#### HISTORY:

ADOPTED: 1/11/16  
REVISION DATE(S): \_\_\_\_\_  
FORMERLY: NEW

1. The safety of pupils, employees and visitors shall be the responsibility of the authorized person in charge of each site owned or operated by the School Board. The supervisor of each site or facility shall cause to be established a safety committee which shall be responsible for the promotion of a safety education and accident prevention program for that site.
2. Schools shall cooperate with the police, sheriff's department, fire department and other agencies promoting safety education.
3. To assist in carrying out the responsibilities for safety, each principal shall appoint a member of the staff as school safety coordinator.
4. No person shall bring on any School Board premises or have in his/her possession or in his/her vehicle any School Board property, any firearm, weapon or destructive device unless such weapon is required as part of his/her regular job responsibilities.
5. School Environmental Safety Incident Reporting. The Superintendent shall develop and implement procedures for timely and accurate reporting of incidents related to school safety and discipline and shall provide training to appropriate personnel in accordance with law and State Board of education rules. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data to report the 26 incidents of crime, violence and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school sponsored events to the Department Of Education.
  - A. The Superintendent must certify to the Department of Education that the requirements for timely and accurate reporting of SESIR incidents has been met.
  - B. School principals must ensure that all persons at the school level responsible for documenting SESIR information participate in the on-line training offered by the Department and ensure that SESIR data is accurately and timely reported.
6. Nonmedical School District personnel shall not perform invasive medical services that require special medical knowledge, nursing judgment and nursing assessment including, but not limited to, sterile catheterization, nasogastric tube feedings, cleaning and maintaining a tracheotomy and deep suctioning of a tracheotomy. Nonmedical assistive personnel can perform health related services upon successful completion of child-specific training by a registered nurse, a licensed practical nurse, a physician or a physician assistant. These procedures, which include but are not limited to clean intermittent catheterization, gastrostomy tube feedings, monitoring blood glucose and administering emergency injectable medications, must be monitored by a nurse. A registered nurse, licensed practical nurse, physician or physician assistant shall determine if nonmedical School District personnel shall be allowed to perform any other invasive medical services not listed above.

7. A child under the age of sixteen (16) shall wear appropriate headgear as required by law for any equine activity on a public school site. Students shall wear appropriate headgear when participating in an off campus, school sponsored equine activity as required by law.
8. The Superintendent shall develop and present to the Board for approval appropriate emergency management and emergency preparedness plans.
9. The District shall annually conduct a self-assessment of safety and security practices. Based upon this self-assessment and other concerns, if applicable, the Superintendent shall present appropriate recommendations to the School Board for increasing safety and security and the School Board shall take such actions as it deems necessary and appropriate to address safety and security in the District or at individual sites.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**316.614, 773.06, 1001.43, 1006.062(3), 1006.07, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S):**

**3/25/02,03/22/04,12/10/19,11/10/20**

**FORMERLY:**

## CHAPTER 8.00 – AUXILIARY SERVICES

8.011

### **SAFETY PROGRAM**

#### **POLICY:**

The Board recognizes the necessity of a comprehensive Risk Management Safety Program designed to provide for the safety and health of its employees, students and the protection of its physical facilities and environment. This program shall ensure compliance with all applicable local, state and federal rules, regulations and procedures as they pertain to the safety and health of employees and students and to the security of district facilities. The Code of Federal Regulations (CFR) as adopted by the state of Florida, for enforcement in all public sector employment locations, shall be strictly adhered to in addition to the provisions relating to safety and health as contained in Florida Statutes.

This comprehensive program shall provide for the following:

- (1) Safety requirement for employees, students and visitors
- (2) Loss prevention/safety training
- (3) Site safety inspections
- (4) Reporting of hazards
- (5) Site safety committees
- (6) Accident/incident reports
- (7) Security
  - (a) Planning
  - (b) Security of personnel

## ***CHAPTER 8.0 – AUXILIARY SERVICES***

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8.011 (Continued)

- (c) Security of facilities
- (d) Monitoring
- (8) Contractor safety requirements.

STATUTORY AUTHORITY: 1001.42(6), F.S.

LAWS IMPLEMENTED: 316.614; 1006.062(3), 1006.07, F.S.

HISTORY:

Adopted: March 22, 2004 Revision Date(s): Formerly:
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## CHAPTER 8.00 - AUXILIARY SERVICES

### TOXIC SUBSTANCES IN SCHOOL WORK AREAS

8.02

The Superintendent shall develop and implement a program to ensure School Board employees are provided information concerning the nature of toxic substances which are used in the workplace. The program shall include, but not be limited to,

1. Notification of School Board employees of where to direct requests for information on such substances;
2. An orientation session, within thirty (30) days of employment, for all new School Board employees to advise them of any adverse health effects which may occur as a result of contact with toxic substances; and,
3. Distribution of information regarding the use of any toxic substances in the District school system to the local fire department.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1001.43, 1013.49, F.S.

20 CFR 1910.1200

#### HISTORY:

ADOPTED: 11/9/98

REVISION DATE(S): 8/10/09

FORMERLY:



## CHAPTER 8.00 - AUXILIARY SERVICES

### INSPECTIONS

8.03

1. All school buildings shall be inspected at least once during each school fiscal year by a person who is certified by the Florida Department of Education. Such inspection shall be conducted to determine compliance with State Board of Education rules and shall include, but not be limited to, wiring, plumbing, structural parts, safety hazards, and general repair needs. A copy of such inspection report(s) shall be submitted to the principal, Superintendent, and School Board.
2. Fire safety inspections of all buildings shall be conducted annually by the Division of the State Fire Marshall or, upon approval, a local fire department official who has successfully completed the required training courses and is certified by the Division of the State Fire Marshall as a fire safety inspector.
3. If a serious fire hazard is identified, action may be taken in accordance with Policy 8.31.

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

**LAW(S) IMPLEMENTED:** 404.056, 1001.43, 1013.12, 1013.42, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-2.0010

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 12/14/09

FORMERLY: 7.10, 7.17

## **CHAPTER 8.00 - AUXILIARY SERVICES**

**8.04\***

### **EMERGENCY EVACUATION DRILLS**

#### **POLICY:**

- (1) The Principal shall hold emergency evacuation drills during each month that school is in session in accordance with State Board of Education rules, with the first drill being held within the first five (5) days of the school term. A written report of each emergency evacuation drill shall be sent to the District office.
- (2) The principal and instructional and non-instructional school staff members shall develop a base emergency exit and cover plan for such emergencies as fire, bomb threats, foul weather and national emergencies, designed to familiarize the occupants with all means of exit and appropriate cover areas for emergencies. Special emergency exits that are not generally used during the normal occupancy of the building shall be carefully detailed and outlined. Diagrams shall be posted in each student occupied area clearly indicating fire exits and alternate evacuation routes.
- (3) The principal shall plan and assign to staff members the responsibility of the prompt and orderly evacuation of school buildings.
- (4) The principal shall identify and report to the Superintendent hazardous areas requiring corrective measures. The Superintendent shall be responsible for informing the School Board of the principal's report.
- (5) The Superintendent shall make available to each principal a copy of State Board of Education rules and any amendments adopted by the State Board of Education relating to emergency evacuation drills.

## CHAPTER 8.00 - AUXILIARY SERVICES

**8.04\*** (Continued)

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.23005((7)(d); 235.14, F.S.

STATE BOARD OF EDUCATION RULE: 6A-2.011

HISTORY:

Adopted: November 9, 1998 Revision Date(s): July 17, 2000 Formerly:
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## CHAPTER 8.00 - AUXILIARY SERVICES

### DISASTER PREPAREDNESS

8.05

1. The School Board shall participate in emergency management by providing facilities and personnel necessary to staff such facilities during a state or local emergency and upon the request of the local department of emergency management.
  - a. Prior to June 1 of each year, the Superintendent shall develop, with local emergency management agencies, a list of schools to be used as emergency shelters.
  - b. The principals of the designated facilities shall be available to assist the department of emergency management in the operation of their schools as emergency shelters when requested.
  - c. The Superintendent may authorize the use of custodians, food service personnel, electricians, maintenance employees, and other School Board employees to assist in the safe operation of the emergency shelter or disaster operation.
2. Transportation assistance provided by the School Board shall be coordinated with the department of emergency management. The Superintendent may authorize the use of bus drivers and assistants as needed to provide emergency transportation services.
3. Compensation
  - a. Hourly personnel asked to perform emergency-related duties will be paid according to current School Board pay schedules. Overtime will be paid consistent with the federal Fair Labor Standards Act.
  - b. Salaried personnel will be allowed to earn compensatory time or will be paid at the individual's hourly rate, at the Superintendent's discretion, for time worked beyond the normal workday. However, if the emergency is officially declared an emergency by the federal government, the salaried employee will receive his/her hourly rate of pay for the time the Superintendent has directed the person to work in addition to his/her regular work schedule.

## **CHAPTER 8.00 - AUXILIARY SERVICES**

4. The Superintendent and local emergency management agency's shall develop a shelter operations plan and annual training that will clearly identify staff roles and responsibilities for the safe administration of the school as an emergency shelter and for emergency transportation services.

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

**LAW(S) IMPLEMENTED:** 1001.43, 1012.23, 1013.372, F.S.

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 12/14/09

FORMERLY: 7.09, 10.12

## CHAPTER 8.00 - AUXILIARY SERVICES

8.06

### EMERGENCY CLOSING OF SCHOOLS

#### POLICY:

In case of an emergency, the Superintendent / designee is authorized to close any school or all schools and to dismiss a school(s) prior to the regular daily dismissal hour. Except that, the principal may dismiss the school when the Superintendent or designee cannot be contacted and an extreme emergency exists endangering the health, safety, or welfare of students. Any such early dismissal made by the principal shall be reported immediately to the Superintendent's office with a statement describing the reasons for early dismissal. Such report shall be submitted to the School Board at its next regular meeting unless a special meeting is held relating to the emergency.

- (1) In a declared state of emergency, control of students shall be maintained by school personnel until these students are released from school or in the case of transported students, until they depart from the school bus.
- (2) The principal shall cooperate with Civil Defense and Red Cross authorities during a natural or man-made disaster. If a riot or similar situation occurs, the principal shall cooperate with the law enforcement authorities.

STATUTORY AUTHORITY: 230.22(2), F.S.

LAWS IMPLEMENTED: 230.33(6), F.S.

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): June 28, 1999 Formerly: New
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## **CHAPTER 8.00 - AUXILIARY SERVICES**

**8.07**

### **SECURITY PLAN**

#### **POLICY:**

All District schools shall develop and implement a school security program to be in effect during school operating hours. The security program shall be consistent with provisions in Florida Statutes and State Board of Education Rules.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 228.088; 230.23005(1),(7), F.S.

**STATE BOARD OF EDUCATION RULE:** 6A-1.0403

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: New
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## **CHAPTER 8.00 - AUXILIARY SERVICES**

**8.08**

### **VANDALISM AND MALICIOUS MISCHIEF**

#### **POLICY:**

The principal or designee shall report any vandalism immediately to the Superintendent and to the proper law enforcement agency giving all available information.

- (1) A student who willfully damages school property shall be properly disciplined and his / her parent(s) or legal guardian, if the student is a minor, shall be requested, in writing, to restore or to replace any damaged property in accordance with the true value as determined by the principal, the responsible District department head, or in extreme cases the Superintendent and / or School Board. In extreme cases of vandalism, a student shall be subject to suspension or expulsion from school under the charge of serious misconduct. The Code of Student Conduct shall identify disciplinary procedures for students who abuse school property. An adult student involved in the destruction of school property shall be held solely responsible for the damages.
- (2) A civil action against the student's parent(s) or legal guardian may be instituted by the School Board in an appropriate action to recover damages in an amount not to exceed the limit prescribed by Florida Statutes if vandalism or theft of school property is known to have been committed by a minor and the parent(s) or legal guardian refuses to restore or replace the property.
- (3) In any case of willful or negligent damage to school property by a person other than a student, the user or the person responsible for the damage shall replace the property or pay the damages in accordance with the true value as determined by the Superintendent.



## **CHAPTER 8.00 - AUXILIARY SERVICES**

### **8.08 (Continued)**

- (4) Each organization which is granted a permit for the use of public property shall be responsible for any damage to the buildings, equipment, or grounds beyond that which would be considered normal wear and tear and shall pay for any such damage in accordance with the true value as determined by the Superintendent. Failure to comply with a request for payment of such assessed damages shall result in the individual, group, or organization being ineligible for further use of school property and such legal action as the School Board deems proper to recover the amount of damages.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23(2); 230.23005(1)(a),(4),(6); 741.24; 806.13, F.S.

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 7.07
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## CHAPTER 8.00 – AUXILIARY SERVICES

8.09

### **SANITATION AND PREVENTIVE MAINTENANCE**

#### **POLICY:**

- (1) The Board shall strive to provide well-maintained schools and facilities which are safe from hazards, are sanitary, and are properly equipped and adequately lighted and ventilated. The Superintendent shall be responsible for maintenance and upkeep of school plants.
- (2) The school principal or work site supervisor or designee shall be responsible for maintaining satisfactory standards of sanitation and housekeeping. A formal inspection of all buildings under his/her supervision shall be made at least once each month including all toilet areas, food service areas, storage rooms, and other student or staff occupied areas.
- (3) The principal shall report, in writing, to the Facilities Department any needed repairs to any buildings or the grounds. Any emergency repairs shall be reported to the Department by telephone and confirmed in writing.

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

**LAWS IMPLEMENTED:** 1001.43, F.S., F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): March 22, 2004 Formerly: 7.06
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## CHAPTER 8.00 - AUXILIARY SERVICES

8.10

### **SANITATION**

#### **POLICY:**

The school principal shall be responsible for maintaining satisfactory standards and for the scheduling of training for sanitation, equipment use, and housekeeping. A formal inspection of all buildings under his / her supervision shall be made at least once each month including all toilet areas, food service areas, storage rooms, and other student occupied areas. The principal or his / her designee shall make the inspections. Findings and any corrective action for unsatisfactory conditions shall be on file in the principal's office for the Superintendent or the School Board's inspection.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23(9); 230.23005(4), F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: New
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## CHAPTER 8.00 - AUXILIARY SERVICES

8.11

### INFECTION CONTROL GUIDELINES

#### POLICY:

School Board employees who handle students' body secretions shall adhere to the following procedures which emphasize avoidance of direct contact of employees' skin and mucous membranes with blood and other body secretions or wastes of persons who may have a communicable disease.

- (1) Rubber or latex gloves shall be worn and discarded after one (1) use.
- (2) Body secretions or blood shall be removed by using a freshly prepared disinfectant solution as prescribed in approved District operating procedures. All soiled surfaces shall be cleaned with this mixture by using disposable towels, whenever possible. Any substitute disinfectant solution shall be approved by the appropriate District officer.
- (3) All soiled articles shall be disinfected and discarded in red bags pursuant to approved guidelines.
- (4) Mops and other cleaning implements shall be thoroughly rinsed in the disinfectant solution.
- (5) Hands shall be washed thoroughly with soap and water after removing gloves or if bare hands accidentally contact any body secretions.

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.23005(6),(7); 231.001, F.S.

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: New
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## CHAPTER 8.00 - AUXILIARY SERVICES

### PURPOSE AND FUNCTIONS OF THE TRANSPORTATION PROGRAM

8.12

1. The transportation program shall be administered to provide safe and efficient services at the lowest possible cost. Transportation funds shall be used primarily to provide transportation of students to and from the nearest appropriate school as determined by the School Board and in accordance with Florida Statutes.
2. The Superintendent or designee shall be responsible for supervising, administering, investigating, and resolving problems of the District's transportation system. This shall include determination that all School Board employees involved with the transportation system are knowledgeable of applicable Florida Statutes and State Board of Education rules.
3. The District may implement a safe driver toll-free hotline that motorists or other persons may use to report improper driving or operation by a school bus driver. Reports of observed driving violations shall be investigated.
4. The Transportation Supervisor shall develop a handbook for School Board approval to set forth guidelines, directions, and procedures for the District's transportation system.
5. The District shall provide for reciprocal policies and agreements related to transportation services with adjacent districts.

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

**LAW(S) IMPLEMENTED:** 1001.43, 1006.21, 1006.22, 1006.23, 1011.68, 1012.45 F.S.

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

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 4/12/10, 6/13/16

**FORMERLY:** 9.01

## **STUDENT TRANSPORTATION**

**8.13**

The Board shall provide transportation for every student who should attend school and who lives more than a reasonable walking distance from the school to which he/she is assigned. A reasonable walking distance shall be defined as two (2) miles from the school by the nearest traveled route.

1. Exceptions may be made in the case where a child is handicapped or when it has been determined that the nearest route taken will be extremely unsafe for the child to walk due to the traffic, natural hazards, or other peculiar circumstance.
2. Determination of such unsafe conditions shall be the responsibility of the Superintendent upon the consideration of findings of the supervisor of transportation in cooperation with the bus operator, and recommendations of school administration, law enforcement agencies, or local safety groups.
3. When it is impractical to provide bus transportation for reasons of isolation from regular school bus routes to the school of assignment, a parent, as defined by Florida Statutes, aide, or other person transporting the student may be authorized by the Board to be reimbursed at the rate provided by law.
4. Periodically student transportation routes and student walking conditions shall be reviewed to determine if hazardous conditions exist. Appropriate request for designation of hazardous conditions shall be provided as required by state law or State Board of Education.

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

**LAW(S) IMPLEMENTED:** 1000.21, 1001.43, 1006.21,  
1006.23, 1011.68, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-3.001, 6A-3.0171

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 12/14/09

**FORMERLY:**

## CHAPTER 8.00 - AUXILIARY SERVICES

### AUTOMOTIVE EQUIPMENT

8.14

All automotive equipment owned by the School Board shall be assigned to the Superintendent/designee for proper care and maintenance.

1. Automotive equipment shall be used exclusively for school business. It shall not be used for unauthorized purposes.
  - A. The Superintendent shall report any unauthorized equipment usage to the School Board.
  - B. Violation of this rule shall be cause for disciplinary action.
2. School District vehicles shall be operated by appropriately licensed drivers who shall adhere to Florida laws and regulations related to driving including the Florida Ban on Texting While Driving Law.
3. Failure of the operator to notify the transportation supervisor as to any mechanical defect of any piece of automotive equipment may be cause for disciplinary action by the School Board.
4. All mechanical defects of equipment, where repairs are needed, shall be the Superintendent's or designee's responsibility and repairs shall be made immediately; provided that the vehicle may be withdrawn from use by the Superintendent until the repairs are made. The School Board shall not assume any financial responsibility for purchases or contract for repairs unless prior approval is obtained from the Superintendent or designee.
5. The transportation supervisor shall determine that all equipment is inspected at regular intervals. The equipment shall be placed in the District's garage(s) for repairs or service if needed.
6. Under no conditions shall equipment be repaired by a private shop or private individual without the Superintendent or transportation supervisor's approval.
7. The person who is assigned a vehicle on a full time basis shall be responsible for delivering the vehicle to the District's garage for inspection as prescribed by the transportation supervisor.

## **CHAPTER 8.00 - AUXILIARY SERVICES**

8. The operator of any vehicle with a gross vehicle weight rating of 8,500 pounds and with a heavy-duty diesel engine shall adhere to the requirements for the reduction of heavy-duty idling.

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

**LAW(S) IMPLEMENTED:** 316.305, 1001.43, 1006.21, 1006.22, F.S.

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

**DEPARTMENT OF ENVIRONMENTAL**

**PROTECTION RULE(S):** 62-285.420

**HISTORY:** ADOPTED: 11/9/98

REVISION DATE(S): 6/22/09, 12/09/13

FORMERLY: 9.15, 9.17



## **CHAPTER 8.00 - AUXILIARY SERVICES**

**8.15**

### **BUS ROUTES**

#### **POLICY:**

- (1) Designation of Bus Routes. The School Board, after considering the Superintendent's recommendation, shall designate the route to be traveled regularly by each school bus. Each such route shall meet the following requirements:
  - (a) The route shall be planned, scheduled, and adjusted to the capacity of the bus to serve students whose homes are beyond a reasonable walking distance from the school center to which they are assigned, except as otherwise provided by Florida Statutes and State Board of Education Rules. The routing and scheduling of buses shall be planned to eliminate the necessity for students to stand while the bus is in motion. In emergency situations where the number of transported students in a bus exceeds the rated seating capacity, the bus shall proceed at such a reduced rate of speed to maximize students' safety.
  - (b) School bus routes which are designated by the School Board shall be restricted to those areas where road conditions, bridge capacities, and the number of transported students allow such service to be economically feasible and practicable.
  - (c) A route shall not be extended for the purpose of accommodating students whose homes are within a reasonable walking distance by a shorter or more economical route which is available to serve the students.
  - (d) School bus routes shall, insofar as possible, be restricted to main routes and county-maintained roads.

## **CHAPTER 8.00 - AUXILIARY SERVICES**

### **8.15 (Continued)**

- (e) A suitable turning area shall be available for any route requiring a bus to be turned around.
  - (f) Only one (1) bus shall be assigned students on any given route unless the school schedules necessitate a dual assignment of buses.
  - (g) Student loading and unloading stops shall be established at least one quarter of a mile (1,320 feet) apart; provided, however, stops may be closer than one quarter of a mile when students' safety and welfare is involved.
- (2) **Spur Routes.** A spur route shall exist only when an extremely hazardous condition is present, requiring the bus to deviate from the main trunk.
  - (3) **Change in Routes.** School bus drivers shall not discontinue stops, begin new stops, or otherwise change a route without prior approval of the Superintendent or designee.
  - (4) **Other Provisions.** Students who are approved to attend a District school which is not located in their assigned attendance area shall be ineligible for transportation provided by the School Board except as permitted by the School Board Rule entitled, "Student Transportation" (8.13).

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17) F.S.

**LAWS IMPLEMENTED:** 230.23(8) (12); 230.23005(6),(9); 234.112, F.S.

**STATE BOARD OF EDUCATION RULE:** 6A-3.017

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 9.11
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## CHAPTER 8.00 - AUXILIARY SERVICES

### BUS EMERGENCY EVACUATION DRILLS

8.17

1. The director of transportation or designee shall instruct bus operators in procedures to be followed while conducting a bus emergency evacuation drill. A bus evacuation drill shall be conducted during the first six (6) weeks of each semester in the presence of a school principal or designee.
  - A. The director of transportation or designee shall inform the bus operators and the school principal or designee by written notice as to the day on which any practice emergency evacuation drill is to be conducted. The bus operator shall hold the drill as directed, and the principal or designee shall record the process.
  - B. A practice emergency evacuation drill shall be held at a point in which the least possible danger exists from traffic.
  - C. Any bus operator serving more than one (1) school shall report for instruction to the school as directed by the director of transportation or designee.
2. Each school principal or designee shall provide instruction at least twice each year for all transported students in safe practices to board and depart from the school bus including emergency evacuations. Initial instruction shall be given during the first twenty (20) days of the school year and the second period of instruction shall be given held during the first two (2) weeks of second semester of the school year. The principal and his/her instructional staff members shall determine the most effective and practical manner in which to provide such instruction.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1006.21, F.S.**

**STATE BOARD OF EDUCATION RULE(S):**

**6A-3.0171**

**HISTORY:**

**ADOPTED: 11/9/1998**

**REVISION DATE(S): 3/9/2009**

**FORMERLY: 9.22**

## **CHAPTER 8.00 – AUXILIARY SERVICES**

8.19

### **VEHICLE MAINTENANCE PROGRAM**

#### **POLICY:**

- (1) All transportation equipment shall be maintained in safe operating condition. The Transportation Supervisor shall be responsible for a planned program of maintenance to keep all vehicles running safely and efficiently. This program shall include:
  - (a) Instructing bus drivers in methods of anticipating and noting maintenance problems.
  - (b) Inspecting and servicing all vehicles as prescribed in State Board of Education rules on a periodic basis.
  - (c) Maintaining service and repair records on each vehicle as required by State Board of Education rules. A checklist shall be devised for use in recording the results of the safety inspection.
  - (d) Planning and scheduling preventive maintenance, through major overhaul and repair of all equipment.
  - (e) Training through in-service activities for apprentice mechanics.
- (2) The mechanical condition of each school bus shall be determined at least once each thirty (30) working days that the bus is in operation. Any school bus which does not comply with the requirements of Florida Statutes and State Board of Education rules shall be withdrawn immediately from use until it meets such requirements.
- (3) Only School Board or government-owned vehicles may be repaired or serviced in the school bus garage.
- (4) The School Board shall maintain appropriate school bus replacement programs to assure appropriate maintenance of the bus fleet.

## ***CHAPTER 8.0 – AUXILIARY SERVICES***

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8.19 (Continued)

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAWS IMPLEMENTED: 1006.21, 1006.22, 1006.25, F.S.

SCHOOL BOARD OF EDUCATION RULE: 6A-3.017

HISTORY:

Adopted: November 9, 1998 Revision Date(s): March 22, 2004 Formerly: 9.18
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## **CHAPTER 8.00 - AUXILIARY SERVICES**

**8.20**

### **EXITING THE SCHOOL BUS**

#### **POLICY:**

No student shall leave the school bus on his / her way to or from school without the student's parent(s) or legal guardian and the principal or designee's written authorization except at the customary destination of the bus which shall be either the school or the assigned stop.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23(8); 230.23005(1),(9); 234.02, F.S.

**STATE BOARD OF EDUCATION RULES:** 6A-3.017

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: 5.21; 9.06(7)
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## CHAPTER 8.00 - AUXILIARY SERVICES

### TRANSPORTING STUDENTS IN PRIVATE VEHICLES

8.21

1. The District will normally use school buses, as defined in Florida Statutes, for all regular transportation of students, prekindergarten through grade 12.
2. The transportation of students in privately-owned motor vehicles for educational field trips or school-sponsored or school-related events shall be approved by the Superintendent or designee on a case-by-case basis pursuant to Florida Statutes, except in an emergency situation.
3. The vehicle must be a passenger car or multipurpose passenger vehicle or truck, as defined by federal law, designed to transport fewer than ten (10) students.
4. Drivers of such vehicles shall be required
  - A. to show proof of insurance coverage at the minimum limits required by Florida Statutes and at other limits that may be required by the School Board;
  - B. to adhere to Florida laws and regulations related to driving including the Florida Ban on Texting While Driving Law.
  - C. to provide proof of a valid driver's license; and
  - D. to comply with the requirements of the District's safe driver plan.
5. Vehicles shall not transport numbers beyond their rated capacity. Students must be transported in designated seating positions.
6. Appropriate safety measures such as use of seat belts shall be observed.
7. The parent as defined by Florida Statutes, of each student shall be notified in writing about the transportation arrangement and shall give written consent before a student is transported in a private vehicle except in an emergency situation.
8. Violation of this policy shall result in disciplinary action up to and including termination.

**STATUTORY AUTHORITY:** 1001.42, 1001.43, F.S.

**LAW(S) IMPLEMENTED:** 316.305, 1000.21, 1006.21, 1006.22, 1006.24, F.S.

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

## CHAPTER 8.00 - AUXILIARY SERVICES

### HISTORY:

ADOPTED: 11/9/98

REVISION DATE(S): 4/12/10, 12/09/13

FORMERLY: 9.12(7)



## CHAPTER 8.00 - AUXILIARY SERVICES

### SAFETY BELTS

8.22

1. The operator and each passenger of a motor vehicle who are conducting School Board business or a school-related activity shall be restrained by a safety belt when the vehicle is in operation. This provision is applicable to all vehicles as defined in Section 316.003, Florida Statutes, except for the following:
  - A. A school bus purchased prior to January 1, 2001;
  - B. A bus used for transportation of persons for compensation;
  - C. A farm tractor or implement of husbandry;
  - D. A truck of net weight of more than five thousand (5,000) pounds; and,
  - E. A motorcycle, moped, or bicycle.
2. A school bus purchased new after December 31, 2000 must be equipped with safety belts or other federally approved restraint system if used for pre-K to grade 12 students. Each passenger shall wear a seatbelt when the bus is in operation.
3. The number of passengers of a vehicle shall not exceed the number of safety belts which were installed by the manufacturer.
4. School bus operators shall wear a seat belt when operating a school bus.

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

**LAW(S) IMPLEMENTED:** 316.003, 316.614, 316.6145,  
316.6146, 1006.21, 1006.22, F.S.

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

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 9/14/09, 6/11/12  
FORMERLY:

## CHAPTER 8.00 - AUXILIARY SERVICES

### GENERAL FOOD SERVICE REQUIREMENTS

8.23

1. The school food service program shall operate according to requirements set forth in Florida Statutes and State Department of Agriculture and Consumer Service rules. The school food service program shall include the federally reimbursed lunch program, *a la carte* food, beverage offerings, and sale of food and beverage items offered through vending machines or other methods to students at all school facilities during the school day and may include other federally reimbursed Child Nutrition Programs.
2. The District shall participate in the Florida Farm Fresh Schools Program.
3. The school food service program shall be an integral part of the District's educational program, offering nutritional and educational opportunities to students.
4. Foods and beverages available in schools shall be only those which meet the nutritional needs of students and contribute to the development of desirable health habits unless permitted otherwise by State Department of Agriculture and Consumer Services rules and approved by the Superintendent.
5. The school food service program shall meet the standards for Food Service and Sanitation and Safety as provided by the Florida State Board of Health and Florida State Department of Agriculture and Consumer Services.
6. School food and nutrition service funds shall not be considered or treated as internal funds of the local school, but shall be a part of the district school funds. School food and nutrition service funds shall be subject to all the requirements applicable to the district fund such as budgeting, accounting, reporting, and purchasing and such additional requirements as set forth in the written procedures manual authorized in this policy.
7. USDA commodities shall be acquired, stored, and utilized in accordance with United States Department of Agriculture and related State Board of Education rules.

## CHAPTER 8.00 - AUXILIARY SERVICES

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 570.98, 570.981, 1001.43, F.S.

STATE DEPARTMENT OF AGRICULTURE

AND CONSUMER SERVICE RULE(S): 5P-1.01, 5P-1.002, 5P-1.003, 5P-1.005

HISTORY: ADOPTED: 11/9/98

REVISION DATE(S): 3/25/02, 11/8/10, 1/14/13

FORMERLY:

## CHAPTER 8.00 - AUXILIARY SERVICES

### MEAL PATTERNS

8.24

All schools with grades K-12 shall participate in the National School Lunch and Breakfast Programs and serve student meals according to meal patterns established by the United States Department of Agriculture. Schools may participate in other Child Nutrition Programs; meals shall be served to students according to meal patterns established by the United States Department of Agriculture.

**STATUTORY AUTHORITY:** 1001.42, 1001.43, F.S.

**LAW(S) IMPLEMENTED:** 570.981, F.S.

**STATE DEPARTMENT OF AGRICULTURE**

**AND CONSUMER SERVICES RULE(S):** 5P-1.001

**HISTORY:** ADOPTED: 11/9/98

**REVISION DATE(S):** 3/25/02, 1/14/13

**FORMERLY:**

## CHAPTER 8.00 - AUXILIARY SERVICES

### FREE AND REDUCED PRICE MEALS

8.25

Free or reduced price meals shall be served to all students who are unable to pay the full price of meals and who qualify based on eligibility criteria approved by the School Board.

1. The income Eligibility Guidelines for free or reduced price meals shall be in accordance with the scales provided by the Florida Department of Agriculture and Consumer Services based upon income guidelines prescribed by the United States Secretary of Agriculture.
2. Eligibility criteria shall be applicable to all District schools and shall provide that all students from a family meeting the eligibility criteria and attending any District school are offered the same benefits.
3. Procedures for implementing the free and reduced price meal services shall be reviewed annually and shall be in accordance with procedures and guidelines published by the Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture.

#### STATUTORY AUTHORITY:

1001.42, 1001.43, F.S.

#### LAW(S) IMPLEMENTED:

570.98, 570.981, F.S.

#### STATE DEPARTMENT OF AGRICULTURE

#### AND CONSUMER SERVICES RULE(S):

5P-1.004

#### HISTORY:

ADOPTED: 11/9/98  
REVISION DATE(S): 1/14/13  
FORMERLY:10.46

## CHAPTER 8.00 - AUXILIARY SERVICES

### SUMMER NUTRITION PROGRAM

8.251

1. The District shall develop a plan to sponsor a summer nutrition program. One (1) site shall be within five (5) miles of an elementary school at which fifty percent (50%) of the students qualify for free or reduced price school meals and shall operate for thirty-five (35) consecutive days. The remaining sites shall be within ten (10) miles of each elementary school at which fifty percent (50%) of the students qualify for free or reduced price school meals. The Superintendent may collaborate with governmental agencies and not-for-profit entities in implementing this plan.
2. The School Board may seek an exemption from sponsoring a summer nutrition program as provided by law. Annually the School Board shall reconsider the decision to be exempt from providing a summer nutrition program. The School Board shall notify the commissioner within ten (10) days of the decision to continue the exemption.

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

**LAW(S) IMPLEMENTED:** 570.981, 570.982, 1001.43, F.S.

**STATE DEPARTMENT OF AGRICULTURE**

**AND CONSUMER SERVICES RULE(S):** 5P-1.001, 5P-1.003

**HISTORY:** ADOPTED: 1/14/13

**REVISION DATE(S):** \_\_\_\_\_

**FORMERLY:** NEW

## CHAPTER 8.00: AUXILIARY SERVICES

### SCHOOL BREAKFAST PROGRAM

8.255

1. Breakfast shall be available to all students in elementary schools.
2. Breakfast programs shall be implemented at alternative educational sites when feasible. Alternative breakfast options may be served at such sites.
3. Students who arrive at school on a school bus less than fifteen (15) minutes prior to the start of school shall be allowed a minimum of fifteen (15) minutes to eat breakfast.
4. The School Board shall adopt prices for breakfast meals so that the amount paid, state allocations and federal reimbursements defray the cost of the school breakfast program.
5. A breakfast meal will be provided for each student, at no cost to the student or parent, at any school in which eighty percent (80%) of the students are eligible for free or reduced price meals.
6. Annually, all students and parents shall be notified about the school breakfast program. Parental notification shall be in writing.

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

**LAW(S) IMPLEMENTED:** 570.981, 1001.43, F.S.

**STATE DEPARTMENT OF AGRICULTURE**

**AND CONSUMER SERVICES RULE(S):** 5P-1.001, 5P-1.002, 5P-1.003, 5P-1.005

**HISTORY:** ADOPTED: 8/10/09

REVISION DATE(S): 1/14/13

FORMERLY: NEW

## **CHAPTER 8.00 - AUXILIARY SERVICES**

**8.26\***

### **RECORDS RETENTION AND DISPOSAL**

#### **POLICY:**

- (1) The School Board shall establish and maintain a system for the retention and destruction of District school records in order to reduce the space required for record storage and to permit the Superintendent to administer the affairs of the District more efficiently.
- (2) Pursuant to public records laws and rules of the Florida Department of State, the Management Information Services Office shall develop a records retention schedule for each records series of type of record, including teacher's records on each student's grade and attendance.
- (3) Records which are designated as permanent in Florida Statutes, and by the Division of Archives, History and Records Management of the Florida Department of State, and those selected by the School Board or Superintendent as having permanent value, may be destroyed after being photographed or reproduced on film, provided applicable audits have been completed for the period covering the dates of said documents. Photographs or micro-photographs, in the form of film or prints made in compliance with this rule, shall have the same force and effect as the originals and shall be treated as originals for the purpose of admissibility in evidence.
- (4) After complying with the provisions of Florida Statutes, the Superintendent is authorized, at his / her discretion, to destroy general correspondence over three (3) years old and other records, papers, and documents over three (3) years old which are on the retention schedule approved by the Division of Archives, provided such records do not serve as an agreement or understanding or have value as permanent records. However, commodity records are to be maintained five (5) years and milk, bread and juice permanently.



## **CHAPTER 8.00 - AUXILIARY SERVICES**

**8.26\*** (Continued)

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 119.01; 119.041; 230.23005(8),(9); 230.331; 257.37, F.S.

**HISTORY:**

Adopted: November 9, 1998 Revision Date(s): July 17, 2000 Formerly: New
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## CHAPTER 8.00 - AUXILIARY SERVICES

### SCHOOL CONSTRUCTION BID PROCESS

8.27

All applicable laws and School Board policies shall be observed in all construction bid procedures. All construction or capital improvement bids shall be accompanied by evidence that the bidder holds an appropriate certificate or license or that the prime contractor has a current valid license.

- A. Prequalification of Contractors. The Board shall prequalify contractors on an annual basis or for a specific project. This section is applicable to bids, construction management, design build, and any other construction services application.
- B. Selection Process. Those contractors desiring to bid on Board projects must be prequalified. The Board may reject any application that contains inaccurate information.
- C. Application. Each contractor, firm or person requesting pre-qualification shall submit an application. The application shall include the following:
  - 1. Detailed information setting forth the applicant's competence, past performance, experience, financial resources, and capability, including a Public Entity Crime statement and references.
  - 2. Audited financial information current within the past 12 months, such as a balance sheet and statement of operations, and bonding capacity. The requirement for financial information may be satisfied by the contractor providing written verification of the contractor's bonding capacity.
  - 3. General information about the contractor company, its principals, and its history, including state and date of incorporation, regardless of whether the contractor is resident or non-resident of the geographic area served by the Board.
  - 4. Contractor trade categories and information regarding the state and local licenses and license numbers held by the applicant.
  - 5. A list of projects completed within the last five (5) years, including dates, client approximate dollar value, size and reference name for each project.
  - 6. Certificates of insurance confirming current workers' compensation, public liability and property damage insurance as required by law.
  - 7. A list of all pending litigation and all litigation within the past five (5) years, including an explanation of each. Litigation initiated by the contractor to protect the contractor's legal rights shall not be used as a basis for rejecting prequalification.
  - 8. The completed application and financial information shall be attested to and signed by an authorized officer of the company, the

## **CHAPTER 8.00 - AUXILIARY SERVICES**

owner, or sole proprietor, as appropriate, and the signature shall be notarized.

2. **Alternative Construction Methods.** The Facilities Department will consider the following factors when determining which construction method (traditional bid; design-build; construction management or negotiated contract) will be used for each project: scope of work of the project, complexity of the task, the schedule for construction, availability of skilled personnel in the local marketplace and past experience on other projects.
3. **Advertising, Bidding and Awarding Contracts.** Construction projects shall be advertised in a local newspaper within general circulation throughout the District for a minimum of once a week for three (3) consecutive weeks. The last notice shall appear at least seven (7) days prior to the date set for bid opening. Projects estimated to cost less than \$300,000 shall be advertised for a minimum of one week. All applicable Florida Statutes, State Board of Education rules, and School Board rules shall be observed in school construction bid procedures.
4. The Superintendent or designee shall be responsible for preparing the legal notice for bids and shall determine that such notice meets the requirements of Florida Statutes and State Board of Education rules and contains the information needed by the prospective bidders to include the following
  - A. Project name and location;
  - B. Brief statement describing the work
  - C. From whom and when contract documents are available, including deposit or charge;
  - D. Date, time and place relating to submitting of bids;
  - E. Pre-qualifications of bidder;
  - F. Procedures for presenting bids;
  - G. Conditions and terms for receiving bids;
  - H. Procedures to be followed in opening and presenting bids to the School Board; and,
  - I. Conditions for awarding contracts based on bids.
5. In addition to the publishing of the advertisement for bids, the bid documents shall be sent to at least three (3) prospective bidders. The advertisement or specifications shall not specify the use of materials or systems by a sole source.
6. **Construction Bids.** General conditions are all costs incidental to but are not incorporated into the project after it is completed. General conditions and the project contingency will be negotiated. General conditions include (but are not limited to) the following:

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- A. Utilities including water, electric, phone, internet service, restrooms and septic services if required. Contractor is responsible for utilities until the District accepts the project as substantially complete or at the option of the Board, upon Final Completion.
  - B. Office Space which includes all costs related to rental and setup of those spaces.
  - C. Temporary Fencing and site security. The contractor has total control and is responsible for all liabilities on the Construction Site.
  - D. Equipment rental or purchase of equipment such as computers and copy machines.
  - E. Vehicles for mobility at the site such as golf carts. IF the contractor plans to rent company owned equipment to the project documentation shall be provided that the charges will not exceed rental cost. Cost to include fuel, repairs and maintenance. Rental should be consistent with industry standard.
  - F. Waste, trash, debris and disposal costs.
  - G. Erosion and dust control
  - H. Mobilization and demobilization.
  - I. Drinking water
  - J. Salaries of contractor staff working onsite. Contractor staff stationed at the home office and are related to the firm's general operations should not be included.
  - K. Mileage reimbursement for travel to and from an employee's home is not reimbursable.
  - L. Safety and first aid cost.
  - M. Tools may be included. (Any tools or equipment paid for by the District will remain the property of the District).
7. Bid bonds shall be required on new construction and any renovations or remodeling exceeding twenty-five thousand dollars (\$25,000.00).
8. These provisions shall be followed for construction bids
- A. The bid time and date shall be established by the School Board after the Superintendent's recommendation.
  - B. Bids shall be opened at the designated time in the invitation to bid. At the designated time, the person presiding shall inquire if all bids have been received; no other bids shall be accepted and no bid may be withdrawn after the deadline. Negligence on the part of the bidder in preparing the bid shall confer no right for withdrawal after the designated time for opening of bids. Bids by telegram shall not be accepted nor shall any other type of bid be accepted which cannot be classified as a sealed bid. Bids received by mail shall be stamped with the time and date received by the purchasing office.

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- C. All bids shall be opened, read aloud, and recorded in the presence of all persons.
  - D. Each bid shall be accompanied by a bid bond, a certified check, or a cashier's check in an amount equal to five percent (5%) of the total amount of the bid. Failure to include such bond shall automatically disqualify the bid from further consideration.
  - E. The Board will consider all bids received and within the time limit stated in the advertisement for bids will either reject all bids or award the contract to the lowest and best bid with preference to materials, contracts, builders, architects, and laborers who reside within the county and state, whenever such materials can be purchased at no greater expense.
  - F. When a construction contract has been awarded to a contractor on the basis of proper bids, payments on that contract shall be made on a scheduled basis in an amount approved by the architect. This amount shall consider the five percent (5%) hold-back required by Florida Statutes. Upon completion of the construction, the final payment shall be made only on the School Board's approval after proper inspection of the facilities.
9. The specifications for construction bids may not be written to limit any purchase of systems or materials to a specific brand or a single source of supply, unless the School Board, after consideration of all available alternative materials and systems, determines that the specifications of a sole material or system is justifiable, based upon its cost interchangeability.
10. All bid requests shall include a notification to bidders that failure to file a bid protest within the time and in the manner prescribed by School Board rule shall constitute a waiver of any further right to protest such bid award.

### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

### **LAW(S) IMPLEMENTED:**

**218.735, 255.04, 255.078, 287.055, 287.057,  
1001.43, 1013.46 - .48, F.S.**

### **HISTORY:**

**ADOPTED: 11/9/98**  
**REVISION DATE(S): 03/22/04, 12/10/19, 8/10/21**  
**FORMERLY:**

**PREQUALIFICATION OF CONTRACTORS FOR EDUCATIONAL FACILITIES CONSTRUCTION**

**8.271**

The School Board shall prequalify contractors for a one (1) year period or for a specific project in accordance with the following:

1. Criteria - Contractors shall be prequalified on the basis of the following criteria and any additional criteria specific to the project under consideration:
  - A. Proof that the contractor holds a contractor's license which authorizes the contractor to supervise work within the scope of the construction project.
  - B. Evidence that the applicant has financial resources to start up and follow through on projects and to respond to damages in case of default as shown by written verification of bonding capacity equal to or exceeding the amount of any project for which the contractor seeks prequalification. The written verification must be submitted by a licensed surety company rated excellent ("A-"or better) in the current A.M. Best Guide and qualified to do business within the state. In the absence of such written verification, the Board may require the applicant to submit any audited financial information necessary to evaluate an applicant's financial ability to perform the project and to respond to damages in the event of default.
  - C. Evidence of experience with construction techniques, trade standards, quality workmanship, project scheduling, cost control, management of projects, and building codes for similar or less cost or scope projects of similar size within the past five (5) years.
  - D. Evidence of satisfactory resolution of claims filed by or against the contractor asserted on projects of the same or similar size within the five (5) years preceding the submission of the application. Any claim against a contractor shall be deemed to have been satisfactorily resolved if final judgment is rendered in favor of the contractor or any final judgment rendered against the contractor is satisfied within ninety (90) days of the date the judgment becomes final.
  - E. Type of work for which the contractor is licensed.
2. Procedures

## **CHAPTER 8.00 - AUXILIARY SERVICES**

- A. The Board shall hold a public hearing to discuss the Board's intent to pre-qualify contractors and the proposed policies, procedures and rules. The Board shall publish two (2) notices of the public hearing in a local newspaper having general circulation throughout the District and least thirty (30) days and again seven (7) days prior to the hearing. The notice shall contain at least the purpose, date, time, and place of the hearing.
- B. It is the policy and procedure of the Board to provide for open competition which shall not prevent the submission of a bid nor prohibit the consideration of a bid submitted by a prequalified contractor. Those standards which the Board applies when soliciting bids for goods and services generally shall be applied equally to the solicitation of bids from prequalified contractors.
- C. It is the policy of the Board to allow for prequalification of any responsible contractor who, through its submittal to the Board, meets the uniform criteria established by the State Requirements for Educational Facilities and incorporated in section 1 of this policy whether such contractor is a resident or nonresident of the geographical area served by the Board.
- D. It is the policy of the Board to allow those contractors seeking prequalification to submit all required company financial information separate and apart from the other required submittals, as specifically outlined in the Prequalification Submittals section of the Request for Qualifications, in order to endeavor to protect privileged company information from public disclosure.
- E. The Board shall appoint a Contractor Prequalification Review Committee to review and evaluate the submissions and to make recommendations to the Board as to which contractors should be prequalified to bid for type of project, dollar volume and limits allowed within the scope of the prequalification.
- F. These prequalification procedures shall not supersede any small business, woman-owned or minority-owned business enterprise preference program adopted by the Board.
- G. Notwithstanding anything contained herein, the Board may reject any proposals which, in the Board's sole opinion, contain inaccurate information. In addition, the Board shall have the sole discretion to declare a contractor delinquent and to suspend or revoke a prequalification certificate

## **CHAPTER 8.00 - AUXILIARY SERVICES**

- H. The Board shall receive and either approve or reject each application for prequalification within sixty (60) days after receipt by the Board's administrator. Approval shall be based on the criteria and procedures established in this policy.
3. Application - Each contractor, firm, or person requesting prequalification shall submit separate applications that include the following:
- A. Detailed information on Board prescribed forms setting forth the applicant's competence, past performance, experience, financial resources, and capability, including a Public Entity Crimes Statement, and references.
  - B. Audited financial information current within the past twelve (12) months, such as a balance sheet and statement of operations, and bonding capacity. The requirement for financial information may be satisfied by the contractor providing written verification of the contractor's bonding capacity.
  - C. General information about the contractor company, its principals, and its history, including state and date of incorporation.
  - D. Contractor trade categories and information regarding the state and local license and license numbers held by the applicant.
  - E. A list of projects completed within the past five (5) years, including dates, clients, approximate dollar value, and size.
  - F. Certificates of insurance confirming current workers' compensation, public liability and property damage insurance as required by law.
  - G. A list of all pending litigation and all litigation within the past five (5) years, including an explanation of each. Litigation initiated by the contractor to protect the contractor's legal rights shall not be used as a basis for rejecting prequalification.
  - H. The completed application and financial information shall be attested to and signed by an authorized officer of the company, the owner, or sole proprietor, as appropriate. The signature shall be notarized.
  - I. Exception: When two (2) or more prequalified contractors wish to combine their assets for a specific project, they may do so by filling an



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affidavit of joint venture. Such affidavit shall be valid only for that specific project.

4. Issuance of Certificate - The Board shall issue to all prequalified contractors a certificate valid for one (1) year or for the specific project. That certificate shall include the following:
  - A. A statement indicating that the contractor may bid for projects during the time period specified.
  - B. A statement establishing the type of work the contractor will be permitted to provide.
  - C. A statement establishing the total dollar value of work the contractor will be permitted to have under contract with the Board at any one time as determined by the contractor's bonding capacity or ten (10) times the net quick assets.
  - D. A statement establishing the maximum dollar value of each individual project the contractor will be permitted to have under contract with the Board at any one time. The maximum value of each project may be up to twice the value of the largest project previously completed, but shall not exceed the contractor's bonding capacity or ten (10) times the net quick assets.
  - E. The expiration date of the certificate.
5. Renewal of Certificate - Certificates not for a specific project shall be renewed annually.
  - A. Financial statements or written verification of bonding capacity on file with the Board shall be updated annually. Failure to submit a new statement or verification of bonding capacity, after at least thirty (30) days written notice by the Board, shall automatically revoke a prequalification certificate.
  - B. Prequalified contractors may request a revision of their prequalifications status at any time they believe the dollar volume of work under contract or the size or complexity of the projects should be increased if experience, staff size, staff qualifications, and other pertinent data justify the action.
6. Delinquency - The decision to declare a contractor delinquent may only be made by the Superintendent and must be ratified by the Board at its next regular

## **CHAPTER 8.00 - AUXILIARY SERVICES**

meeting following the decision by the Superintendent. Should the contractor be determined to be delinquent, after notice and an opportunity for a fair hearing, the Board shall notify the contractor and his surety, in writing, that the contractor is disqualified from bidding work with the Board as long as the delinquent status exists. A delinquent condition may be determined to be in effect when one (1) or more of the following conditions occur without justifiable cause:

- A. A substantial or repeated failure to comply with contract documents after written notice of such noncompliance.
  - B. A substantial or repeated failure to provide supervision and coordination of subcontractor's work after written notice of such failure.
  - C. Substantial deviation from project time schedules after written notice of noncompliance.
  - D. Substantial or repeated failure to pay subcontractors after the Board has paid the contractor for the work performed by the subcontractors and in accordance with approved requisitions for payment.
  - E. Substantial or repeated failure to provide the quality of workmanship compatible with the trades standards for the community after written notice of such failure.
  - F. Substantial or repeated failure to comply with the warranty requirements of previous contracts after written notice of such failure.
  - G. Failure to maintain the required insurance coverage after written notice of such failure.
7. Suspension or Revocation - The Board may, for good cause, suspend a contractor for a specified period of time or revoke the prequalification certificate. Causes for suspension or revocation shall include, but not be limited to, one or more of the following:
- A. Inaccurate or misleading statements included in the application.
  - B. Declared in default by the Board.
  - C. Adjudged to be bankrupt.
  - D. Performance, in connection with contract work, becomes unsatisfactory to the Board, based on the Board asserting and recovering liquidated damages in an action against the contractor.

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- E. Payment record, in connection with contract work, becomes unsatisfactory to the Board, based on the contractor's failure to comply with the Construction Prompt Pay Act (Section 715.12, F.S.).
  - F. Becomes delinquent on a construction project pursuant to section 6 above.
  - G. Contractor's license becomes suspended or is revoked.
  - H. No longer meets the uniform prequalification criteria established in this policy.
8. Appeal - A contractor whose application has been rejected or whose certificate has been suspended or revoked by the Board shall be given the benefit of reconsideration and appeal as follows:
- A. The aggrieved contractor may, within ten (10) days after receiving notification of such action, request reconsideration in writing. The contractor may submit additional information at the time of appeal.
  - B. The Board shall act upon the contractor's request within thirty (30) calendar days after the filing and shall notify the contractor of its action to adhere to, modify, or reverse its original action. The Board may require additional information to justify the reconsideration.

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

**LAW(S) IMPLEMENTED:** 1001.43, 1013.46, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-2.0010

**HISTORY:** ADOPTED: 3/22/04  
REVISION DATE(S): 6/22/09

**FORMERLY:**

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### BACKGROUND SCREENING FOR CONTRACTORS

8.28

1. Contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds must meet level two (2) screening requirements as described in Florida Statutes. Contractual personnel shall include any vendor, individual or entity under contract with a school or the School Board. Each vendor, individual contractor or employee of a contractor as described in this section must provide verification that he/she has met the level two (2) screening requirements prior to accessing a school campus.
2. An employee or contractor of an employer who offers a high school student internship(s) must meet level 2 background screening requirements if he/she has direct, unsupervised access to the student intern(s).
3. The District shall issue a state identification badge that is valid for five (5) years to a contractor who meets level 2 screening requirements. The recipient of the badge shall be responsible for paying a fee established by the Department of Education. The badge shall bear the picture of the contractor and must be visible at all times the contractor is on school grounds.
4. The District shall recognize the uniform statewide identification badge that has been issued by another school district.
5. A noninstructional contractor, who has been convicted of any disqualifying offense, as defined in Florida Statutes, shall not have access to school grounds when students are present.
6. Contractual personnel must also meet the level two (2) screening requirements every five (5) years following entry into a contract. If the fingerprints of an individual under contract with the School Board have not been retained by the Florida Department of Law Enforcement, the individual must submit a complete set of fingerprints to the District.
7. Each person under contract as described in sections I. and II. must agree to inform the party with whom he/she is under contract within forty-eight (48) hours if convicted of any disqualifying offense while under contract. The individual shall

## **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

also be responsible for returning the badge within forty-eight (48) hours to the district that issued the badge. If it is found that a person under contract does not meet the level two (2) requirements, the individual shall be immediately suspended from working in a contractual position and shall remain suspended until final resolution of any appeals. A person who is working with an intern will not be allowed to continue in an unsupervised situation.

8. The following noninstructional contractors shall be exempt from level 2 screening:
  - A. A contractor who is under direct, line of sight supervision of a District employee or contractor who has met level 2 screening requirements;
  - B. A contractor who is required by law to undergo level 2 screening for licensure, certification, employment, or other purpose and provides appropriate documentation;
  - C. A law enforcement officer who is assigned or dispatched to school grounds;
  - D. An employee or medical director of a licensed ambulance provider who is providing services;
  - E. A contractor at a site where students are not permitted and a six (6) foot chain link fence separates the work site from the remainder of the school grounds; or
  - F. A contractor who provides pickup or delivery services that involve brief visits to school grounds when students are present.
9. A noninstructional contractor, as described in section ~~VI~~, VIII., who is exempt from level 2 screening shall be subject to a search of the registry of sexual offenders and sexual predators maintained by the Florida Department of Law Enforcement and the National Sex Offender Public Registry maintained by the U.S. Department of Justice. The District shall conduct the registry search without charge to the contractor. If a contractor is identified as a sexual predator or offender and not allowed on school grounds, the District shall notify the vendor, individual or entity under contract within three (3) business days.
10. The Superintendent shall develop procedures to implement this policy.

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1003.496, 1012.32,  
1012.465, 1012.467, 1012.468, F.S.

HISTORY: ADOPTED: 9/11/09

REVISION DATE(S): 12/09/13

FORMERLY: NEW

## CHAPTER 8.00 – AUXILIARY SERVICES

8.30

### RENOVATIONS OR REMODELING OF FACILITIES

#### POLICY:

- (1) The Superintendent when recommending the preliminary school budget, or any amendments thereto relating to capital outlay projects may, after evaluation, recommend to the School Board that suitable projects costing two hundred thousand dollars (\$200,000.00) or less be provided on a day labor basis.
- (2) Parent groups, school staff and civic associations often raise funds to make improvements to various School Board facilities. Such changes are regulated by building codes, Florida State Department of Education rules, School Board rules and Florida Statutes. In addition, these changes often have cost implications on maintenance, energy usage and inhibitions to future site construction. The change or addition always poses questions regarding Board liability for the facilities as any deviation from State Regulations would be a factor in a damage suit, if the change in facility was related to a personal injury.
- (3) When a project is being considered at any existing facility, the following procedures shall be followed:
  - (a) A description of the proposed project, including an approximation of the expected cost, shall be submitted to the school principal for review and approval on the Request for Change(s) to School Board Facility form.
  - (b) Full funding for the design costs, construction and any other related costs must be identified.
  - (c) If the principal is in agreement, he/she shall request approval from the Superintendent to submit the request.

## **CHAPTER 8.0 – AUXILIARY SERVICES**

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8.30 (Continued)

1. If the project requires funding from the District, the Director of Finance must be consulted to determine feasibility and availability of funds.
  2. Should a booster club, PTA, or other school affiliated group be supplying the funds, the Superintendent must be informed.
  3. All projects must comply with State Board of Education rules.
  4. If the project will affect the student capacity of the school, approval of the Superintendent is required.
- (d) Prior to an installation or construction, a detailed design must be submitted to the Facilities Supervisor. The content of this request shall include a detailed project description and a statement regarding the method of funding. Plans and/or specifications will be reviewed by the Facilities and Maintenance Departments.
1. Upon completion of the plans and specifications, such must be submitted for review for compliance with State Board of Education Regulations with consideration given to the impact upon the maintenance and energy usage of the facilities and inhibitions to future site construction. A minimum of ten (10) days is required and must be provided for review of plans and specifications, plus time to prepare an agenda item to present to the School Board if judged appropriate by the Superintendent.
  2. After approval by the School Board, plans may require submission to the Department of Education. (Department of Education approval which will take approximately two (2) to three (3) months.)
  3. Upon Department of Education approval, (if required), the project must either be formally advertised and bid, in accordance with State Board of Education rules or a minimum of three sealed proposals must be obtained to ensure compliance with the Construction Documents. The



## **CHAPTER 8.0 – AUXILIARY SERVICES**

bids must contain a work schedule to facilitate inspections by the reviewing department.

Projects funded by booster clubs, PTA or other school affiliated groups, will also be handled by the "respective" group during the bid/proposal process. It is recommended proposals be sealed when submitted and opened at a designated time, in the presence of at least the school principal, the president of the parent group, a representative of the purchasing department, facilities department, or maintenance department, and the designing architect/engineer, if applicable.

- (e) In the event the project cost is expected to exceed \$10,000.00, a registered architect/registered professional engineer must be engaged to design, prepare, and "Seal" the necessary construction documents in accordance with State Board of Education rules. The project cost shall include all materials and labor, production design fees, reproductions, testing and surveys.
- (f) All bids or proposals, including work schedules, must then be submitted to the Facilities Supervisor for review and determination of the low bidder's compliance with the projects' contract documents. The project's originating group must make a recommendation regarding acceptance of the low bidder.
- (g) When compliance has been established, PTA, booster club, or other school affiliated group will receive written authorization to proceed from the Superintendent.
- (h) Depending on the scope of work involved, supplemental, periodic inspections may be made by the maintenance department as determined by the facilities supervisor.
- (i) Upon completion of the work the facilities supervisor must be contacted for final inspection prior to acceptance of the School Board at one of its regularly scheduled meetings.

## **CHAPTER 8.0 – AUXILIARY SERVICES**

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8.30 (Continued)

STATUTORY AUTHORITY: 1001.42, F.S.

LAWS IMPLEMENTED: 235.30, 1001.43, 1013.01, 1013.35, 1013.45, F.S.

STATE BOARD OF EDUCATION RULE: 6A-2.0111, F.S.

HISTORY:

Adopted: November 9, 1998 Revision Date(s): July 17, 2000, March 22, 2004 Formerly:
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## CHAPTER 8.00 - AUXILIARY SERVICES

8.31\*

### FACILITY FIRE SAFETY INSPECTION

#### POLICY:

When the State Fire Marshal or his / her designee conducts a fire safety inspection as authorized in Florida Statutes, and it is determined that a serious fire safety hazard exists which poses an immediate danger to the public health safety, or welfare, the State Fire Marshal and Superintendent are authorized to issue a joint order to vacate the facility in question, which order shall be effective immediately. The Superintendent shall immediately notify the School Board members about such an order.

STATUTORY AUTHORITY: 230.22(2); 230.23(17), F.S.

LAWS IMPLEMENTED: 230.2005(6),(7); 235.06; 633.081; 633.085, F.S.

#### HISTORY:

Adopted: November 9, 1998 Revision Date(s): Formerly: 7.10
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## CHAPTER 8.00 - AUXILIARY SERVICES

### TOBACCO USE/POSSESSION IN DISTRICT FACILITIES

8.32

The Hamilton County School Board believes that the right of persons to use tobacco must be balanced against the right of those who do not use tobacco to breathe air untainted by tobacco by-products.

The School Board prohibits the use/possession of any and all form of tobacco products including synthetic tobacco and use of electronic cigarettes and is prohibited at all facilities owned or operated by the Board, any area utilized by students or designated for student activities. Additionally, and in accord with law and other governing regulations, prohibits the use/possession of tobacco products in any form including synthetic tobacco and use of electronic cigarettes in facilities, is also prohibited in all vehicles owned or operated by the Board and areas designated for the various student programs and activities. All components of this policy are effective 24 hours per day, 365 days per year. The following definitions apply:

1. For the purpose of this policy, “tobacco” is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, cigarillo, hookah, and any other smoking product, and any smokeless or spitless tobacco also known as dip, chew, snuff, snus,orbs, and strips, sticks, or electronic cigarette in any form.
2. The term “facility” shall mean any property owned, leased, or contracted by the District including, but not limited to: all schools, district offices, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts and all open areas at any time.
3. The term “vehicle” shall include, but not be limited to, school buses, vans, trucks, station wagons, cars, etc. Possession of tobacco is prohibited from these District-owned vehicles at any time.

Tobacco advertising is prohibited on school grounds, in all school-sponsored and school purchased publications, and at all school-sponsored events. Tobacco promotional items that promote the use of tobacco products, including but not limited to: clothing, bags, lighters and other articles are not permitted on school grounds, in school vehicles or at

## **CHAPTER 8.00 - AUXILIARY SERVICES**

school sponsored events. Sponsorships, gifts, grants and tobacco prevention materials provided by tobacco companies or their subsidiaries are prohibited.

Appropriate signs will be posted throughout the District at entrances and other appropriate locations on all academic grounds, administrative spaces, and athletic fields indicating that tobacco use/possession is not permitted. Students will be provided notice of this policy through student handbooks. District personnel will be provided notice of this policy through personnel handbooks, etc. District vehicles will display clearly marked signage. This policy will also be available for review on District website.

Announcements will be made during home athletic events both before the event and at the mid-point or intermission of the event, as well as at school functions where deemed appropriate. All enforcement efforts will use the opportunity to promote the tobacco cessation program to violators.

### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

### **LAW(S) IMPLEMENTED:**

**386.201 – 386.209, 1001.43, F.S.**

### **HISTORY:**

**ADOPTED: 11/9/1998**

**REVISION DATE(S): 3/9/2009, 3/11/13, 06/09/14**

**FORMERLY: 7.04**

## CHAPTER 8.00 - AUXILIARY SERVICES

### TELECOMMUNICATIONS PLAN AND INTERNET USE

8.33

1. Telephone Service
  - A. In order to promote efficiency and economy, the Superintendent or designee shall develop a uniform system for implementing effective telephone service systems, including use of telephone lines to support technology. School personnel shall be informed of this system.
  - B. Logs shall be maintained of long distance calls by work location. Logs shall be in a uniform format. Staff shall not utilize the School Board telephone system for conducting personal business.
  - C. Telephone service billings and long distance logs shall be subject to periodic review and audit. No person shall charge personal calls to the School Board.
2. Internet Use
  - A. Terms and Conditions for Use of Telecommunications and Networks. The Internet provides an exciting opportunity to expand learning for students and educators. With this opportunity comes the responsibility for appropriate use. Each student, parent, as defined by Florida Statutes and employee of the District should read this document carefully and sign a contract for network responsibility. Signature on the contract is an obligation to comply with the terms and conditions outlined in this policy.
  - B. Internet Overview - The goal of internet access is to promote educational excellence for all students by facilitating resource sharing, accessing outside information and research, and encouraging technological innovation and worldwide communication.
  - C. Internet Resources – The Internet serves as an electronic highway providing the opportunity to expand learning by connecting computers worldwide and millions of individual subscribers. Students, teachers, administrators, and employees will have access to
    1. Electronic mail communications;
    2. Global information and news, as well as the opportunity to correspond with other institutions;
    3. Public domain and shareware computer software of all types;
    4. Social media networks;
    5. Educational discussion groups on numerous topics ranging from the environment to music to politics; and,
    6. Access to many university libraries and others, such as Library of Congress, Smithsonian Institution, NASA Spacelink, Educational Resource Information Center (ERIC), and Canadian Academic Libraries (CARL).
  - D. Internet Warning
    1. With worldwide access to information also comes the availability of material that may not be considered to be of educational value in

## **CHAPTER 8.00 - AUXILIARY SERVICES**

the context of school setting. There may be some material or individual communications, which are not appropriate for school-aged children. In accordance with the Children's Internet Protection Act (CIPA), all HCSB web access is filtered. The District views information gathered from the Internet in the same manner as reference materials identified by schools. Specifically, the District supports resources that will enhance the learning environment with guidance from faculty and staff.

2. At school, student's access to and use of the network will be under teacher direction and monitored as any other classroom activity. The District is not able to prevent the possibility of user access to material that is not consistent with the education mission, goals, and policies of the School Board when access is obtained outside of the school.

### **E. User Guidelines**

1. Internet access is coordinated through a complex association of government agencies and regional and state networks. It is the District's intent that the internet and our communications network be used in a responsible, efficient, ethical, and legal manner. The operation of the internet relies heavily on the proper conduct of the users who must adhere to strict guidelines. If a District user violates any of these provisions, their account will be terminated and future access will be denied. Serious violations may result in school disciplinary action or legal action. The signature(s) on the application form indicate that the user(s) have read the terms and conditions carefully and understand their significance.
2. Acceptable Use - The use of an account must be in support of education and research that is consistent with the educational goals and policies of the District. Users are encouraged to develop uses which meet their individual needs and that take advantage of the network's function; electronic mail, conferences, bulletin boards, data bases, and access to the internet. Use of any other network or computing resources must be consistent with the rules appropriate to that network.
3. Social Media – The District recognizes the use of social media for communication and e-learning; however, only those networks sponsored by the District may be used for classroom instruction or school sponsored activities without prior written approval of the Superintendent.
4. As part of CIPA compliance, our school district provides annual training to our students in the areas of cyber bullying, social networking, and general online behavior through an assembly performed by our school resource officer or other trained party.

## **CHAPTER 8.00 - AUXILIARY SERVICES**

5. Privileges - The use of Internet is a privilege. Inappropriate use will result in the cancellation of that privilege. Each individual who accepts an account will receive information pertaining to the proper use of the network. School and District administrators will decide what inappropriate use is. Their decision is final. An account may be closed by the District at any time deemed necessary or by recommendation of the administration, faculty, or staff. The person in whose name an account is issued is responsible at all times for its proper use.
6. "Netiquette" - A user is expected to abide by the generally accepted rules of network etiquette. Be polite. Do not use vulgar or obscene language. Do not reveal your address or phone number, or those of others. Please remember that electronic mail is not guaranteed to be private. Do not disrupt the network, the data, or other users.
7. Unacceptable Uses of the Network:
  - Using the internet for illegal purposes;
  - Violating student or staff's rights to privacy;
  - Using the internet without application of common sense;
  - Using profanity, obscenity, or other language which may be offensive to another user;
  - Sending or receiving pornographic text and/or graphics;
  - Role playing games;
  - Sending or receiving copyrighted materials, including computer software, without permission, or material protected by trade secrets;
  - Reporting personal communications without the author's prior consent; and,
  - Using for commercial activities, product advertisement, or political lobbying.
  - Use of cell phones to capture assessment material and transmit via the school's internet access to others
- F. Warranties - The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damage a user suffers including loss of data. The District will not be responsible for the accuracy or quality of information obtained through this Internet connection.
- G. Security - Security is a high priority. If a user identifies a security problem, he/she must notify a system administrator immediately. Do not show or identify the problem to others. Do not use another individual's account. Attempts to log on as another user will result in cancellation of your privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access.



## **CHAPTER 8.00 - AUXILIARY SERVICES**

- H. Vandalism - Vandalism will result in cancellation of user privileges. Vandalism is defined as any malicious attempt to harm or destroy data of another user, Internet or other networks. This includes the creation of or the unloading of computer viruses on to the internet or host site. Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity under applicable state and federal law.
- I. Updating User Information - A user may occasionally be required to update his/her registration, password and account information to continue internet access. The user must notify the District of any changes in your account information (address or school). Users should change their passwords frequently.
- J. Use of Network Resources - There is a limit to the resources available for users on the network. Each user should attempt to conserve resources and allow others to access the network. Users are expected to observe reasonable time limits on the network (one hour online during a six-hour period, except in special circumstances).
- K. E-mail Etiquette
  1. Preparing text files for uploading before logging on;
  2. Making subject heading as descriptive as possible.
  3. Beginning messages with a salutation; restating the question or issue being addressed in a response;
  4. Choosing words carefully to avoid misunderstandings; text does not permit the verbal or expression clues which are usually necessary when statements are intended to be funny or sarcastic;
  5. Ending messages with your name and your e-mail address to assist getting feedback or clarifications;
  6. Logging off before editing and printing downloaded files; and
  7. Deleting e-mail files as soon as possible as appropriate under public records law.
- L. Account Sponsors - Sponsors of classroom accounts are responsible for teaching proper techniques and standards for participation, guiding student access to appropriate sections of the network, and or assuring students understand that if they misuse the network they will lose their access privileges. Conference moderators are responsible for monitoring the context and tone of posted messages and/or taking steps to delete offensive materials and to communicate with authors.
- M. Contracts –To access the network, teachers are required to enter into a Sponsoring Teacher Network Responsibility Contract. Parents and students are required to enter into a Network Responsibility Contract. Employees are required to enter into an Employee Network Responsibility Contract. These forms shall be approved by the School Board.
- N. Exception of Terms and Conditions - All terms and conditions stated in this document are applicable to all users of the network. These terms and conditions reflect an agreement of the parties and shall be governed and

## CHAPTER 8.00 - AUXILIARY SERVICES

interpreted in accordance with the laws of the United States of America, the state of Florida, and the School Board.

3. Florida Online High School Use - Contract for instructional services through the Florida Online High School is to be addressed in the *Student Progression Plan*.
4. Employee Contract

### Employee Network Responsibility Contract School Board Policy 8.33

#### Please print all information

User's full name \_\_\_\_\_  
Home Address \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Employee Location \_\_\_\_\_  
Job Title \_\_\_\_\_

#### EMPLOYEE AGREEMENT

I have read and understand the Terms and Conditions for Use of Telecommunications and Networks in Hamilton District Schools. I further agree to abide by the terms of the agreement (School Board Policy 8.33). I understand that unacceptable violations will result in losing my access privileges. In addition, violations may result in disciplinary action and/or appropriate legal or criminal action being initiated against me.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_  
Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

## CHAPTER 8.00 - AUXILIARY SERVICES

### 5. Student/Parent Contract

#### Student/Parent Network Responsibility Contract School Board Policy 8.33

**Please print all information**

User's Full Name \_\_\_\_\_  
Home Address \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
School \_\_\_\_\_ Grade \_\_\_\_\_

#### STUDENT AGREEMENT

I understand and will abide by the Terms and Conditions for Use of Telecommunications and Network in Hamilton District Schools. Unacceptable violations may result in losing my access privileges. In addition, violations may result in school disciplinary action and/or appropriate legal or criminal action being initiated against me.

Student Signature \_\_\_\_\_ Date \_\_\_\_\_

#### PARENT

(Also required if applicant is under the age of 18)

As the parent of this student, I have read the Terms and Conditions for Use of Telecommunications and Network in Hamilton County District Schools. I understand that this access is designed solely for educational purposes and the School District sponsors have taken reasonable precautions to supervise Internet usage. I will not hold the District and sponsors responsible for information acquired or contacts made on the network outside of school. I also accept full responsibility for supervision of Internet usage by my child outside of the school setting. I hereby give permission to establish network privileges for my child outside of the school setting. I hereby give permission to establish network privileges for my child to use a classroom account and certify that the information contained on this application is true and correct to the best of my knowledge and belief.

Parent Signature \_\_\_\_\_ Date \_\_\_\_\_  
Parent Name (Please print) \_\_\_\_\_  
Parent Work Phone \_\_\_\_\_

## **CHAPTER 8.00 - AUXILIARY SERVICES**

6. Sexting shall be prohibited. All acts of alleged sexting shall be reported to the appropriate legal authority.
7. The *Code of Student Conduct* shall govern student discipline for student violation of this policy.
8. Employee violation of this policy may result in disciplinary actions including termination of employment.
9. The Superintendent shall develop standards and procedures for the use of internet resources.

**STATUTORY AUTHORITY:**

**1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1000.21, 1001.43, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 8/10/09, 4/9/12, 9/10/12, 10/13/14**

## **CHAPTER 8.00 - AUXILIARY SERVICES**

**8.331**

### **TELECOMMUNICATION PLAN**

#### **POLICY:**

The District shall develop a comprehensive telecommunications plan for administrative and instructional purposes. The plan shall advance and promote public education consistent with technology advances and availability of resources. To the extent feasible, it shall promote access, collaboration, and information sharing between and among schools, District offices, and the global community.

The Superintendent or designee shall be responsible for establishing and authorizing use of telecommunications services and networks in keeping with the telecommunication plan which shall be presented to the School Board for approval. Such plan shall be updated from time-to-time and submitted for Board review and approval.

District computers, network access, and other information resources such as electronic mail (e-mail) are provided for staff use to support the District mission and goals. All such resources are District property, and subject to the same rules for use as other physical property. In addition, the following rules shall apply:

- (1) Use of information resources shall be limited to legitimate educational purposes. Programs for personal, commercial, or illegal purposes, including games, are not authorized.
- (2) E-mail, World Wide Web pages, and other forms of electronic documentation:
  - (a) Will not be obscene, abusive, or contain other inappropriate material.
  - (b) Will require the same handling as other public records.

## **CHAPTER 8.00 - AUXILIARY SERVICES**

### **8.331 (Continued)**

- (3) User accounts and passwords must not be shared except where authorized. The person in whose name an account is issued is responsible for its proper use at all times.
- (4) Copyright and license agreements will be respected; no unauthorized copies of programs or files will be made.
- (5) Users shall not take unauthorized actions which gain access or attempt to gain access to, deny access or attempt to deny access to, disrupt, change, or destroy the data or service of the computer or network systems.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.22(1); 230.23005(9), F.S.

**HISTORY:** Adopted: November 9, 1998

Revision Date(s):

Formerly: New

## CHAPTER 8.00 - AUXILIARY SERVICES

8.34

### MANAGEMENT INFORMATION SYSTEM

#### **POLICY:**

The district shall develop and maintain an integrated information system for educational management. The Superintendent or designee shall assure that compatibility exists with the state comprehensive management information system. Procedures and guidelines shall be developed to assure that adequate management information support needs are met.

**STATUTORY AUTHORITY:** 230.22(5); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 229.555(5)(b); 230.23005(9), F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: New
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**PERSONAL TECHNOLOGY AND SOCIAL MEDIA: USAGE AND CONDUCT****8.341**

Hamilton County School Board recognizes the increasingly important role that technology plays in the educational process as well as in the personal lives of the students, their families, and District employees. This policy is intended to foster a thoughtful, responsible use of social media and related technological communication tools in a way that does not disrupt, create unnecessary distractions to, or adversely impact the educational process or the interpersonal relationships among the community, students, faculty and staff. By virtue of their position, Hamilton School Board employees are held to a higher standard than general members of the public, and their online activities should reflect such professional expectations and standards. Any online actions taken that detract from the philosophy of the School Board, or reflect negatively on an employee's position, will be viewed as a direct violation of this policy.

**1. Definitions**

- A. Includes – Means “includes without limitation” or “includes, but is not limited to.”
- B. Identity – an online identity, Internet identity or Internet persona that a social networking user establishes. This can be a real name, an alias, a pseudonym or a creative description.
- C. Social Media – A variety of web-based sources that allow people to communicate, sharing of information, sharing of photos, sharing of videos, sharing of audio, exchanging of text and other multimedia files with others via some form of online or cellular network platform, which include but are not limited to:
  - 1. Social networking sites (e.g., Facebook, Instagram, MySpace);
  - 2. Blogging;
  - 3. Micro blogging sites (e.g., Twitter);
  - 4. Video clips and Podcasts (e.g., You Tube); and
  - 5. Discussion forums.
- D. Personal Technology – Any device that is not owned or leased by the district or otherwise authorized for District use and: (1) transmits sounds, images, text, messages, videos, or electronic information, (2) electronically records, plays, or stores information, or (3) accesses the Internet, or private communication or information networks. This includes smartphones such as BlackBerry®, Android®, iPhone®, and other devices, such as iPads® and iPods®.



## CHAPTER 8 – Auxiliary Services

### 2. Usage and Conduct

#### A. All School Board employees who use personal technology and social media:

1. Shall adhere to the high standards for appropriate school relationships in policy 6.37, regardless of the ever-changing social media and personal technology platforms available. This includes District employees posting images or private information about themselves or others in a manner accessible to students and other employees that is inappropriate as defined by policy Prohibiting Discrimination, Including Sexual & Other Forms of Harassment; 2.18, Telecommunications Plan, FIRN and Internet Use; 8.33, and the Florida Code of Educator Ethics 6B-1.001 and 6B-1.006.
2. Shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the School District or its philosophy.
  - a) Employees will be held responsible for the content that appears on their social media platform and will be obligated to remove any postings or materials contributed by the employee or others that reflect negatively upon the School District.
3. Shall not use personal technology and social media to share and/or transmit any and all personnel and student record information of the School District of Hamilton County that is kept in the due course of business and/or is required to be maintained pursuant to state and/or federal law.
4. Shall not post sexually graphic or explicit material of any kind and will be required to immediately remove any postings of sexually graphic or explicit material made by themselves or others.
5. Shall use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment, equipment, or its operations.
6. Shall assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through the District employee's personal technology or social media.

## CHAPTER 8 – Auxiliary Services

- a) The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.

### 3. Action

- A. School Board employees who use personal technology and social media may be subject to remedial and any other appropriate disciplinary action for violations of this policy up to and including dismissal and/or indemnification of the District/Board for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of this policy.

### 4. Superintendent or designee shall:

- A. Inform District employees about this policy.
- B. Direct Principals to annually:
  1. Inform their building staff about the importance of maintaining high standards in their school relationships.
  2. Remind their building staff that those who violate Board policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
- C. Build awareness of this policy with students, parents, and the community.
- D. Periodically review this policy and any procedures with District employee representatives and network system administrator(s) and present proposed changes to the Board.

STATE BOARD OF EDUCATION RULE(S):

6B-1.001, 6B-1.006

HISTORY:

ADOPTED: 06/09/14

REVISION DATE(S): \_\_\_\_\_

FORMERLY: NEW

## CHAPTER 8.00 – AUXILIARY SERVICES

8.35

### PROTESTS OF CONSTRUCTION CONTRACT BIDS

#### POLICY:

- (1) The School Board shall provide notice of its decision or intended decision concerning a bid solicitation or a contract award for construction projects as follows:
  - (a) For a bid solicitation, notice of a decision or intended decision shall be given by United States Mail or by hand delivery.
  - (b) For any other School Board decision, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened or by certified United States Mail, return receipt requested. The notice required by this paragraph shall contain the following statement: "Failure to file a protest within the time prescribed in Section 120.53(5), F.S., shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."
- (2) Any person who is affected adversely by the School Board's decision or intended decision shall file a notice of protest in writing with the Superintendent within seventy-two (72) hours after the posting of the bid tabulation or after receipt of the notice of the School Board decision or intended decision and shall file a formal written protest within ten (10) days after the date of filing of the notice of protest. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under Chapter 120, F.S. Bid protest shall be accompanied by a bond as prescribed in 337.11(5)(a), F.S.
- (3) Upon receipt of a notice of protest which has been timely filed, the School Board shall stop the bid solicitation process or the contract award process until the subject of the protest is resolved by final agency action, unless the School Board sets forth in writing particular facts and circumstances which require the continuance of the bid solicitation process or the

## CHAPTER 8.0 – AUXILIARY SERVICES

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8.35 (Continued)

contract award process without delay in order to avoid an immediate and serious danger to the public's health, safety, or welfare.

- (4) The School Board, on its own initiative or upon the request of a protester, shall provide an opportunity to resolve the protest by mutual agreement between the parties within fourteen (14) days of receipt of a formal written protest.
  - (a) If the subject of a protest is not resolved by mutual agreement within fourteen (14) days of receipt of the formal written protest, and if there is no disputed issue of material fact, an informal proceeding shall be conducted pursuant to Section 120.57(2), F.S., and applicable agency rules before a person whose qualifications have been prescribed by rules of the agency.
  - (b) If the subject of a protest is not resolved by mutual agreement within fourteen (14) days of receipt of the formal written protest, and if there is a disputed issue of material fact, the agency shall refer the protest to the division for proceedings under Section 120.57, F.S.

STATUTORY AUTHORITY: 1001.42, F.S.

LAWS IMPLEMENTED: 120.53(5), 337.11(5)(A), 1001.43, 1013.02, F.S.

HISTORY:

Adopted: July 17, 2000 Revision Date(s): March 22, 2004 Formerly:
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## CHAPTER 8.00 - AUXILIARY SERVICES

### CONSERVATION OF RESOURCES

8.50

The School Board of Hamilton County is committed to the conservation of resources, both natural and material. Resources shall include, but not be limited to, electricity, energy, fuel oil, gasoline, natural gas, propane, and refuse. All conservation initiatives shall be consistent with Florida Statutes and *State Requirements for Educational Facilities*.

1. Resource Conservation Program

The Superintendent or designee shall develop a comprehensive resource conservation program which shall include short and long range plans to conserve resources, procedures to be observed by all staff members, an instructional program to be implemented at all grade levels, and a method of evaluating the conservation program.

2. Curriculum

Resource conservation shall be incorporated into the curriculum at all grade levels and appropriate subject areas. The curriculum shall address the economic, environmental, and social impact of resource conservation.

3. Facilities and Equipment

- a) New facilities shall be designed and constructed to be energy efficient. Renovations and additions to existing facilities shall include features to minimize energy consumption. Facilities shall be operated in a manner to keep energy use to a minimum.
- b) Life-cycle costs shall be determined prior to construction or renovation of buildings or replacement of major equipment.
- c) Equipment to reduce energy consumption and/or costs shall be utilized where economically feasible.

4. Recycling Program

- a) The District shall engage in a recycling program that shall include as many reusable materials as is practical and economically feasible.

## **CHAPTER 8.00 - AUXILIARY SERVICES**

- b) Each school shall annually report all recycled materials as required by law.

### **5. Incentives**

- a) The District shall pursue incentive programs offered by utility companies and other energy providers.
- b) Cost savings shall be used to further resource conservation at school sites.
- c) An incentive program may be developed to reward schools for resource conservation when cost savings can be attributed to reduced resource consumption and/or energy savings at the particular schools.

### **6. Staff Training**

Training shall be provided for school and District staff. Training shall include methods of resource conservation at the worksite, curriculum components and instructional strategies.

### **7. Effectiveness of Program**

Prior and current consumption of energy and other resources shall be determined and used as a baseline for the assessment of curriculum, procedures, equipment, maintenance strategies and facilities design that are implemented in the resource conservation program. The effectiveness of the program shall be evaluated and modifications shall be made based on the analysis of cost savings and utilization of resources.

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

**LAW(S) IMPLEMENTED:** 403.7032, 1001.43, 1013.23, 1013.44, F.S.

**STATE BOARD OF EDUCATION RULE(S)** 6A-2.0010

**HISTORY:** ADOPTED: 9/14/09

REVISION DATE(S): 11/8/10

FORMERLY: NEW

## **CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS**

**9.01**

### **PARENT ORGANIZATIONS AND SCHOOL SUPPORT GROUPS**

#### **POLICY:**

Each school principal is encouraged to cooperate with parent and school support groups in the District. The school principal shall be responsible for forming and assisting organizations which are desired and necessary for the school program; such organizations shall be kept active by the school principal for the duration of their need and encouraged to maintain accurate financial and activity records.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23(15); 230.23005(5), F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: New
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## **CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS**

**9.02**

### **PUBLIC INFORMATION**

#### **POLICY:**

Because the schools belong to the people who created them by consent and who support them by taxation, it is the declared intent of the School Board:

- (1) To keep the citizens adequately informed through appropriate channels of communication on policies, programs, problems, needs and the planning of the school system and to carry out this policy through its own efforts and the Office of the Superintendent.
- (2) To seek advice and opinion of the people of the School District.
- (3) To require each school and the District staff members to cooperate in keeping the public informed of all newsworthy events which would be of interest or concern to the citizens of the District and which would promote the welfare of the school system; provided, that any news release by a particular school be approved by the principal, and that any release relating to the District as a whole shall be approved by the Superintendent.

**STATUTORY AUTHORITY:** 230.22(2); 230.23(17), F.S.

**LAWS IMPLEMENTED:** 230.23(15); 230.23005(5),(10); 230.33(22), F.S.

#### **HISTORY:**

Adopted: November 9, 1998 Revision Date(s): Formerly: New
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## CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

### SCHOOL REPORTS

9.03

1. Each school shall make available annually, to parents and the community, school reports required by federal and state laws and State Board of Education rules.
2. Reports shall follow a uniform District-wide format that is easy to read and understand.
3. Schools may include other information in the report about the school's progress and other related school information.
4. School reports shall be published on the District website and in the local newspaper.

**STATUTORY AUTHORITY:**

**1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1000.21, 1001.11, 1008.25, 1008.345, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 3/25/02, 4/12/10, 12/09/13**

**FORMERLY:**

## **CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS**

### **USE OF FACILITIES**

**9.04**

The principal may approve the use of school property, facilities, and equipment for any group provided herein. The use of school property, facilities and equipment shall not interfere with the educational program of the school. The principal shall be responsible for safeguarding the school property, facilities, and equipment, enforcing and informing groups of School Board rules, executing proper forms, and collecting payments.

1. Use of School Property Without Charge - The Principal/Supervisor may authorize the use of school facilities without charge, except as may be required for supervision or clean-up. If the principal /supervisor is unsure about the eligibility of the organization to use facilities without charge, the matter shall be referred to the Superintendent for resolution. School facilities may be made available to:
  - a. National youth groups, *e.g.*, scout groups operating under the sponsorship of a county organization provided the group is properly supervised. District use agreements may be executed with the community organization for all schools or for an individual school.
  - b. The Supervisor of Elections for voting precincts in any election provided the election does not interfere with the school's operation.
  - c. Any governmental or community agency when specifically approved by the School Board as being in the public interest.
2. Use of Facilities With a Charge - The principal/supervisor may permit the use of school facilities by a civic, religious, or community organization for nonschool activities on a specific, temporary, or short-term basis. The following conditions shall apply:
  - a. The payment of the fee shall be in accordance with section 3. herein.
  - b. School Board approval, upon the principal's/supervisor recommendation, shall be required for repetitious use for a period of more than six (6) months.

## **CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS**

- c. Sufficient supervision and adequate custodial service of the school facility shall be determined by the principal/supervisor.
  - d. The use of the cafeteria shall require written permission from the principal/supervisor. The use of school food service facilities shall require that the kitchen be operated by a food service employee(s) or School Board employee.
  - e. Payment for custodial and other required services shall be made directly to the School District by the organization. These fees shall be in addition to the standard usage fee.
- 3. Fees –Fees as specified in subsection (3) herein shall be paid in advance for use of facilities. Full reimbursement for custodial, supervisor, and other required services for damages to the facility, furnishings, or equipment shall be paid within ten (10) days of billing. Checks shall be made payable to the individual school/facility.
- 4. Payment of Required Fees - Fees as specified in section 3. herein shall be paid in advance for use of facilities. Full reimbursement for custodial, supervisory, and other required services or for damages to the facility, furnishings, or equipment shall be paid within ten (10) days of billing. Checks shall be made payable to the Hamilton County School District.
- 5. Liability and Insurance Coverage - Each organization utilizing school facilities shall:
  - a. Agree to hold the School Board harmless from any liability which the School Board may accrue as a result of use;
  - b. Provide general liability insurance coverage in the amount of at least one million dollars (\$1,000,000.00) naming the School Board as an additional insured; and,
  - c. Execute a form of indemnity agreement as prescribed by the Superintendent.
- 6. Prohibited Uses of School Facilities - School property, facilities, and equipment shall not be used for the following purposes:

## **CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS**

- a. Commercial or personal gain;
  - b. Programs involving any form of gambling or other illegal activity;
  - c. Private teaching for personal gain, unless specifically approved in advance by the School Board;
  - d. Programs in violation of Florida Statutes or School Board rules; and,
  - e. Use by political groups for fund-raising activities and rallies.
7. Special Provisions - The following special provisions shall apply:
- a. Restrooms shall be made available if practicable for all organizations using the school facilities.
  - b. Any school or community event sponsor or vendor who uses school facilities shall notify the local public health unit not less than three (3) days prior to a scheduled school carnival, fair, or other celebration involving the sale or preparation of food or beverages.
8. Appeals to the Superintendent - A person who feels his/her organization was improperly denied use of school facilities or an improper charge or fee was assessed may file a written appeal with the Superintendent for resolution.

### **STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

### **LAW(S) IMPLEMENTED:**

**106.15, 509.032, 509.232, 1001.33,**

**1001.43, 1001.51, 1013.10, F.S.**

### **HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 9/14/09**

**FORMERLY: 7.02**

## **CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS**

### **ADVERTISING IN SCHOOLS**

**9.05**

School facilities shall not be used for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency or individual organization; nor shall School Board employees or students be employed in such a manner. Advertising on school buses shall be prohibited. The following are exceptions:

1. School officials, with the Superintendent's approval, may cooperate with any governmental agency in promoting activities in the general public's interest or may cooperate in furthering the work of any non-profit community-wide social service agency; provided that such cooperation does not restrict or interfere with the educational program of the school and is non-partisan and non-controversial.
2. A salesman, with the permission of the principal, may demonstrate and show only that equipment which can be used to improve the instructional program.
3. The schools, may, with the approval of the Superintendent, cooperate with any Governmental agency in promotion activities in the general public interest provided such activities are nonpartisan and non-controversial and promote the education or best interests of the students.
4. A school may use suitable film or other educational materials bearing only simple mention of the producing firm which contain advertising. The film or material shall be carefully evaluated by the school principal for classroom use to determine whether the film or material contains undesirable propaganda.
5. The Superintendent, at his/her discretion, may announce or authorize to be announced, or post or authorize to be posted, any notice of a any lecture or community activity of particular educational merit.
6. Demonstrations of educational materials and equipment shall be permitted with the principal's approval.
7. The schools may cooperate in furthering the work of any non-profit community wide social service agency, provided that such cooperation does not restrict or impair the educational program of the schools.

## **CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS**

8. Advertising may be permissible, at the principals' discretion, when used to benefit the school program.
9. Secondary schools may utilize the inside fence of football and baseball fields for commercial advertising to support school programs. The principal shall maintain approval rights on the content and form of such advertising. Money collected from these commercial advertisements shall be deposited into the proper internal account.

**STATUTORY AUTHORITY:** 230.22(2), 1001.42, 1001.42(17), F.S.

**LAW(S) IMPLEMENTED:** 230.23(9) (15), 1001.42(17), 1001.43, F.S.

**HISTORY:** ADOPTED: 11/9/98  
REVISION DATE(S): 6/28/99, 8/9/10, 11/8/10  
FORMERLY: 2.19

**CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL  
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**DISTRIBUTION OF LITERATURE AND MATERIALS**

**TO STUDENTS**

**9.07**

Literature or materials which originate from out-of-school sources shall be approved by the Superintendent or designee prior to distribution to students.

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

**LAW(S) IMPLEMENTED:** **847.012, 1001.43, 1006.08, F.S.**

**HISTORY:** **ADOPTED: 11/9/98**

**REVISION DATE(S): 3/10/14**

**FORMERLY: 5.23**

## CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

### VISITORS

9.07

Any person entering the premises of a school shall report to the principal or his/her supervisory designee and make known the purpose of the visit.

1. This policy does not apply to routine deliveries or scheduled maintenance visits.
2. A student not enrolled in the school or a student not accompanied by a parent, as defined by Florida Statutes, is prohibited from visiting a school unless otherwise approved by the principal.
3. Parents are invited to visit the schools. To avoid interrupting the daily program, the parent should request a conference for after school hours or during a teacher's conference period. Parents are encouraged to plan such conferences with teachers and shall sign in at the principal's office and be issued a visitor's badge at the time they arrive on the campus.
4. Any person who enters or remains upon District property without legitimate purpose may be found to be trespassing and, therefore, in violation of Florida Statutes and subject to arrest and penalties as defined by statutes.

**STATUTORY AUTHORITY:**

**1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**-1000.21, 1006.07, 1006.145, F.S.**

**HISTORY:**

**ADOPTED: 11/9/98**

**REVISION DATE(S): 4/12/10**

**FORMERLY: 2.08**



## **CHAPTER 9.00 – SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS**

9.08

### **RELATIONS WITH GOVERNMENTAL AUTHORITIES**

#### **POLICY:**

- (1) When possible, the Board will cooperate with local, state and federal organizations or agencies; however, such cooperation shall not be at the expense of district level or local school programs.
- (2) The Superintendent may initiate or accept proposals and request for cooperative endeavors; major final action shall be subject to Board review and approval.
- (3) Community relations of a continuing nature may be temporarily approved by the Superintendent if they involve no cost to the system, and will neither disrupt the school system nor involve substantial use of facilities or personnel.
- (4) Formal agreements shall require advance Board approval. The Board shall also review and approve major cooperative agreements or arrangements between other school districts, colleges, universities, correctional schools or other educational organizations.
- (5) Guidelines related to joint activities and requests for cooperation shall address costs which may be incurred, the extent of school personnel involvement, and prior agreements or arrangements with the same or similar organizations.
- (6) Long range facilities planning shall be coordinated with other governmental agencies as required by law.

**CHAPTER 9.00 – SCHOOL-COMMUNITY RELATIONS AND  
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9.08 (Continued)

STATUTORY AUTHORITY: 1001.41, F.S.

LAWS IMPLEMENTED: 1001.51, 1013.33, 1013.36, F.S.

HISTORY:

Adopted: March 22, 2004 Revision Date(s): Formerly:
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**CHAPTER 9.00: SCHOOL-COMMUNITY RELATIONS AND  
INTERLOCAL AGREEMENTS**

**COMMUNITY SERVICE**

**9.15**

1. The Superintendent shall develop a program of community involvement to enable students to meet the community service requirement for the Florida Academic Scholars award or other scholarship program.
2. A community service activity shall be a service or benefit provided by the student to meet an identified need in the community. The activity should also provide a learning opportunity for the student.
3. An activity must be
  - A. Fulfilled in a safe environment;
  - B. Conducted outside the time allotted for the instructional program on a school day; and
  - C. Approved in advance by the school principal.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1009.534, F.S.**

**HISTORY:**

**ADOPTED: 2/8/10**

**REVISION DATE(S): \_\_\_\_\_**

**FORMERLY: NEW**

## **CHAPTER 9.00: SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS**

### **SCHOOL CONCURRENCY**

**9.20**

The School Board shall adopt and maintain a school concurrency system in conjunction with the county and local municipalities. The role of public school concurrency is to ensure that the capacity of schools is adequate to support growth and development at the adopted levels of service. Concurrency provides coordination of the planning and building of new schools with land development.

#### **1. Interlocal Agreement**

The School Board shall enter into an interlocal agreement with Hamilton County and the municipalities within the county for school facility planning. The interlocal agreement shall establish specific ways in which School Board and local government plans and processes are coordinated. The agreement shall include but not be limited to the following:

- A. Coordinated procedures for implementing school concurrency;
- B. A public schools facilities element;
- C. Level of service standards to be applied consistently to all schools of the same type by the School Board and local governments with the exception of interim standards that may be adopted for specific schools;
- D. School concurrency service areas that utilize available school capacity and make efficient use of new and existing public schools consistent with the level of service standards;
- E. A process for the development of citing criteria for the location of public schools;
- F. The requirement that the public school capital facilities program meets the financial feasibility requirements of law and rule.
- G. A process for determining proportionate-share mitigation to offset the impact of proposed development that would cause the level of service standards to be exceeded;

## **CHAPTER 9.00: SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS**

- H. Provision for monitoring and evaluating the school concurrency system;  
and
  - I. Provision for amending the agreement.
  - J. Application for School Concurrency Determination
  - K. The District shall establish procedures for a developer to submit an application for school concurrency determination. The impact of the residential development on the school system shall be evaluated.
  - L. The application shall be forwarded to the local government to determine if the proposed project is appropriate in relation to the local government's comprehensive plan and land development regulations.
2. Concurrency Review Fees
- A. The School Board shall establish fees to offset the cost of reviewing the impact of proposed residential developments for school concurrency. The nonrefundable fee shall be paid to the School Board of Hamilton County, Florida.
  - B. The School Board shall establish a fee for negotiation and determination of proportionate-share mitigation.

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

**LAW(S) IMPLEMENTED:** 1001.43, 1013.33, 1013.35, 163.3164, 163.3180,  
163.3177, 163.31777, F.S.

**DEPARTMENT OF COMMUNITY AFFAIRS RULE(S)** 9J-5.003, 9J-5.025

**HISTORY:** ADOPTED: 8/10/09

**REVISION DATE(S):** \_\_\_\_\_

**FORMERLY: NEW**