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Policy Manual

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po8805	MODEL POLICY ON RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS
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BYLAWS

po0100

DEFINITIONS

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

0100 - **DEFINITIONS**

Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:

Administrative Procedures

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

Anti-Semitism

A certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities. Anti-Semitism is treated identically to discrimination motivated by race. Examples of acts considered anti-Semitism are set forth in F.S. 1000.05.

Apps and Web Services

Apps and web services are software (i.e., computer programs) that support the interaction of wireless communication devices over a network, or client-server applications in which the user interface runs in a web browser. Apps and web services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their students' progress, and allow staff to perform other tasks related to their employment. Apps and web services also are used to facilitate communication to, from, and among and between staff, students, and parents, Board members, and/or other stakeholders and members of the community.

Authority

The City of Cape Coral Charter School Authority. When referring to the Authority, the "Authority" will be capitalized.

Board

The Governing Board of the City of Cape Coral Charter School Authority.

Bylaw

Policy of the Board for its own governance.

Chair

The presiding officer of the Board. (See Bylaw 0163)

Compulsory School Age

All children who have attained the age of six (6) years or who will have attained the age of six (6) years by February 1st of any school year or who are older than six (6) years of age but who have not attained the age of sixteen (16) years, except as otherwise provided in Florida statute, are required to attend school regularly during the entire school term. F.S. 1003.21

Due Process

The safeguards to which a person is entitled in order to protect his/her rights.

Eligible Student

A student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Full Board

Authorized number of voting members entitled to govern the Authority.

Instructional Materials

Means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may consist of hardbacked or softbacked textbooks, electronic content, handouts, workbooks and worksheets, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.

Major Tangible Personal School Property

Means any tangible personal property, of a nonconsumable nature, owned by the Board that has a capitalized value equal to or greater than the value defined in

Florida statute and a normal life expectancy of one (1) year or more. (F.S. 274)

May

Is used when an action by the Board or its designee is permitted but not required.

Minor Tangible Personal School Property

Those items that are tangible, of a nonconsumable nature, with a life expectancy of one (1) year or more and with a value less than that amount defined in Florida statute. (F.S. 274)

Noninstructional Administrators

Included in this classification are persons with administrative or policymaking duties who have broad authority to the management of policies and general Authority operations related to the noninstructional program. Such personnel often report directly to the Superintendent and supervise other administrative employees. This classification includes directors of major noninstructional areas, such as personnel, construction, facilities, transportation, data processing, and finance. (F.S. 1012.01(3)(b))

Parent

Either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of a parent (F.S. 1000.21). Both parents will be considered to have equal rights unless a court of law decrees otherwise.

Policy

A general, written statement by the Board that defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

Principal

The principal shall be the administrative and supervisory head of the school to which assigned by the Superintendent and shall be responsible for the enforcement of all Board regulations and Florida State statutes that pertain to the office. In policy, "Principal" or "principal" implies the authority to delegate responsibilities to appropriate staff members unless prohibited by law or Board policy. F.S. 1001.41, 1012.28

Property

All buildings, grounds, and other real or personal school property belonging to, held by, or used by the Board shall be termed to be school property.

Real Property

That portion which is used as a site or school plant for purposes of carrying out the school program. This includes any equipment that is permanently attached to or is an integral part of the building or site.

Rule

A statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of the Authority. As used in this document, the term "rule" and "policy" shall have the same definition.

School Property Custodian

The custodian of school property is the person to whom responsibility for the custody of property under his/her control has been delegated by the Superintendent or the Board. This is not to be confused with the building custodian who is responsible for cleaning and maintaining the building and grounds.

Shall

This word is used when an action by the Board or its designee is required. (The words "will" or "must" also signify a required action.)

Social Media

Social media are online platforms where users engage one another and/or share information and ideas through text, video, or pictures. Social media consist of any form of online publication or presence that allows interactive communication, including, but not limited to, text messaging, instant messaging, websites, web logs (“blogs”), wikis, online forums (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include, but are not limited to, Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Skype, and Facetime. Social media does not include sending or receiving e-mail through the use of District-issued e-mail accounts. Apps and web services shall not be considered social media unless they are listed on the District’s website as District-approved social media platforms/sites.

Student

A person who is officially enrolled in a school or program of the Authority.

Superintendent

As a Constitutional Officer under the Florida Constitution, the Superintendent is the chief executive officer of the Authority. In policy, "Superintendent" or "superintendent" implies the authority to delegate responsibilities to appropriate staff members unless prohibited by law.

Textbook

This word is used to describe the learning material duly adopted and required as standard work for the study of a particular subject. It may be bound and printed with a hard or soft cover, or it may be electronic, e.g., computer software, interactive videodisc, magnetic media, CD ROM, computer courseware, on-line service, electronic medium, or other means of conveying information.

Vice-Chair

The Vice-Chair of the Board.

Wireless Communication Devices

Wireless communication devices ("WCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type.

Workshop

A meeting called by the Board Chair, Superintendent, or a majority of the Board for the purpose of exploring matters that constitute the business of the Authority.

Statutory and Code of Notations - **A.** Citations to Florida statute are noted as F.S. **B.** Citations to the rules of the State Board of Education are noted as F.A.C. (Florida Administrative Code) **C.** Citations to the Federal Register are noted as F.R. **D.** Citations to the Code of Federal Regulations are noted as C.F.R. **E.** Citations to the United States Code are noted as U.S.C.

Revised 8/14/18
Revised 2/9/21
Revised 3/9/21
Revised 12/14/21
Revised 5/13/25

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Legal

F.S. 274
F.S. 1000.05
F.S. 1001.41
F.S. 1003.21
F.S. 1012.01(3)(b)
F.S. 1012.28

BYLAWS

po0111

NAME

ADOPTED Apr 12, 2016

0111 - **NAME**

The Governing Board of this System shall be known officially as The Governing Board of the City of Cape Coral Charter School Authority.

Legal
F.S. 1001.40

BYLAWS

po0112

GEOGRAPHICAL DISTRICT

ADOPTED Apr 12, 2016

0112 - **GEOGRAPHICAL DISTRICT**

The Authority is comprised of all the area within the municipal boundaries of the City of Cape Coral.

BYLAWS

po0113

ADDRESS

ADOPTED Apr 12, 2016

0113 - **ADDRESS**

The official address of the Authority is 3519 Oasis Blvd., Cape Coral, Florida 33914.

BYLAWS

po0114

SEAL

ADOPTED Apr 12, 2016

0114 - **SEAL**

The Governing Board shall adopt an official seal for the District.

BYLAWS

po0118

PURPOSE OF THE BOARD

ADOPTED Apr 12, 2016

0118 - **PURPOSE OF THE BOARD**

The Governing Board declares and, thereby, reaffirms its intent to:

A. maintain two-way communications with citizens of the System. The Board shall keep them informed of the progress and problems of the System, and the citizens shall be urged to bring their aspirations and concerns about the System to the attention of this body;

B. establish policies and make decisions on the basis of declared educational philosophy and goals; and

C. act as a truly representative body for citizens of Cape Coral in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests with the State, but the Board has been assigned specific authority through statute and as described in the various charters, and the Board shall not relinquish or fail to exercise that authority.

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BYLAWS

po0121

RESPONSIBILITIES AND AUTHORITY OF THE BOARD

ADOPTED Apr 12, 2016

0121 - **RESPONSIBILITIES AND AUTHORITY OF THE BOARD**

The Governing Board is responsible for the organization and control of the schools of the Authority and is empowered to determine the policies necessary for the effective operation and the general improvement of the charter school system.

Legal
Section 4, Article IX, Florida State Constitution
F.S. 1001.40, 1002.33

BYLAWS

po0121.1

FINANCIAL EMERGENCIES

ADOPTED Apr 12, 2016

0121.1 - **FINANCIAL EMERGENCIES**

When a financial emergency, as defined by F.S. 218.503(1), occurs, the Governing Board shall notify the Commissioner of Education and the Legislative Auditing Committee that such conditions have occurred, or will occur if action is not taken to assist the Board.

The Commissioner of Education shall contact the Board to determine what actions have been taken by the Board to resolve or prevent the condition. The Board shall provide the information requested within forty-five (45) days of the date of the request.

The Commissioner of Education shall determine whether the Board needs state assistance to resolve or prevent the condition. If State assistance is needed, the Board is considered to be in a state of financial emergency, and the Commissioner has the authority to implement measures as set forth in State law to assist the Board in resolving the financial emergency.

The failure of the members of the Board to resolve a state of financial emergency would constitute malfeasance, misfeasance, and neglect of duty, and the members of the Board may be subject to the penalties set in forth Article IV, Section 7 of the Constitution of the State of Florida.

Legal
F.S. 218.39
F.S. 218.50
F.S. 218.501
F.S. 218.502
F.S. 218.503
F.S. 218.504

BYLAWS

po0122

BOARD POWERS

ADOPTED Apr 12, 2016

0122 - **BOARD POWERS**

The Governing Board shall be a body politic and corporate, and, as such, capable of suing and being sued; contracting and being contracted with; acquiring, holding, possessing, and disposing of real and personal property.

As prescribed by law, the general powers of the Board are the determination of educational policies; the adoption of such rules and regulations to supplement those prescribed by the State Board as will contribute to the more orderly and efficient operation of the system; the determination of minimum standards; and the performance of any duties that are assigned to it by law or by State Board regulations and that are found by it to be necessary for the improvement of the school system in carrying out the purposes and objectives of the Florida Constitution, Florida statutes, the various charters, and the Ordinance.

The Board shall perform all duties found in Florida statutes, the various charters, and the Ordinance and shall provide educational opportunity as required by Florida statutes.

Legal
F.S. 1000.41
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43
F.S. 1002.33

BYLAWS

po0122.1

MEMBER POWERS

ADOPTED Apr 12, 2016

0122.1 - **MEMBER POWERS**

Governing Board members as individuals do not separately possess the powers that reside in the Board. Board members shall have authority only when acting as a Board legally in session. The Board shall not be bound in any way by any statement or action on the part of any individual Board member, except when such statement or action is pursuant to specific official instructions of the Board.

BYLAWS

po0123

STANDARDS FOR BOARD MEMBER ETHICS AND BOARDMANSHIP

ADOPTED Apr 12, 2016

0123 - **STANDARDS FOR BOARD MEMBER ETHICS AND BOARDMANSHIP**

While serving on the Governing Board, each member shall agree to uphold the following standards:

A. remember that the first and greatest concern must be the educational welfare of all students attending the charter public schools, regardless of ability, race, creed, sex, or socio-economic status;

B. obey the law of Florida and the United States and bring about desired changes through legal and ethical procedures;

C. respect the confidentiality of privileged information;

D. recognize that as an individual Board member there is no authority to speak or act for the Board;

E. avoid conflicts of interest or the appearance thereof;

F. delegate authority for the administration of the schools to the superintendent and staff;

G. render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;

H. make every effort to attend all Board meetings and workshops;

I. become informed concerning the issues to be considered at each meeting;

J. support the employment of staff members based on qualifications and not as a result of influence;

K. refrain from using the Board position for personal benefit or the benefit of family members or business associates;

L. express personal opinions but, once the Board has acted, accept the will of the majority; and

M. encourage recognition of the achievements of students and staff and the involvement and support of business and community members.

BYLAWS

po0124

STANDARDS OF ETHICAL CONDUCT

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

0124 - **STANDARDS OF ETHICAL CONDUCT**

The Governing Board hereby establishes the following as the standards of ethical conduct for all members of the Board:

A. A Board member shall:

1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.

2. not unreasonably restrain a student from independent action in pursuit of learning.

3. not unreasonably deny a student access to diverse points of view.

4. not intentionally expose a student to unnecessary embarrassment or disparagement.

5. not intentionally violate or deny a student's legal rights.

6. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination.

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

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

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

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

11. not use institutional privileges for personal gain or advantage.

12. accept no gratuity, gift, honoraria, or favor that might influence professional judgment.

13. not directly or indirectly solicit any gift or knowingly accepting, directly or indirectly, a gift valued in excess of $50.00 or an honorarium, from a person, vendor, potential vendor, or other entity doing business with the Board, from a political committee, or from a lobbyist (are related individuals and entities) who lobbies the reporting individual's agency. "Vendor" is defined by F.S. 112.3148 relating to gifts and F.S. 112.3149 relating to honoraria to mean a business entity doing business directly with an agency, such as renting, leasing, or selling realty, goods, or services. The term "gift" has the same meaning as in F.S. 112.312(12). This prohibition applies as well to relatives, as defined in F.S. 112.312(21).

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

15. maintain honesty in all professional dealings.

16. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.

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

18. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination.

19. not make malicious or intentionally false statements about a colleague.

20. not use coercive means or promise special treatment to influence professional judgments of colleagues.

21. not misrepresent one's own professional qualifications.

22. not submit fraudulent information on any document in connection with professional activities.

23. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

24. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules.

25. self-report within forty-eight (48) hours to e the administration as determined by the Superintendent any arrest for a felony or misdemeanor offense listed in F.S. 435.04, including the abuse of a child or the sale and/or possession of a controlled substance. Such self-report shall not be considered an admission of guilt nor shall such self-report be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, Board members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, the Authority shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and 943.059(4)(c).

26. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).

27. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).

28. comply with all duties and responsibilities set forth in the K-20 Education Code and the Code of Ethics for Public Officers and Employees.

B. All Board members shall adhere to the principles enumerated above. Each Board member must recognize that decisions must be made by the Board as a whole and that when made, these decisions must be supported by the entire Board. Furthermore, pursuant to F.S. 1001.42(7), a Board member may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the Board member knows to be false or incorrect, or knowingly fail to adopt policies that require instructional personnel and school administrators to report alleged misconduct by other instructional personnel and

school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators, if the misconduct affects the health, safety, or welfare of a student. Violation of these provisions will result in the forfeit of the Board member's salary for one (1) year.

All Board members shall complete four (4) hours of ethics training annually that addresses, at a minimum, the constitutional "Sunshine Law" provisions (Article II, Section 8), the statutory Code of Ethics for Public Officers and Employees(F.S. Chapter 112, Part III), and the public records and public meetings laws. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

Members of the Board are also required to complete training annually on the standards of ethical conduct established in this bylaw.

Stolen Valor

Candidates for, and members of the Board, the Superintendent, and Board employees shall not knowingly misrepresent military service for material gain as set forth in F.S. 112.3131. These prohibitions include, but are not necessarily limited to, the following:

A. misrepresenting by making false, fictitious, or fraudulent statements or representations, directly or indirectly, that they are or were:

    1. a service member or veteran of the Armed Forces of the United States;

    2. the recipient of a decoration, medal, title, or honor from the Armed Forces of the United States or otherwise related to military service, including, but not limited to those listed in F.S. 112.3131;

    3. a holder of an awarded qualification or military occupational specialty, including, but not limited to, any of those listed in F.S. 112.3131; or,

    4. that they actively served in the Armed Forces of the United States during a wartime era, regardless of whether there was a declared war, or served in combat operations in a warzone, or were a prisoner of war.

B. wearing the uniform or any medal or insignia authorized for use by members or veterans of the Armed Forces of the United States which they are not authorized to wear.

“Material gain” means anything of value, regardless of whether the value is monetary, remunerative, or tangible, which is received by or given to, or is intended to be received by or given to, an individual. The term includes, but is not limited to, food, lodging, compensation, travel expenses, placards, public benefits, public relief, financial relief,

obtaining or retaining employment or a promotion in such individual's current employment or public employment, including gaining a position in state or local government with authority over another person, regardless of whether the individual receives compensation or renumeration for their service in the position; obtaining or retaining State or local public office through election or appointment; or any thing in which or for which a tangible benefit was gained, even if the value of such benefit is de minimis.

Responsibilities Related to Allegations of Misconduct

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

Appointment or Employment of Relative

Pursuant to F.S. 1012.23(2), Board members may not appoint or employ a relative, as defined in F.S. 112.3135, to work under their direct supervision. This limitation does not apply to employees appointed or employed before the election or appointment of the Board member.

Revised 2/9/21
Revised 3/9/21
Revised 3/10/26

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Legal
F.S. 112.312
F.S. 112.313
F.S. 112.3131
F.S. 112.3142
F.S. 112.3148
F.S. 112.3149
F.S. 112.317
F.S. 1001.42(6)
F.S. 1001.421
F.S. 1012.23
F.A.C. 6A-10.081

BYLAWS

po0131

LEGISLATIVE/POLICYMAKING

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

0131 - **LEGISLATIVE/POLICYMAKING**

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

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

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

F.S. 120.536(1), 120.54

Adopting Policies

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

A. The Board's final vote to adopt, amend, or repeal a policy will occur no sooner than twenty-eight (28) days following publication of the notice to the public.

B. The Superintendent shall file immediately in his/her office a copy of any new policy, policy revision, or repealed policy adopted by the Board; policy handbooks and the Board's website shall be updated accordingly.

C. All policies shall become effective upon adoption by the Board unless another time certain date is specified therein. The Board may adopt a policy authorized by law and necessary for the proper implementation of a statute prior to the effective date of the statute, but the policy may not be effective until the statute upon which it is based is effective.

Notices

All notices pertaining to policymaking shall be published:

A. by publication in a newspaper qualified under F.S. Chapter 50, in the affected area or on a publicly accessible website as provided in F.S. 50.0311;

B. by posting on the Authority's website not less than seven (7) days before the public meeting, hearing, or workshop; and by mail to persons who have requested advance notice and to organizations representing persons affected by the policy; and

C. by posting on the Authority's website and in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

Emergency Policies

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

Public Input and Access to Policies

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

A copy of the compiled policies shall be available for inspection in the Superintendent's office. The Board policies shall also be accessible on the Authority's website.

F.S. 120

Revised 12/14/21
Revised 5/13/25
Revised 9/16/25
Revised 3/10/26

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Legal
F.S. 120
F.S. 120.536(1)

F.S. 120.54
F.S. 120.54(1, i, 1)
F.S. 120.54(1, i, 2)
F.S.120.54(1, i, 3, 17)
F.S. 120.54(2)
F.S. 120.56(2)
F.S. 1001.41

BYLAWS

po0131.1

TECHNICAL CORRECTIONS

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

0131.1 - **TECHNICAL CORRECTIONS**

Periodically, it may be deemed necessary to make technical changes to policies that have already been adopted through normal procedures. Technical changes are corrections to citations or grammatical, typographical, or similar errors that do not affect the substance of the policy.

Should the Governing Board choose to make such technical changes, it may be accomplished by resolution as part of the consent agenda without going through the normal policy adoption procedure.

Revised 5/13/25
Revised 3/10/26

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Legal
F.S. 11.242

BYLAWS

po0132

EXECUTIVE

ADOPTED Apr 12, 2016

0132 - **EXECUTIVE**

The Governing Board shall exercise its limited executive power by the appointment of the Superintendent for the charter schools, hereinafter referred to as the "Superintendent".

The Superintendent shall be the executive officer of the Board, and, as such, shall advise and counsel with the Board on all educational matters and recommend to the Board such matters as should be acted upon.

The Superintendent shall cooperate with the Board to the end that the System may be continuously improved.

The Superintendent shall enforce the rules of the State Board of Education, rules of the Florida Department of Education, the various charters, the Ordinance, and the policies of this Board.

The Superintendent shall cause to be distributed to each school, school office, school library, and public library in the City of Cape Coral copies of the bylaws, policies, and regulations and copies of amendments thereto in printed or electronic format so that the documents are readily accessible to each regular employee and to the public.

The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

The Superintendent, in cases of emergency, may suspend any part of these policies, and/or procedures, provided that the Superintendent shall report the fact of and the reasons for such suspension at the next meeting of the Board and provided further that the suspension shall expire at the time of said report unless continued in effect by action of the Board.

Consistent with the various charters and the Ordinance, the Superintendent may be delegated the authority to enter into written contracts or agreements with other public or private organizations under the following conditions:

A. Contracts/Agreements shall be for a valid school purpose.

B. All costs and expenses in connection with said contracts/agreements shall be paid from internal account funds.

C. Said contracts/agreements shall not conflict in any respect with Federal, State, or local law or rule, the various charters, the Ordinance, or Board rule.

D. Said contracts/agreements shall be made in the name of Authority, and shall be executed and delivered by the Superintendent in accordance with the administrative procedures promulgated by the Superintendent.

Legal

F.S. 1001.46
F.S. 1001.461
F.S. 1001.50
Section 5, Article IX, State Constitution

BYLAWS

po0133

QUASI-JUDICIAL

ADOPTED Apr 12, 2016

0133 - **QUASI-JUDICIAL**

The Governing Board may assume jurisdiction over any dispute or controversy arising within the Authority and concerning any matter in which authority has been vested in the Board by statute, policy, a contract, or policy of this Board. The Board shall act as final appeal in the resolution of all matters of dispute within the school system including suspension, termination, promotion, and transfer of personnel. All such matters shall appear on the agenda in order to be adjudicated by the Board.

The Board will enter a final order in any proceeding that affects the substantial interests of a party. The final order will be in writing and will include findings of fact, if any, and conclusions of law separately stated.

The Superintendent will maintain final orders of the Board in accordance with Florida law.

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Legal
F.S. 120.53
F.S. 120.569
F.S. 120.57
F.S. 1006.07
F.S. 1012.22
F.S. 1012.34

BYLAWS

po0141

NUMBER

ADOPTED Apr 12, 2016

0141 - **NUMBER**

The Governing Board shall consist of no more than eleven (11) members. Seven (7) of the members are appointed by the Cape Coral City Council and are vested with voting authority. Additional non-voting members may be added as representatives of the various building sites.

BYLAWS

po0141.2

CONFLICT OF INTEREST

ADOPTED Apr 12, 2016 · REVISED Sep 17, 2024

0141.2 - **CONFLICT OF INTEREST**

Governing Board members shall adhere to standards of conduct and abjure conflicts of interest as defined by statute.

The following is a summary of the Constitutional and statutory mandates. They are not definitive rules and the statute must be consulted for applicable definitions and for exemptions.

A. Standards of Conduct

1. Gifts

No Board member shall accept a gratuity, gift, or favor that might influence professional judgment or obtain special advantages. No Board member may either solicit or accept anything of value - including a gift, loan, reward, promise of future employment, favor, or service - that is based on any understanding that the vote, official action, or judgment of the Board member would be influenced by such gift.

2. Other Prohibited Gifts

No Board member may solicit any gift, food, or beverage from a person, vendor, potential vendor, any other entity doing business with the Board, political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (or the partner, firm, employer, or principal of the lobbyist). No Board member or any person on behalf of the Board member may knowingly accept, directly or indirectly, a gift from a person, vendor, potential vendor, any other entity doing business with the Board, political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (and related individuals and entities, including, but not limited to, the partner, firm, employer, or principal of the lobbyist), if the Board member knows or reasonably believes the gift has a value in excess of $50 - unless the gift is accepted on behalf of and transferred promptly to a governmental entity or a charitable organization, or is given to the Board member by a governmental entity for a public purpose. Gifts from relatives

and gifts associated primarily with the recipient's employment or business are not prohibited. Food or beverage consumed at a single sitting or event may be accepted.

"Vendor" is defined as a business entity doing business directly with the Board, such as renting, leasing, or selling realty, goods, or services. (See F.S. 112.3148)

3. Honoraria

No Board member may solicit an honorarium related to the member's public office or duties. No Board member may solicit an honorarium from a person, vendor, potential vendor, or other entity doing business with the Board, from a political committee, or from a lobbyist (and related individuals and entities) who lobbies the reporting individuals agency. The term "honorarium" does not include payment for services related to employment held outside the position of Board member which requires disclosure. Actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium even for a Board member and spouse may be accepted. (See F.S. 112.3149)

"Vendor" is defined as a business entity doing business directly with the Board, such as renting, leasing, or selling realty, goods, or services. (See F.S. 112.3148)

4. Doing Business with One's Agency

No Board member acting in his/her official capacity may, directly or indirectly, purchase, rent, or lease any realty, goods, or services from a business entity in which the Board member, his/her spouse, or child is an officer, partner, director, or proprietor, or in which the Board member, his/her spouse, or child (or any combination of them) owns a material interest. Nor may a Board member, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the Board or any of its agencies.

5. Unauthorized Compensation

No Board member or his/her spouse or minor child may accept any compensation payment, or thing of value which, with the exercise of reasonable care, is known or should be known to influence the vote or official action of such Board member.

6. Disproportionate Benefit

Board members are prohibited from abusing their position in order to obtain

a "disproportionate benefit" for themselves, their spouse, children, employer, or entities with which they have certain business interests. A disproportionate benefit means a benefit, privilege, exemption, or result arising from an act or omission by a public officer that is inconsistent with the proper performance of their public duties.

7. Misuse of Public Position

   No Board member shall corruptly use or attempt to use his/her official position or any property or resource within his/her trust or perform his/her official duties, to secure or obtain a special privilege, benefit, or exemption for the Board member or others.

   It is not the intent of this policy to prevent the Authority from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his/her interest in the public schools and his/her interest in his/her place of employment may conflict even though such conflict may not exist.

8. Disclosure or Use of Certain Information

   Board members shall not disclose or use information not available to members of the general public and gained by reason of his/her official position for his/her personal gain or benefit of any other person or business entity.

9. Employees Holding Office

   A Board employee shall not be a member of the Board while simultaneously continuing as an employee.

B. Voting Conflicts

A Board member shall not vote in an official capacity on any matter which would inure to his/her special gain or loss, or to the special gain or loss of a principal by whom s/he is retained, or to the parent organization or subsidiary of a corporate principal by which s/he is retained, or to the special gain or loss of a relative or business associate.

In the event a Board member is employed by a corporation or business or has a secondary interest in a corporation or business which furnishes goods or services to the School Authority, the Board member shall declare his/her interest and refrain from debating or voting upon the question of contracting with the company.

It is not the intent of this policy to prevent the Authority from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his/her interest in the public schools and his/her interest in his/her place of employment may conflict even though such conflict may not exist.

The Board member shall make every reasonable effort to disclose the nature of the Board member's interest as a public record in a memorandum filed with the Board's secretary. If it is not possible for the Board member to file a memorandum before the vote, the memorandum must be filed within fifteen (15) days with the Board's secretary.

C. Additional Provisions

1. Board members shall accept no gifts from any individual, firm, or business entity which the Board member has reason to believe is doing business with or seeking to do business with the Authority. Meals and admissions to events that relate directly to the school system may be accepted.

2. Board members shall not participate in trips paid by a vendor or potential vendor for the purpose of inspecting products or programs useful to the Authority. Such trips, if deemed necessary, shall always be made at Authority expense and approved by the Board at a public meeting.

3. Board members, their spouses, or campaign committees shall not solicit any vendor or any employee of this Authority to make contributions to any political campaign or testimonial.

4. Board members shall not solicit nor accept personal discounts on merchandise or services from individuals, firms, or business entities that the Board member has reason to believe are doing business with or seeking to do business with this Authority unless those discounts are available to the general public.

5. No Board member may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the Authority, unless the recommendation is made at a public meeting of the Board.

6. Board members are prohibited from acting as an agent or attorney for compensation for anyone in connection with any matter in which the Authority is interested for two (2) years after their Board service terminates.

Revised 3/9/21
Technical Change 9/17/24

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Legal
F.S. 112.311
F.S. 112.313
F.S. 1001.42

BYLAWS

po0142

QUALIFICATIONS

ADOPTED Apr 12, 2016

0142 - **QUALIFICATIONS**

Each member of the Governing Board shall meet the qualifications specified by the various charters or the Ordinance.

BYLAWS

po0142.3

ORIENTATION

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

0142.3 - **ORIENTATION**

The Governing Board believes that the training of each Board member for the performance of Board duties is essential to the effectiveness of the Board's functioning. The Board shall encourage each new Board member to understand statutory roles, responsibilities, and the functions of the Board, acquire knowledge of matters related to the operation of the schools, and learn Board procedures. Accordingly, Each new Board member shall receive or be provided electronic access for use during his/her term on the Board:

A. the current budget statement, audit report, and related fiscal materials;

B. copies of the various charters and the Ordinance;

C. a copy of Florida's Public Records Act, Florida's Government-in-the-Sunshine Law, and the most recent edition of the Government-in-the-Sunshine Manual (or similar publication) published by the Florida office of the Attorney General.

The Superintendent shall provide an orientation program for newly appointed Board members to commence as soon as possible after their new term begins. This orientation shall reflect, among other things, the purpose and role of the Board, the conduct of individual Board members, an overview of educational programs, and a review of Board rules and policies.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

Revised 8/15/23

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BYLAWS

po0143

APPOINTMENT

ADOPTED Apr 12, 2016

0143 - **APPOINTMENT**

Members of the Governing Board shall be appointed by category as indicated in the various charters and the Ordinance.

BYLAWS

po0144

TERM

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

0144 - **TERM**

Governing Board members shall be appointed by the Cape Coral Council for three (3) year terms with no limitation on the number of terms. One City Council member will serve on the Board for a term of one (1) year with no limitation on the number of terms.

Revised 11/18/22
Revised 5/7/24

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BYLAWS

po0145

FILLING A BOARD VACANCY

ADOPTED Apr 12, 2016

0145 - **FILLING A BOARD VACANCY**

A vacancy occurs on the Governing Board when one (1) of the following events occurs:

A. death of the incumbent

B. failure to maintain the residence required

C. resignation

D. removal from office

Vacancies shall be filled by appointment of the Cape Coral City Council.

BYLAWS

po0146

REMOVAL

ADOPTED Apr 12, 2016

0146 - **REMOVAL**

The Cape Coral City Council is empowered to suspend or remove for cause an elected or appointed Governing Board member.

BYLAWS

po0147

COMPENSATION

ADOPTED Apr 12, 2016

0147 - **COMPENSATION**

Governing Board members shall receive no compensation for their services.

The Board may authorize all approved expenses for membership of its Board members in recognized charter school organizations and school board associations. Expenses of a Board member incurred in the performance of his/her duties will be paid by the Authority, provided that each such member submits a written statement of his/her expenses consistent with Board policy and within the constraints of budgeted resources.

BYLAWS

po0147.1

TRAVEL AND EXPENSES

ADOPTED Feb 9, 2021 · REVISED Apr 14, 2026

0147.1 - **TRAVEL AND EXPENSES**

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

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

In-County Travel

Travel on official business performed within Lee County by members of the Board shall not be reimbursed.

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

Expenditures for travel outside the CCCCSA or for cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method, are not permitted.

If a financial condition does not exist, when approved in advance, expenses for out-of-county travel for members of the Board members shall be paid at the rate allowed by State law. Copies of receipts for lodging, transportation, tolls, registration fees, and parking must be attached to the traveler's request for reimbursement.

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

Out-of-State Travel

Expenditures for travel outside the State or for cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other

method, are not permitted if any of the financial conditions outlined in F.S. 1011.051, and as set forth in Policy 6233, exist.

If such a financial condition does not exist, when approved in advance, expenses for out-of-State travel for members of the Board shall be paid at the rate allowed by State law.

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

Travel Costs Paid or Reimbursed from Federal Funds

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

Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset the transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis.

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

Participation in Virtual Trainings and Conferences

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

A. The main purpose of the virtual training or conference is in connection with the official business of the District and directly related to the performance of the statutory duties and responsibilities of the Board member participating.

B. The virtual training or conference provides a direct educational or other benefit supporting the work and public purpose of the participating Board member.

C. The duties and responsibilities of the participating Board member are compatible with the objectives of the virtual training or conference.

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

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

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

Revised 3/9/21
Revised 8/15/23
Revised 4/14/26

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

BYLAWS

po0148

USE OF EQUIPMENT AND SERVICES

ADOPTED Apr 12, 2016

0148 - **USE OF EQUIPMENT AND SERVICES**

The Superintendent is authorized to make available to Governing Board members for their official use office supplies and other items, as necessary, for completion of their official duties.

Any additional non-budgeted items desired by members must have Board approval. Equipment and services shall be acquired in accordance with Authority purchasing and property accounting procedures and shall be accounted for by the Superintendent. Equipment must be returned on the last day of service.

BYLAWS

po0149

ACCESS TO RECORDS

ADOPTED Apr 12, 2016

0149 - **ACCESS TO RECORDS**

Individual members of the Governing Board do not possess the powers that reside in the Board, but no member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

Access to Authority personnel records shall be subject to Board policy and State statute.

Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members to fulfill their legal responsibilities in making decisions on such matters as appointments, assignments, promotions, demotions, remuneration, discipline, and dismissal, or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

BYLAWS

po0149.1

PUBLIC EXPRESSIONS OF MEMBERS

ADOPTED Apr 12, 2016

0149.1 - **PUBLIC EXPRESSIONS OF MEMBERS**

The Governing Board Chair shall function as the official spokesperson for the Board.

From time-to-time, however, individual Board members may make public statements on school matters to local media and/or to local or State officials.

Sometimes the letters imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore, Board members should, when writing or speaking on school matters to the media, legislators, and other officials make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

Under no circumstances shall Board members use e-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by e-mail. Messages that have been deleted are still accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, are subject to disclosure under the Public Records Act, unless an exemption would apply.

BYLAWS

po0149.3

BOARD-STAFF COMMUNICATIONS

ADOPTED Apr 12, 2016

0149.3 - **BOARD-STAFF COMMUNICATIONS**

The Governing Board is a policy making body and its individual members do not have authority to direct the day-to-day operations of the Authority or its employees. Nevertheless, the Board believes that open channels of communication between itself and the staff will benefit the Authority. The preferred line of official Authority communication should, however, be through the superintendent.

A. Staff Communications to the Board

All communications regarding official business of the Authority from staff members to the Board should be preferably submitted through the superintendent. The superintendent shall forward such communications received from staff members to the Board no later than seven (7) days following receipt.

If a staff member chooses to communicate directly with the Board regarding Authority business, then that communication should be sent to all members of the Board and the superintendent should be copied as well.

This communication protocol is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures.

B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will generally be communicated through the superintendent, who shall also keep staff members informed of the Board's concerns and actions.

C. Social Interaction

Both staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the Authority. However, since Board members are not authorized to act on behalf of the Board unless in open public

session or when specifically vested with such authority, Board members and members of the staff should not discuss individual personalities, personnel grievances, or other complaints. Instead, such matters should be addressed in accordance with the procedures established in Board policy.

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BYLAWS

po0151

ORGANIZATIONAL MEETING

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

0151 - **ORGANIZATIONAL MEETING**

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

Appointments

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

A. the Chair shall appoint members as may be necessary to the various organizations, committees, and/or councils as may be required by law, Board policy, or as desired by the Board.

B. the Board will provide for the selection of members as may be necessary to the various organizations, committees, and/or councils as may be required by law, Board policy, or as desired by the Board.

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

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

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

Revised 8/15/23

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BYLAWS

po0152

OFFICERS

ADOPTED Apr 12, 2016

0152 - **OFFICERS**

The organizational meeting shall be called to order by the Chair.

The officers shall then be elected by majority vote of members physically present and eligible to vote.

A. Officers shall serve until their respective successors are elected.

B. In the event that the office of Chair or Vice-Chair becomes vacant, the Board shall fill the vacancy for the unexpired term at the ensuing regular or special meeting in the same manner as the election conducted at the organization meeting.

The Superintendent shall serve as the Board secretary.

The Superintendent shall be the executive officer of the Board.

BYLAWS

po0152.1

OFFICER RESPONSIBILITIES

ADOPTED Apr 12, 2016

0152.1 - **OFFICER RESPONSIBILITIES**

A. The Chair of the Governing Board shall:

1. preside at all public meetings of the Board;

2. call special meetings of the Board;

3. appoint or provide for the selection of all committees;

4. sign notes, minutes, conveyances, contracts, and other legal instruments for which the signature of the Chair is required; and

5. perform other duties which may be prescribed by law or by action of the Board.

B. The Vice-Chair shall assume and discharge the duties of the Chair in his/her absence, disability, or disqualification, and perform other duties prescribed by the Board.

BYLAWS

po0155

COMMITTEES

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

0155 - **COMMITTEES**

The Governing Board may establish committees and sub-committees as the need arises.

The Board shall designate the standing committees.

Committees of Board members shall, when specifically charged to do so by the Board, conduct studies, make recommendations to the Board, and act in an advisory capacity, but shall not take action on behalf of the Board. Whenever a majority of a committee and/or sub-committee meets for any pre-arranged discussion of public business of that committee or sub-committee, it shall abide by the Sunshine Law. The law requires that the committee or sub-committee give public notice of each meeting as well as prepare, file, and maintain minutes of the proceedings. Such minutes shall also be available for inspection by the public. Members shall be appointed by the Chair.

Revised 5/13/25

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BYLAWS

po0156

LEGAL COUNSEL

ADOPTED Apr 12, 2016

0156 - **LEGAL COUNSEL**

With the concurrence of the Cape Coral City Council, the Board may employ or retain an attorney to render legal services as are needed by the Board or superintendent for school matters.

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BYLAWS

po0161

PARLIAMENTARY AUTHORITY

ADOPTED Apr 12, 2016 · REVISED Dec 14, 2021

0161 - **PARLIAMENTARY AUTHORITY**

The parliamentary authority governing the Governing Board shall be the most recent edition of Robert's Rules of Order, Newly Revised, except as otherwise provided by special Board rules and regulations and/or statutes.

Revised 12/14/21

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BYLAWS

po0162

QUORUM

ADOPTED Apr 12, 2016

0162 - **QUORUM**

Four (4) voting members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

Legal
F.S. 1001.37(4)

BYLAWS

po0163

PRESIDING OFFICER

ADOPTED Apr 12, 2016

0163 - **PRESIDING OFFICER**

The Chair shall preside at all meetings of the Governing Board. In the absence, disability, or disqualification of the Chair, the Vice-Chair shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

BYLAWS

po0164

NOTICE OF REGULAR MEETINGS, HEARINGS, AND WORKSHOPS

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

0164 - **NOTICE OF REGULAR MEETINGS, HEARINGS, AND WORKSHOPS**

Pursuant to State law, the School Board shall, at least two (2) days prior to any regular public meeting, hearing, and workshop, provide notice in the following ways:

A. continuous publication on a publicly accessible website as provided in F.S. 50.0311 or the official Board website;

B. publication in a newspaper of general circulation.

The notice posted shall include a general statement of the general subject matter to be considered.

For additional public notice requirements, see also: Bylaw 0131 (*Legislative/Policymaking*), Bylaw 0165.1 (*Agendas*), and Bylaw 0165.3 (*Special and Emergency Meetings*).

Revised 6/8/21
Revised 5/13/25

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Legal
F.S. 50.0311
F.S. 120.525
F.S. 120.81
F.S. 1001.372
F.A.C. 28-102.001

BYLAWS

po0165

MEETINGS

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

0165 - **MEETINGS**

The Governing Board shall hold at least one (1) regular meeting each month, excluding July, and may conduct other meetings such as workshops, public hearings, special meetings, emergency meetings, and meetings exempt from Florida's Open Meetings laws. See also, Bylaw 0165.1 (*Agendas*), Bylaw 0166 (*Exempt Meetings*), and Bylaw 0166.1 (*Workshops*). Upon the decision of the Board one (1) month prior to a regularly held meeting, the Board may decide to cancel the upcoming meeting for any reason.

The sessions will be held in any appropriate public place in the City, provided due public notice is given.

In accordance with law, all meetings at which official acts are to be taken are declared to be open public meetings, and no resolution, rule, policy, regulation, or formal action shall be considered binding except as taken or made at such a meeting. All meetings of the Board shall be open to the public, except as provided by Florida law, and the order of business of any regular meetings shall include an opportunity for the public to address the Board, as provided in Bylaw 0169.1.

Regular Meetings

Regular meetings shall be held at the time fixed at the annual organizational meeting. Such notification shall be made immediately after the annual organization meeting at which the Board fixes regular meeting dates and times. Should the date of a regular meeting fall on a holiday, the Board may choose the meeting date at any prior meeting. Every Board member shall be notified of the change by letter or by distribution of the Board minutes which carry a record of the change. The Superintendent shall be responsible for public notice of changed meetings.

Special Meetings

A. Special meetings may be called by the Superintendent, the Superintendent at the request of the Board Chair, or the Superintendent at the request of a majority of the members of the Board by serving a written notice of the time, date, location, and purpose of such meeting upon each Board member at least two (2) days in advance of the meeting.

B. Special meetings are intended to be limited to specific matters and shall not be used in place of the Board's responsibility to conduct regular Board meetings not less than once per month. The meeting notice and agenda shall specify the particular matters to be addressed during the special meeting. Business conducted during special meetings must only relate to the particular matters identified in the meeting notice and agenda.

C. All special meetings shall be held in the office of the Superintendent or in a room convenient to that office and regularly designated as the Board meeting room. Meetings may be held at other appropriate public places in the county upon the giving of due public notice.

D. Due public notice shall consist of, at least two (2) days prior to the meeting: continuous publication on a publicly accessible website as provided in F.S. 50.0311 or the District's official website; publication in a newspaper of general circulation in the county, or if there is no newspaper of general circulation in the county, an announcement over at least one (1) radio station whose signal is generally received in the county, a reasonable number of times daily during the forty-eight (48) hours immediately preceding the date of such meeting; or posting a notice at the courthouse door if no newspaper is published in the county.

E. Actions taken during special meetings shall have the same force and effect as if taken at a regular meeting.

Emergency Meetings

A. The Superintendent, the Board Chair, or a majority of the members of the Board may call an emergency meeting when there is an immediate danger to public health, safety, or welfare that requires immediate action.

B. Emergency meetings are intended to be limited to specific emergencies and shall not be used in place of regular or special meetings. The meeting notice and agenda shall specify the particular emergency to be addressed during the meeting in addition to the time, date, and location of the meeting.

C. Notice of emergency meetings shall be provided in a manner that is fair under the circumstances and necessary to protect the public interest. The Board shall attempt to provide immediate public notice of all emergency meetings as follows:

1. Publishing a notice on the District's website.

2. Posting a notice on the front door of the Authority's main office, which is located at 3519 Oasis Blvd. Cape Coral, FL 33914, Building #2, and on the front door of every school in the System.

D. At the start of each emergency meeting and prior to conducting any business, the Board shall publish in writing and state for the record the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and the Board's reasons for concluding that the procedures used to notice and conduct the emergency meeting is fair under the circumstances.

E. Following the emergency meeting, and as soon as practicable under the circumstances, the Board shall publish in the appropriate publication prescribed by F.S. 120.54(3), and on its website, notice of the time, date, and place of the emergency meeting; a statement setting forth the reasons why the emergency meeting was necessary; and a statement setting forth the action taken during the meeting.

F. Actions taken during emergency meetings shall have the same force and effect as if taken at a regular or special meeting.

Exempt Meetings

The Board is committed to transparency and conducting its meetings in the public. However, certain meetings are exempt from Florida's Open Meetings laws. Examples of such meetings include, but are not limited to, the following:

A. all discussions between the Superintendent, or the Superintendent's representative, and the Board relative to collective bargaining (i.e., "executive sessions");

B. meetings between the Board, the Superintendent, and the Board's attorney to discuss pending litigation to which the Board is presently a party before a court or administrative agency (i.e., "shade meetings");

   Such meetings must meet the following conditions:

   1. The Board's attorney shall advise the Board at a public meeting that they desire advice concerning the litigation.

   2. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

   3. The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the Board's clerk within a reasonable time after the meeting.

4. The Board shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the Board Chair shall announce the termination of the session.

5. The transcript shall be made part of the public record upon conclusion of the litigation.

C. student expulsion hearings;

D. portions of any meeting relating directly to or that would reveal security and fire safety systems, including all records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to or revealing such systems;

E. risk management sessions; and

F. any other meeting permitted to be exempt under Florida law.

Revised 6/8/21
Revised 5/13/25

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BYLAWS

po0165.1

AGENDAS

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

0165.1 - **AGENDAS**

The Superintendent shall establish the agenda for Governing Board meetings in consultation with the Board Chair. The Board's legal counsel as well as individual members of the Board may place items for discussion on an agenda by advising the Superintendent of their desire to do so. A motion to rescind or to amend action previously taken shall be timely placed on the agenda since either motion may be considered a "proposition". The Superintendent shall establish reasonable procedures and deadlines for the receipt of requests to place items of business on the agenda and requests to make a presentation in the public discussion period. The agenda for Board meetings, hearings, and workshops shall be prepared in time to ensure that a copy of the agenda may generally be received seven (7) days before the event by any person in the State who requests a copy and who pays the reasonable cost of the copy. The agenda shall contain the items to be considered in order of presentation. After the agenda has been made available, changes to the agenda shall be only for good cause, as determined by the person designated to preside, and stated in the record. Notification of such change shall be at the earliest practicable time.

A. The agenda, along with any meeting materials available in electronic form, excluding confidential or exempt information, shall be published on the Board's website before the event, and shall include any recommendations of the Superintendent.

B. The agenda for each regular meeting shall be communicated to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be communicated seven (7) days prior to the meeting so as to provide time for the study of the agenda by the members.

C. The Board shall transact business according to the agenda submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the voting members present.

D. Consent Agenda

1. The Board shall use a consent agenda to keep routine matters within a reasonable time frame.

2. A member of the Board may request any item be removed from the consent agenda and defer it for individual discussion, public comment (if otherwise permitted), and action. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion, public comment (if otherwise permitted), and action. Any item on the consent agenda may be removed and discussed as a nonaction item or be deferred for further study and discussion at a subsequent Board meeting if the Superintendent or any Board member thinks the item requires further discussion.

E. The agenda for special meetings called by the Superintendent, or by the Superintendent on request of the Board Chair, or on the request of a majority of the Board members, shall be prepared upon the calling of the meeting but not less than forty-eight (48) hours prior to such a meeting. The agenda for special meetings, along with any meeting materials available in electronic form, excluding confidential or exempt information, shall be published on the Board's website at least twenty-four (24) hours before the special meeting, and shall include any recommendations of the Superintendent. The order of business at special meetings of the Board shall be established by the Board.

F. The agenda for emergency meetings, along with any meeting materials available in electronic form, excluding confidential or exempt information, may be published on the Board's website if possible under the circumstances and necessary to protect the public interest.

Revised 6/8/21
Revised 12/14/21
Revised 5/13/25

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Legal
F.S. 120.525

BYLAWS

po0165.4

RECESS

ADOPTED Apr 12, 2016

0165.4 - **RECESS**

The Governing Board may at any time move for a recess or intermission in the day's proceedings. If a recess is provided for in the agenda, the Chair, when the time arrives, announces the fact and says the assembly stands in recess, to the specified hour. When the Board meets at the time that the recess is to conclude, the Chair calls the assembly to order and the business proceeds as a continuation of the previous session. (Reference: Robert's Rules of Order, Newly Revised)

BYLAWS

po0165.5

ADJOURN

ADOPTED Apr 12, 2016

0165.5 - **ADJOURN**

The Governing Board may, at any time during a meeting, adjourn the meeting to a specified date and time. Before accepting a motion to adjourn, the Chair should be sure that no important matters have been overlooked. If there are announcements to be made they should be attended to before adjournment.

BYLAWS

po0166.1

WORKSHOP MEETING

ADOPTED Apr 12, 2016 · REVISED Jun 8, 2021

0166.1 - **WORKSHOP MEETING**

Workshop meetings are publicly noticed meetings of the Governing Board for the purpose of exploring matters that constitute the business of the System. Workshops offer an opportunity for the Board and Board personnel to communicate information and engage in a general discussion. The Board shall take no formal action in a workshop or agree to any decisions with respect to issues which may be brought forward at a regular or special Board meeting.

The Director, or their designee, shall take minutes of all matters discussed during workshop meetings to be read and approved at the next regular or special meeting.

Revised 6/8/21

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F.S. 1001.41

BYLAWS

po0167

VOTING

ADOPTED Apr 12, 2016

0167 - **VOTING**

All motions shall require for adoption a majority vote of those present and voting, except as provided by statute, these bylaws, or parliamentary authority. Upon the demand of any member of the Governing Board, the vote shall be recorded by roll call.

Abstentions shall only be permitted as authorized by law.

All actions requiring a vote can be conducted by voice vote or show of hands, unless a roll-call vote is requested or required. Each vote and abstention shall be recorded. Proxy voting is prohibited.

Pursuant to State law, no Board member shall vote in an official capacity upon any measure which would inure to his/her special private gain or loss; which s/he knows would inure to the special private gain or loss of any principal by whom s/he is retained or to the parent organization or subsidiary of a corporate principal by which s/he is retained, other than an agency as defined in F.S. 112.312(2); or which s/he knows would inure to the special private gain or loss of a relative or business associate of the Board member. Such Board member shall, prior to the vote being taken, publicly state to the assembly the nature of the Board member's interest in the matter from which s/he is abstaining from voting. Such Board member shall make every reasonable effort to disclose the nature of his/her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the State public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than fifteen (15) days after the vote.

Legal
F.S. 112.3143
F.S. 286.012

BYLAWS

po0167.1

USE OF AUTHORITY-ISSUED ELECTRONIC MAIL AND OTHER SOCIAL MEDIA

ADOPTED Apr 12, 2016

0167.1 - **USE OF AUTHORITY-ISSUED ELECTRONIC MAIL AND OTHER SOCIAL MEDIA**

All communication sent or received using a School Board member's Authority-issued E-mail account or any other social media is considered the same as written communication and may be subject to Florida's Public Records Act as set forth in F.S. Chapter 119. For purposes of this bylaw, social media includes but is not limited to webmail, text messages, instant messages, websites, software, and internet-based applications that facilitates communication and networking between individuals or groups.

Board members have no expectation of privacy when using Authority-issued E-mail or other social media. Unless an exemption would apply, communications sent or received about Board business, whether using a Board member's Authority-issued E-mail account or any other social media are subject to retrieval and disclosure as a public record.

Under no circumstances shall Board members use Authority-issued E-mail accounts or other forms of social media to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages set by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Public Records Act, unless an exemption would apply.

Further, the Board prohibits adults from knowingly distributing to minors any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format through e-mail sent, or caused to be sent, to or through the Authority's network. An adult who knowingly distributes any such material to a minor through e-mail sent, or caused to be sent, to or through the Authority's network also commits a felony under State law.

Legal
F.S. Chapter 119

F.S. Chapter 286
F.S. 847.012

BYLAWS

po0168

MINUTES

ADOPTED Apr 12, 2016

0168 - **MINUTES**

The Superintendent shall act as secretary and shall cause to be kept official minutes of all meetings of the Board. The minutes shall include the time and place of the meeting, the members present, and the subjects considered. The minutes shall also include a summary of the deliberations sufficient for the public to understand the basis for the Governing Board's actions, the actions taken, the vote of each member on roll-call votes, and any other information required to be shown in the minutes by law. The minutes shall be available to the public.

The minutes of Board meetings shall usually be considered at the next regular meeting where they shall be corrected, if necessary, and approved.

Recordings shall be made of each meeting of the Board as an administrative aid and shall be preserved as public documents of the Board as required by State statute.

The approved minutes shall be filed in the City of Cape Coral clerk's office as a permanent record of official Board proceedings.

Legal
F.S. 1001.42

BYLAWS

po0169.1

PUBLIC PARTICIPATION AT BOARD MEETINGS

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

0169.1 - **PUBLIC PARTICIPATION AT BOARD MEETINGS**

The Governing Board recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

Members of the public shall be given a reasonable opportunity to provide input to the Board.

In order to permit the fair and orderly expression of such comment, the Board shall provide a period for public participation at those public meetings of the Board.

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

A. Public participation shall be permitted as indicated on the order of business and before the Board takes official position on any action item under consideration.

B. Each statement made by a participant shall be limited to three (3) minutes duration, unless extended by the presiding officer.

C. All statements shall be directed to the presiding officer; no person may address or question Board member individually. Staff members shall not be expected to answer questions from the audience unless called upon by the Board Chair or the Superintendent.

D. If the number of individuals signed up to provide public input exceeds the number of minutes designated for public input, the total allotted time for public input may be prorated evenly among all individuals who have completed a public input form.

E. Rather than all member of groups or factions desiring to speak on a particular matter at meetings in which a large number of individuals wish to be heard, the Board encourages representatives of such groups or factions to address the matter in their representative capacity.

F. Individuals may not utilize any demonstrative aids when providing public input.

G. The presiding officer may:

1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;

2. request any individual to leave the meeting when that person does not observe reasonable decorum;

3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;

4. call for a recess or continue the meeting to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

No Board action shall be taken on requests made during public discussion unless the Board declares the matter to be an emergency in accordance with current law. Any other requests that the Board chooses to take action on shall be placed on an agenda for a subsequent meeting.

The requirement for public comment on action items does not apply to:

A. an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Board to act;

B. an official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

C. a meeting that is exempt from F.S. 286.011 (the Public Meetings Law); or

D. a meeting at which the Board is sitting in its quasi-judicial capacity.

These exceptions do not affect the right of a person to be heard as otherwise required by law or Board policy.

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Legal
F.S. 286.011

F.S. 877.13
F.S. 1001.372
F.S. 1002.33

BYLAWS

po0170

DUTIES

ADOPTED Apr 12, 2016

0170 - **DUTIES**

The Governing Board is committed to an inclusive governance model so that policy focuses on student learning.

BYLAWS

po0171

REVIEW OF POLICY

ADOPTED Apr 12, 2016

0171 - **REVIEW OF POLICY**

The superintendent shall recommend for the Board's consideration and adoption revisions to current policies or new policies as often as necessary so that the Governing Board policies are correct and statutorily compliant.

Board policies and procedures must include standards for screening, hiring, and terminating instructional personnel and school administrators as defined in the charter and F.S. 1012.01; standards of ethical conduct for instructional personnel and school administrators; the duties of instructional personnel and school administrators for upholding the standards; detailed procedures for reporting alleged misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student; requirements for the reassignment of instructional personnel or school administrators pending the outcome of a misconduct investigation; and penalties for failing to comply with F.S. 1001.51 or 1012.795. The Board policies and procedures shall include appropriate penalties for all personnel of the Board for nonreporting and procedures for promptly informing the Authority of each legally sufficient complaint.

The Board will also evaluate how policies have been implemented and their general effectiveness. The Board will rely on such metrics as summaries of surveys administered to the school staff, students, and community; student data collected by the Authority, including, but not limited to, student assessment results, graduation statistics, and attendance records; financial reports; and other relevant information to provide evidence of the effect of the policies it has adopted.

The superintendent shall require that all policy manuals and administrative procedure manuals are updated following Board approval of recommended revisions and additions.

Legal
F.S. 120.74
F.S. 1012.796(d)

BYLAWS

po0172

VISITATION OF SCHOOLS BY INDIVIDUAL GOVERNING BOARD MEMBERS

ADOPTED Aug 14, 2018 · REVISED Nov 18, 2022

0172 - **VISITATION OF SCHOOLS BY INDIVIDUAL GOVERNING BOARD MEMBERS**

An individual Governing Board member may, on any day and at any time at their pleasure, visit any school in the Authority. A member of the Legislature may visit any public school in the legislative district of the member. An individual visiting a school pursuant to this policy must sign in and sign out at the school's main office and wear his/her Board identification badge at all times while present on school premises. The Board, the school, or any other person or entity, including, but not limited to, the principal of the school, the Superintendent, or any other Board member, may not require an individual visiting the school pursuant to this policy to provide notice before visiting the school. The school will provide an escort to accompany an individual to the school pursuant to this policy during the visit. Another Board member or an employee, including, but not limited to, the Superintendent, the school principal, or his/her designee, may not limit the duration or scope of the visit or direct of an individual pursuant to this policy to leave the premises. No policy or practice may prohibit or limit the authority granted to an individual under this policy.

Following a visit to a school, a Board member may have suggestions and feedback regarding the visit. Recognizing that the Superintendent directs the work of staff, pursuant to F.S. 1001.51 and 1012.27(7), the Board member's feedback should be directed to the Superintendent, who will share it with staff, as appropriate. (See Bylaw 0149.3 - *Board-Staff Communication*)

Revised 11/18/22

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BYLAWS

po0175.1

BOARD CONFERENCES, CONVENTIONS, AND WORKSHOPS

ADOPTED Apr 12, 2016

0175.1 - **BOARD CONFERENCES, CONVENTIONS, AND WORKSHOPS**

The Governing Board recognizes the value of membership and attendance at conferences and meetings at the local, county, State, and national level.

Attendance at local, county, State, and national workshops and conferences is encouraged.

Each Board member is expected to report back to the Board after attending a conference at Authority expense.

Travel and personal expenses of spouse, children, or other guest traveling with a Board member shall be the responsibility of the Board member or of the individual. Expenses for convention functions attended as a group will be borne by the System within budgetary limits. The Superintendent shall include an amount in each proposed annual budget to cover expenses to support the participation of the Board in activities and programs conducted by the State and other organizations as the Board chooses. Any reimbursement for Board member travel must be approved in advance by the Board.

ADMINISTRATION

po1001

AUTHORITY ORGANIZATION

ADOPTED Apr 12, 2016

1001 - **AUTHORITY ORGANIZATION**

The organization of the Authority shall be designed to meet the objectives set by the Governing Board, ensure clear lines of authority and responsibility, and define each position with clarity.

The Superintendent shall be the chief executive officer of the Authority. The Superintendent shall define and establish those administrative positions required to implement the educational system and program of learning established by the Board. In each case, the Board will approve the broad purpose and function of the position in harmony with State law and regulations.

Responsibility shall flow clearly from the Superintendent through the administrative staff to the operational personnel.

No employee should be responsible to more than one (1) supervisor.

It shall be the responsibility of the Superintendent to determine the need for and define operational requirements sufficient to ensure the smooth functioning of the Authority. Maintenance of an efficient, skilled operational staff is essential to the effective performance of the system.

It is the Board's intent to maintain an operational and technical staff with a high level of competence.

On occasion, the Superintendent may find it necessary to recommend to the Board the employment of specialists or consultants to maintain or support programs implemented by the Authority in areas requiring specialized knowledge. These positions will be considered by the Board on the merits of their potential contribution to the Authority and the specific conditions of the stated contract or agreement.

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F.S. 1001.51

ADMINISTRATION

po1010

BOARD - SUPERINTENDENT RELATIONSHIP

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

1010 - **BOARD - SUPERINTENDENT RELATIONSHIP**

As set forth in State law, the Superintendent is the executive officer of the Authority. As such, the Superintendent shall advise and counsel with the Governing Board on all educational matters and recommend for Board action such matters as should be acted upon. The Superintendent is responsible for the development, supervision, and operation of the school program and facilities. His/Her methods should be made known to the staff through the administrative procedures of the District.

Pursuant to State law, the Superintendent shall cooperate with the Board in every manner practicable to the end that the Authority may continuously be improved.

The Superintendent is empowered by State law to recommend the adoption of policies determined to be necessary for the efficient operation and general improvement of the Authority. Suggestions for new policies or for revisions to existing policy may be made by the Board, the staff, or community member. After considering recommendations submitted by the Superintendent, the Board is empowered to determine policies for the Authority. The Superintendent has the duty, pursuant to State law, to enforce the policies established by the Board, and, therefore, should be given the latitude to determine the best method of implementing those policies.

The Board shall retain oversight supervision of such procedures.

In order to expedite negotiation procedures, the Superintendent is appointed as chief representative of the Board for the purpose of determining negotiation strategies and members of negotiation teams for collective bargaining with recognized unions and employee units.

The Board is responsible for determining the success of the Superintendent in meeting the goals established by the Board through annual evaluations of the Superintendent's performance. The Board, in formulating its position with regard to the performance of the Superintendent, shall rely, whenever possible, on the objective outcomes of its evaluations rather than on subjective opinions.

Revised 9/16/25

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Legal
F.S. 1001.41
F.S. 1001.48
F.S. 1001.49
F.S. 1001.50

ADMINISTRATION

po1020

EMPLOYMENT OF THE APPOINTED SUPERINTENDENT

ADOPTED Mar 9, 2021

1020 - **EMPLOYMENT OF THE APPOINTED SUPERINTENDENT**

In accordance with State law, the Superintendent is the secretary and executive officer of the Governing Board. State law further assigns to the Superintendent specific powers, duties, and responsibilities related to the oversight and operation of the Authority. The appointment of that officer is, therefore, one of the most important functions the Board can perform.

Whenever the position of Superintendent shall be vacant, the Board shall actively seek the best qualified and most capable candidate for the position of Authority Superintendent.

The Board may be aided in this task by:

A. a committee of Board members;

B. the services of professional consultants;

C. the counsel of the out-going Superintendent.

Recruitment procedures shall be prepared in advance of the search and shall include the following:

A. the preparation of a written job specification for the position of Superintendent

B. preparation of written specifications of qualification in addition to proper State licensing

C. where feasible, the opportunity for applicants to visit the schools of this Authority

D. the requirement that each selected candidate for the position be interviewed by Board members in a format that encourages him/her to express his/her educational philosophy

E. consideration of all applicants fairly without unlawful discrimination on the basis of race (including anti-Semitism [as defined in Bylaw 0100), ethnicity, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (collectively, "protected classes").

Pursuant to State law, the Superintendent is not subject to the provisions of law, either general or special, relating to tenure of employment or contracts of other school personnel.

The Board shall enter into an employment contract with the Superintendent, which shall require the Superintendent to exercise all powers, duties, and responsibilities set forth in State law, State Board rule, and Board policy. The contract of employment shall also establish a reasonable salary for the position, taking into account the factors set forth in State law. If the contract contains a provision for severance pay, it must include the provisions required by F.S. 215.425.

Notwithstanding any other law, resolution, or rule to the contrary, the Superintendent may not receive more than $225,000 in remuneration annually from state funds. "Remuneration" means salary, bonuses, and cash-equivalent compensation paid to the Superintendent by the Board for work performed, excluding health insurance benefits and retirement benefits. Only compensation, as defined in F.S. 121.021, provided to the Superintendent, may be used in calculating benefits under F.S. Chapter 121.

Any salary adjustments or supplements that would constitute bonuses must be based upon work performance and in accordance with Florida law. The determination of such bonus must include a process that describes performance standards and an evaluation process consistent with Policy 1220.

The contract shall also include:

A. the term for which employment is contracted, including beginning and ending dates;

B. the benefits to which s/he is entitled;

C. such other matters as may be necessary to a full and complete understanding of the employment contract.

The Superintendent so appointed shall devote himself/herself exclusively to the duties of his/her office and maintain his/her principal residence within the City, unless otherwise approved by the Board.

Any candidate's intentional misstatement of fact material to his/her qualification for employment or the determination of his/her salary shall be considered by this Board to constitute grounds for his/her dismissal.

The person selected for the position of superintendent shall be required to undergo a physical examination reasonably related to the duties s/he will be required to perform, the cost of which shall be borne by the Authority.

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F.S. 215.425
F.S. 1001.50

ADMINISTRATION

po1030

APPOINTED SUPERINTENDENT OF SCHOOLS

ADOPTED Apr 12, 2016 · REVISED Mar 9, 2021

1030 - **APPOINTED SUPERINTENDENT OF SCHOOLS**

The Superintendent, as secretary and executive officer of the Governing Board, shall have the responsibility for the administration and management of the Authority's schools and for the supervision of instruction in the Authority.

The Superintendent shall enforce the rules of the State Board of Education, rules of the Florida Department of Education, and the policies of this Board.

The Superintendent shall provide educational direction for the instructional staff and supervision for the support staff.

The Florida statutes vest in the Superintendent the following powers:

A. exercise general oversight over the Authority in order to determine problems and needs, and recommend improvements.

B. advise and counsel with the Board on all educational matters and make recommendations to the Board for action regarding such matters as should be acted upon.

C. recommend to the Board such policies as the Superintendent may consider necessary for the Authority's more efficient operation.

D. prepare and submit to the Board for adoption such policies to supplement those rules adopted by the State Board of Education that, in the Superintendent's judgment, will contribute to the efficient operation of the Authority, and, upon adoption by the Board, require compliance with these policies.

E. from time-to-time prepare, organize, and submit to the Board for adoption such minimum standards relating to the operation of any phase of the Authority program as are needed, in the Superintendent's judgment, to supplement standards of the State Board of Education and as will contribute to the efficient operation of the Authority's program, and, upon adoption by the Board, require that said standards are observed.

F. perform such duties and exercise such responsibilities as are assigned to the Superintendent by law and by rules of the State Board of Education.

The Superintendent shall perform the duties and responsibilities set forth in the Florida statutes, including, but not limited to, the following:

A. require the participation of all instructional staff members and school administrators in training on the Authority's standards of ethical conduct and the related policies and procedures upon employment and annually thereafter;

B. make recommendations, nominations, proposals, and reports required by law to be acted upon by the Board;

C. keep the Board informed of school operation by preparing Board agendas, providing oral and written communication, scheduling management meetings, and requesting special Board meetings that become necessary to keep the Board properly informed

D. require that all aspects of Authority operation comply with State laws and regulations as well as Board contracts and policies

E. require that all laws, rules of the State Board of Education, and the policies of the Board are properly observed

F. prepare and submit the annual budget to the Board for adoption and to direct all expenditures within the appropriations adopted by the Board

G. consideration of all applicants fairly without unlawful discrimination on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (collectively, "protected classes").race, gender, age, religion, ethnic background, disability, or other condition unrelated to the position of superintendent

H. direct the work of all personnel in accordance with the Florida statutes, Federal law, and the policies of the Board

I. recommend measures to the Board so that adequate educational facilities are available throughout the Authority

J. prepare reports to the Board on the conditions and needs of the schools and to acquaint the public with the said activities and needs

K. assign staff to their respective teaching duties

L. work cooperatively with parents and community groups concerned with programs in the schools

M. participate in such conferences and courses of continuing professional education so that s/he may function more efficiently and effectively

N. authorize administrators to enter into agreements with consultants

O. delegate authority to staff in any matters, when it becomes expedient to do so, and assume full responsibility for the execution and satisfactory completion of the delegated activities

P. recommend to the Board an annual plan for instructional programs

The Superintendent may authorize changes or exceptions as necessary for implementing the instructional program.

The Board shall enter into an employment contract of employment with the Superintendent, which shall require the Superintendent to exercise all powers, duties, and responsibilities set forth in State law, State Board rule, and Board policy. The contract of employment shall also establish a reasonable salary for the position, taking into account the factors set forth in State law. If the contract contains a provision for severance pay, it must include the provisions required by F.S. 215.425.

Any salary adjustments or supplements that would constitute bonuses must be based upon work performance and in accordance with Florida law.

Notwithstanding any other law, resolution, or rule to the contrary, the Superintendent may not receive more than $225,000 in remuneration annually from state funds. "Remuneration" means salary, bonuses, and cash-equivalent compensation paid to the Superintendent by the Board for work performed, excluding health insurance benefits and retirement benefits. Only compensation, as defined in F.S. 121.021, provided to the Superintendent, may be used in calculating benefits under F.S. Chapter 121.

Pursuant to State law, the superintendent shall complete four (4) hours of ethics training each calendar year that addresses, at a minimum, the constitutional "Sunshine Law" provisions (Article II, Section 8), the statutory *Code of Ethics for Public Officers and Employees* (F.S. Chapter 112, Part III), and the public records and public meetings laws. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

Pursuant to the Florida statutes, the Superintendent shall not knowingly sign and transmit to any state official a report that the Superintendent knows to be false or incorrect. Furthermore, the Superintendent shall investigate any allegation of misconduct by instructional staff members or school administrators, as defined in F.S. 1012.01, which affects the health, safety, or welfare of a student, and shall report the alleged misconduct to the Department as required the Florida statutes and Policy 8141 – *Reporting Misconduct*.

Revised 3/9/21

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F.S. 1001.49
F.S. 1001.51

ADMINISTRATION

po1030.01

DEVELOPMENT OF ADMINISTRATIVE PROCEDURES

ADOPTED Apr 12, 2016

1030.01 - **DEVELOPMENT OF ADMINISTRATIVE PROCEDURES**

The Governing Board delegates to the Superintendent the authority to determine whether administrative procedures will be needed to implement each of the policies adopted by the Board. When the content of the procedure meets the definition of a rule set forth in F.S. Chapter 120, upon the recommendation of the Superintendent, the Board shall adopt said administrative procedure. Further, when in the judgment of the Superintendent adoption by the Board is advisable, the adoption of said procedure shall be recommended by the Superintendent for adoption.

All administrative procedures shall be consistent with the adopted policies, and shall describe the manner in which those policies are to be implemented.

The Superintendent may also issue administrative and student handbooks as may be necessary for the effective administration of the schools and distribute them to employees and students and/or their parents.

As long as the provisions of these administrative procedures and handbooks are consistent with Board policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees and students.

The administrative procedure shall be available electronically on the Authority's web site, and print copies shall be maintained in the Office of the Superintendent and the Office of the Board Attorney.

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F.S. 1001.49
F.S. 1001.51

ADMINISTRATION

po1040.01

NON-RENEWAL OR TERMINATION OF EMPLOYMENT OF THE APPOINTED SUPERINTENDENT

ADOPTED Mar 9, 2021

1040.01 - **NON-RENEWAL OR TERMINATION OF EMPLOYMENT OF THE APPOINTED SUPERINTENDENT**

The Governing Board has an obligation to the citizens of this Authority to employ the professional leadership best trained and equipped to meet the educational needs of the students. It shall meet that obligation by retaining only the best-qualified person as Superintendent.

If the services of the Superintendent are found to be unsatisfactory to the Board, the Superintendent shall be notified in writing by the Board Chair, as approved by the Board at a publicly noticed meeting.

Any decision to discontinue the employment of the Superintendent shall be made at a publicly noticed meeting of the Board and in accordance with the Superintendent's employment agreement.

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F.S. 1001.50
Art. IX, Fla. Constitution

ADMINISTRATION

po1111

DESIGNATION OF A NEW POSITION

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

1111 - **DESIGNATION OF A NEW POSITION**

The Governing Board recognizes the need to establish positions that, when filled by competent, qualified administrative staff members, will assist the Authority in achieving the educational goals set by the Board. The Authority employs only U.S. citizens and others lawfully authorized to work in the United States.

Subject to the recommendation of the Superintendent, the Board shall designate new positions pursuant to the job description development in accordance with Policy 1600 and set the initial salary for new positions.

When designating new positions, primary consideration shall be given to:

A. the special needs of the students;

B. the operational services of the District.

Revised 8/15/23

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F.S. 1001.42
F.S. 1001.42(5)
F.S. 1012.22

ADMINISTRATION

po1112

BOARD-STAFF COMMUNICATIONS

ADOPTED Apr 12, 2016

1112 - **BOARD-STAFF COMMUNICATIONS**

The Governing Board desires to maintain open channels of communication between itself and the administrative staff. The basic line of communication, will, however, be through the Superintendent.

A. Administrative Staff Communications to the Board

All communications from administrators to the Board or its committees should be submitted through the Superintendent or as directed by the Superintendent. This procedure is not intended to deny any administrator his/her constitutional right of free speech or the right to appeal to the Board on important matters through established procedures.

B. Board Communications to the Administrative Staff

All official policies and directives of the Board of interest and concern to the administrative staff will be communicated through the Superintendent, who shall also keep administrators informed of the Board's problems, concerns, and actions.

C. Social Interaction

Both administrators and Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the Authority. However, since individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action, administrators and Board members should not discuss personalities, personnel grievances, or complaints because this will be considered to be unethical conduct on the part of the Board member and unprofessional conduct on the part of the administrator. Such matters should be addressed in accordance with the procedures established in Board policy.

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F.S. 1001.42
F.S. 1012.23

ADMINISTRATION

po1113

CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

ADOPTED Apr 12, 2016

1113 - **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP**

It is the policy of the Governing Board that no Authority officer or employee, including but not limited to, Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship with any business entity or any agency which is doing business with the Authority, excluding those organization and their officer who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the Authority.

Furthermore, it is the policy of the Board that no Authority officer or employee, including but not limited to Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship that will create any conflict whatsoever between his/her private interests and the performance of his/her duties or that would impede the full and faithful discharge of his/her duties.

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F.S. 112.313(7)

ADMINISTRATION

po1120

EMPLOYMENT OF ADMINISTRATORS

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

1120 - **EMPLOYMENT OF ADMINISTRATORS**

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

The Board shall approve the employment, determine the compensation, and establish the term of employment for each administrator employed by the Board. Approval shall be given only to those candidates for employment recommended by the Superintendent. Administrators shall recommend to the Superintendent the best-qualified administrative applicant available.

Administrators are individuals who supervise the resources, operations, and management of school(s) and/or department(s) and meet established qualifications.

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

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

A person is ineligible for educator certification or employment in any position that requires direct contact with students if:

A. they are on the disqualification list maintained by the Florida Department of Education under F.S. 1001.10(4)(b);

B. they are registered as a sex offender as described in 42 U.S.C. 9858f(c)(1)(C);

C. they are ineligible based on a security background investigation under F.S. 435.04;

The Agency for Health Care Administration shall determine the eligibility of employees in any position that requires direct contact with students in an Authority school.

D. they would be eligible for an exemption under F.S. 435.07(4)(c); or

E. they have been convicted or found guilty of, or have had adjudication withheld for, or have pled guilty or nolo contendere to (1) any criminal act in another state or under federal law which, if committed in Florida, constitutes a disqualifying offense under F.S. 435.04(2) or (2) any delinquent act committed in Florida or any delinquent or criminal act committed in another state or under Federal law which, if committed in Florida, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under F.S. 943.0435.

Individuals who apply for employment are governed by the law and rules in effect at the time of application for employment, provided that continuity of employment is maintained.

To be eligible for employment in an administrative position requiring certification, an individual must be of good moral character and hold a valid certificate issued pursuant to Florida law and the rules of the State Board of Education. A copy of the certificate shall be filed with the Authority.

Pursuant to State law and rules adopted by the State Board of Education, an individual must earn a passing score on the Florida Educational Leadership Examination, document three (3) years of successful teaching experience.

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

F.S. 1012.33 states that "the first ninety-seven (97) days of an initial principal's or supervisor's contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract." This statement means that individuals who are appointed into their initial administrative positions in the State of Florida will have a ninety-seven (97) day probationary period.

All administrators shall become familiar with the policies of the Board and other policies, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the Authority. Any administrator employed by the Board who shall be guilty of any willful violation of the policies of the Board shall be guilty of gross insubordination and shall be subject to dismissal or other lesser penalty as the Board may prescribe.

Revised 3/9/21
Revised 12/14/21
Revised 11/18/22

Revised 5/7/24
Revised 3/10/26

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Legal
F.S. 1001.10
F.S. 1012.01
F.S. 1012.23
F.S. 1012.315
F.S. 1012.32
F.S. 1012.33
F.S. 1012.55
F.S. 1012.56
42 U.S.C. 9858f

ADMINISTRATION

po1120.01

EMPLOYMENT OF INTERIM PRINCIPALS/SUPERVISORS

ADOPTED Apr 12, 2016

1120.01 - **EMPLOYMENT OF INTERIM PRINCIPALS/SUPERVISORS**

Interim principals may be appointed provided they have Educational Leadership, Administration, or Administration/Supervision Certification from another State and have at least two (2) consecutive years of successful administrative experience within the past five (5) years. An interim principal may also be an individual with Education Leadership Administration, or Administration/Supervision Certification and through the Authority's selection system was determined by the selection team, Superintendent, and Governing Board to be the best candidate for the position among other applicants.

Administrators who have been fingerprinted by the Authority and have not been unemployed by the Authority for more than ninety (90) days shall not be required to be refingerprinted upon return to work in the Authority.

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F.S. 1012.32
F.S. 1012.33

ADMINISTRATION

po1120.06

SELECTING ADMINISTRATIVE INTERNS

ADOPTED Apr 12, 2016

1120.06 - **SELECTING ADMINISTRATIVE INTERNS**

The Governing Board encourages cooperation with State-approved colleges and universities in the training of administrative interns, because the public school offers an essential ingredient - direct experience with students and teachers. However, certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent regarding placement of an administrative intern. The Authority shall comply with the policies and procedures governing the placement of administrative interns established by the college or university.

The Superintendent shall make the final placement of administrative interns.

Administrative staff members who agree to serve as supervisors of student administrative interns may accept honoraria or stipends directly from the college/university for those services rendered outside the regular school day and above and beyond the duties and responsibilities specified in their contracts.

The following conditions shall also be met:

A. The college/university making the assignment shall provide on-going supervision in a manner suitable to the Superintendent.

B. The supervising administrator must agree to work effectively with both the administrative intern and the college/university supervisor.

C. If at any time the quality of the administrative internship is judged to be inferior or is disruptive to the on-going program, the Superintendent may request withdrawal of that person from the program.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a "field experience" program in order for selected interns to gain first-hand knowledge of and experience in a school environment.

The Superintendent may terminate the Authority's partnership with a college or university internship preparation program if one or more aspects of the program are not meeting Authority expectations.

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F.S. 1012.39

ADMINISTRATION

po1120.11

PREFERENCE FOR VETERANS IN EMPLOYMENT

ADOPTED Apr 12, 2016 · REVISED Jun 14, 2022

1120.11 - **PREFERENCE FOR VETERANS IN EMPLOYMENT**

Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran, pursuant to the provisions below, as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

Appointment or Retention in Positions of Employment

Preference shall be given to the following:

A. Those disabled veterans:

1. who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the U.S. Department of Veterans Affairs; or

2. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans Affairs and the Department of Defense.

B. The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

C. A wartime veteran as defined in F.S. 1.01(14) who has served at least one (1) day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.

D. The unremarried widow or widower of a veteran who died of a service-connected disability.

E. The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.

F. A veteran as defined in F.S. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.

G. A current member of any reserve component of the United States Armed Forces or the Florida National Guard.

The Governing Board may waive a postsecondary educational requirement for a position of employment, other than those positions made exempt under F.S. 295.07 for a current member of a reserve component of the U.S. Armed Forces or the Florida National Guard or a veteran who has been honorably discharged if the person is otherwise qualified for the position.

Veterans' preference in employment and retention may be given only to eligible persons who are described above.

In all positions in which the appointment or employment of persons is not subject to a written examination, preference in appointment, employment, and retention processes shall be given to persons included under A and B above, and second preference shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

A veteran employed will be subject to the employment policies of the Authority.

Reinstatement or Reemployment

When an Authority administrator has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the Authority shall reemploy or reinstate such person to the same position that s/he held prior to such service in the Armed Forces, or to an equivalent position, provided such person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position.

Further, the Authority shall reemploy or reinstate the person who was a veteran when employed by the Authority and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge to the same position that s/he held prior to service in the Armed Forces, or to an equivalent position, provided the person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. The person shall also be

awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.

The provisions in the preceding two (2) paragraphs pertaining to persons who are reemployed or reinstated shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

Recruitment Plan

The Board will develop and implement a written veterans recruitment plan that establishes annual goals for the full use of veterans in the Board's workforce. The plan will be designed to meet the established goals. The veterans recruitment plan applies to the preference-eligible persons who are described above.

Revised 6/14/22

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F.S. 295.07
F.S. 295.08
F.S. 295.085
F.S. 295.09

ADMINISTRATION

po1121

CONDITIONS FOR EMPLOYMENT AND RE-EMPLOYMENT OF ADMINISTRATORS

ADOPTED Apr 12, 2016

1121 - **CONDITIONS FOR EMPLOYMENT AND RE-EMPLOYMENT OF ADMINISTRATORS**

Applicants for employment or reemployment must submit an employment application, a copy of the social security card with correct name, and a minimum of three (3) acceptable references. Candidates shall meet the Governing Board's hiring guidelines and employment prerequisites prior to consideration for any vacancy.

Failure of candidates to adhere to the time schedule established for submission of documents may be cause for failure to employ or for dismissal.

False or misleading statements or answers or omissions made by a person in connection with seeking employment may bar a person from employment with the Board or, if discovered after employment, may result in disciplinary action, including termination upon the recommendation of the Superintendent and the approval of the Board. Each case shall be considered on its own merits.

The Superintendent shall 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 Board policies.

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F.S. 121.091
F.S. 1012.01
F.S. 1012.32
F.S. 1012.40

ADMINISTRATION

po1121.01

BACKGROUND SCREENING AND EMPLOYMENT HISTORY CHECKS

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

1121.01 - **BACKGROUND SCREENING AND EMPLOYMENT HISTORY CHECKS**

The safety of its students is of paramount importance to the Authority. Consistent with this concern for student safety, and in compliance with Florida law, the Authority requires that, prior to initial employment, or re-employment if there has been a break in service, all candidates for all administrative positions shall be subject to a criminal background screening to determine eligibility for employment. Additionally, the Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to Federal and State law.

The application for employment shall inform the applicants that they are subject to a background screening and employment history check.

The cost of the background screening, with the exception of fingerprinting, related to initial employment or re employment after a break in service will be borne by the Authority.

The Board is a registered employer with the Care Provider Background Screening Clearinghouse. The Authority shall publish a clear and conspicuous link on its official website, and provide the link in all job vacancy advertisements and posts, to the Agency for Health Care Administration's (AHCA) webpage related to the Care Provider Background Clearinghouse. Background screenings, including all fingerprint requirements, shall be conducted in accordance with F.S. 435.12 and F.S. 1012.32. Criminal history checks through the Care Provider Background Screening will be conducted before referring an employee or potential employee or a person with a current or potential affiliation with the Authority for electronic fingerprint submission to the Florida Department of Law Enforcement. For purposes of this policy, "affiliation" means the status of a person employed or serving as a volunteer or contractor, or seeking to be employed or to serve as a volunteer or contractor, with the Authority in a position for which screening is not required by law but is authorized under the National Child Protection Act.

If it is found that a person who is employed as an administrator does not meet the screening requirements, the person shall be immediately suspended from working in that capacity and shall remain suspended until final resolution of any appeals.

A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. For purposes of this policy, 'convicted' means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.

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

Furthermore, before employing an administrator in any position that requires direct contact with students, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), review each affidavit of separation from previous employers pursuant to F.S. 1012.31, screen the candidate through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the Superintendent shall document efforts to contact the employer (F.S. 1012.27(6)). Background screenings for these candidates must also comply with the requirements of F.S. 1012.465 or F.S. 1012.56 (whichever is applicable).

Pursuant to State law, all administrators employed by the Authority must self-report arrests for serious offenses (see AP 1121.01).

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

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

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

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

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

Changes to Initial Status - Care Provider Background Screening Clearinghouse

Before January 1, 2024, initial status and any changes in status must be reported within ten (10) business days after a person receives his/her initial status or after a change in the person's status has been made.

Effective January 1, 2024, initial status and any changes in status must be reported within five (5) business days after a person receives his/her initial status or after a change in the person's status has been made.

Revised 8/14/18
Revised 12/14/21
Revised 11/18/22
Revised 8/15/23
Revised 5/7/24
Revised 3/10/26

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Legal
F.S. 435.09
F.S. 435.12
F.S. 448.095
F.S. 943.0435
F.S. 943.0585(4)(a)
F.S. 943.059(4)(a)
F.S. 1001.41
F.S. 1001.42
F.S. 1012.23
F.S. 1012.27
F.S. 1012.315
F.S. 1012.32
F.S. 1012.465
F.S. 1012.56
F.A.C. 6A-10.083
Federal Immigration Reform and Control Act of 1986
8 U.S.C. 1255a

ADMINISTRATION

po1122

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

1122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

I. **General Statement**

The Governing Board does not discriminate on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes") in its programs and activities, including employment opportunities.

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

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

II. **Definitions**

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

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

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

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

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

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

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

III. Authority Compliance Officer(s)

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

A. Compliance Officer

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

Kristie Belesiotis
Human Resources Manager, Cape Coral Charter Authority
239-424-6100 X7456
3519 Oasis Blvd.

Cape Coral, Florida 33914
OasisHR@capecoral.gov

B. Section 504 Compliance Officer/ADA Coordinator

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

Kristie Belesiotis
Human Resources Manager
239-424-6100 X7456
3519 Oasis Blvd.
Cape Coral, Florida 33914
OasisHR@capecoral.gov

C. Title IX Coordinator

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

Kristie Belesiotis (ADA Coordinator)
Human Resources Manager
239-424-6100 X7456
3519 Oasis Blvd.
Cape Coral, Florida 33914
OasisHR@capecoral.gov

D. Publication Required

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

IV. **Complaint Procedures**

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

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

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

V. Internal Complaint Procedure

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

A. An employee with a complaint based on alleged discrimination may first discuss the problem with the compliance officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the compliance officer for good cause.

C. The compliance officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The compliance officer will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Director. The compliance officer shall maintain the Authority’s files and records relating to the complaint.

D. The Director will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Director will render his/her decision within ten (10) days of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

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

V. Filing a Complaint with OCR/FCHR/EEOC

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

VI. Retaliation

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

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

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

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

VII. Training

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

VIII. Notice

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

IX. Retention of Investigatory Records and Materials

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

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by Authority personnel;

D. any written documentation of actions taken by Authority personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Authority’s response to the alleged violation of this policy;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

O. copies of the Board policy and/or procedures/guidelines used by the Authority to conduct the investigation, and any documents used by the Authority at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

P. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and

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

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

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

Revised 10/8/19
Revised 3/9/21
Revised 6/8/21
Technical Correction 11/12/24

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

ADMINISTRATION

po1122.01

PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

ADOPTED Apr 12, 2016 · REVISED Jun 8, 2021

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

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

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

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

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

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as

devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

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

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

Authority Compliance Officers

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

Principal, Oasis Middle School
239-945-1999

Principal, Oasis Elementary North
239-283-4511

Principal, Oasis Elementary South
239-542-1577

Principal, Oasis High School
239-541-1167

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

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

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

Complaint Procedures

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

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

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

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

Appealing to OCR/Florida Commission on Human Relations/EEOC

If the complainant is not satisfied with the Superintendent's decision, the complainant will have an additional sixty (60) days to appeal the decision to the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

Retaliation

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

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

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

Training

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

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

Facilities

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

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

Notice

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

Revised 6/8/21

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Legal
29 C.F.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

ADMINISTRATION

po1122.02

NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

ADOPTED Apr 12, 2016

1122.02 - **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

The Governing Board does not discriminate against any employee or applicant for employment with respect to hiring, compensation, terms, conditions, or privileges of employment based on genetic information. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Retaliation against an applicant or employee for engaging in protected activity is prohibited.

As required by Federal law and regulation, the Board shall direct its employees not to provide any genetic information in response to requests for medical information, including but not limited to FMLA medical certification or recertification. The Board shall also direct applicants for employment not to provide any genetic information in response to requests for medical information as part of the Authority's application process. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. As required by Federal law, if the Authority inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider it shall be treated as a confidential medical record.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members.

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Legal

C.F.R. Part 1635

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act 29

20 U.S.C. 1232g

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

ADMINISTRATION

po1124

DRUG-FREE WORKPLACE

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

1124 - **DRUG-FREE WORKPLACE**

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

The use of illegal drugs, the abuse of alcohol, and the misuse of prescription and over-the-counter drugs are unacceptable. The Board does not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, or any drug paraphernalia as the term is defined by law, by any member of the District's staff, visitor or vendor at any time while on District property or while involved in any District-related activity or event.

Drug Testing

In furtherance of this policy, the Board conducts drug testing of its job applicants and employees, pursuant to Federal and State law.

Board employees who operate Board vehicles and have a commercial driver's license or perform safety-sensitive functions are subject to the drug testing procedures in Policy 4162.

"Drug" means an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph. This definition also includes all prescription drugs obtained without authorization and all prescribed and over-the-counter drugs being used in a way other than for medical purposes, in accordance with the directions for use provided in the prescription or by the manufacturer. This definition includes prescription marijuana.

Types of Drug Testing

A. Job Applicant Drug Testing

For the purpose of this policy, "job applicant" means a person who has applied for a position with the Board and has been offered employment conditioned upon successful completion of a drug test. Applicants will be informed in advance of the requirement of a negative drug screen as a condition of employment. The drug screen must be conducted within thirty (30) days prior to employment, and within twenty-four (24) hours of receiving the notice to report from Human Resources. A refusal to submit to a drug test or a positive confirmed drug test may be a basis for refusing to hire a job applicant. Applicants who fail to appear at the pre-employment drug screening within the twenty-four (24) hour period will not be eligible to reapply for a period of thirty (30) calendar days.

B. Reasonable Suspicion Drug Testing

For the purpose of this policy, "reasonable suspicion" means the reasonable belief that an employee is using or has used drugs in violation of this policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion drug testing shall not be required except upon the recommendation of a supervisor who is at least one (1) level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:

1. observable phenomena while at work, including, but not limited to; direct observation of drug use; physical symptoms; or manifestations of being under the influence of a drug;

2. abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

3. a report of drug use, provided by a reliable and credible source;

4. evidence that an individual has tampered with a drug test during his/her employment with the Board;

5. information that an employee has caused, or contributed to, an accident while at work; or

6. evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working for the Board or while on the Board's premises; or while operating the Board's vehicles, machinery, or equipment.

C. Routine Fitness-for-Duty Drug Testing

A drug screening will be required as part of an employee fitness-for-duty medical

examination that is scheduled routinely for all members of an employment classification or group.

D. Follow-up Drug Testing

If the employee in the course of employment enters an employee assistance program for drug-related problems, or a drug rehabilitation program, the Board will require the employee to submit to a drug test as a follow-up to such program. Follow-up testing will be conducted at least once a year for a two (2) year period after completion of the program, with no advance notice of follow-up testing dates.

Drugs Tested

The Board will test for the following drugs:

A. alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor

B. an amphetamine

C. a cannabinoid (THC/marijuana)

D. cocaine

E. phencyclidine (PCP)

F. a hallucinogen

G. methaqualone

H. an opiate (fentanyl, oxycodone, methadone)

I. a barbiturate (phenobarbital)

J. a benzodiazepine (Valium, Xanax, Klonopin)

K. a synthetic narcotic

L. a designer drug

M. a metabolite of any of the substances listed above

Common Medications that May Affect a Drug Test

These are common medications that may alter or affect a drug test:

A. ADHD (attention deficit hyperactivity disorder) medications like methylphenidate (Ritalin)

B. antidepressants like bupropion (Wellbutrin), fluoxetine (Prozac) and trazadone (Desyrel)

C. beta blockers like labetalol (Trandate)

D. diet pills like phentermine (Adipex-P)

E. medication to treat nausea and vomiting like phenothiazines (Promethazine)

F. over-the-counter cold, sinus, and nasal decongestants like ephedrine and pseudoephedrine (Sudafed) and Vicks inhaler

G. pain medication like ibuprofen (Advil/Motrin) and naproxen sodium (Aleve)

H. sleep aids like doxylamine (Unisom)

I. pain medication like ibuprofen

J. selective serotonin reuptake inhibitors (SSRIs) like sertraline (Zoloft), which can be used to treat depression, post-traumatic stress disorder (PTSD), obsessive-compulsive disorder (OCD), social anxiety disorder and panic attacks

K. cannabidiol (CBD) oil

L. HIV medication like efavirenz (Sustiva)

M. proton-pump inhibitors like pantoprazole (Protonix)

N. quinoline antibiotics used to treat bacterial infections like levofloxacin (Levaquin) and ofloxacin

O. anti-psychotic medications like quetiapine (Seroquel)

P. over-the-counter antihistamines like diphenhydramine (Benadryl)

Confidential Report to Medical Review Officer (MRO)

An employee may confidentially report to an MRO their use of prescription or non-prescription medications, either before or after being tested.

Right to Consult with the MRO

An employee has the right to consult with an MRO for technical information regarding prescription or non-prescription medication.

Employee Self-Report

Board employees who self-report substance abuse problems, prior to any incident requiring the employee's drug testing, will, upon the first self-report, be afforded employee assistance with the District's Employee Assistance Program. Depending upon the substance involved, this may necessitate the employee requesting a leave from their position while in treatment. This leave will be charged to the employee's accrued time or will be unpaid. Actions taken upon an employee's subsequent self-reports will be at the discretion of Human Resources.

Positive Confirmed Test Result

The Board will not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of a job applicant or employee on the sole basis of a positive drug test, excluding breathalyzer testing, that is not verified by a confirmation test.

An employee who receives a positive confirmed test result may contest or explain the result to the MRO within five (5) workdays after receiving written notification of the test result. If the employee's explanation or challenge is unsatisfactory to the MRO, the MRO will report a positive test result to the Board. The employee may appeal the drug test result to the Board within five (5) workdays from receiving notice of the MRO's report of a positive test result.

Refusal and Adulterated Specimen

A refusal to submit to a drug screen will be considered a positive test result, and the employee will be subject to disciplinary action. An employee or applicant who refuses to submit to an alcohol or controlled substance test does so by:

A. failing to provide adequate breath for testing without a valid medical explanation after being notified of the requirement for breath testing;

B. failing to provide adequate urine for controlled substance testing without a valid medical explanation after being notified of the requirement for urine testing; or

C. engaging in conduct that clearly obstructs the testing process.

An adulterated specimen is considered a refusal to participate in a drug screen (i.e., a positive test).

Disciplinary Sanctions

Disciplinary action may be instituted against an employee who has violated this policy, and who the Board believes will not be assisted by rehabilitation; or who the Board believes has had or will have a negative impact on students and/or staff. Disciplinary sanctions, if appropriate, will be implemented in accordance with Board policy, applicable Florida statutes, and State Board of Education rules.

A job applicant found to test positive for illegal drug(s) or abuse of legal drug(s) will not be considered for employment by the Board. Job applicants may appeal a positive test for drugs to the Superintendent.

A Board employee found to test positive for illegal drug(s) or abuse of legal drug(s) will be immediately subject to disciplinary procedures. Employees who test positive for illegal drugs and/or abuse of legal drugs may be:

A. suspended from employment, with or without pay;

B. terminated from employment;

C. required to submit to further testing; or

D. be subject to other administrative procedures necessary for the enforcement of this policy.

Any and all actions will be in accord with the Board policy, Florida statutes, and any applicable collective bargaining agreement.

The Board recognizes that chemical dependency is an illness that may be successfully treated. The Board may choose to direct an employee to a rehabilitation program.

Notice of Administrative or Civil Action

It is the responsibility of the employee to notify the laboratory of any administrative or civil action brought pursuant to Florida law or this policy.

Confidentiality

Laboratory results and test results will not appear in an employee's general personnel records. Information of this nature will be contained in a separate, confidential medical file that will be appropriately maintained by the Superintendent. The reports or test results may be disclosed to Board administrators on a strictly need-to-know basis and to the tested employee upon request. Disclosures without the employee's consent may also occur when the information:

A. is compelled by law or by judicial or administrative process;

B. has been placed at issue in a formal dispute between the Board and the employee;

C. is to be used in administering an employee benefit plan; or

D. is needed by medical personnel for the diagnosis or treatment of the employee in the event the employee is unable to authorize disclosure.

Resources Available

The following employee assistance and local drug rehabilitation programs are available:

EAP Program
City of Cape Coral Benefits Program

Notice of Policy

A notice of drug testing will be included on vacancy announcements for positions with the Board. The Board will also post notice of this policy in appropriate and conspicuous locations. Copies of this policy are available on-line at Oasischarterschools.org.

This policy is adopted pursuant to F.S. 440.102. The Board will follow the procedures outlined in AP 1124, *Drug-Free Workplace Technical Guide*, in implementing this policy.

Revised 8/14/18
Revised 5/13/25

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Legal
F.S. 440.101
F.S. 440.102
F.A.C. Chapter 59A-24, Drug-Free Workplace Standards

ADMINISTRATION

po1128

EMPLOYMENT CONTRACT

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

1128 - **EMPLOYMENT CONTRACT**

It is the responsibility of the Superintendent to ensure that members of the administrative staff receive and sign an employment contract in accordance with the legal requirements related to their position in the Authority. For purposes of this policy, "administrative staff" includes both the categories administrative personnel and managers, as defined in F.S. 1012.01.

All administrative personnel are at-will employees and may be dismissed or terminated at any time, with or without cause.

Contracts for administrative staff that provide extra compensation, bonuses, and/or severance pay shall strictly comply with the provisions of F.S. 215.425.

The Superintendent is authorized to execute employment contracts on behalf of the Governing Board.

In the event there is any conflict or inconsistency between the terms and conditions of any policy and the terms and conditions of an employment contract, the terms and conditions of the employment contract shall govern and control the rights and obligations of the parties.

Revised 8/14/18

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Legal
F.S. 215.425
F.S. 1001.42(24)
F.S. 1001.43
F.S. 1011.60
F.S. 1012.01
F.S. 1012.22
F.S. 1012.32
F.S. 1012.33

F.S. 1012.34
F.A.C. 6A-1.052

ADMINISTRATION

po1129

CONFLICT OF INTEREST – PRIVATE PRACTICE

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

1129 - **CONFLICT OF INTEREST – PRIVATE PRACTICE**

The proper performance of school business is dependent upon high standards of honesty, integrity, impartiality, and professional conduct by Governing Board employees. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence. For these reasons, the Board adopts the following procedures to assure that conflicts of interest do not occur. These procedures are not intended to be all inclusive, nor to substitute for good judgment on the part of all Board members, employees, officers, and agents.

A. No employee, officer or agent shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with the employee's job duties and responsibilities in the school system.

B. No employee, officer, or agent shall engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students, or clients in the course of their employment with the Authority.

   Included, by way of illustration rather than limitation, are the following:

   1. the provision of any private lessons, or services for a fee consistent with the Principles of Professional Conduct;

   2. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through access to Authority records;

   3. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration;

   4. the requirement of students or clients to purchase any private goods or services provided by an employee or any business, or professional practitioner with whom any employee has a financial relationship, as a

condition of receiving any grades, credits, promotions, approvals, or recommendations.

C. No employee, officer, or agent shall make use of materials, equipment, or facilities of the Authority in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

Exceptions to this policy shall be approved by the Superintendent consistent with State law.

To the extent that the Authority has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the Authority may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the Authority is unable, or appears to be unable, to be impartial.

Employees, officers, and agents must disclose any potential conflict of interest that may lead to a violation of this policy to the Authority. Upon discovery of any potential conflict of interest, the Authority will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Authority will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery, or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

Employees, officers, and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, pursuant to Board Policy 1139.01, *Staff Discipline* and/or State law.

Revised 8/14/18

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Legal
F.S. 112.312
F.S. 112.313
F.S. 1006.32
2 C.F.R. 200.112
2 C.F.R. 200.113
2 C.F.R. 200.318

ADMINISTRATION

po1130

APPOINTMENT, ASSIGNMENT, TRANSFER, AND PROMOTION OF ADMINISTRATORS

ADOPTED Apr 12, 2016 · REVISED Feb 9, 2021

1130 - **APPOINTMENT, ASSIGNMENT, TRANSFER, AND PROMOTION OF ADMINISTRATORS**

The Governing Board believes that the appropriate placement of qualified and competent staff is essential to the success of the Authority.

Appointment and Assignment

The Superintendent shall submit written recommendations with regard to the appointment and assignment of administrators for Board action.

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

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

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

Promotion and Transfer

Pursuant to State law, the Superintendent's primary consideration in recommending an individual for promotion must be the individual's demonstrated effectiveness pursuant to F.S. 1012.34.

When need be, the Superintendent shall submit written recommendations with regard to the promotion or transfer of administrative staff for Board action.

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

Required Reporting

The Superintendent must annually notify the parent of any student who is assigned to a school with an administrator having two (2) consecutive annual performance evaluation ratings of unsatisfactory, two (2) annual performance evaluation ratings of unsatisfactory within a three (3) year period, or three (3) consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory. The Superintendent shall also comply with all other reporting requirements set forth in State law.

Duties, Days, and Hours

The Superintendent shall communicate the duties, days, and hours of the various classifications of administrators.

A. Administrative staff shall perform the duties required by Florida statutes and Board policy, as well as all other generally accepted administrative duties such as supervision of bus loading zones, chaperoning students, and other reasonable duties as may be assigned by the administrator's immediate supervisor. Failure to perform such duties in an acceptable manner shall constitute a violation of an administrator's contract and just cause for disciplinary action.

B. Administrative staff are responsible for student control and supervision at any location on campus or during school-sponsored activities.

C. Administrators shall not permit their family or friends by their presence to interfere with performance of their duties during working hours.

Employment and Supervision of Relatives (Nepotism)

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

Neither the superintendent nor a Board member may appoint or employ a relative to work under their direct supervision.

These limitations do not apply to employees appointed or employed before the election or appointment of the superintendent or a Board member.

Two (2) or more relatives shall not work in the same school/department except by permission of the Superintendent. In the event that an administrator, due to some unusual

circumstance, may have been placed in the same school/department with a relative, the administrator may continue in the position until reassigned to a position of comparable grade, pay, and reasonable personal convenience.

A. Relatives may be employed in the same school/department when specifically recommended by the administrator and approved by the Superintendent on the grounds that it is to the advantage of the Authority.

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

Revised 8/14/18
Revised 2/9/21

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Legal
F.S. 112.3135
F.S. 1001.32
F.S. 1012.22
F.S. 1012.23
F.S. 1012.2315
F.S. 1012.27
F.S. 1012.28
F.S. 1012.34
F.S. 1012.795
F.S. 1012.796

ADMINISTRATION

po1139

EDUCATOR MISCONDUCT

ADOPTED Mar 10, 2026 · REVISED Apr 14, 2026

1139 - **EDUCATOR MISCONDUCT**

As required by the provisions of State Board of Education rules and the *Principles of Professional Conduct of the Education Profession in Florida*, an administrator is required to self-report within forty-eight (48) hours to a District authority, as determined by the Superintendent, any arrest for a felony or misdemeanor offense listed in F.S. 435.04, including any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such self-report is not to be considered an admission of guilt nor shall such self-report be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this policy, the District shall comply with the confidentiality provisions in Florida statutes.

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

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

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

Revised 4/14/26

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Legal

F.S. 943.0585(4)(c)
F.S. 943.059(4)(c)
F.S. 1012.22
F.S. 1012.795
F.S. 1012.796
F.S. 1012.799
F.A.C. 6A-10.081

ADMINISTRATION

po1139.01

DISCIPLINE OF ADMINISTRATIVE STAFF

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

1139.01 - **DISCIPLINE OF ADMINISTRATIVE STAFF**

The Governing Board delegates to the superintendent the authority to administer discipline to members of the administrative staff when necessary.

Such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process and State law.

Generally, the Superintendent shall follow a policy of progressive discipline by which less severe forms of discipline are imposed prior to resorting to the imposition of more severe sanctions for the same or similar conduct by the employee. The Superintendent, however, has the right to impose even the most severe discipline as an initial measure when circumstances warrant.

Policy 8141 sets forth the procedures for reporting alleged misconduct by school administrators.

Revised 8/14/18

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F.S. 1006.061

ADMINISTRATION

po1140

SUSPENSION OR DISMISSAL OF ADMINISTRATORS

ADOPTED Apr 12, 2016 · REVISED Oct 8, 2019

1140 - **SUSPENSION OR DISMISSAL OF ADMINISTRATORS**

It is the desire of the Governing Board to maintain a staff of well-trained, competent administrators in order to offer comprehensive services to the students of this Authority.

Any administrator who is employed under an annual contract may be dismissed at any time during the term of his/her contract by the Superintendent.

Additionally, Policy 8141 sets forth the procedures for the mandatory reporting of alleged misconduct by school administrators to the Florida Department of Education.

Administrators may be required to take such recognized examinations as the Superintendent deems necessary to evaluate their health, competence, and/or performance. Refusal to take the required examination(s) shall be grounds for immediate dismissal. The Board shall pay for the cost of the examination(s).

The Superintendent shall determine the effective date of suspension, reassignment, or dismissal.

Revised 8/14/18
Revised 10/8/19

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Legal
F.S. 1001.42
F.S. 1012.22
F.S. 1012.27
F.S. 1012.33
F.S. 1012.34
F.S. 1012.796

ADMINISTRATION

po1140.01

DISCIPLINARY SUSPENSION WITH AND WITHOUT PAY

ADOPTED Aug 14, 2018

1140.01 - **DISCIPLINARY SUSPENSION WITH AND WITHOUT PAY**

Suspension Without Pay

For disciplinary action other than termination, the Governing Board hereby delegates authority of employee suspension to the Superintendent in order to facilitate personnel management and to maintain an orderly and productive work environment. The suspension shall be without pay.

Suspension With Pay

An employee may be suspended with pay as follows:

A. Prior to suspending an employee with pay, the superintendent shall provide written notice of such suspension to the employee. Such notice shall be in writing and shall state the effective date of the suspension. The notice of suspension shall be either hand delivered to the affected employee or sent to the affected employee by certified mail, return receipt requested.

B. An employee may be suspended immediately with pay, but without the benefit of written notice, upon determination by the superintendent that such suspension is in the best interest of the Authority. The employee will be provided written notice of the suspension as soon as practicable.

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ADMINISTRATION

po1150

RESIGNATIONS

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

1150 - **RESIGNATIONS**

An administrator who wishes to resign shall submit his/her resignation, in writing, to the Superintendent. The request to resign should be submitted at least two (2) weeks in advance of its effective date. If the effective date is within thirty-one (31) days of the start of the school year, all accrued leave shall be forfeited unless otherwise approved by the Superintendent. The Superintendent shall determine if the reason for resignation is acceptable and if a qualified and satisfactory replacement is available. The resignation shall be submitted to the Governing Board at its next regular or special meeting.

If the Superintendent determines that misconduct by an administrator who holds an educator certificate affects the health, safety, or welfare of a student and the misconduct warrants termination, the administrator may resign or be terminated and the Superintendent must report the misconduct to the Department in the format prescribed by the Department. Policy 8141 sets forth the procedures for mandatory reporting of alleged misconduct by school administrators to the Florida Department of Education.

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

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

Revised 8/14/18

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Legal
F.S. 1012.22
F.S. 1012.33
F.S. 1012.796

ADMINISTRATION

po1160

PHYSICAL EXAMINATION

ADOPTED Apr 12, 2016

1160 - **PHYSICAL EXAMINATION**

It is the policy of the Governing Board that the Superintendent may require, after a conditional offer of employment, that the successful candidate submit to a medical examination in order to determine the candidate's physical and/or mental capacity to perform essential functions of the position, with or without reasonable accommodation, provided that the Board requires other successful candidates for the same position (or job classification) to do so. Such examinations shall be performed by a health provider designated by the Authority.

Individuals who are required to submit to an appropriate examination will also be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 1160 F2). Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for withdrawing the conditional offer of employment.

As required by Federal law and regulation and Board Policy 1122.02, the Superintendent shall direct the successful candidate who is being required to submit to a medical examination, as well as the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Such report should indicate whether the candidate can perform essential functions of the position, with or without reasonable accommodation.

Employees will be notified of the results of the medical examination upon receipt. Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended, any and all reports of such examination will be confidential and exempt from release, except as provided by law. As required by Federal law, if the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record. In the event of a report indicating that the candidate is not qualified to perform the position's essential functions, with or without reasonable accommodation, the Superintendent will make a

recommendation to the Board of non-employment. The Superintendent may discuss the results of the report with the healthcare provider who conducted the medical examination prior to making a recommendation to the Board.

The Board shall pay any uninsured fees for required examinations.

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Legal
29 C.F.R. Part 1630
F.S. 1012.23, 1012.31
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

ADMINISTRATION

po1161

FITNESS FOR DUTY

ADOPTED Apr 12, 2016

1161 - **FITNESS FOR DUTY**

If the Superintendent believes an administrative staff member is unable to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations, the staff member will be offered the opportunity for a meeting to discuss these issues.

The Superintendent may require an administrative staff member to submit to an appropriate examination by a health provider designated by the Governing Board to determine whether or not the staff member is able to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations. The Board shall pay any uninsured fees for such examinations.

The administrator will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

Further, as required by Federal law and regulation and Board Policy 1122.02, the Superintendent shall direct the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended, the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. As required by Federal law, if the Authority inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from a medical provider it shall be treated as a confidential medical record.

Upon the recommendation of the Superintendent and approval of the Board, an administrative staff member may be placed on a leave of absence related to fitness for duty. Such leave shall be without pay; however, the employee may use accrued leave, if

available. Furthermore, the Superintendent may recommend the administrative staff member's dismissal based upon the results of the medical examination.

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Legal
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
F.S. 1012.23
29 C.F.R. Part 1630
29 C.F.R. Part 1635

ADMINISTRATION

po1170

SUBSTANCE ABUSE

ADOPTED Apr 12, 2016

1170 - **SUBSTANCE ABUSE**

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

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

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

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

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

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Legal
F.S. 1012.798
Rehabilitation Act of 1973, 29 U.S.C. 794

ADMINISTRATION

po1170.01

EMPLOYEE ASSISTANCE PROGRAM (EAP)

ADOPTED Apr 12, 2016

1170.01 - **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Governing Board believes that early recognition and treatment of illegal drug use, controlled substance abuse, or alcohol abuse is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The Authority encourages the earliest possible diagnosis and treatment for illegal drug use or controlled substance abuse and supports sound treatment efforts. Whenever feasible, the Authority will assist staff members in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Staff members with personal drug or controlled substance abuse problems should request assistance from the City of Cape Coral Human Resources Department. Assistance will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services.

Although the Authority will assist a staff member to the extent feasible through the Employee Assistance Program, the Board cannot guarantee that the staff member's use of illegal drugs or abuse of alcohol or controlled substances will not impact adversely the staff member's employment status through disciplinary procedures.

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F.S. 1012.798

ADMINISTRATION

po1180

RECORDS AND REPORTS

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

1180 - **RECORDS AND REPORTS**

Administrators shall keep all records and F.S. 1001.51(12), the Governing Board's policies, and reports as are required by as the Superintendent may deem necessary for the effective administration of the schools/departments.

Such records and reports shall include any determination to withhold from a parent information regarding the provision of any services to support the mental, physical, or emotional well-being of the parent's minor child. Any such determination must be based solely on child-specific information personally known to the school personnel and documented and approved by the Principal. Such determination must be annually reviewed and redetermined.

A. The administrator shall be responsible to the Superintendent for the accurate and prompt submission of all reports, whether developed by the employee or by the administrator.

B. All reports shall be officially reviewed by the immediate supervisor and brought up to date by the employee before a resigning or retiring administrator receives final pay.

Revised 11/18/22

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Legal
F.S. 1001.51

ADMINISTRATION

po1210

STANDARDS OF ETHICAL CONDUCT

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

1210 - **STANDARDS OF ETHICAL CONDUCT**

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

A. The administrator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.

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

C. The administrator strives to achieve and sustain the highest degree of ethical conduct because s/he is aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community.

Authority administrators shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual administrator's certificate, or the other penalties as provided by law.

A. Obligation to the student requires the Authority administrator shall:

1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety;

2. not unreasonably restrain a student from independent action in pursuit of learning;

3. not unreasonably deny a student access to diverse points of view;

4. not intentionally suppress or distort subject matter relevant to a student's academic program;

5. not intentionally expose a student to unnecessary embarrassment or disparagement;

6. not intentionally provide classroom instruction to students in prekindergarten through grade 8 on sexual orientation or gender identity; except when required by F.S. 1003.42(2)(n)3. and 1003.46;

7. not intentionally provide classroom instruction to students in grades 9 through 12 on sexual orientation or gender identity unless such instruction is required by State academic standards as adopted in F.A.C. 6A-1.09401, as is part of a reproductive health course or health lesson for which a student's parent has the option to have their student not attend;

8. not intentionally violate or deny a student's legal rights;

9. not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being unless the individual reasonably believes that disclosure would result in abuse, abandonment, or neglect as defined in F.S. 39.01;

10. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination; discrimination on the basis of race, color, national origin, or sex includes subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believes any of the concepts listed in F.S. 1000.05(4)(a);

11. not exploit a relationship with a student for personal gain or advantage;

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

13. not violate F.S. 553.865(9)(b), which relates to entering restrooms and changing facilities designated for the opposite sex on the premises of an educational institution; and,

14. not violate F.S. 1000.071, which relates to the use of personal titles and pronouns in educational institutions.

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

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

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

3. not use institutional privileges for personal gain or advantage; (see also Policy 1129, *Conflict of Interest*)

4. accept no gratuity, gift, or favor that might influence professional judgment; (see also Policy 1129, *Conflict of Interest*)

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

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

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

1. maintain honesty in all professional dealings;

2. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, if otherwise qualified, or social and family background, deny to a colleague professional benefits or advantages or participation in any professional organization;

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

4. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination;

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

6. not use coercive means or promise special treatment to influence professional judgments of colleagues;

7. not misrepresent one's own professional qualifications;

8. not submit fraudulent information on any document in connection with professional activities;

9. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;

10. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;

11. provide upon the request of a certificated individual, a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment;

12. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules;

13. self-report within forty-eight (48) hours to a CCCCSA administrator as determined by the Superintendent any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance;

    Such self-report shall not be considered an admission of guilt nor shall such self-report be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory.

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

14. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1);

15. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as

defined in F.S. 1012.795(1);

16. comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice;

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

D. No administrative staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature that is in substantial conflict with the proper discharge of his/her duties in the public interest. (see also Policy 1129, *Conflict of Interest*)

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

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

Stolen Valor

The Superintendent and Board employees shall not knowingly misrepresent military service for material gain as set forth in F.S. 112.3131. These prohibitions include, but are not necessarily limited to, the following:

A. misrepresenting by making false, fictitious, or fraudulent statements or representations, directly or indirectly, that they are or were:

1. a service member or veteran of the Armed Forces of the United States;

2. the recipient of a decoration, medal, title, or honor from the Armed Forces of the United States or otherwise related to military service, including, but not limited to those listed in F.S. 112.3131;

3. a holder of an awarded qualification or military occupational specialty, including, but not limited to, any of those listed in F.S. 112.3131; or,

4. that they actively served in the Armed Forces of the United States during a wartime era, regardless of whether there was a declared war, or served in combat operations in a warzone, or were a prisoner of war.

B. wearing the uniform or any medal or insignia authorized for use by members or veterans of the Armed Forces of the United States which they are not authorized to wear.

"Material gain" means anything of value, regardless of whether the value is monetary, remunerative, or tangible, which is received by or given to, or is intended to be received by or given to, an individual. The term includes, but is not limited to, food, lodging, compensation, travel expenses, placards, public benefits, public relief, financial relief, obtaining or retaining employment or a promotion in such individual's current employment or public employment, including gaining a position in state or local government with authority over another person, regardless of whether the individual receives compensation or renumeration for their service in the position; obtaining or retaining state or local public office through election or appointment; or any thing in which or for which a tangible benefit was gained, even if the value of such benefit is de minimis.

Violations are subject to disciplinary action up to and including dismissal.

Certificate Holder Serving as Principal

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

School officers will receive Standards of Ethics training during initial membership onboarding and through Charter School Governance training certification followed by subsequent three (3) year renewals.

Training

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

Responsibilities Related to Allegations of Misconduct

Pursuant to F.S. 1001.42(7), the superintendent may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the superintendent knows to be false or incorrect, or knowingly fail to adopt policies that require instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators, if

the misconduct affects the health, safety, or welfare of a student. Violation of these provisions will result in the forfeit of the superintendent's salary for one (1) year.

Revised 8/14/18
Revised 2/9/21
Revised 8/15/23
Technical Correction 5/13/25
Revised 9/16/25
Revised 3/10/26

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Legal
F.S. 112.312
F.S. 112.313
F.S. 1001.42
F.S. 1001.42(6)
F.S. 1001.42(7)
F.S. 1001.421
F.S. 1006.28
F.S. 1006.32
F.S. 1012.01(3)
F.S. 1012.23
F.A.C. 6A-10.081

ADMINISTRATION

po1211

WHISTLEBLOWER PROTECTION

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

1211 - **WHISTLEBLOWER PROTECTION**

The Governing Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative procedures. Pursuant to State law, the Board expects administrative staff members to report any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare to their immediate supervisors. Additionally, pursuant to State law, administrative staff members are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of their immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the Superintendent.

After such a report is made, the immediate supervisor will ask that the employee's report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported and such reports meets the requirements of the Florida's Whistleblower's Act.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member or the Superintendent, the report is to be filed directly with the Board Attorney who is hereby authorized to engage outside counsel to conduct the investigation concerning the alleged misconduct.

Upon receipt of a legally sufficient report made by an administrative staff member pursuant to this policy, an investigation shall be conducted by the Superintendent or Board Attorney consistent with the procedures described in F.S. 112.3189.

Revised 4/14/26

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Legal
F.S. 112.3187
F.S. 112.3189

ADMINISTRATION

po1213

STUDENT SUPERVISION AND WELFARE

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

1213 - **STUDENT SUPERVISION AND WELFARE**

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

A. An administrator shall report immediately any accident or safety hazard, about which they are informed or detects to their supervisor as well as to other authorities or Authority staff members as may be required by established policies and procedures.

B. An administrator shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to the Superintendent and local public safety agencies and/or school officials in accordance with Policy 8406 - *Reports of Suspicious and Potential Threats to Schools*.

C. An administrator shall require staff under their supervision to provide proper instruction in safety matters as presented in assigned course guides.

D. An administrator shall not send students on any non-school-related errands.

E. An administrator shall encourage a student to discuss issues relating to the student's well-being with the student's parent, or shall facilitate the student's discussion of the issue with the parent.

F. An administrator shall notify the parent of a student if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and in the school's ability to provide a safe and supportive learning environment for the student. Notice shall be made as soon as reasonably possible. The administrator shall make a good faith effort to speak with the parent either in person or by telephone, with follow-up written notice by e-mail or U.S. mail.

Exception - Withholding of Information

An administrator is permitted to withhold information about a student's mental,

emotional, or physical health or well-being from the parent is a reasonably prudent person would believe that the disclosure would result in abuse, abandonment, or neglect, as those are defined in F.S. 39.01. When information is withheld from a parent on this basis, the specific circumstances should be documented in the student's record (F.S. 1001.42(8)(c)2.)

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

G. An administrator may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

H. An administrator shall not inappropriately associate with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.

I. An administrator shall not knowingly distribute to a minor any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format and/or by any manner. An administrator who knowingly distributes any such material to a minor also commits a felony under State law and is subject to disciplinary action up to and including termination.

J. An administrator shall not disclose personally identifiable information about a student to third persons unless specifically authorized by law or the student's parent(s) to do so.

K. An administrator who is transporting a student should not do so unless accompanied by another adult.

L. A student shall not be required to perform work or services that may be detrimental to their health.

M. Administrators are discouraged from engaging students in social media and online networking media, such as Facebook, X (formerly known as Twitter), Instagram, etc.

N. Administrators are expressly prohibited from posting any video or comment pertaining to any student on social network sites or similar forums, such as YouTube.

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

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

Revised 5/14/19
Revised 11/18/22
Revised 8/15/23
Revised 3/10/26

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Legal
F.S. 119.011
F.S. 847.012
F.S. 1001.42
F.S. 1001.51
F.S. 1002.22
F.S. 1003.32
F.S. 1006.07
20 U.S.C. 1232
34 C.F.R. Part 99

ADMINISTRATION

po1214

SOLICITATION OR ACCEPTANCE OF GIFTS OR UNAUTHORIZED COMPENSATION

ADOPTED Apr 12, 2016

1214 - **SOLICITATION OR ACCEPTANCE OF GIFTS OR UNAUTHORIZED COMPENSATION**

Pursuant to State law no administrative staff member shall solicit or accept anything of value to the recipient, including, but not limited to, a gift, loan, reward, promise of future employment, favor, or service, that is based upon any understanding that the vote, official action, or judgement of the administrative staff member would be influenced thereby.

For purposes of this policy, the meaning of "gift" shall be consistent with the definition of the term in F.S. 112.312(12)(a), and shall include, but not be limited to, the following:

A. real property

B. the use of real property

C. tangible or intangible personal property

D. a preferential rate or terms on a debt, loan, goods or services

E. forgiveness of an indebtedness

F. transportation, other than that provided to other employees in relation to officially approved government business, lodging, or parking

G. food or beverage

H. membership dues

I. entrance fees, admission fees, or tickets to events, performances, or facilities

J. plants, flowers, or floral arrangements

K. services provided by persons pursuant to a professional license or certificate

L. other personal services for which a fee is normally charged

M. any other similar service or thing having an attribute value

It is the policy of the Governing Board that administrative staff members may accept gifts of nominal value from students or parents in celebration of a holiday, the staff member's birthday, or at the end of a school year.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Pursuant to State law, no administrative staff member of the Authority, or his/her spouse or minor child shall, at any time, accept compensation, payment, or anything of value when the administrative staff member knows, or, with the exercise of reasonable care, should know, that it was given to influence the vote or other action in which the administrative staff member was expected to participate in his/her official capacity. Furthermore, administrative staff members shall not accept any compensation, payment, or anything of value from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts as defined in State law, albeit unsolicited, from a vendor, the administrative staff member shall notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Fiscal Officer.

See also Policy 1129, *Conflict of Interest*.

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Legal
F.S. 112.312
F.S. 112.313
F.S. 1006.32
2 C.F.R. 200.318

ADMINISTRATION

po1215

SMOKING AND TOBACCO-FREE ENVIRONMENT

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

1215 - **SMOKING AND TOBACCO-FREE ENVIRONMENT**

The Governing Board recognizes that the use of tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is committed to providing students, staff, and visitors with a smoking and tobacco-free environment on school property and at off-campus, school-sponsored events.

The Board also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, staff, and visitors.

The Board recognizes that adult staff and visitors serve as role models for students. The Board embraces its obligation to promote positive role models in schools and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke or aerosol and other tobacco use for the students, staff, and visitors.

Definitions

A. "Any time" means twenty-four (24) hours a day, seven (7) days a week, 365 days a year.

B. "Electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. "Electronic smoking device" includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or similar devices. "Electronic smoking device" also includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods**.**

C. "School property" means all facilities and property, including land, whether owned, rented, or leased by the Board, and also includes all vehicles owned, leased, rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors.

D. “Tobacco product” means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes, electronic smoking devices, cigars, little cigars, and other kinds and forms of tobacco.

General Statement of Policy

A. Students are prohibited from possessing, using, consuming, displaying, or selling any tobacco products, tobacco-related devices, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored event.

B. Administrators, staff, or visitors are prohibited from using, consuming, displaying, activating, or selling any tobacco products, tobacco-related devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored events. This includes products or paraphernalia displaying tobacco industry brands.

C. It is a violation of this policy for administrators or staff to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/or training facilities. It is also a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the Board.

D. It is a violation of this policy for any person to promote tobacco products on the school property or at off-campus, school-sponsored events via the display of images of tobacco products on gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other material.

E. Instruction to discourage the use of tobacco products shall be included in the education provided for all students. Staff responsible for teaching tobacco use prevention shall have adequate training and participate in ongoing professional learning activities in order to be able to effectively deliver the education program. The curriculum for this instruction will not be paid for or developed by the tobacco industry or its subsidiaries.

Exceptions

It is not a violation of this policy:

A. for a staff member or approved visitor to include tobacco products, tobacco-related devices, imitation tobacco products, or lighters in an instructional or work-related activity in CCCCSA school buildings, if the activity does not include smoking, chewing, or otherwise ingesting the product; or

B. for a person to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and if the product is being marketed and sold solely for such an approved purpose.

Opportunities for Cessation Programs

Administrators shall consult with the local public health department or other appropriate health and allied community-based organizations to provide students, staff, and administrators with information and access to support systems, programs, and services to encourage them to abstain from the use of tobacco products.

Administrators shall identify and offer evidence-based programs and services for staff members who use tobacco products to support them in complying with this policy.

Enforcement

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the entire school community. All individuals on school premises, including students, staff, administrators, and visitors, are responsible for adhering to and enforcing this policy. Members of the school community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

The first violation of this policy will result in a verbal warning to the staff member and an offer of a referral to cessation services.

The second violation will result in a written warning to the staff member with a copy placed in the staff member's CCCCSA personnel file and an offer of referral to cessation services.

The third violation will be considered insubordination and shall be dealt with accordingly based on established policies and procedures for suspension and/or dismissal of staff.

Dissemination of Policy

Notice of this policy will be provided through:

A. appropriate "No Tobacco" signage posted in the CCCCSA on school buildings, building entrances, vehicles, vehicular entrances to school grounds, and indoor and outdoor athletic facilities;

B. written notice to students and parents/guardians in student handbooks and orientations;

C. written notice in staff handbooks, in orientations and employee or staff trainings, and when offering employment;

D. reminder announcements of this policy at school and CCCCSA events, as appropriate.

Program Evaluation

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

Revised 3/9/21
Revised 12/14/21
Revised 4/14/26

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Legal
F.S. 381.84
F.S. 386.202
F.S. 386.204
F.S. 386.209
F.S. 386.212
20 U.S.C. 6081 et seq.
20 U.S.C. 7182
Florida Department of Health and the Public Health Law Center's publication "Commerical Tobacco-Free K-12 School Model Policy: Questions and Answers"

ADMINISTRATION

po1216

DRESS AND GROOMING

ADOPTED Apr 12, 2016 · REVISED Jun 14, 2022

1216 - **DRESS AND GROOMING**

The Governing Board believes that administrative staff members set an example in dress and grooming for their staff and students to follow.

The Board authorizes the development of standards for administrator dress and grooming that promote a professional educational atmosphere that gives consideration to the impact on the educational process and the diversity of the Authority's administrators.

When assigned to Authority duty, all administrators shall:

A. be physically clean, neat, and well-groomed;

B. dress in a manner consistent with their administrative responsibilities;

C. dress in a manner that communicates pride in personal appearance;

D. be groomed in such a way that their hairstyle or dress does not disrupt the educational process.

Revised 6/14/22

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ADMINISTRATION

po1217

WEAPONS

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

1217 - **WEAPONS**

But for the exceptions specified below, pursuant to State law, the Governing Board prohibits Authority employees from openly carrying a handgun or carrying a concealed weapon or firearm, in a school safety zone, into any elementary or secondary school, administration building, as well as into any Board meeting, any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

Furthermore, the Board prohibits Authority employees from having an unloaded firearm securely encased within the interior of a private motor vehicle when that vehicle is parked on property leased, owned, or contracted for by the Board.

Weapons and firearms as defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term "weapon" also means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

Exceptions to the Board's prohibition from openly carrying a handgun or carrying a concealed weapon or firearm, in the school safety zone of any elementary or secondary school, into any administration building, as well as into any Board meeting, any setting that is under the control and supervision of the Authority for the purpose of school activities approved and authorized by the Authority including, but not limited to, property leased, owned, or contracted for by the Authority, any school-sponsored event, or in a Authority vehicle include the following:

A. A person may carry an unloaded firearm in a case to a firearms program, class, or function which has been approved in advance by the Principal or site administrator as a program or class to which firearms could be carried.

B. A person may carry an unloaded firearm in a case to a career center having a firearms training range.

C. Police or other licensed law enforcement officers, as well as other persons approved by the superintendent on a case-by-case basis, may possess a firearm or weapon.

D. Staff members, contractors, vendors, or their employees may possess and use tools, instruments, and other devices on Authority property or at Authority-sponsored events, including in vehicles in either situation, even though such items fall within the definition of weapons, provided that such possession and use is in accordance with the terms of a written contract with the Board, or is otherwise in furtherance of their duties under such a contract and is authorized in advance by the superintendent.

All Authority employees shall immediately report knowledge of firearms, weapons, and/or threats of violence by students, staff members, or visitors to the Superintendent. Failure to report such knowledge may subject Authority employees to discipline.

The superintendent shall require that any Authority employee possessing a firearm, weapon, or other device designed to inflict serious bodily harm, including a concealed firearm or weapon, in violation of this policy and State law, is reported immediately to the appropriate law enforcement agency, regardless of whether such Authority employee possesses a valid concealed weapon license. As well, the staff member shall be subject to disciplinary action, up to and including termination, consistent with law and due process.

Revised 5/7/24

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Legal
F.S. 790.001
F.S. 790.06
F.S. 790.115
F.S. 790.251
F.S. 1001.43
F.S. 1006.07
18 U.S.C. 922

ADMINISTRATION

po1220

EVALUATION OF ADMINISTRATIVE PERSONNEL

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

1220 - **EVALUATION OF ADMINISTRATIVE PERSONNEL**

Pursuant to State law, each administrator shall be evaluated annually by the administrator's immediate supervisor utilizing the approved Authority evaluation system. The purpose of this performance evaluation shall be continuous quality improvement of the professional skills of each administrator.

Each evaluation shall relate, but not be limited to, the duties specified in the job description.

The evaluation shall be completed and on file in accordance with the time schedule established by the Superintendent. The written report of the evaluation must be on file and provided to the employee within ten (10) days after the evaluation conference. The evaluator must discuss the written evaluation report with the employee. The employee shall have the right to initiate a written response to the evaluation, and the response shall become a permanent attachment to his/her personnel file. The evaluator may amend an evaluation based upon assessment data from the current year if the data becomes available within ninety (90) days after the close of the school year.

An evaluation shall be submitted at the time an administrator leaves the Authority if services terminate prior to annual evaluations.

An administrator shall be given a copy of any documents relating to his/her performance that are to be placed in the personnel file.

School Administrators Evaluation System

The evaluation system for school administrators will:

A. be designed to support effective instruction and student learning growth and performance evaluation results must be used when developing Authority and school-level improvement plans;

B. provide appropriate instruments, procedures, timely feedback, and criteria for continuous quality improvement of the professional skills of school administrators,

and performance evaluation results must be used when identifying professional learning.

C. include a mechanism to examine performance data from multiple sources, including opportunities for parents to provide input into employee performance evaluations when appropriate;

D. identify those teaching fields for which special evaluation procedures and criteria are necessary;

E. differentiate among four (4) levels of performance as follows:

1. highly effective;

2. effective;

3. needs improvement or, for instructional personnel in the first three (3) years of employment who need improvement, developing;

4. unsatisfactory;

F. provide for training and monitoring programs based upon guidelines provided by the Department of Education to ensure that all individuals with evaluation responsibilities understand the proper use of the evaluation criteria and procedures.

Evaluation Procedures and Criteria

Evaluation procedures and criteria must comply with, but are not limited to, the following:

A. Performance of Students

As set forth in State law, as least one-third (1/3) of a school administrator's performance evaluation must be based upon learning growth or achievement of the students attending that school over the course of three (3) years. If less than three (3) years data are available, the years for which data are available must be used.

The Authority shall measure student learning growth using the formulas approved by the Commissioner and the standards for performance levels developed by the State Board for courses associated with the Statewide, standardized assessments administered under F.S. 1008.22 no later than the school year immediately following the year the formula is approved by the Commissioner. (see F.A.C. 6A-5.030 and 6A-5.0411)

For grades and subjects not assessed by Statewide, standardized assessments, the

Authority shall measure student performance using the methodology set forth in the District's evaluation plan that is submitted to and approved by the FLDOE.

B. Instructional Leadership

At least one-third (1/3) of the performance evaluation must be based upon instructional leadership. Evaluation criteria for instructional leadership must include indicators based upon each of the leadership standards adopted by the State Board of Education under F.S. 1012.986 including performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth. The system may include a means to give parents and instructional personnel an opportunity to provide input into the administrator's performance evaluation.

C. Other Indicators of Performance

The remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the State Board of Education or identified by the School Board.

The individual responsible for supervising the employee must evaluate the employee's performance. The evaluation system may provide for the evaluator to consider input from other personnel trained under F.S. 1012.34(2). The evaluator must submit a written report of the evaluation to the Superintendent for the purpose of reviewing the employee's contract. The evaluator must submit the written report to the employee no later than ten (10) days after the evaluation takes place. The evaluator must discuss the written evaluation report with the employee. The employee shall have the right to initiate a written response to the evaluation, and the response shall become a permanent attachment to his/her personnel file.

Annual Report of Evaluation Results

The Superintendent shall annually report the evaluation results of school administrators using the four (4) levels of performance set forth in State law to the FLDOE. The Superintendent shall also notify the FLDOE of any school administrators who receive two (2) consecutive unsatisfactory evaluations, as well as any school administrators who are given written notice by the Authority of intent to terminate or not renew their employment.

The school administrator assessment system shall be evaluated annually to determine compliance with State law and this policy. All substantial revisions to an approved system shall be approved by the Board, upon the recommendation of the Superintendent, before being submitted to the Florida Department of Education for approval.

Revised 8/14/18
Revised 4/14/26

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Legal
F.S. 1012.01
F.S. 1012.22
F.S. 1012.28
F.S. 1012.31
F.S. 1012.34
F.A.C. 6A-5.030
F.A.C. 6A-5.0411

ADMINISTRATION

po1231

OUTSIDE ACTIVITIES OF ADMINISTRATORS

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

1231 - **OUTSIDE ACTIVITIES OF ADMINISTRATORS**

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

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

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

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

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

A. refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate, but is susceptible to no reasonable interpretation other than an appeal or against a specific candidate;

B. is made within thirty (30) days before a primary or special primary election or sixty (60) days before any other election for the office sought by the candidate; and

C. is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

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

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

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

Revised 9/16/25

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Legal
F.S. 112.3145
F.S. 1012.23

ADMINISTRATION

po1232

POLITICAL ACTIVITIES

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

1232 - **POLITICAL ACTIVITIES**

Pursuant to State law, administrative staff members who are employed by the Governing Board shall not participate in any political campaign for an elective office while on duty.

Pursuant to State law and Board Policy 6480, administrative staff members may not expend public funds (that is, any funds under the jurisdiction or control of the Authority) for a political advertisement or any other communication sent to electors concerning an issue, referendum, or amendment, including State questions that are subject to a vote of the electors.

Pursuant to F.S. 106.011:

A. "Political advertisement" means a paid expression in a "communications medium," whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue. However, political advertisement does not include:

    1. a statement by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization’s newsletter, which newsletter is distributed only to the members of that organization;

    2. editorial endorsements by a newspaper, a radio or television station, or any other recognized news medium.

B. "Communications medium" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail, advertising agencies, the Internet, and telephone companies; but with respect to telephones, an expenditure is deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters but excluding the costs of telephones incurred by a volunteer for use of telephones by such volunteer; however, with respect to the Internet, an expenditure is deemed

an expenditure for use of communications media only if made for the cost of creating or disseminating a message on a computer information system accessible by more than one person but excluding internal communications of a campaign or of any group.

Administrative staff who declare themselves candidates for an elective office shall notify the Superintendent immediately upon qualifying for election. They shall submit to the Superintendent a written explanation of how they will conduct their campaign so that it will be in accord with the requirements of State law and this policy.

All candidates for public office may be granted personal leave without pay. The administrative staff member's request for leave shall be submitted according to the established procedure.

Such candidates shall adhere strictly to Florida statutes governing political activity on the part of public official and public employees.

An administrative staff member who is 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 Board, to evaluate the compatibility of the dual responsibility and the need for personal leave without pay.

Revised 11/18/22

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Legal
F.S. 104.31
F.S. 106.113
F.S. 110.233
F.A.C. 60L-36.002

ADMINISTRATION

po1242

PROFESSIONAL LEARNING

ADOPTED Feb 9, 2021 · REVISED Mar 10, 2026

1242 - **PROFESSIONAL LEARNING**

Professional Learning System

Pursuant to State law, the Authority will work collaboratively with the Florida Department of Education (FLDOE), public postsecondary institutions, State education foundations, teachers, consortia, professional organizations, and business/community representatives in Florida to maintain a coordinated system of professional learning.

Pursuant to Florida law, the term “professional learning” means learning that is aligned to Florida’s standards for effective professional learning, educator practices, and leadership practices; incorporates active learning; is collaborative; provides models; and is sustained and continuous.

The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum and prepare students for continuing education in the workforce.

The Authority's comprehensive professional learning plan will incorporate school improvement plans, will align with the standards adopted by the State, which support the framework for standards adopted by Learning Forward, and will align with the principal leadership training. Furthermore, the results of the performance evaluations of administrators conducted pursuant to State law and Governing Board Policy 1220 will be used when identifying areas for which professional learning is needed. As part of its effort to develop and refine its professional learning plan, the Authority will review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional learning performance.

The Board will provide funding for professional learning as required by State law and the General Appropriations Act and will authorize expenditures from other sources to continuously strengthen the Authority's system of professional learning. The plan will also provide for training for each teacher who will use materials that were purchased with funds allocated by the State for instructional materials, provide for in-service credit for the training, and document satisfactory completion of the training by each teacher.

The in-service activities for administrators shall focus on an analysis of student achievement data, the use of the Board-adopted evaluation program for instructional staff, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

The Authority shall also provide in-service activities and support targeted to the individual needs of new administrators participating in the professional learning certification and education competency program.

The Superintendent shall establish and maintain an individual professional learning plan for each administrator assigned to a school as a seamless component to the school improvement plans developed pursuant to State law. The individual professional learning plan established by the Superintendent shall:

A. define the in-service objectives and specific measurable improvements expected in student performance as a result of the in-service activity;

B. include an evaluation component that determines the effectiveness of the professional learning plan;

C. include in-service activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management;

D. provide for systematic consultation with regional and State personnel designated to provide technical assistance and evaluation of local professional learning programs;

E. provide for delivery of professional learning by distance learning and other technology-based delivery systems to reach more educators at lower costs;

F. provide for the continuous evaluation of the quality and effectiveness of professional learning programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

Professional learning activities must be linked to student learning, provide professional growth for administrative staff and meet the following criteria:

A. Utilize materials aligned to the Florida Educational Leadership Standards adopted in rule by the State Board of Education.

B. Have clear, defined, and measurable outcomes for both individual in-service activities and multiple-day sessions.

C. Employ multiple measurement tools for data on teacher growth, participants' use of new knowledge and skills, student learning outcomes, instructional growth outcomes, and leadership growth outcomes, as applicable.

D. Utilize active learning and engage participants directly in designing and trying out strategies, providing participants with the opportunity to engage in authentic teaching and leadership experiences.

E. Utilize artifacts, interactive activities, and other strategies to provide deeply embedded and highly contextualized professional learning.

F. Create opportunities for collaboration.

G. Utilize coaching and expert support to involve the sharing of expertise about content and evidence-based practices, focused directly on the needs of the role.

H. Provide opportunities to think about, receive input on, and make changes to practice by facilitating reflection and providing feedback.

I. Provide sustained duration with follow-up to have adequate time to learn, practice, implement, and reflect upon new strategies that facilitate changes in practice.

J. Provide training, when such training is available, on the use of instructional materials included on the State-adopted instructional materials list pursuant to F.S. 1006.28, materials evaluated and identified pursuant to F.S. 1001.215(4), materials developed pursuant to F.S. 1006.39, and materials posted online by the FLDOE, including when and how to use intervention materials.

The Authority will report data information for all approved professional learning components to the School District of Lee County who will upload through the FLDOE's automated data reporting procedures.

Revised 5/7/24
Revised 3/10/26

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Legal
F.S. 1001.42
F.S. 1011.62
F.S. 1011.67
F.S. 1012.22

F.S. 1012.34
F.S. 1012.98
F.S. 1012.985
F.S. 1012.986

ADMINISTRATION

po1243

PROFESSIONAL MEETINGS

ADOPTED Apr 14, 2026

1243 - **PROFESSIONAL MEETINGS**

The Governing Board encourages opportunities for administrators to develop increased competence, beyond that which they may attain through the performance of their assigned duties through attendance at professional meetings.

For purposes of this policy, a professional meeting shall be defined as:

A. any meeting that is related to the activities, duties, or responsibilities of administrators as determined by the Superintendent;

B. a meeting through which direct value can be derived for the person in attendance for later use in the performance of District duties; and,

C. a collaborative effort with other districts, professional organizations, State foundations, and postsecondary educational institutions to, among other things, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum.

Professional learning plans established by the Board shall incorporate school improvement plans and be aligned with principal leadership trainings.

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Legal
F.S. 1012.98
F.S. 1012.985

ADMINISTRATION

po1281

USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL

ADOPTED Apr 12, 2016

1281 - **USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL**

Administrative staff members may wish to bring personal property to school either for reasons associated with professional responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the Governing Board is not responsible for any loss, damage, or misuse of said property. Employees who bring personal property onto Authority premises for work-related purposes shall notify his/her supervisor prior to bringing such property onto Authority premises. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

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

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

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

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ADMINISTRATION

po1362

ANTI-HARASSMENT

ADOPTED Apr 12, 2016 · REVISED May 13, 2024

1362 - **ANTI-HARASSMENT**

I. General Policy Statement

It is the policy of the CCCSA to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all CCCSA operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Superintendent will vigorously enforce its prohibition against discriminatory harassment on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes"; hereinafter referred to as unlawful harassment), and encourages those within the CCCSA community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Superintendent will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Superintendent will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

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

II. Other Violations of the Anti-Harassment Policy

The Superintendent will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

III. **Definitions**

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

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

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

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

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

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

A. Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race (including anti-Semitism), color, national origin, religion, or

disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. This unlawful harassment may include, but not be limited to, the following:

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

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

1. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
2. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. has the effect of substantially disrupting the orderly operation of a school.

C. Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as:

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

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

3. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 – *Nondiscrimination on the Basis of Sex in Education Programs or Activities* is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

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

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

2. Unwanted physical and/or sexual contact.

3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

4. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the

unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

5. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work or educational environment, that may reasonably embarrass or offend individuals.

6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

7. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.

8. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

9. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.

10. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.

11. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

12. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

13. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

14. Inappropriate boundary invasions by a CCCSA employee or other adult member of the CCCSA community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based and gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment, or such that it creates a hostile or abusive employment or educational environment.

D. Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

E. Race/Color Harassment (Including Anti-Semitism)

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

F. Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such

harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

G. National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

H. Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

I. Pregnancy Harassment

Prohibited pregnancy harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's pregnancy and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's pregnancy and condition of pregnancy.

IV. **Reports and Complaints of Harassing Conduct**

Members of the CCCSA community and Third Parties, which includes all staff, are encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor, or other CCCSA official so that the Superintendent may address the conduct before it becomes severe, pervasive, or persistent. Any

administrator, supervisor, or other CCCSA official who receives such a report shall file it with the CCCSA's Anti-Harassment Compliance Officer within two (2) days of receiving the report of harassment.

Members of the CCCSA community and Third Parties who believe they have been unlawfully harassed by another member of the CCCSA community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs unless the Complainant makes the complaint maliciously or with knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – *Bullying and Harassment*, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on sex, race (including anti-Semitism), color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or while the matter is being addressed pursuant to Policy 2266, the Principal shall suspend Policy 5517.01 investigation to await the Compliance Officer's written report or the determination or responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 1362 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

A. Compliance Officers

The Board designates the following individuals to serve as the CCCSA's " Compliance Officers" (also known as "Civil Rights Coordinators"; for the CCCSA. They are hereinafter referred to as the "COs").

The COs shall also serve as the System's ADA Coordinator and Title IX Coordinators.

Kristie Belesiotis
Human Resources Manager
3519 Oasis Blvd.

Cape Coral, Florida 33914
239-424-6100 X456l
OasisHE@capecoral.gov

B. ADA Coordinator and Title IX Coordinators

The Board designates the following individuals to serve as the Authority's ADA Coordinators and Title IX Coordinators.

Kristie Belesiotis
Human Resources Manager
239-424-6100
3519 Oasis Blvd.
Cape Coral, FL 33914
OasisHE@capecoral.gov

C. Title IX Coordinators

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

Kristie Belesiotis
Human Resources Manager
239-424-6100
3519 Oasis Blvd.
Cape Coral, FL 33914
OasisHR@capecoral.gov

D. Publication Required

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the CCCSA community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct or to intercede informally on behalf of the student.

The names, titles, and contact information of these individuals will be published annually on the Authority's website.

E. Duties and Responsibilities

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the CCCSA community, and Third Parties who seek support or advice when informing another individual about "unwelcome" conduct, or to

intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers within two (2) days. Thereafter, the Compliance Officer or designee must contact the Complainant, if over age eighteen (18) or the Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Superintendent's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the CCCSA community or a visitor to the CCCSA or to receive complaints which are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the CCCSA community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare, after consultation with the Superintendent, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the CCCSA community must report incidents of unlawful harassment which are reported to them to a Compliance Officer within five (5) days of learning of the incident.

V. **Investigation and Complaint Procedure**

Except for Sexual Harassment that is covered by Policy 2266 - *Nondiscrimination on the Basis of Sex in Education Program or Activities*, any employee or other member of the CCCSA or Third Party who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

manner (ordinarily, within fifteen (15) days of the complaint being received).

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

A. Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the CCCSA community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

Employees, other members of the CCCSA community, or Third Parties who believe that they have been unlawfully harassed or retaliated against may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a CCCSA employee, any other adult member of the CCCSA community, or a Third Party and a student will be formally investigated. However, all complaints of harassment involving an Authority employee, any other adult member of the Authority community, or a third party against a student will be formally investigated However, all complaints of harassment involving a CCCSA employee, or any other adult member of the CCCSA community, or a third party against a student will be formally investigation.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant, if requested to do so. A complainant who is uncomfortable or

unwilling to directly approach the Respondent about the allegedly inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) to the Superintendent or other CCCSA level employee; and/or (3) directly to one of the Compliance Officers. All informal complaints must be reported to the Compliance Officers who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The CCCSA's informal complaint procedure is designed to provide employees, other members of the CCCSA community, or Third Parties who believe they are being unlawfully harassed by another individual with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

1. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

2. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.

3. If both parties agree, the Compliance Officers may arrange and facilitate a meeting or mediation between the Complainant and Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officers or designee is directed to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

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

B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of an employee, other member of the CCCSA community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Complainant may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other CCCSA official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, the Compliance Officer, Superintendent, or other CCCSA official, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer within two (2) days.

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

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In

making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent and/or Board Attorney.

Within two (2) days of receiving a formal complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The respondent will be informed about the nature of the allegations and a copy of any relevant policies and/or administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) days of receiving the formal complaint. The investigation will include:

1. interviews with the Complainant;

2. interviews with the Respondent;

3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

4. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer/designee shall deliver a written report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of

evidence standard will be used. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a written decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

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

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

VI. **Privacy/Confidentiality**

The CCCSA will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer or designee will instruct all members of the CCCSA community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

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

VII. Sanctions and Monitoring

The Superintendent shall vigorously enforce the Board's prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment/retaliation and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Superintendent may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Superintendent becomes aware that a prior remedial action has been taken against a member of the CCCSA community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

VIII. Retaliation

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

protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies. Actions that could be construed as retaliation may result in disciplinary action, up to and including the discharge of the employee or the suspension/expulsion of a student involved in the retaliatory behavior.

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

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

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

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

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

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

X. Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy 8141 to report alleged misconduct by certificated employees of the CCCSA that affects the health, safety, or welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy 8141.

XI. Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the CCCSA community related to the implementation of this policy and shall provide training for CCCSA students and staff where appropriate. All training, as well as all information provided regarding this policy and harassment in general, will be age and content-appropriate.

XII. Retention of Investigatory Records and Materials

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

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by CCCSA personnel;

D. any written documentation of actions taken by CCCSA personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

O. copies of the Board policy and/or procedures/guidelines used by the CCCSA to conduct the investigation, and any documents used by the CCCSA at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

P. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and

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

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

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

Revised 8/14/18
Revised 10/8/19
Revised 3/9/21
Revised 6/8/21
Technical Correction 11/12/24
Revised 5/13/25

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Legal

F.S. 110.1221
F.S. 250.481
F.S. 760.01
F.S. 760.10
F.S. 784.049
F.S. 1000.05
F.S. 1006.07
F.S. 1006.147
20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as the Individuals with Disabilities Act)
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973
29 C.F.R. Part 1635
29 U.S.C. 6101, The Age Discrimination Act of 1975
38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
20 U.S.C. 1681 et seq.
42 U.S.C. 1983
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

ADMINISTRATION

po1380

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

ADOPTED Apr 12, 2016

1380 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The Governing Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning physical well-being is strictly forbidden. Any parent, visitor, staff member, volunteer, or agent of the Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

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Legal
41 U.S.C. 1983, Civil Rights Act
42 U.S.C. 2000 et seq.
F.S. 1006.145
20 U.S.C. 1681 et seq.
29 U.S.C. 621 et seq.
29 U.S.C. 794 et seq.
42 U.S.C. 12101 et seq.

ADMINISTRATION

po1410

ADMINISTRATIVE SALARY

ADOPTED Nov 12, 2024 · REVISED Mar 10, 2026

1410 - **ADMINISTRATIVE SALARY**

The base salary of all administrators shall be determined by the Governing Board and shall be authorized by the following salary schedules adopted by the Board on the recommendation of the Superintendent:

A. The annual salary schedule for System administrators;

B. The performance salary schedule for school administrators hired after July 1, 2014,

If budget constraints in any given year limit the Board's ability to fund all adopted salary schedules, the performance salary schedule shall not be reduced on the basis of total cost or the value of individual awards in a manner that is proportionally greater than reductions to any other salary schedules adopted.

Annual Salary Schedule for System-Based Administrators

The annual salary schedule for System-based administrators shall be used to pay as the basis for paying administrators classified as System-based instructional administrators and System-based non-instructional administrators. For purposes of this salary schedule, System-based instructional administrators include assistant, associate, or Superintendents and directors of major instructional areas, such as curriculum, Federal programs such as Title I, specialized instructional program areas such as exceptional student education, career education, and similar areas, and non-instructional administrators include assistant, associate, and directors of major non-instructional areas, such as personnel, construction, facilities, transportation, data processing, and finance.

The annual salary schedule shall provide for a cost-of-living adjustment that does not discriminate among staff members based on the salary schedule under which they are compensated and does not exceed fifty percent (50%) of the annual adjustment provided to instructional personnel rated as effective or highly effective.

The annual salary schedule shall provide a salary adjustment for advanced degrees earned if the degree is held in the administrator's area of certification.

Performance Salary Schedule for School Administrators

Beginning July 1, 2014, school administrators new to the System, returning to the System after a break in service without an authorized leave of absence, or appointed for the first time to a school-based administrative position in the school, shall be placed on the performance salary schedule. After receiving a recommendation from the Superintendent, the Board shall establish the base salary for these school-based administrators.

A. Salary Adjustments

The annual salary adjustment under the performance salary schedule for a school-based administrator rated as highly effective must be greater than the highest annual salary adjustment available to a school-based administrator of the same classification through any other salary schedule adopted by the System.

The annual salary adjustment under the performance salary schedule for a school-based administrator rated as effective must be equal to at least fifty percent (50%), and no more than seventy-five percent (75%), of the annual adjustment provided for a highly effective school-based administrator of the same classification.

The performance salary schedule shall not provide an annual salary adjustment for a school-based administrator who receives a rating other than highly effective or effective for the year.

B. Cost-of-Living Adjustment

This cost-of-living adjustment shall not discriminate among staff members based on the salary schedule under which they are compensated and shall not exceed fifty percent (50%) of the annual adjustment provided to instructional personnel rated as effective or highly effective.

C. Salary Supplements

assignment of additional academic responsibilities.

By each school year, the Superintendent shall submit to the Board a list of school-based administrators who have assigned additional academic responsibilities.

By each school year, the Superintendent will authorize payment of the supplement specified in the performance salary schedule for the school-based administrators assigned additional academic responsibilities. At a subsequent regular meeting, the list of school-based administrators who will receive this supplement shall be provided to the Board.

D. In setting the salary schedule for school administrators, the Board shall include an adjustment for advanced degrees earned if the degree is held in the school administrator's area of certification.

Credit for Previous Experience

The salary established for System administrators and the base salary established for school administrators under the performance salary schedule will include a credit for previous experience in a position with similar responsibilities, as follows:

A. The minimum time that will be recognized as a year of service is full-time actual service rendered for more than one-half (1/2) of the number of days or more than one-half (1/2) of the number of hours for the normal contractual period of service for the position held. In determining such service, sick leave and paid holidays shall be counted, but all other types of leave and holidays will be excluded.

B. Credit for service in another state or as otherwise allowed under the adopted salary schedule shall be determined by using the minimum service required in this System for a comparable position.

C. Transfer of previous experience in a position with similar responsibilities:

1. may not exceed twelve (12) years of experience from other employers;

2. must have been earned in a position that contributed to a State retirement system or at a school that was, at the time the experience was earned, fully accredited by one (1) of the six (6) regional accrediting bodies listed below:

a. Southern Association of Colleges and Schools

b. Western Association of Schools and Colleges

c. Northwest Association of Accredited Schools

d. North Central Association of Colleges and Schools

e. New England Association of Schools and Colleges

f. Middle States Association of Colleges and Schools

D. An employee who claims credit for previous experience must complete and submit the Experience Verification Form (Form 1410 F1) within the first fourteen (14) days of employment, in order to receive credit for years of service.

Bonuses or Severance Pay

Any salary adjustments or supplements that would constitute bonuses must be based upon work performance. The determination of such bonus must include a process that describes performance standards and an evaluation process consistent with Policy 1220,

Evaluation of Administrative Personnel. All employees eligible for such a bonus will be notified before the beginning of the evaluation period on which the bonus is to be based.

If the Board provides a bonus and/or severance pay to administrative staff that is not included in the employment contract, the bonus and/or severance pay shall strictly comply with the provisions of F.S. 215.425 that pertain to such bonuses and/or severance pay, as follows:

A. Any bonus scheme must be based on the award of a bonus on work performance, describe the performance standards and evaluation process by which a bonus will be awarded, notify all administrative personnel of the bonus policy before the beginning of the evaluation period on which a bonus will be based, and consider all administrative personnel for the bonus.

B. On or after July 1, 2011, an administrator may receive severance pay that is not provided for in a contract or employment agreement if the severance pay represents the settlement of an employment dispute. Such severance pay may not exceed an amount greater than six (6) weeks of compensation. The settlement may not include provisions that limit the ability of any party to the settlement to discuss the dispute or settlement.

C. From time to time the Superintendent may issue compensation bonuses, based on the system's financial position, when salary schedule increases are not available. Board approval is required.

Revised 9/16/25
Revised 3/10/26

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Legal
F.S. 215.425
F.S. 1001.42
F.S. 1001.43
F.S. 1011.60
F.S. 1012.01
F.S. 1012.22
F.S. 1012.32
F.S. 1012.33
F.S. 1012.34
F.A.C. 6A-1.052, Salary Schedules to be Adopted for All Personnel
F.A.C. 6A-1.064, Forms for Contracts for Instructional and Professional Administrative Personnel, and Other Personnel

ADMINISTRATION

po1419

GROUP HEALTH PLANS

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

1419 - **GROUP HEALTH PLANS**

The Governing Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. Group health plans, as the term is used in this policy, may include, but would not be limited to, major medical, prescription drug, dental, and/or vision plans. These group health plans may provide certain health benefit plans to administrative staff members and eligible dependents as permitted by law.

The Board has elected to provide major medical coverage that provides minimum value coverage under the Affordable Care Act for some or all of its eligible employees. The terms and conditions of the major medical coverage are set forth in the appropriate plan documents.

Eligible employees who have coverage through the employer of a working spouse may receive additional compensation if they waive the District's medical coverage. Eligible employees who waive the medical coverage will be paid an additional monthly compensation equal to $160.00, with the understanding that this additional compensation is subject to FICA and Federal, State, and local income tax. To receive this compensation, the eligible employee must provide the Authority with proof of medical coverage provided by the spouse's employer and complete a Health Insurance Opt-Out Waiver form on an annual basis.

Revised 8/14/18

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F.S. 112.08
F.S. 112.0801

ADMINISTRATION

po1419.03

PATIENT PROTECTION AND AFFORDABLE CARE ACT

ADOPTED Aug 14, 2018

1419.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Governing Board acknowledges that the patient protection and Affordable Care Act ("ACA") imposes certain obligations upon the Board. Such obligations may include the following:

A. The Board shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

   http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html

B. Employees of the Board have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the Board enrolls in the Health Insurance Marketplace and receives a subsidy, then the Board may be liable for a penalty.

   In event that the Board concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the Board shall incur the potential penalty.

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29 U.S.C. 218B
26 U.S.C. 4980H

ADMINISTRATION

po1420

BENEFITS

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

1420 - **BENEFITS**

The Governing Board shall provide all administrative staff members with the following benefits:

A. Life Insurance

All administrators will have life insurance in an amount equal to twice their annual salary, computed to the nearest $1,000. Additional life insurance and limited dependent coverage are options provided to administrators at a group rate.

B. Hospitalization and Medical Insurance

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

C. Employee Assistance Program

An Employee Assistance Program which, through outside professional counseling, may provide help for administrators and their families in areas including, but not limited to, emotional disorders, chemical (alcohol or drug) abuse, and/or marital, financial, family, legal, or occupational problems. The program shall be reviewed by the Superintendent and a recommendation for these services shall be made to the Board for approval.

D. Liability Coverage

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

E. Workers' Compensation

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

able to return to work.

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

F. Other Insured Employee Benefits

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

G. Flexible Spending Accounts

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

H. Holidays

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

I. Sick Leave Bank

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

J. Calculation of Accumulated Leave

All calculations dealing with accumulated leave shall be based on the administrator's hourly rate.

K. Retirement

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

Retirement procedures and all Florida Retirement Service retirement guides

published by the State of Florida, Department of Management Services, Division of Retirement are incorporated by reference and are part of this Board policy.

Revised 8/14/18

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Legal
F.S. 112.08
F.S. 112.1915
F.S. Chapter 121
F.S. 440.491
F.S. 1012.26
F.S. 1012.33
F.S. 1012.61
F.S. 1012.65
F.S. 1012.798

ADMINISTRATION

po1430

LEAVES OF ABSENCE

ADOPTED Apr 12, 2016

1430 - **LEAVES OF ABSENCE**

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

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

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

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

A. Paid leaves of absence may include: vacation, sick leave, personal charged to sick, jury/witness duty, illness- or injury-in- line-of-duty, professional, and military.

B. Unpaid leaves of absence may include: professional, personal leave not paid, family and medical leave, maternity/paternity leave, parent leave, and extended personal leave without pay.

Approval of Leaves

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

Long-term leave without pay may be granted for a period up to one (1) school year. However, no more than two (2) consecutive long- term leaves for any reason shall be

approved.

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

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

A. The Superintendent is authorized to grant the following types of leave for administrators:

    1. paid leave, up to the amount of employee accumulated days

    2. illness- or injury-in-line-of-duty leave

    3. military leave

    4. funeral leave

    5. summer vacation leave

    6. professional leave

    7. jury/witness duty leave

    8. temporary duty elsewhere

B. The superintendent is authorized to approve Family and Medical Act (FMLA) Leave under Policy 1430.01, *FMLA Leave*.

All other requests for leave require approval by the Superintendent.

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F.S. 1012.22
F.S. 1012.61
F.S. 1012.63
F.S. 1012.64
F.S. 1012.66
F.S. 1012.67
F.A.C. 6A-1.080, Maximum Extent of Leave

ADMINISTRATION

po1430.01

FMLA LEAVE

ADOPTED Apr 12, 2016

1430.01 - **FMLA LEAVE**

Qualifying Reasons for FMLA and Military Family Leave

In accordance with the Family and Medical Leave Act of 1993, as amended, ("FMLA"), eligible staff members may take up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, for the following reasons:

A. the birth and/or care of a newborn child of the staff member, within one (1) year of the child's birth;

B. the placement with the staff member of a child for adoption or foster care, within one (1) year of the child's arrival;

C. the staff member is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;

D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position; or

E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces ("Qualifying Exigency Leave"). Covered active duty means duty during deployment with the Armed Forces to a foreign country.

In addition, an eligible staff member who is a spouse, son, daughter, parent, or next of kin of a covered service member may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member ("Military Caregiver Leave"). A covered service member is defined as (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical

treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran, the injury or illness could have manifested itself before or after the member became a veteran. The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the "single twelve (12) month period", an eligible staff member is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA- qualifying reason other than to care for a covered service member.)

Eligible Employees

Staff members are "eligible" if they have worked for the Governing Board for at least twelve (12) months **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time administrative employees are deemed to meet the 1,250 hour requirement. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service counts towards the staff member's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the staff member's fulfillment of his/her National Guard or Reserve military obligation, or a written agreement exists concerning the Board's intention to rehire the staff member after the break in service.

Twelve (12) Month Period

Twelve (12) month period is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individual staff member).

Serious Health Condition

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. As utilized in this policy, the term "incapacity" means an inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term "treatment" includes (but is not limited to)

examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

B. Continuing treatment by a healthcare provider, includes any one or more of the following: 1.) "incapacity and treatment"; 2.) any incapacity experienced by an expectant mother related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

1. "Incapacity and treatment" involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider, or b.) treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of a health care provider.

    a. Treatment by a health care provider as referenced above involves an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The health care provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.

    b. Regimen of continuing treatment includes a course of prescription medication (e.g., antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen).

c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

2. An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days

3. A chronic serious health condition is one that: a.) requires periodic visits (i.e., at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; b.) continues over an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a health care provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.

4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

C. Conditions for which cosmetic treatment are administered (e.g., most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e., leave in separate blocks of time for a single qualifying reason) or on a reduced leave schedule (i.e., reducing the employee's usual weekly or daily work schedule) for reason (A) or (B) on page one. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may also take FMLA leave on an intermittent or reduced-leave schedule for Qualifying Exigency Leave (i.e., reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of

leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member, or a covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the administrative staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary. Administrative staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of reasons (C) or (D) on page one or pursuant to Military Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent for which the administrative staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

When leave is needed for planned medical treatment, the staff member must make a reasonable effort to schedule the treatment so as not to unduly disrupt the Authority's operations, subject to the approval of the health care provider.

If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) on page one, the Board may also require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave then does the staff member's regular position.

Staff Member Notice Requirements

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) day's advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board's usual and customary notice and procedural requirements for requesting leave.

Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must provide "sufficient information" for the Superintendent to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family member is under the continuing care of a health care provider, that the requested leave is for a particular qualifying exigency related to a qualifying family member's covered active duty or call to covered active duty status, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the Authority has previously provided the staff member FMLA-protected leave, the staff member must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Substitution of Paid Leave

The Board shall require the staff member to "substitute" (i.e., run concurrently) any of his/her earned or accrued paid leave for unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the Authority's normal leave policy. A staff member electing to use any type of paid leave concurrently with FMLA leave must follow the same terms and conditions of the Board's policy that apply to other employees for use of such leave. The staff member is always entitled to unpaid FMLA leave if s/he does not meet the Board's conditions for taking paid leave. On occasion the Board may waive any procedural requirements for the taking any of type of paid leave.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Military Caregiver Leave, such leave counts toward the twelve (12) work week/twenty-six (26) work week maximum leave allowance provided by this policy and Federal law.

Authority Notice Requirements

The Superintendent is directed to post the Department of Labor approved Notice explaining employees' rights and responsibilities under the FMLA. The notice must be posted prominently where it can be readily seen by employees and applicants and shall

either be distributed to each new employee upon hiring or be included in employee handbooks or other written guidance concerning benefits or leave rights. Electronic posting is sufficient to meet these requirements.

When a staff member requests FMLA leave or the Authority acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent will attach any medical certification that may be required, and a copy of the employee's essential job functions. If Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent must notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the Superintendent shall, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the Superintendent has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g., after receiving certification), the Superintendent shall notify the staff member whether the leave will be designated and counted as FMLA leave. Leave that qualifies as both Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e., reason (C)) must be considered as Military Caregiver Leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the Superintendent shall notify the staff member of the number of hours, days, and weeks that will be counted against the employee’s FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work.

Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent determines the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by the FMLA or the staff member's FMLA leave entitlement has been exhausted), the Superintendent shall notify the staff member of that determination. If the staff member is required to substitute paid leave for unpaid FMLA leave or if paid leave taken under an existing leave plan is being counted as FMLA leave, the "Designation Notice" shall include this information. Additionally, the "Designation Notice" shall notify the staff member if s/he is required to present a fitness-for-duty certification to be restored to employment. Further, if the fitness-for-duty certification is required to address the staff member's ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the staff member's position will be included.

If the information provided to the staff member in the Designation Notice changes, the Superintendent shall provide, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

Limits on FMLA When Both Spouses are Employed by the Board

When eligible spouses are both employed by the Board, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition.

Where spouses both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) on page one, or to care for a parent, the spouses are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When eligible spouses are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the "single twelve (12) month period" if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

Certification

When FMLA leave is taken for either reason (C) or (D) on page one, the staff member must provide medical certification from the health care provider of the eligible staff member or his/her immediate family member. The staff member may either:

A. submit the completed medical certification to the Superintendent; or

B. direct the health care provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPAA-compliant authorization.

If the staff member fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to require second or third opinions (at the Board's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The staff member may either:

A. submit the opinion of the second health care provider, and the opinion of the third health care provider if applicable, to the Superintendent; or

B. direct the second or third health care provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third health care provider, if applicable, any leave taken by the staff member shall not constitute FMLA leave.

Recertification

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the Authority will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the Authority receives information that casts doubt upon the staff member’s stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Staff members requesting Qualifying Exigency Leave are required to submit to the Superintendent a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Staff members requesting Military Caregiver Leave are required to submit to the Superintendent certification completed by an authorized health care provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

The Board authorizes its health care provider and/or human resource professional but not the staff member's direct supervisor, to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e., medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

A staff member who takes leave for reason (D) on page one, prior to returning to work, must provide the Superintendent with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the Superintendent may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

Job Restoration & Maintenance of Health Benefits

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students' program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee does not meet the goal due to FMLA leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitle the staff member to leave pursuant to reasons (C) or (D) on page one or Military Caregiver Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

Generally, a staff member may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any procedures that are appropriate for this policy and ensure that the policy is posted properly.

Copies of this policy shall be available to staff members upon request.

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Legal
F.S. 110.221, 1012.61
29 C.F.R. Part 825
45 C.F.R. Part 160, 164
29 U.S.C. 2601 et seq. (as amended)
National Defense Authorization Act of 2010

ADMINISTRATION

po1430.02

DOMESTIC VIOLENCE LEAVE

ADOPTED Apr 12, 2016

1430.02 - **DOMESTIC VIOLENCE LEAVE**

The Governing Board shall grant leave for an employee if the employee, or a family or household member, is the victim of domestic or sexual violence.

Definitions

A. "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one (1) family or household member by another family or household member.

B. "Sexual violence" means sexual violence as defined in F.S. 784.046 or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence.

C. "Family or household member" means spouses, former spouses, persons related by blood or marriage, person who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

D. "Victim" means an individual who has been subjected to domestic or sexual violence.

Such leave may be for up to three (3) days in any twelve (12) month period and shall be used for the following purposes:

A. to seek protection against domestic violence or an injunction 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 to address physical or psychological injuries resulting from domestic or sexual violence;

C. to obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic or sexual violence;

D. to secure their home from the perpetrator of domestic or sexual violence or to seek new housing to escape the perpetrator;

E. to seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

The leave shall be granted with pay and is subject to the following conditions:

A. Except in cases of imminent danger to the health or safety of the employee or to the health and safety of a family or household member, the employee seeking the leave must provide appropriate advance notice along with sufficient documentation of the act of domestic or sexual violence as required the administrative procedures implementing this policy.

B. The employee shall be required to have exhausted all annual or vacation leave, personal leave, and sick leave prior to utilizing this leave.

C. Pursuant to Florida statutes, the Board shall keep information concerning leave for domestic or sexual violence confidential and exempt from disclosure.

D. The Board may not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his/her rights under the provisions of this policy. However, this does not limit the Board's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in the work force or termination for cause.

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Legal
F.S. 741.28
F.S. 741.313

ADMINISTRATION

po1430.03

PAID LEAVE

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

1430.03 - **PAID LEAVE**

Administrators shall earn 13.33 hours of paid leave for each full month of employment. Leave may not be used before it is earned and credited.

A. Accrual

1. An employee who is in an active pay status, including leave with pay, shall earn leave for each month in which s/he receives pay for one (1) day more than half the number of work days during that month.

2. Leave shall be cumulative from year to year up to a maximum of 600 hours. If an administrator accumulates more than 600 hours, the additional hours may be used during that fiscal year. However, as of June 30th in any fiscal year, the maximum number of hours may not exceed 600.

B. Use

An employee taking leave shall notify the appropriate supervisor and file a Request for Leave before beginning the leave, if possible. In an emergency, the Request for Leave may be filed immediately following return to duty.

C. Transfer

To Other Authority Employees

An employee may donate (i.e., authorize transfer of) his/her accrued leave to another Authority employee. The authorizing employee must retain at least three (3) days of leave, as of the time of donation under this policy.

The recipient must provide documentation from the treating physician of the illness, accident, or injury for which leave is needed or the potential leave recipient has provided sufficient evidence of the necessity for the anticipated leave and must show that s/he has exhausted or is about to exhaust all paid leave to which s/he is entitled.

The person receiving the transfer may not use the donated leave until s/he has exhausted all of his/her own accrued leave.

Donated sick leave shall have no value for terminal pay.

(F.S. 1012.61(2)(e)2)

D. Terminal Pay for Sick Leave

Upon the retirement of an employee, s/he will be paid for leave accumulated through the end of the last full month worked. Leave accrued shall be compensated at their current hourly rate of pay.

Terminal pay may not exceed 600 hours.

Revised 8/15/23

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Legal
F.S. 402.22
F.S. 1001.41
F.S. 1001.42(5)
F.S. 1001.43(11)
F.S. 1012.22
F.S. 1012.23
F.S. 1012.61
F.S. 1012.62
F.S. 1012.66

ADMINISTRATION

po1430.05

ILLNESS- OR INJURY-IN-LINE-OF-DUTY LEAVE

ADOPTED Apr 12, 2016

1430.05 - **ILLNESS- OR INJURY-IN-LINE-OF-DUTY LEAVE**

Administrators shall be entitled to illness- or-injury-in-line-of-duty leave when they are absent from work because of a personal injury received in the discharge of duty or because of illness from any contagious or infectious disease contracted in school work. The illness or injury received in the performance of duties shall be certified by an authorized workers compensation physician

Such leave shall be authorized for a total of not to exceed ten (10) school days during any school year and shall be applicable only to the year during which the accident/illness occurred.

Any administrator who has any claim for compensation while absent because of illness contracted or injury incurred as prescribed herein shall file a claim in the manner prescribed in F.S. 1012.61 (2)(b) within five (5) working days following the administrator's return from such absence. The Superintendent shall approve the claims and authorize the payment thereof if the Superintendent is satisfied that the claim correctly states the facts and that the claim is entitled to payment in accordance with the provisions of F.S. 1012.61.

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F.S. 1012.22(2)
F.S. 1012.61
F.S. 1012.63

ADMINISTRATION

po1430.06

SUMMER VACATION LEAVE

ADOPTED Apr 12, 2016

1430.06 - **SUMMER VACATION LEAVE**

Administrators who are employed in twelve (12) month positions earn paid vacation leave. A maximum of ten (10) of these vacation days may only be used during June and July each year as scheduled by the Superintendent.

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F.S. 1011.60(3)
F.S. 1012.22(2)
F.S. 1012.65

ADMINISTRATION

po1430.07

MILITARY LEAVE

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

1430.07 - **MILITARY LEAVE**

The Governing Board supports individuals willing to serve in the armed forces of the United States or the State of Florida to protect our country and State. In accordance with State and Federal laws, administrators who must be absent from work for military service are entitled to take a military leave of absence in accordance with this policy.

Administrators called to duty are required to notify the Superintendent immediately unless notice is impossible or prevented by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable.

Reserve or Guard Training

All administrators in this Authority who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

Compensation allowed for military leave to participate in required training exercises shall not exceed 240 hours in any one (1) annual period as provided in F.S. 115.07. Such leave is not charged as vacation. It shall be established that the period selected is not at the convenience of the employee but a military necessity, if it falls within the school year. Upon the recommendation of the Superintendent, leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and may be granted by the Board and when so granted shall be without loss of time or efficiency rating.

When an administrator's assigned employment duty conflicts with ordered active or inactive duty training, it is the responsibility of the Board to provide a substitute employee, if necessary, for the assumption of such employment duty while the employee is on assignment for the training.

Active Military Service

Administrators who are service members of the National Guard or a reserve component of the Armed Forces of the United States shall be granted leave to perform active military service, the first thirty (30) days of any such leave to be with full pay for Federal military service that is equal to or greater than ninety (90) consecutive days.

Leave of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay. Administrators on military leave may substitute accrued paid vacation for unpaid leave.

Leave of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay. Administrators on military leave may substitute accrued paid vacation for unpaid leave.

Re-Employment

Re-employment of all administrators granted military leave shall be governed in accordance with 38 U.S.C. 4312. An administrator who is granted military leave for active duty shall, upon the completion of the tour of duty, be returned to employment without prejudice, provided that the administrator gives notice and files an application for re-employment within the time limitations contained in 38 U.S.C. 4312. The administrator will be returned to duty in the same or a similar position as previously held in accordance with 38 U.S.C. 4312.

Benefits During Military Leave

The Board shall continue to provide all health insurance and other existing benefits to administrators as required by the Uniformed Services Employment and Reemployment Rights Act, Chapter 43 of Title 38 U.S.C.

Voluntary Service

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 Board's discretion. An employee whose absence will interfere with the orderly operation of the school program shall be denied military leave, except in unusual cases.

Revised 11/12/24

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Legal
F.S. 115.07
F.S. 115.09
F.S. 115.14
F.S. 121.111

F.S. 250.341
F.S. 1012.23
38 U.S.C. 2021 et seq., 4312, 4323

ADMINISTRATION

po1430.08

PROFESSIONAL LEAVE

ADOPTED Apr 12, 2016

1430.08 - **PROFESSIONAL LEAVE**

With prior approval, administrators may take paid professional leave (vacation or personal leave) to engage in activities during the workday which will result in his/her professional benefit or advancement, including earning college credits and degrees, or that will contribute to the profession of education. The administrator must submit to his/her supervisor a description of the course or activity, time needed away from work, and a narrative describing the relationship with the course and/or activity and their administrative position. All documentation, including the administrator's work schedule while attending the course and/or activity, must be approved prior to attending courses or activities.

"Extended professional leave" is also available for professional leave exceeding more than thirty (30) consecutive days if the administrative staff member has accumulated enough paid professional leave (vacation or personal leave).

In no case shall an administrator be permitted to work toward an advanced or supplemental degree or receive college credit during the workday or at any time when salary, or other reimbursement, is received from the Governing Board, unless such time is covered by appropriate leave. Professional leave shall be approved only if specific times and frequency will not adversely affect the administrator's job performance. The Board may grant any administrator three (3) consecutive weeks professional leave during any fiscal year with compensation when school is not in session; however, such leave shall be cumulative for not more than two (2) years.

Sabbatical Leave

The Board may grant an administrator sabbatical leave for a period not to exceed one (1) year.

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Legal
F.S. 1012.23
F.A.C. 6A-1.081, Professional Leave and Extended Professional Leave; Definition

ADMINISTRATION

po1430.09

JURY/WITNESS DUTY LEAVE

ADOPTED Apr 12, 2016

1430.09 - **JURY/WITNESS DUTY LEAVE**

Jury Duty Leave

An administrator summoned to serve on a jury shall be granted temporary leave with pay for all hours required for the duty up to his or her normal workday hours.

Any jury fees may be retained by the administrator.

However, if jury duty does not require absence for the entire workday, an administrator is expected to return to work immediately upon release by the court.

The Governing Board shall not reimburse the administrator for meals, lodging, and travel expenses incurred while serving as a juror.

Jury/Witness duty leave will be granted for a maximum of fifteen (15) days, unless additional leave is recommended by the Superintendent and approved by the Board.

Witness Duty Leave

An administrator who is subpoenaed as a witness may be granted temporary leave with pay for all hours required for the duty, up to his/her normal workday hours, provided the subpoena is not related to personal litigation in which the administrator is a party.

Any witness fees may be retained by the administrator.

The Board shall not reimburse administrators for meals, lodging, and travel expenses incurred while serving as a witness.

When an administrator is subpoenaed or called as a witness by the Board at a deposition, hearing, trial or other civil proceeding, s/he may be granted temporary leave with pay for all hours required for the duty.

Any witness fees may be retained by the administrator.

In the event no fees are received from the court, s/he may be paid per diem and for travel expenses pursuant to Policy 6550, Travel and Per Diem.

Personal Litigation

In no case shall temporary leave with pay be granted for court attendance when an administrator is engaged in his/her own personal litigation. In such cases, an administrator may request vacation or personal leave.

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F.S. 1012.23

ADMINISTRATION

po1431

ABSENCE OF ADMINISTRATORS

ADOPTED Apr 12, 2016

1431 - **ABSENCE OF ADMINISTRATORS**

Administrators shall notify the Superintendent or immediate supervisor when it is necessary that they be away from the worksite for a day or more. They shall leave a responsible member of the staff in charge. The name of the person left in charge shall be submitted to their immediate supervisor of the absent administrator at the time of notification.

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ADMINISTRATION

po1440

JOB-RELATED EXPENSES

ADOPTED Apr 12, 2016

1440 - **JOB-RELATED EXPENSES**

The Governing Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any administrative staff member of the Authority incurred in the course of performing services for the Authority, whether within or outside the Authority, under the direction of the Board and in accordance with the Superintendent's administrative procedures.

The validity of payments for job-related expenses shall be determined by the Superintendent.

The Board may pay the expenses of administrative staff members when they attend professional meetings (as defined in Policy 1243) with prior approval in accordance with the policy of this Board and in accordance with the administrative procedures of the Superintendent.

Administrative staff members are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, supplemental insurance on rental cars, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

This policy does not address every issue, exception, or contingency that may arise in the course of travel.

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F.S. 112.061

ADMINISTRATION

po1500

REMOTE WORK

ADOPTED Nov 18, 2022

1500 - **REMOTE WORK**

Governing Board employees are required to work at their assigned Authority building, Authority site, or school building. However, the Board recognizes that certain Authority-declared emergencies require remote work.

Eligible employees are only authorized to work remotely in accordance with this policy and procedures developed by the Superintendent.

Remote working can be considered when it provides an operational benefit to the Board; the responsibilities and duties of the position can be accomplished successfully from a remote environment; and the employee demonstrates the skills and abilities needed to effectively work remotely.

Employees are not permitted to work remotely unless approved in advance by the Superintendent.

Definitions

A. Remote Work/Working – a temporary work or work arrangement during which an employee performs their assigned job duties in an alternate work location away from their assigned CCCCSA building, site, or school building.

B. Alternate Work Location(s) - approved locations, other than the employee's normal assigned workplace, where official business is performed. The most common alternate work location is the home of an employee. Alternate work locations must be approved in advance by the Superintendent.

C. Remote Working Agreement - Remote work arrangements are approved by the Superintendent and documented in writing in a remote working agreement. Remote working agreements include specific terms such as employee hours, employee responsibilities, employee expectations, and confidentiality. Remote working agreements may not exceed a determined number of days, determined by the Superintendent, as the emergency situation dictates but may be renewed by the Superintendent.

Eligible Positions

Positions for which remote work may be authorized are determined at the discretion of the Superintendent during an Authority-declared emergency.

Termination of Remote Working Agreements

Remote working agreements are approved at the discretion of the Superintendent and may be revoked/terminated at any time.

Nothing in this policy is intended to interfere with, or supplant, any rights afforded to employees under the Americans with Disabilities Act, as amended, or Section 504 of the Rehabilitation Act of 1973.

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ADMINISTRATION

po1550

COMPLAINTS AGAINST ADMINISTRATIVE STAFF

ADOPTED Apr 12, 2016

1550 - **COMPLAINTS AGAINST ADMINISTRATIVE STAFF**

Any complaint against an administrator which arises within the membership of the Governing Board or which comes to the attention of the Board (except through the Superintendent) shall be referred to the Superintendent for decision. In cases where the administrator or the complainant is not satisfied with the decision of the Superintendent, an appeal may be taken by either party to the Board through the Superintendent for a final decision.

Pursuant to State law, a complaint of misconduct against an Authority administrator, and all information obtained pursuant to an investigation by the Authority of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the Authority provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the Authority has either:

A. concluded the investigation with a finding not to proceed with disciplinary action or file charges; or

B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the Authority shall also file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - *Mandatory Reporting of Misconduct by Certificated Employees*.

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

A. by certified mail, return receipt requested, to his/her address of record; or

B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

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F.S. 119.071(2)(k)
F.S. 1012.31
F.S. 1012.795
F.S. 1012.796

ADMINISTRATION

po1590

PERSONNEL FILE

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

1590 - **PERSONNEL FILE**

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

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

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

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

Pursuant to State law, a complaint of misconduct against an Authority employee, and all information obtained pursuant to an investigation by the Authority of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the Authority provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the Authority has either:

A. concluded the investigation with a finding not to proceed with disciplinary action or file charges, or

B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the Authority shall also

file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - *Mandatory Reporting of Misconduct by Certificated Employees*.

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

Materials relating to work performance, discipline, or dismissal must be reduced to writing and signed by an individual competent to know the facts or make the judgment. In cases of separation due to termination or resignation in lieu of termination, the person shall execute and maintain an affidavit of separation, on the form adopted by the Florida Department of Education, setting forth in detail the facts and reasons for such separation. The affidavit must expressly disclose when separation is due to a report of sexual misconduct with a student. The affidavit of separation must be executed under oath and constitutes an official statement within the purview of F.S. 837.06. The affidavit of separation must include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree.

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

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

A. by certified mail, return receipt requested, to the employer's address of record; or

B. by personal delivery. The employee’s signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

No record in a personnel file which is confidential and exempt from inspection and copying pursuant to applicable law shall be disclosed except as provided by applicable law.

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

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

The employee shall have access to their file upon request.

The related procedures manual is entitled Personnel File Procedures.

Revised 10/8/19
Revised 12/14/21
Revised 11/18/22

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F.S. 119.011
F.S. 119.07
F.S. 119.071
F.S. 1012.31
F.S. 1012.797

ADMINISTRATION

po1600

JOB DESCRIPTIONS

ADOPTED Apr 12, 2016

1600 - **JOB DESCRIPTIONS**

The Governing Board shall act upon written recommendations submitted by the Superintendent for positions to be filled and for the minimum qualifications for these positions. Once a position has been established it is essential for each administrative staff member employed in the position to be fully aware of the duties and responsibilities for that position. Job descriptions document and describe the prescribed qualifications for and essential functions of each administrative staff position and thereby promote organization effectiveness and efficiency. The Superintendent is authorized to establish and maintain job descriptions that shall include the prescribed qualifications, as well as skills, knowledge and abilities, essential functions, and physical requirements for each administrative position.

Job descriptions shall be defined as procedures of the Superintendent.

Administrators shall be evaluated, at least in part, against their job description.

Job descriptions shall be brief, factual, and descriptive of the positions designated by the Board.

During the hiring process, the current job description for the position for which the candidate is interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the positions.

During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

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F.S. 1012.23
F.S. 1012.27

PROGRAM

po2111

PARENT AND FAMILY INVOLVEMENT IN THE SCHOOL PROGRAM

ADOPTED Dec 14, 2021 · REVISED Aug 15, 2023

2111 - **PARENT AND FAMILY INVOLVEMENT IN THE SCHOOL PROGRAM**

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

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

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

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

A. Relationships with Families

1. cultivating school environments that are welcoming, supportive, and student-centered;

2. providing coordination, technical support, and other support to assist schools in planning and implementing family involvement activities. [3]

B. Effective Communication

1. providing information to families to support the proper health, safety, and well-being of their children;

2. providing information to families about school policies, procedures, programs, and activities; [2,3]

3. promoting regular and open communication between school personnel and students' family members;

4. providing information that will enable families to encourage and support their child(ren)'s academic progress, especially in the area of reading; [1]

5. providing information that will enable families to encourage and support their child(ren)'s citizenship, especially social skills and respect for others; [1]

6. providing information that will enable families to encourage and support their child(ren)'s realization of high expectations and setting life-long learning goals; [1]

7. providing information and involving families in monitoring student progress; [3]

8. providing families with timely and meaningful information regarding Florida's academic standards, State and local assessments, and pertinent legal provisions; [2,3]

9. preparing families to be involved in meaningful discussions and meetings with school staff. [2,3]

C. Volunteer Opportunities

providing volunteer opportunities for families to support their children's school activities; [1,3]

D. Learning at Home

1. offering training and resources to help families learn strategies and skills to support at-home learning and success in school; [1,2,3]

2. working with families to establish learning goals and help their children accomplish these goals; [1]

3. helping families to provide a school and home environment that encourages learning and extends learning at home. [1,2]

E. Involving Families in Decision Making and Advocacy

involving families as partners in the process of school review and continuous improvement planning; [3]

F. Collaborating with the Community

building constructive partnerships and connecting families with community-based programs and other community resources;[2,3]

Implementation

The Superintendent will provide for a comprehensive plan to engage parents, families, and community members in a partnership in support of each student's academic achievement, and to improve parent-teacher cooperation in such areas as homework, school attendance, and discipline. As required by F.S. 1014.05, the plan will include, but not be limited to, the following elements:

A. A procedure for parents to learn about their child's course of study, including supplementary educational materials. See also Policy 2220, *Adoption of Courses of Study*; Policy 2521, *Instructional Materials Program.*

B. A procedure for parents to object to instructional materials and other materials used in the classroom. Objections may be based on beliefs regarding morality, sex, and religion, or on the belief that such materials are harmful. See also Policy 2520, *Selection and Adoption of Instructional Materials*.

C. A procedure for parents to withdraw their child from any portion of the comprehensive health education that relates to sex education or instruction in acquired immune deficiency syndrome (AIDS) education or any instruction regarding sexuality if the parent provides a written objection to their minor child's participation. Procedures must provide for parents to be notified in advance of such course content so that they may withdraw their minor child from those portions of the course. See also Policy 2417, *Comprehensive Health Education.*

D. A procedure for parents to learn about the nature and purpose of clubs and activities offered at their minor child's school, including those that are extra-curricular or part of the school curriculum.

E. Procedures for parents to learn about parental rights and responsibilities under general law, including:

1. To opt their minor child out of any portion of the CCCCSA's comprehensive health education that relates to sex education instruction in AIDS education or any instruction regarding sexuality. See also Policy 5780, *Student/Parent Rights.*

2. A plan to disseminate information about school choice options, including open enrollment. See also Policy 5121, *Controlled Open Enrollment.*

3. To exempt their child from immunizations. See also Policy 5320, *Immunizations and Health Examination.*

4. To review Statewide, standardized assessment results. See also Policy 2623, *Student Assessment.*

5. To enroll their child in gifted or special education programs. See also Policy 2460, *Exceptional Student Education.*

6. To inspect CCCCSA's instructional materials. See also Policy 2521, *Instructional Materials Program.*

7. To access information relating to the CCCCSA's policies for promotion or retention, including high school graduation requirements. See also Policy 5410.01, *Promotion, Acceleration, Placement and Retention*, and Policy 5460, *Graduation Requirements*.

8. To receive a school report card and to be informed of their minor child's attendance requirements. See also Policy 5200, *Attendance*, and Policy 5420, *Reporting Student Progress.*

9. To access information relating to the state public education system, state standards, report card requirements, attendance requirements, and instructional materials requirements.

10. To participate in parent-teacher associations and organizations that are sanctioned by the Board or the Department of Education. See also Policy 5780, *Student/Parent Rights.*

11. To opt out of any District-level data collection relating to their minor child not required by law. See also Policy 2605, *Research and Evaluation*.

The information required in this policy may be provided electronically or by posting on the District's or school's website.

Pursuant to State law, the Superintendent shall develop and annually disseminate:

A. a parent guide to successful student achievement, consistent with the guidelines of FLDOE, which address what parents need to know about their child's educational progress and how parents can help their child(ren) achieve in school; and

B. a checklist of parental actions that can strengthen parental involvement in their child's educational progress, consistent with the guidelines of FLDOE, to focus on academics, especially reading, high expectations for students, citizenship and communication.

[1]Indicates Florida Statutory Requirements

[2]Indicates IDEA 2004 Section 650 & 644 parent involvement requirements

[3]Indicates Title I parent involvement requirements in Subpart 1 - Basic Program Requirements

Revised 8/15/23

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F.S. 1000.03
F.S. 1002.23

PROGRAM

po2120

SCHOOL IMPROVEMENT

ADOPTED Mar 9, 2021 · REVISED May 13, 2025

2120 - **SCHOOL IMPROVEMENT**

The Governing Board supports the concept of school improvement as established by the State Board of Education and will seek to create and/or maintain effective schools as defined by Florida statute. The Board shall annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the Authority which has a school grade of "D" or "F" and shall provide funds to schools for developing and implementing school improvement plans.

In addition to adopting a mission statement and educational philosophy for the Authority, the Board shall create, as needed, policies which support the school improvement process.

The Superintendent shall establish administrative procedures which will provide for:

A. School improvement plans which are developed and implemented by school-based teams, working collaboratively, so that both building-level and Authority level goals for students can be identified and correlated, and then achieved through effective planning, problem-solving, and assessment.

B. An Authority-based, school-improvement plan which provides for building-level decision-making regarding program assessment, curriculum review, determination of performance standards, budgetary review, staff development, and the monitoring and assessment of student outcomes.

C. Collaboration at both the building and Authority with parents, relevant institutions and groups, especially those in the community, who can support and facilitate school improvement within the charter school system.

D. A system of school reports and dissemination of information regarding the performance of students and educational programs as required by Florida statute and State Board of Education rule.

In order to enhance school improvement, the Superintendent is authorized to waive any policy that has been enacted in order to comply with the following Federal statutes/regulations and to request waivers from these laws/regulations from the Commissioner of Education:

Titles I, II, IV, VI, and Part C of Title VII of the ESEA Act of 1965

The Carl Perkins Vocational and Applied Technology Education Act

The General Education Provisions Act

Parts of Education Department General Administrative Regulations

In requesting such waivers, the Superintendent is to abide by the procedures established by the State Department of Education.

Early Warning System

Each school in the Authority serving students in kindergarten through grade 8 must develop an early warning system in order to identify students who need additional support to improve academic performance and stay engaged in school. The early warning system must include the following early warning indicators:

A. Attendance below ninety percent (90%) regardless of whether the absence is excused or a result of an out-of-school suspension.

B. One (1) or more suspensions whether in school or out of school.

C. Course failure in English Language Arts or mathematics during any grading period.

D. A Level 1 score on the Statewide standardized assessments in English Language Arts or mathematics.

E. For students in kindergarten through grade 3, a substantial deficiency in reading under F.S. 1008.25 and F.A.C. 6A-6.053 or, for students in kindergarten through grade 4, a substantial deficiency in mathematics under F.S. 1008.25.

F. STAR Enterprise/Early Learning Progression Reports.

A school-based team responsible for implementing the requirements of this paragraph shall monitor the data from the early warning system. The team may include a school psychologist. When a student exhibits two (2) or more early warning indicators, the team, in consultation with the student's parent, shall determine appropriate intervention strategies for the student unless the student is already being served by an intervention program at the direction of a school-based, multidisciplinary team. Data and information relating to a student's early warning indicators must be used to inform any intervention strategies provided to the student.

Revised 5/7/24
Revised 9/17/24

Revised 5/13/25

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F.S. 1001.42
F.S. 1001.452
F.S. 1003.02
F.S. 1008.345
F.S. 1012.98
F.A.C. 6A-6.053, District Comprehensive Evidence-Based Reading Plan
F.A.C. 6A-6.0533, Determining a Substantial Math Deficiency

PROGRAM

po2125

SCHOOL ADVISORY COUNCILS FOR SCHOOL IMPROVEMENT AND ACCOUNTABILITY

ADOPTED May 13, 2025 · REVISED Apr 14, 2026

2125 - **SCHOOL ADVISORY COUNCILS FOR SCHOOL IMPROVEMENT AND ACCOUNTABILITY**

A school advisory council shall be established at each school in the CCCCSA and include in its name the words "school advisory council". Each school advisory council shall be the sole body responsible for final decision-making at the school relating to the implementation of applicable provisions of F.S. 1001.42 and 1008.345.

Each advisory council shall perform functions prescribed by the CCCCSA; however, no advisory council shall have any of the powers and duties now reserved by law to the Board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan (when necessary) and, with technical assistance from the Florida Department of Education (FLDOE), shall assist in the preparation of the school's and School recognition plan.

Council members may attend meetings in person or through the use of telecommunication networks such as telephonic and video conferencing.

Composition and Membership

The composition and membership of each school advisory council shall meet the following requirements:

A. be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school;

B. career center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students;

C. a majority of members of each council must not be employed by the District;

D. council members representing teachers, education support employees, students and parents shall be elected by their respective peer groups at the school in a fair and equitable manner;

E. business and other community members shall be selected by the school according to the written procedures for the school advisory councils for school improvement and accountability. Such procedures must include means of ensuring wide notice of vacancies and of taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large.

A simple majority is defined as fifty-one percent (51%) of the membership or one-half (1/2) of the number of members plus one (1). The number of parent representatives shall at least be equal to the number of teacher representatives.

School advisory councils for school improvement and accountability will comply with procedures set forth in Florida statutes and State Board of Education rules.

Election of Members

Written procedures for advisory councils shall include the following procedures for elections:

A. Advance notice of election with a specific election date and an opportunity for write-in nominations and ballots for those unable to be present at the election;

B. Ample advance notice will be given for nominations of all interested persons in the following categories before elections are held;

C. Teachers shall be elected by teachers;

D. Education support employees shall be elected by education support employees;

E. Students shall be elected by students; and

F. Parents shall be elected by parents.

Bylaws

Each school advisory council shall adopt bylaws establishing procedures for:

A. requiring a quorum to be present before a vote may be taken by the school advisory council;

A majority of the membership of the council constitutes a quorum.

B. requiring at least three (3) days' advance notice in writing to all members of the advisory council of any matter that is schedule to come before the council for a vote;

C. scheduling meetings when parents, students, teachers, business persons, and members of the community can attend;

D. replacing any member who has two (2) unexcused consecutive absences from a school advisory council meeting that is noticed according to the procedures in the bylaws; and,

E. recording minutes of meetings.

The Board may review all proposed bylaws of a school advisory council and shall maintain a record of minutes of council meetings.

School Improvement Plans

A. School Improvement Plans Approval Process (High performing charter schools are not required to submit school improvement plans to the District)

1. School improvement plans are submitted to The School Board of Lee County for approval. Any district review or revision of the school improvement plan in preparation for presentation to the Board must be done with the collaboration and approval of the school advisory council.

2. The School Board of Lee County approves or declines to approve each plan. If all plans are approved, The School Board of Lee County's Superintendent and Board Chairman certify to the Commissioner of Education that the plans have been approved for the coming year together with any necessary report that a school has not made adequate progress. The plans themselves are not submitted to the Commissioner.

3. If a Board declines to approve a plan, in returning the plan to the school advisory council for revision it must state: (a) the elements within the plan is found to be problematic, and (b) recommendations for change which would enable the plan to be approved. The school advisory council is to then take the comments of the Board and consider revising and resubmitting the plan based upon the Board feedback. The Board then approves or disapproves any revision.

4. If the school advisory council determines that The School Board of Lee County's suggested changes are not consistent with their goals and/or does not desire to modify the plan, then the council and Board are asked to mutually agree to use a dispute resolution process. The Board is strongly

encouraged to involve representatives of all the stakeholders in developing such a dispute resolution rule and to offer the broadest range of options.

5. The dispute resolution process is implemented in an effort to resolve the conflict. If the conflict is not resolved, then formal notice is given by the Board to the Department of Education that additional assistance will be required. The school advisory council may also notify the Department of Education.

B. Conflict/Dispute Resolution Process

Should the Board decide not to approve a plan, in returning the plan to the school advisory council, the Board shall state the elements within the plan found to be problematic and recommend changes. The school advisory council shall consider revising and resubmitting the plan based upon the Board's feedback. The Board shall approve or disapprove the school improvement plan. A plan that still does not receive Board approval shall be reviewed by a mediation committee.

1. The mediation committee shall be composed of the school principal, the advisory council chairperson or designated school advisory council member, Board Chairman or designated Board member, the Superintendent or designee, and a facilitator to be mutually agreed upon by the committee members.

2. The mediation committee shall work with the school advisory council to reach a resolution.

3. Upon resolution, the school advisory council shall submit the revised school improvement plan to the Board for approval in accordance with State mandated deadlines.

4. Should the Board not approve the school improvement plan after exhausting this process, the Department of Education shall be notified of the need for assistance. The school advisory council may also notify the FLDOE.

Florida's Sunshine Law

Pursuant to F.S. Chapter 286, advisory council meetings shall be publicly noticed and conducted in public are required under Bylaw 0165 - *Meetings*.

Revised 4/14/26

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Legal
F.S. 1001.42
F.S. 1001.452

PROGRAM

po2210

CURRICULUM DEVELOPMENT

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

2210 - **CURRICULUM DEVELOPMENT**

The Governing Board recognizes its responsibility for the quality of the educational program of the schools. As the educational leader of the Authority, the Superintendent shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study. The appropriate personnel, materials, and supplies for curriculum exploration, development, and implementation shall be coordinated by the Superintendent. Necessary funds shall be budgeted for accomplishing these tasks.

For purposes of this policy and consistent communication throughout the Authority, the curriculum shall be defined as:

A. the courses of study, subjects, classes, and organized activities provided by the school;

B. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group;

C. learning activities approved by the Board for individuals or groups of students and expressed in terms of specific instructional objectives or class periods;

D. the plan for learning necessary to accomplish the educational goals of the Authority.

The Board directs that the curriculum of this District:

A. provides instruction in courses required by statute and State Department of Education regulations;

B. be consistent with the Authority's philosophy and goals and ensure the possibility of their achievement;

C. allows for the development of individual talents and interests as well as recognize that the learning styles of students may differ;

D. provides for continuous and cumulative learning through effective articulation at all levels;

E. utilizes a variety of learning resources to accomplish the educational goals;

F. encourages students to utilize guidance and counseling services in their academic and career planning.

The Superintendent shall make progress reports to the Board periodically.

System of Comprehensive Reading Instruction

The Authority will implement a system of comprehensive reading instruction for students enrolled in prekindergarten through grade 12 and certain students who exhibit a substantial deficiency in early literacy. Annually, the Superintendent will develop and submit to the Board for approval a detailed reading instruction plan that outlines the components of the Authority's comprehensive system of reading instruction. The plan will also describe how the Authority prioritizes the assignment of highly effective teachers, as identified in F.S. 1012.34, to kindergarten through grade 2 and how reading coaches are assigned to individual schools. These two (2) provisions shall be approved by the Just Read, Florida Office. Once approved, the reading instruction plan will be submitted to the Florida Department of Education.

Innovative Programs

The Superintendent may conduct such innovative programs as are deemed to be necessary to the continuing growth of the instructional program and to better ensure the accomplishment of the Authority's educational goals.

The Superintendent shall report each such innovative program to the Board along with its objectives, evaluative criteria, and costs. See Policy 2250, *Innovative Programs*.

The Board encourages, where it is feasible and in the best interest of the Authority, participation in programs of educational research.

The Board encourages the Superintendent to consider State or Federally developed programs for meeting local needs. This may also include consideration of outstanding programs from other districts in the State. The Board directs the Superintendent to pursue actively State and Federal aid in support of the Authority's innovative activities.

The Superintendent shall report each such innovative program to the Board along with its objectives, evaluative criteria, and costs.

Revised 11/18/22
Revised 5/7/24

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Legal

F.S. 1001.215
F.S. 1001.41
F.S. 1001.42
F.S. 1001.51
F.S. 1008.22
F.S. 1008.34
F.S. 1011.62
Chapter I of Education Consolidation and Improvement Act of 1981
P.L. 97-35

PROGRAM

po2215

PROGRAM OF INSTRUCTION

ADOPTED Mar 9, 2021 · REVISED Mar 10, 2026

2215 - **PROGRAM OF INSTRUCTION**

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

Development of Program of Instruction

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

A. Elementary School

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

B. Middle School

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

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

C. Senior High School

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

D. Instruction in Sexual Orientation/Gender Identity

Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 8 except when required by F.S. 1003.42 and F.S. 1003.46. If such instruction is provided in grades 9 through 12, the instruction must be age-appropriate or developmentally appropriate for students, in accordance with State standards.

Required Instruction

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

A. The history and content of the Declaration of Independence, including national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and inalienable rights of life, liberty, and property, and how they form the philosophical foundation of our government.

B. The history, meaning, significance, and effect of the provisions of the Constitution of the United States and amendments thereto, with emphasis on each of the ten (10) amendments that make up the Bill of Rights and how the Constitution provides the structure of our government.

C. The arguments in support of adopting our republican form of government as they are embodied in the most important of the Federalist Papers.

D. Flag education, including proper flag display and flag salute.

E. The elements of civil government, including the primary functions of and interrelationships between the Federal government, the State, and its counties, municipalities, school districts, and special districts.

F. The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present. American history shall be viewed as factual, not as constructed, shall be viewed as knowable, teachable, and testable, and shall be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence.

G. The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions, including the policy, definition, and historical and current examples of anti-Semitism, as described in F.S. 1000.05(8), and the prevention of anti-Semitism.

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

H. The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the history and contributions of Americans of the African diaspora to society. Instructional materials shall include the contributions of African Americans to American society. Students shall develop an understanding of the ramifications of prejudice, racism, and stereotyping on individual freedoms, and examine what it means to be a responsible and respectful person, for the purpose of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions. Instruction shall include the roles and contributions of individuals from all walks of life and their endeavors to learn and thrive throughout history as artists, scientists, educators, business people, influential thinkers, members of the faith community, and political and governmental leaders and the courageous steps they took to fulfill the promise of democracy and unite the nation. Instructional materials shall include the vital contributions of African Americans to build and strengthen American society and celebrate the inspirational stories of African Americans who prospered, even in the most difficult circumstances. Instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, how the individual freedoms of persons have been infringed by slavery, racial oppression,

racial segregation, and racial discrimination, as well as topics relating to the enactment and enforcement of laws resulting in racial oppression, racial segregation, and racial discrimination and how recognition of these freedoms has overturned these unjust laws. However, classroom instruction and curriculum may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the principles enumerated in F.S. 1003.42 or the State academic standards.

I. The history of Asian Americans and Pacific Islanders, including the history of Japanese internment camps and the incarceration of Japanese-Americans during World War II; the immigration, citizenship, civil rights, identity, and culture of Asian Americans and Pacific Islanders; and the contributions of Asian Americans and Pacific Islanders to American society. Instructional materials shall include the contributions of Asian Americans and Pacific Islanders to American society.

J. The elementary principles of agriculture.

K. The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.

L. Kindness to animals.

M. The history of the State.

N. The conservation of natural resources.

O. Comprehensive age-appropriate and developmentally appropriate K-12 instruction on:

1. health education that addresses concepts of community health, consumer health, environmental health, and family life, including:

a. injury prevention and safety;

b. Internet safety;

c. nutrition;

d. personal health;

e. prevention and control of disease;

f. substance use and abuse; and

g. prevention of child sexual abuse, exploitation, and human trafficking.

2. For students in grades 7 through 12, teen dating violence and abuse. This component must include, but not be limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

3. For students in grades 6 through 12, awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy.

4. Life skills that build confidence, support mental and emotional health, and enable students to overcome challenges, including:

    a. self-awareness and self-management;

    b. responsible decision-making;

    c. resiliency;

    d. relationship skills and conflict resolution;

    e. understanding and respecting other viewpoints and backgrounds; and

    f. for grades 9 through 12, developing leadership skills, interpersonal skills, organizational skills, and research skills; creating a resume, including a digital resume; exploring career pathways; using State career planning resources; developing and practicing the skills necessary for employment interviews; workplace ethics and workplace law; managing stress and expectations; and self-motivation.

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

    The health education curriculum will include basic training in first aid, including cardiopulmonary resuscitation (CPR), once in middle school in a physical education or health class and once in high school in a physical education or health class. Instruction in the use of cardiopulmonary resuscitation must allow students to practice the psychomotor skills associated with performing cardiopulmonary

resuscitation and include the use of an automated external defibrillator (AED).

See also Board Policy 2280 and Policy 2417.

P. Personal financial literacy and money management.

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

Q. Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the Board in fulfilling the requirements of law.

R. The study of Hispanic contributions to the United States.

S. The study of women contributions to the United States.

T. The nature and importance of free enterprise to the United States economy.

U. Civic and character education on the qualities and responsibilities of patriotism and citizenship, including kindness, respect for authority, life, liberty, personal property, honesty, charity, racial, ethnic, and religious tolerance and cooperation. Additionally, for grades 11 and 12, the education shall include the topic of voting using the uniform primary and general election ballot described in F.S. 101.151. An integrated civic education curricula shall meet the requirements of F.S. 1003.44(6)(a).

V. In order to encourage patriotism, the sacrifices that veterans and Medal of Honor recipients have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Medal of Honor Day, Veterans' Day, and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans and Medal of Honor recipients when practicable.

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

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

1. The history of communism in the United States and domestic communist movements, including their histories and tactics.

2. Atrocities committed in foreign countries under the guidance of communism.

3. Comparative discussion of political ideologies, such as communism and totalitarianism, which conflict with the principles of freedom and democracy essential to the founding principles of the United States.

4. The increasing threat of communism in the United States and to our allies through the 20th century, including the events of the Cultural Revolution in the People's Republic of China and other mass killings from communist regimes.

5. The economic, industrial, and political events that have preceded and anticipated communist revolutions.

6. The communist policies of Cuba and the spread of communist ideologies throughout Latin America, including the roots of the Communist Party of Cuba and guerrilla forces throughout Latin America.

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

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

Resiliency Education Required Instruction

Civic and character education (see F.A.C. Rule 6A-1.094124), and life skills education that builds confidence and supports mental health, are combined to develop and prepare more

resilient students. The Authority will provide annually a minimum of five (5) hours of data-driven instruction to students in grades 6-12 related to civic and character education and life skills education through resiliency education. Using the health education standards adopted in F.A.C. Rule 6A-1.09401, the instruction will advance each year through developmentally appropriate instruction and skill building and will address, at a minimum, the following topics:

A. Strategies specific to demonstrating resiliency through adversity, including the benefits of service to the community through volunteerism.

B. Strategies to develop health characteristics that reinforce positive core values and foster resiliency, such as:

    1. empathy, perseverance, grit, gratitude, and responsibility;

    2. critical thinking, problem solving, and responsible decision-making;

    3. self-awareness and self-management;

    4. mentorship and citizenship; and

    5. honesty.

C. Recognition of signs and symptoms of mental health concerns.

D. Promotion of resiliency to empower youth to persevere and reverse the harmful stigma of mental health by reframing the approach from mental health education to resiliency education.

E. Strategies to support a peer, friends, or family member through adversity.

F. Prevention of suicide.

G. Prevention of the abuse of and addiction to alcohol, nicotine, and drugs.

H. Awareness of local school and community resources and the process for accessing assistance.

Instruction in Operation of Motor Vehicles

See Board Policy 2432.

Computer Science and Technology Instruction

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

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

Exemptions from Certain Instruction

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

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Revised 11/18/22
Revised 8/15/23
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Revised 9/16/25
Revised 3/10/26

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Legal
F.S. 1001.51
F.S. 1003.42
F.S. 1003.4205
F.S. 1003.44
F.S. 1003.453
F.S. 1003.48
F.S. 1007.2616
F.A.C. 6A-1.094124

PROGRAM

po2240

CONTROVERSIAL ISSUES

ADOPTED Apr 12, 2016

2240 - **CONTROVERSIAL ISSUES**

The Governing Board believes that the consideration of controversial issues has a legitimate place in the instructional program of the schools.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion or likely to arouse both support and opposition in the community.

The Board will permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

A. is related to the instructional goals of the course of study and level of maturity of the students;

B. does not tend to indoctrinate or persuade students to a particular point of view;

C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction and it is not substantially disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the principal.

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either the content or activities conflicts with his/her religious beliefs or value system, the school will consider a written request for his/her child to be excused from a particular class for

specified reasons. The student, however, will not be excused from participating in the course and will be provided alternate learning activities during times of such parent requested absences.

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PROGRAM

po2260

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

2260 - **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

I. **General Statement**

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship, and/or personal sense of self-worth. As such, the Governing Board will not discriminate nor tolerate harassment in its educational programs or activities on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation or gender identity), disability (including HIV, AIDS, or sickle cell trait), marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (collectively, "protected classes").

The Board also does not discriminate on the basis of protected classes in its employment policies and practices as they relate to students.

Equal educational opportunities shall be available to all students, without regard to the protected classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the CCCSA, or social or economic background, to learn through the curriculum offered in this CCCSA. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the superintendent shall:

A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based upon the protected classes; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc., toward the development of human society.

B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the protected classes in all aspects of the program;

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of the protected classes in any duty, work, play, classroom or school practice, except as may be permitted under State and Federal laws and regulations.

2. verify that facilities are made available for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group that is officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society, pursuant to Board policy 7510 - *Use of CCCSA Facilities*;

In accordance with Florida statute, the Board may establish and maintain a single-gender nonvocational class, extra-curricular activity or school for elementary, middle, or high school students.

D. CCCSA Support

verify that like aspects of the CCCSA's program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Assessment

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the protected classes.

II. **Definitions**

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

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

complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

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

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

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

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

III. CCCSA Compliance Officer

A. Compliance Officers

The Board designates the following individuals to serve as the Authority's "Compliance Officers" (also known as "Civil Rights Coordinators"); (hereinafter referred to as the "COs").

The COs shall also serve as the Authority's ADA Coordinator and Title IX Coordinator.

Kristie Belesiotis
Human Resources Manager
239-424-6100 X7456
3519 Oasis Blvd.
Cape Coral, Florida 33914
OasisHR@capecoral.gov

B. ADA Coordinator and Title IX Coordinator

The Board designates the following individuals to serve as the ADA Coordinator and Title IX Coordinator.

Kristie Belesiotis
Human Resources Manager
239-424-6100 x 7456
3519 Oasis Blvd.
Cape Coral, Florida 33914
OasisHR@capecoral.gov

C. Title IX Coordinator

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

Kristie Belesiotis
Human Resources Manager
239-424-6100 x7456
3519 Oasis Blvd.
Cape Coral, Florida 33914
OasisHR@capecoral.gov

D. Publication

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

E. Duties and Responsibilities

The CO(s), ADA Coordinator(s), and Title IX Coordinator(s) are responsible for coordinating the CCCSA's efforts to comply with applicable Federal and State laws and regulations, including the CCCSA's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination Act of 1975, the Florida Civil Rights Act of 1992, the Florida Educational Equity Act, and/or their implementing regulations are provided to students, their parents, staff members, and the general public. A copy of each of the acts and regulations on which this notice is based may be found in the CO's office.

F. Students with Disabilities, Limited English Proficiency, or Other Needing Additional Services

The Superintendent shall annually attempt to identify children with

disabilities, ages 3-22, who reside in the CCCSA community but do not receive public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in CCCSA programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit procedures and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the CCCSA will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing, on an annual basis (see AP 2260F). The Superintendent is responsible for verifying that a concentration of students who are Limited English Proficient (LEP) in one or more programs is not the result of discrimination.

The Board is committed to educating (or providing for the education of) each qualified person with a disability with persons who are not disabled to the maximum extent appropriate. Generally, the CCCSA will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

IV. **Reports and Complaints of Unlawful Discrimination and Retaliation**

Students and Board employees are required, and all other members of the CCCSA community and Third Parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other CCCSA official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other CCCSA employee or official who receives such a complaint shall file it with the CO within two (2) days.

Members of the CCCSA community, which includes students or Third Parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 – *Bullying and Harassment*, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a protected class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

The CO(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. CO shall accept reports of unlawful discrimination/retaliation directly from any member of the CCCSA community, Third Party, or receive reports that are initially filed with another Board employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the CCCSA community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the CO within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact Complainant, if age eighteen (18) or older, or the Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise s/he/them of the Board's intent to investigate the alleged wrongdoing.

Nothing contained in this policy is intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

V. **Investigation and Complaint Procedure**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - *Nondiscrimination on the Basis of Sex in Education Programs or Activities*, any student who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

A. Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful discrimination/retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated and may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a CCCSA employee or any other adult member of the CCCSA community against a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The CO is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to

directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other CCCSA-level employee; and/or (3) directly to the CO.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The CCCSA's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the Complainant's wishes informal resolution may involve, but not be limited to, one (1) or more of the following:

1. Advising the Complainant about how to communicate concerns to the Respondent.

2. Distributing a copy of Policy 2260 – *Nondiscrimination and Access to Equal Educational Opportunity* to the individuals in the school building or office where the Respondent works or attends.

3. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the CO in accordance with the Board's records retention policy and/or student records policy. (See Policy 8310 and Policy 8330)

B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, or other CCCSA official employee at the student's school, the CO, Superintendent, or another CCCSA official employee who works at another school or at the CCCSA level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs. If a complainant informs a teacher, Principal, or other CCCSA official employee at the student's school, Superintendent, or other CCCSA employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the complainant.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the complainant has been subjected to unlawful discrimination/retaliation. A Principal will not conduct an investigation unless directed to do so by the Superintendent.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - *Nondiscrimination and Access to Equal Educational Opportunity*. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

1. interviews with the complainant;

2. interviews with the respondent;

3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

4. consideration of any documentation or other information presented by the complainant, respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful discrimination/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a written l decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The decision of the Superintendent shall be final.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

VI. **Privacy/Confidentiality**

The CCCSA will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information is learned or provided during the course of the investigation.

All records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under

Florida's student records law will be maintained in a manner consistent with the provisions of the Federal and State law.

VII. Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against a member of the CCCSA community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

VIII. Retaliation

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

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

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

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

IX. **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the CCCSA community related to the implementation of this policy and shall provide training for CCCSA students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content-appropriate.

X. **Retention of Investigatory Records and Materials**

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

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by Authority personnel;

D. any written documentation of actions taken by CCCSA personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Authority's response to the alleged violation of this policy;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. written documentation of any interim measures offered and/or provided to complainants, including no-contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt;

N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

O. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no-contact orders issued to both parties, the dates the no-contact orders were issued, and the dates the parties acknowledged receipt of the no-contact orders;

P. copies of the Board policy and/or procedures/guidelines used by the Authority to conduct the investigation, and any documents used by the Authority at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

Q. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment, or retaliation;

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

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

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

Revised 8/14/18
Revised 10/8/19
Revised 3/9/21

Revised 6/8/21
Revised 6/14/22
Technical Correction 11/12/24
Revised 9/16/25
Revised 4/14/26

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Legal
F.S. 553.501 et seq., Florida Americans with Disabilities Accessibility Implementation Act
F.S. 760.021
F.S. 760.08
F.S. 1000.05, Florida Educational Equity Act
F.S. 1002.311
F.A.C. 6A-19.001
Fourteenth Amendment, U.S. Constitution
20 U.S.C. Section 1681, Title IX of Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended
42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
34 C.F.R. Part 110 (7/27/93)
29 C.F.R. Part 1635
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979
Title III of the No Child Left Behind Act of 2001

PROGRAM

po2260.01

SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

2260.01 - **SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Governing Board does not discriminate in admission or access to, or participation in, or treatment in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities will make and the Board will make its facilities, programs, and activities accessible to qualified individuals with disabilities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the Authority.

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

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

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

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen

therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary, and secondary educational services, a qualified person with a disability means a disabled person:

A. who is of an age during which nondisabled persons are provided educational services;

B. is of any age during which it is mandatory under Florida law to provide educational services to disabled persons; or

C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a person with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. The Board will not deny a student with disabilities access to its vocational education programs or courses due to architectural and/or equipment barriers, or because the student needs related aids or services to receive an appropriate education.

Authority Compliance Officer

The following person is/are designated as the Authority Compliance Officer ("Compliance Officer") for receiving complaints pertaining to Section 504 and/or the ADA:

Kristie Belesiotis
Human Resource Manager
239-424-6100 X7456
3519 Oasis Blvd.
Cape Coral, Florida 33914
OasisHR@capecoral.gov

The name(s), title(s), and contact information of this/these individual(s) will be published annually on the Authority's website and/or on each individual school's website.

Building Principals shall serve as Building Section 504/ADA Compliance Officer(s) ("Building Compliance Officers").

The Compliance Officer is responsible for coordinating the Authority's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Compliance Officer.

The Compliance Officer will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), parents and students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Section 504. In addition, students and their parents will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation, or educational placement of persons with disabilities, and their right to examine relevant education records.

Internal complaints and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for due process hearing must be filed with an Authority Compliance Officer within specified time limits. The Authority's Compliance Officer is available to assist individuals in filing a complaint or request.

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

Internal Complaint Procedures

An internal complaint may be filed by a student and/or parent. A student and/or parent may initiate the internal complaint procedure when s/he/they believe that a violation, misapplication, or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as disabled or believed to be disabled pursuant to Section 504, and are not

eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights or requesting a due process hearing.

Step 1

Investigation by the Building Compliance Officer: A student or parent may initiate an investigation by filing a written internal complaint with the Building Compliance Officer. The complaint should fully describe the circumstances giving rise to the dispute and how the child is adversely affected. The complaint must be filed as soon as possible, but not longer than thirty (30) calendar days after disclosure of the facts giving rise to the complaint. The Building Compliance Officer shall conduct an impartial investigation of the complaint. As part of the investigation, the Building Compliance Officer shall permit the complainant to present witnesses and other evidence in support of the complaint. The investigation shall be completed within fifteen (15) school days of the written complaint being filed. The Building Compliance Officer will notify the complainant in writing of the outcome of the investigation.

Step 2

Appeal to the Authority Compliance Officer: If the complaint is not resolved satisfactorily at Step 1, the student or parent may appeal the Building Compliance Officer's decision in writing to the Authority Compliance Officer. The appeal must be made within five (5) school days following receipt of the Building Compliance Officer's decision. The Authority Compliance Officer will review the case, may conduct an informal hearing, and will notify all parties in writing of their decision within ten (10) school days of receiving the appeal.

Step 3

If the complaint is not resolved satisfactorily at Step 2, the student or parent may request a due process hearing, provided the complaint involves an issue related to the identification, evaluation, or placement of the student.

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

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

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

Florida Commission on Human Relations, or the Equal Employment Opportunity Commission ("EEOC").

Appealing to OCR/Florida Commission on Human Relations/EEOC

If the complainant is not satisfied with the Superintendent's decision, the complainant will have an additional sixty (60) days to appeal the decision to the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

Retaliation

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

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

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

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

Training

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

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

Facilities

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

For facilities constructed or altered after June 3, 1977, the Authority will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Authority is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who have a physical or mental impairment that substantially limits one or more major life activities within the definition of Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one (1) or more major life activities, the Board will provide the student with a free appropriate public education. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEIA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/Guardians/Custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan.

The quality of education services provided to students with disabilities will be equal to the quality of services provided to students without disabilities.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the Authority with persons who are not disabled to the maximum extent appropriate.

Generally, the Authority will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Authority places a person in a setting other than the regular educational

environment, it shall take into account the proximity of the alternate setting to the person's home. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

Non-academic Extra-Curricular Services

The Authority will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups, or clubs sponsored by the Authority, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the Authority will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

Notice

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

Revised 6/8/21
Technical Correction 11/12/24

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Legal
34 C.F.R. Part 104
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

PROGRAM

po2266

NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES

ADOPTED Jun 8, 2021 · REVISED Apr 14, 2026

2266 – **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES**

Introduction

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

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

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

Coverage

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

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the CCCSA's education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct

if committed by a student, or by Board policies and administrative procedures, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) if committed by a CCCSA employee.

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

Definitions

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

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

A. A CCCSA employee conditioning the provision of an aid, benefit, or service of the CCCSA on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);

B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person equal access to the CCCSA's education program or activity; or

C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

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

   1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

4. *Criminal Sexual Contact (f.k.a. Fondling)* is the intentional touching of the clothed or unclothed body parts, without consent, of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the victim of the other individual's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

5. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.

6. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.

7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.

8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

1. a current or former spouse or intimate partner of the victim;

2. a person with whom the victim shares a child in common;

3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or

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

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

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

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

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

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

Actual Knowledge: "Actual knowledge" means notice of Sexual Harassment or allegations of Sexual Harassment to the CCCSA's Title IX Coordinator, or any CCCSA official who has authority to institute corrective measures on behalf of CCCSA, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to

report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has the authority to institute corrective measures on behalf of the CCCSA. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only CCCSA official with actual knowledge is the Respondent.

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

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

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

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

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

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

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

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

Title IX Coordinator(s)

CCCSA designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Kristie Belesiotis
HR Manager
239-424-6100 ext. 7456
3519 Oasis Blvd.
Cape Coral, FL 33914
HR@capeschools.net

The Title IX Coordinator shall report directly to the Superintendent except when the Superintendent is a Respondent. In such matters, the Title IX Coordinator shall report directly to CCCSA Attorney. Questions about this policy should be directed to the Title IX Coordinator.

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

> The CCCSA of Lee County, Florida does not discriminate on the basis of sex in its education program or activity, and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The CCCSA's Title IX Coordinator(s) is/are:
>
> Kristie Belesiotis
> HR Manager
> 239-424-6100 ext. 7456
> 3519 Oasis Blvd.
> Cape Coral, FL 33914
> HR@capeschools.net
>
> Any inquiries about the application of Title IX and its implementing regulations to the CCCSA may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

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

The Superintendent shall also prominently display the Title IX Coordinator(s') contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on the CCCSA's website and in each handbook or catalog that CCCSA makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Grievance Process

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

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

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

Report of Sexual Discrimination/Harassment

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

the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s). Anonymous reports may be submitted using the online reporting form posted at https://digitalbell-bucket.s3.amazonaws.com/752E27E6-5056-907D-8D96-68F792F79422.pdf.

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

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

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

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

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

Because CCCSA is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Board employee has such knowledge, and because CCCSA must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. CCCSA employees must also comply with mandatory reporting responsibilities regarding suspected abuse, abandonment, or neglect of a child pursuant to F.S. 39.201 and

Policy 8462 – *Student Abuse, Abandonment, and Neglect*, if applicable. If CCCSA employee's knowledge is based on another individual bringing the information to CCCSA employee's attention and the reporting individual submitted a written complaint to CCCSA employee, CCCSA employee must provide the written complaint to the Title IX Coordinator.

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

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the CCCSA to provide the supportive measures.

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

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

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

Formal Complaint of Sexual Harassment

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

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

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

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

Timeline

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

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

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

A. Notice of CCCSA's grievance process, including any informal resolution processes;

B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time

and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:

1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;

2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.

3. inform the parties of any provision in the Student Code of Conduct this policy, that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

Dismissal of a Formal Complaint

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

A. would not constitute Sexual Harassment (as defined in this policy) even if proved;

B. did not occur in the CCCSA's education program or activity; or

C. did not occur against a person in the United States.

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

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

A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

B. the Respondent is no longer enrolled in the CCCSA or employed by CCCSA; or

C. specific circumstances prevent the CCCSA from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

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

Consolidation of Formal Complaints

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

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

Informal Resolution Process

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

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

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

A. the allegations;

B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising

from the same allegations; and

C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

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

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

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

Investigation of a Formal Complaint of Sexual Harassment

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

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

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

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

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

A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and

B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The CCCSA may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

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

The CCCSA will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings.

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

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

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

Determination of Responsibility

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

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding

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

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

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

The written determination will include the following content:

A. Identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;

B. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

C. Findings of fact supporting the determination;

D. Conclusions regarding the application of the applicable code of conduct to the facts;

E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the CCCSA impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the CCCSA's education program or activity should be provided by the CCCSA to the Complainant(s); and

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

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

A. Informal Discipline

1. changing of seating or location:

2. pre-school, lunchtime, and after-school detention;

3. in-school discipline;

B. Formal Discipline

1. suspension of bus riding/transportation privileges;

2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;

3. emergency removal;

4. suspension for up to ten (10) school days;

5. expulsion not to exceed the remainder of the term or school year and one (1) additional year of attendance;

6. any other sanction authorized by the Student Code of Conduct.

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

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

A. oral or written warning;

B. written reprimands;

C. performance improvement plan;

D. required counseling;

E. required training or education;

F. demotion;

G. suspension without pay;

H. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

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

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

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

A. suspension or termination/cancellation of CCCSA's contract with the third-party vendor or contractor;

B. mandatory monitoring of the third party while on school property and/or while working/interacting with students;

C. restriction/prohibition on the third party's ability to be on school property; and

D. any combination of the same.

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

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

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

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

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

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

Appeal

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

A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);

B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

D. The recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Sexual Harassment).

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

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must

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

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

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

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

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-makers(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

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

Retaliation

Neither CCCSA nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any

manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

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

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

Confidentiality

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

Application of the First Amendment

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

Training

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

A. the definition of Sexual Harassment (as that term is used in this policy);

B. the scope of the CCCSA's education program or activity;

C. how to conduct an investigation and implement the grievance process, appeals and informal resolution processes, as applicable; and

D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

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

Recordkeeping

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

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

A. each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the CCCSA's education program or activity

B. any appeal and the result therefrom

C. any informal resolution and the result therefrom, and

D. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

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

Outside Appointments, Dual Appointments, and Delegations

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

CCCSA also retains discretion to appoint two (2) or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

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

Discretion in Application

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

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

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

Revised 10/12/21
Revised 11/12/24
Revised 4/14/26

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Legal
20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of

2004 (IDEIA)
42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
34 C.F.R. Part 106
Dear Colleague Letter on Sexual Violence (Office for Civil Rights, 2011)
F.S. 1000.05
OCR's Revised Sexual Harassment Guidance (2001)

PROGRAM

po2270

RELIGION IN THE CURRICULUM

ADOPTED Apr 12, 2016 · REVISED Sep 17, 2024

2270 - **RELIGION IN THE CURRICULUM**

Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally.

An understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may include as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Governing Board acknowledges the degree to which a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the Authority schools frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar their use by the Authority. The Board directs that instructional staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the Authority's students, not for its conformity to religious principles. Students should receive unbiased instruction in the schools so they may privately accept or reject the knowledge thus gained, in accordance with their own religious tenets.

Accordingly, no student shall be exempted from attendance in a required course of study on the grounds that the instruction therein interferes with the free exercise of his/her religion.

No classroom teacher shall be prohibited from providing reasonable periods of time for programs of meditation upon a moral, philosophical, or patriotic theme. No student shall be required to participate in such programs or meditations if they are contrary to the religious convictions of the student or his/her parents or guardians.

See also Policy 8800 - *Religious and Other Ceremonies and Observances* and Policy 8805 - *Model Policy on Religious Expression in Public Schools*.

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Legal
F.S. 1003.45
U.S. Consti. Amend. 1

PROGRAM

po2271

ARTICULATION AND ACCESS TO FLORIDA COLLEGE SYSTEM INSTITUTIONS

ADOPTED Mar 9, 2021 · REVISED Sep 16, 2025

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

Postsecondary Enrollment Programs

The Governing Board recognizes the value to students and to the CCCSA 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 courses both in-person and online, and early admission programs.

Students in grades 6 through 12, who meet eligibility criteria established under Florida law and by the State Board of Education may enroll in approved postsecondary programs while in attendance in the CCCSA. Secondary students may also participate in career and career certificate dual enrollment that will enable them to earn industry certification. Students will be eligible to receive secondary credit for completing courses contained in any of these programs. Such credit will count toward graduation requirements. The Authority will pay for the cost of instructional materials for public high school students who are earning credit toward graduation under the dual enrollment program.

For students who are dual enrolled in a postsecondary institution, the Superintendent shall notify the institution within one (1) business day of receiving notification from law enforcement when a student is arrested.

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

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

Postsecondary education institution are responsible for assigning a letter grade for each student's work in their enrolled course. The CCCSA is responsible for posting dual enrollment course grades as assigned by the postsecondary institution to high school

transcripts. The Superintendent shall also establish procedures for the proper entry on a student's transcript and other records of his/her participation in a postsecondary program.

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

Early College Program

The CCCSA follows The School Board of Lee County's articulation agreement between Florida College System institutions and The School Board of Lee County to, develop early college programs, the CCCSA follows The School Board of Lee County's contract with a local Florida College System institution that contains all the requirements set forth in F.S. 1007.273.

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

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

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

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

A. expanded curriculum offerings;

B. opportunities to study in more depth those areas of special interest or need;

C. opportunities to earn college credits while still in high school;

D. opportunities for financial support for taking college courses while still in high school; and,

E. opportunities to experience college-level work and life prior to making final decisions about whether and/or where to attend college.

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

A. increased student responsibility for learning because of less instructional guidance;

B. reduced opportunities to participate in high school co-curricular and extra-curricular activities;

C. increased financial obligations for tuition, books, materials, and fees, if college credit only is sought;

D. potential loss of after-school employment opportunities;

E. possible effect on grade point average and class standing;

F. possible delay of graduation;

G. increased time for travel, study, etc.; and,

H. exposure to mature subject matter and materials, including those of a graphic, explicit, violent, or sexual nature that will not be modified because of the student's participation.

Revised 8/15/23
Revised 5/7/24
Technical Change 9/17/24
Revised 9/16/25

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Legal
F.S. 1007.233
F.S. 1007.27
F.S. 1007.271
F.S. 1007.273
F.S. 1008.44
F.A.C. 6A-10.024, Articulation Between and Among Universities, Florida Colleges and School Districts

PROGRAM

po2280

PHYSICAL EDUCATION

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

2280 - **PHYSICAL EDUCATION**

The Governing Board recognizes the value of physical education to the maintenance of the health and vitality of all students, as well as to the development of life-long habits that will enhance personal fitness and wellness and has available to students one-on-one counseling concerning the benefits of physical education.

Therefore, it shall be the policy of the Board that opportunities for physical education that are consistent with the Florida Early Learning Services Birth to Five standards for physical development shall be available to all students in Pre-Kindergarten.

Students in kindergarten through grade five (5) shall be provided 150 minutes of physical education, as defined in State law, each week. Students in grade six who are enrolled in a school with students in Kindergarten through grade five shall also be provided 150 minutes of physical education as defined in State law each week.

In addition to the requirements for physical education, the Board will provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 so that there are at least twenty (20) consecutive minutes of free-play recess per day.

For students in a middle school, which has enrolled students in grades six through eight, each student is required to complete one (1) class period for one (1) semester per school year of physical education.

Students in grades nine (9) through twelve (12) shall be required to earn a minimum of at least one (1) credit in physical education.

The physical education curriculum in this Authority shall be in accord with standards established by the Department of Education, as well as those recommended by the National Association of Health, Physical Education, and Recreation.

Physical education instruction shall include activities requiring at least a moderate level of physical exertion and duration sufficient to provide a health benefit for the participants. When planning the required activities, the instructor shall consider the different capabilities of the students and adapt the plans accordingly.

Each student's parents shall be notified by The School Board of Lee County's Student Progression Plan of the options available to waive participation in physical education prior to the placement of physical education on a student's schedule. A student must meet one (1) of the following criteria to be available for waiver from the required physical education class:

A. the student is enrolled or required to enroll in a remedial course;

B. the student's parent indicates in writing to the school that:

1. the parent requests that the student enroll in another course from among those courses offered as options by the Authority; or

2. the student is participating in physical activities outside the school day which are equal to or in excess of the mandated requirement.

Provision shall be made at all levels to excuse individual students from specific activities if direction to do so is received, in writing, from the student's physician.

Students may be excused from specific activities if those activities are contrary to their religious beliefs. A request to excuse a student from such activities must be received in writing from the student's parent or from the eligible student.

Additionally, each student's parents will be notified by the Student Progression Plan as follows:

A. A student can fulfill one (1) unit of credit in physical education by participating in interscholastic sports at the junior varsity or varsity level for two (2) full seasons and passing the State developed competency test on physical fitness with a score of "C" or better.

B. Completion of two (2) years of marching band shall satisfy the one (1) credit requirement in physical education or the one (1) credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an Individualized Education Program (IEP) or 504 Plan. Completion of one (1) semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extra curricular activity, or in a dance class shall satisfy one-half (1/2) credit in physical education or one-half (1/2) credit in performing arts.

C. Completion of two (2) years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one (1) credit requirement in physical education and the one (1) credit requirement in performing arts.

D. Taking a marching band class, a physical activity class, or a dance class or by completing two (2) years of JROTC will not be a substitute for the personal fitness or adaptive physical education requirements required by Florida law.

The Superintendent shall annually review the CCCCSA wellness policy and include it as an item on a Board meeting agenda for public input and revision.

Revised 8/14/18
Revised 5/13/25
Revised 3/10/26

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Legal
F.S. 1003.453
F.S. 1003.455
F.S. 1003.4282

PROGRAM

po2312

CLASS SIZE

ADOPTED Apr 12, 2016

2312 - **CLASS SIZE**

The Governing Board requires that class sizes be determined with reference to instructional quality and economy of operation.

A desired range between the minimum and maximum number of students that teachers shall have in their regular classes shall be determined by the Superintendent.

In determining the maximum number of students in a class, consideration shall be given to:

A. subject matter;

B. type of instruction;

C. ability of students;

D. availability and appropriateness of aides;

E. use of special facilities and equipment.

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F.S. 1003.03

PROGRAM

po2330

HOMEWORK

ADOPTED Apr 12, 2016

2330 - **HOMEWORK**

The Governing Board acknowledges the educational validity of out-of-school assignments as adjuncts to and extensions of the instructional program of the schools.

"Homework" shall refer to those assignments to be prepared outside of the school by the student or independently while in attendance at school.

The Superintendent shall develop rules for the assignment of homework according to these procedures:

A. Homework should be a properly planned part of the curriculum, extending and reinforcing the learning experience of the school.

B. Homework should help students learn by providing practice in the mastery of skills, experience in data gathering, and integration of knowledge, and an opportunity to remediate learning problems.

C. Homework should help develop the student's sense of responsibility by providing an opportunity for the exercise of independent work and judgment.

D. As a valid educational tool, homework should be assigned with clear direction and its product carefully evaluated.

E. The schools should recognize the role of parents by suggesting ways in which parents can assist the school in helping a student carry out assigned responsibilities.

F. Homework should always serve a valid learning purpose; it should never be used as a punitive measure.

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F.S. 1001.49

PROGRAM

po2340

FIELD AND OTHER AUTHORITY-SPONSORED TRIPS

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

2340 - **FIELD AND OTHER AUTHORITY-SPONSORED TRIPS**

The Governing Board recognizes that field trips, and other school-sponsored events and activities, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools.

For purposes of this policy, the following definitions shall apply:

A. "School-sponsored events or activities" means an event or activity the school of enrollment created for students to study or participate in while in the custody of the CCCCSA; or field trips, extra-curricular activities, or other supplemental programs and activities.

B. "Field trip" means an outing away from the school of enrollment made by students to study or participate in an activity while in the custody of the CCCCSA.

C. "Extra-curricular activity" means any school-authorized or education-related activity occurring during or outside the regular instructional school day.

D. "Supplemental program" means extra academic assistance, such as tutoring or remedial help, that is provided to students in any subject area, occurring before or after school, on weekends or during the summer, where provided by or through the CCCCSA or on CCCCSA property.

Parent/Guardian Notification and Permission

To fully inform parents and legal guardians of the details of any school-sponsored event or activity, schools must provide parents and/or legal guardians with a permission form that includes, at a minimum, the following information:

A. the nature of the school-sponsored trip or activity;

B. the date(s) and time(s) of the school-sponsored trip or activity;

C. specific location(s)/type(s) of establishment(s) to be visited and type(s) of sponsors/guests at the school-sponsored trip or activity;

D. mode(s) of transportation;

E. method of student supervision provided, such as anticipated number of chaperones; and,

F. for overnight lodging, whether room assignments are not separated by biological sex at birth.

Students must return the signed permission form to participate in the school-sponsored event or activity.

Planning

Properly planned and executed field trips should:

A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;

B. arouse new interests among students;

C. help students relate school experiences to the reality of the world outside of school;

D. bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience;

E. afford students the opportunity to study real things and real processes in their actual environment.

School personnel shall comply with Board Policy 1214, Policy 3214, and Policy 4214 - *Solicitation or Acceptance of Gifts or Unauthorized Compensation* when planning all field trips and other school-sponsored events and activities.

The Superintendent shall approve all proposed field trips and/or consider field trips which are included in curriculum guides to have been approved in advance.

Students may be charged for the cost of transportation to and from educational field trips on school days. Students may be assessed the cost for transportation to and from educational field trips on non-school days.

Students may be charged fees, including, but not limited to, admission fees, for Authority-sponsored trips but no student shall be denied participation for financial inability, nor shall nonparticipation be penalized academically.

Students on all Authority-sponsored trips remain under the supervision of this Board and are subject to the Authority's administrative procedures.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the Authority who takes students on trips not approved by the Board or Superintendent. No staff member may solicit students of this Authority for such trips within the facilities or on the school grounds of the Authority without permission from the Superintendent. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with the Authority's administrative procedures for extended trips.

The Superintendent shall prepare administrative procedures for the operation of both field and other Authority-sponsored trips, including athletic trips, which shall address:

A. the safety and well-being of students;

B. parental permission is sought and obtained before any student leaves the Authority on a trip;

C. each trip is properly planned, and if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities which enhance its usefulness;

D. the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;

E. each trip is properly monitored;

F. student behavior while on all field trips complies with the Student Code of Conduct and on all other trips complies with an approved code of conduct for the trip;

G. a copy of each student's Emergency Medical Authorization Form is in the possession of the staff member in charge;

H. provisions have been made for the administration of medication to those students for whom medications are administered routinely while at school;

I. provisions have been made at the trip destination and in transportation, if and when required to accommodate students and/or chaperones with disabilities;

J. provisions for the selection of lodging (for overnight trips) that provides a safe and secure environment.

An instructional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is

imperiled or where changes or substitutions beyond his/her control have frustrated the purpose of the trip.

In any instance in which the itinerary of a trip is altered, the instructional staff member in charge shall notify the administrative superior immediately.

Revised 5/13/25

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Legal
F.S. 1002.33
F.A.C. 6A-10.085
F.A.C. 6A-10.089

PROGRAM

po2371

HOPE SCHOLARSHIPS

ADOPTED Oct 8, 2019 · REVISED May 7, 2024

2371 - **HOPE SCHOLARSHIPS**

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

Eligibility

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

A. battery;

B. harassment (see Policy 5517.01 - *Bullying and Harassment*);

C. hazing (see Policy 5516 - *Student Hazing*);

D. bullying (see Policy 5517.01 - *Bullying and Harassment*);

E. kidnapping;

F. physical attack;

G. robbery;

H. sexual offenses (including harassment, assault, or battery) (see Policy 2266 - *Nondiscrimination on the Basis of Sex in Education Programs or Activities*);

I. threat or intimidation; or

J. fighting.

Investigation and Parental Notification of Hope Scholarship Program

Upon receipt of a report from a student of any of the incidents set forth herein, the Principal shall provide a copy of the report to the parent of the student and investigate the incident within fifteen (15) days to determine if the incident must be reported to the Florida Department of Education's (FLDOE) Automated Student Information System.

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

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

Parent Notification of Withdrawal to Eligible Private School

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

Statewide Assessments

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

Term of Hope Scholarship

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

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Revised 3/9/21
Revised 5/7/24

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F.S. 1002.40
F.A.C. 6A-6.0951

PROGRAM

po2410

SCHOOL HEALTH SERVICES

ADOPTED Mar 9, 2021 · REVISED Mar 10, 2026

2410 - **SCHOOL HEALTH SERVICES**

School Health Services

The CCCCSA shall cooperate with The School Board of Lee County and the Lee County Health Department to address all school health matters as required by the School Health Services Act (F.S. 381.0056). The School Board of Lee County, including the school health advisory committee, and the Lee County Health Department shall jointly develop a school health services plan approved by The School Board of Lee County and adopted by the CCCCSA (with exceptions).

The "school health services plan" will describe the services to be provided, the responsibility for provision of the services, the anticipated expenditures to provide the services, and evidence of cooperative planning by the CCCCSA and district, including the school health advisory committee, and the Lee County Health Department. Each school health advisory committee must, at a minimum, include members who represent the eight (8) component areas of the Coordinated School Health model as defined by the Centers for Disease Control and Prevention.

The School Board of Lee County's superintendent, in addition to the school health advisory committee, shall develop the school health services plan jointly with the Lee County Health Department and submit it to the Board for approval.

The school health services plan will be completed biennially by The School Board of Lee County and approved and signed by The School Board of Lee County's superintendent, The School Board of Lee County's chairperson, Lee County Health Department medical director or administrator, and the Department of Health's district administrator. The school health services plan shall be reviewed each year for the purpose of updating the plan. Amendments shall be signed by The School Board of Lee County's superintendent and the Lee County Health Department medical director or administrator.

The School Board of Lee County health services plan, adopted by the CCCCSA (with exceptions), is to include, at a minimum, provisions for all of the following:

A. health appraisal;

B. records review;

C. nurse assessment;

D. nutrition assessment;

E. a preventive dental program;

F. vision screening;

G. hearing screening;

H. scoliosis screening at the appropriate age;

I. growth and development screening;

J. health counseling;

K. referral and follow-up of suspected or confirmed health problems by the Lee County Health Department;

L. meeting emergency health needs in each school;

M. county health department personnel to assist school personnel in health education curriculum development;

N. referral of students to appropriate health treatment, in cooperation with the private health community whenever possible;

O. consultation with a student's parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated;

P. maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs; except, however, that provisions in the plan for maintenance of health records of individual students must be in accordance with F.S. 1002.22;

Q. health information which will be provided by the school health nurses, when necessary, regarding the placement of students in exceptional student programs and the reevaluation at periodic intervals of students placed in such programs;

R. notification to the local nonpublic schools of the school health services program and the opportunity for representatives of the local nonpublic schools to participate in the development of the cooperative health services plan;

S. a reasonable attempt to notify a student's parent, guardian, or caregiver if the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463; including and subject to the requirements and exceptions established under F.S. 1002.20 (3) and F.S. 1002.33 (9), as applicable.

Reasonable attempt to notify means the exercise of reasonable diligence and care by the principal to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the principal must take the following actions:

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

2. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.

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

T. budget and staffing information;

U. number and levels of public and nonpublic schools and number of students served;

V. communicable disease policies;

W. immunization policies;

X. initial school entry health examination policy;

Y. health services reporting procedure;

Z. advisory committee activities and membership; and

AA. Authority and county public health unit personnel responsible for coordinating health services.

The school health services plan will describe employing or contracting for all health-related staff and the supervision of all school health services personnel, regardless of funding

source.

Protocols for supervision of school health services personnel shall be described in the school health services plan to assure that such services are provided in accordance with statutory and regulatory requirements and professional standards. These shall be kept on file at The School Board of Lee County and the Lee County Health Department.

Decisions regarding medical protocols or standing orders in the delivery of school health services are the responsibility of the Lee County Health Department medical director in conjunction with the Board, school health advisory committee, the Authority medical consultant, or the student's private physician.

Notice to Parents

At the beginning of the school year, the Authority will notify parents of each healthcare service offered at their student's school and of the option to withhold consent or decline any specific service in accordance with F.S. 1014.06.

COVID-19 Prohibitions

Neither the Board nor any Board agent or employee may:

A. impose a COVID-19 vaccination mandate for students; or

B. prohibit a student from attending school or school-sponsored activities, prohibit a student from being on school property, or subject a student to restrictions or disparate treatment, based on an exposure to COVID-19, so long as the student remains asymptomatic and has not received a positive test for COVID-19.

Anaphylaxis Training and Emergency Action Plans for Kindergarten Through Grade 8 Schools

Each school in the CCCCSA that serves students in kindergarten through grade 8 shall provide training to an adequate number of school personnel and contracted personnel in preventing and responding to allergic reactions, including anaphylaxis. The System-wide RN shall be responsible for determining the number of personnel to be trained at each school site. The training must comply with State Board of Education Rules and include recognizing the signs of an anaphylactic reaction and administering an FDA-approved epinephrine delivery device that has a pre-measured, appropriate weight-based dose.

For each student in kindergarten through grade 8 who has an emergency action plan for anaphylaxis, such plan must be in effect and accessible at all times when the student is on school grounds during the school day or participating in school-sponsored activities. This includes extra-curricular activities, athletics, school dances, and contracted before-school or after-school programs at the student’s school.

Water Safety and Swimming Certification

Beginning with the 2022-2023 school year, each school shall provide information on the important role water safety education courses and swimming lessons play in saving lives to a parent who initially enrolls their child in the school, or the student if the student is eighteen (18) years of age or older. The information will be provided electronically or in hard copy and must include local options for age-appropriate water safety courses and swimming lessons that result in a certificate indicating successful completion, including courses and lessons offered for free or at a reduced price.

Availability of Menstrual Hygiene Products

The Board will make menstrual hygiene products available in each school within the Authority at no charge to students.

The term "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle. Menstrual hygiene products may be located in the school nurse's office, other school facilities used for health services, and in restrooms within each school, including wheelchair accessible restrooms.

Menstrual hygiene products may not display any advertisement, logo, or text except for the brand name and any product information provided by the manufacturer. Associated dispensing mechanisms may not display any advertisement, logo, or text except for the brand name and product information provided by the manufacturer or information necessary to maintain the dispensing mechanism.

If the products or dispensing mechanism is provided, sponsored, or otherwise funded by a person or an organization other than the Authority or the manufacturer, information related to the provider, sponsor, or person or organization making such donation may not be displayed.

Participating schools shall ensure that students are provided appropriate notice as to the availability and location of the menstrual hygiene products.

The Authority may partner with nonprofit organizations, nongovernmental organizations, businesses, and other organizations to assist in supplying and maintaining such menstrual hygiene products.

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Revised 5/7/24
Revised 3/10/26

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F.S. 39.201
F.S. 381.0056
F.S. 394.463
F.S. 349.495(7)
F.S. 1002.22
F.S. 1003.22
F.S. 1003.25
F.S. 1003.453
F.S. 1011.62
F.A.C. 64D-3.011
F.A.C. 64F-6.002

PROGRAM

po2410.01

MENTAL HEALTH SERVICES

ADOPTED May 7, 2024

2410.01 - **MENTAL HEALTH SERVICES**

The Governing Board will implement a school-based mental health assistance program that includes training classroom teachers and other school staff in detecting and responding to mental health issues and connecting children, youth, and families who may experience behavioral issues with appropriate services.

Mental health counseling services, case management services, and human and social services may be provided to students at a school site under mutual agreements with community-based public or private agencies. Each service provided shall be on a case-by-case basis with prior written approval of the student's parent or guardian.

Contracts with Mental Health Service Providers

The Authority may contract for mental health services with a community-based mental health service provider for mental health screening for the identification of mental health concerns. Any such agreement shall provide that students who may be at risk for mental health disorders and are referred to such a provider shall be assessed within fifteen (15) days of referral. Mental health services must be initiated within fifteen (15) days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within thirty (30) days after the school makes a referral.

Parents of a student receiving services under such a contract shall be provided information about other behavioral health services available through the student's school or local community-based behavioral health services providers. A school may meet this requirement by providing information about and Internet addresses for web-based directories or guides for local behavioral health services.

Individuals living in a household with a student receiving services under such a contract shall be provided information about behavioral health services available through other delivery systems or payors for which such individuals may qualify, if such services appear to be needed or enhancements in those individuals' behavioral health would contribute to the improved well-being of the student.

Contact with Mental Health Professionals During a Student Crisis

During a student crisis situation, before initiating an involuntary examination pursuant to F.S. 456.47, school or law enforcement personnel must make a reasonable attempt to contact a mental health professional, unless the child poses an imminent danger to themselves or others. Such contact may be in person or using telehealth as defined in F.S. 456.47. The mental health professional may be available to the Authority either by contract or interagency agreements with the managing entity, one or more local community behavioral health providers, or the local mobile response team, or be a direct or contracted Authority employee.

Involuntary Examinations of Students

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

The Principal shall make a reasonable attempt to notify a parent of a student before the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463.

Reasonable attempt to notify means the exercise of reasonable diligence and care by the Principal to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the Principal must take the following actions:

A. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact including, but not limited to, telephone calls, text messages, e-mails, and voicemail messages following the decision to initiate an involuntary examination of the student.

B. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.

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

The principal may delay notification for no more than twenty-four (24) hours after a student is removed if the principal deems the delay to be in the student's best interest and if (1) a report has been submitted to the central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect; or (2) the principal

reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

The Superintendent is required to annually report through The School Board of Lee County to the Florida Department of Education the number of involuntary examinations, as defined in F.S. 394.455, which are initiated at a school, on school transportation, or at a school-sponsored activity.

Plan for Mental Health Assistance

The Superintendent will develop and submit to the Board for approval a detailed plan outlining the components and planned expenditures of the Authority's mental health assistance program. The plan will be focused on a system of supports to deliver mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. Provision of these services will be coordinated with a student's primary mental health care provider and with other mental health providers. The plan will include the components set forth in F.S. 1006.041(2).

Authority Mental Health Coordinator

The Board shall report through the mental health coordinator for the School District of Lee County to coordinate the Authority's mental health needs to the State of Florida.
The Authority's Social Worker shall serve as the Authority's primary point of contact regarding the Authority's coordination, communication, and implementation of student mental health policies, procedures, responsibilities, and reporting. The Social Worker or designee is responsible for:

A. coordinating with the Office of Safe Schools, established pursuant to F.S. 1001.212;

B. maintaining records and reports regarding student mental health as it relates to school safety and the mental health assistance allocation under F.S. 1011.62(14);

C. facilitating the implementation of Board policies relating to the respective duties and responsibilities of the Authority, the Superintendent, and Authority Principals;

D. coordinating with the School Safety Specialist on the staffing and training of threat assessment teams and facilitating referrals to mental health services, as appropriate, for students and their families;

E. coordinating with the School Safety Specialist on the training and resources for students and staff relating to youth mental health awareness and assistance;

F. reviewing annually the Board's policies and Authority procedures related to student mental health for compliance with Florida law and alignment with current best

practices and making recommendations, as needed, for amending such policies and procedures to the Superintendent and the Board.

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F.S. 39.201
F.S. 349.495(7)
F.S. 394.463
F.S. 1001.42
F.S. 1002.20
F.S. 1002.22
F.S. 1006.041
F.S. 1006.07
F.S. 1011.62

PROGRAM

po2411

GUIDANCE AND COUNSELING

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

2411 - **GUIDANCE AND COUNSELING**

The Governing Board requires that a planned program of guidance and counseling be an integral part of the educational program of the schools and may:

A. assist students in achieving their optimum growth;

B. enable students to obtain maximum benefit from the offerings of the instructional program of the schools;

C. aid students in identifying options and making choices in vocational and academic planning;

D. help integrate all the students' experience so that s/he can better relate school activity to life outside the school;

E. help students learn to make their own decisions and solve problems independently.

A program of guidance and/or counseling shall be offered to all students and shall:

A. be limited to the services of a professional staff of fully-licensed guidance personnel;

B. include the services of professional guidance personnel and other designated faculty and staff members and appropriate members of the community;

C. be the responsibility of the classroom teacher who may draw upon the services of other more specialized staff members as they are required.

The Superintendent is directed to implement the adopted counseling and guidance program that carries out these purposes and:

A. involves appropriate staff members at every level;

B. honors the individuality of each student;

C. is integrated with the total educational program;

D. is coordinated with available resources of the community;

E. provides means for such sharing of information among such appropriate staff members as may be in the best interests of the student;

F. is available equally to all students;

G. establishes a referral system which utilizes all the aid the schools and community offer, guards the privacy of the student, and monitors the effectiveness of such referrals.

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F.S. 1002.33
F.A.C. 6A-5.079

PROGRAM

po2416

STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

2416 - **STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION**

The Governing Board respects the privacy rights of parents and their children. No student shall be required, as a part of the school program or the Authority's curriculum, without prior written consent of the student (if an adult or an emancipated minor) or, if an unemancipated minor, his/her parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

A. political affiliations or beliefs of the student or his/her parents;

B. mental or psychological problems of the student or his/her family;

C. sex 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 and analogous relationships, such as those of lawyers, physicians, and ministers;

G. religious practices, affiliations, or beliefs of the student or his/her parents; or

H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The Superintendent shall establish procedures whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.

Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.

Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3, the Authority will provide the questionnaire or form to the parent and obtain the permission of the parent.

Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student or used in a research or experimentation program in which the student is engaged. The parent will have access to the instructional material within a reasonable period of time after the request is received by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.

The Board will not allow the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The Superintendent is directed to provide notice directly to parents of students enrolled in the Authority of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the Authority, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

Parents have the right to inspect, upon request, any instrument used in the collection of personal information before the instrument is administered or distributed to the student. The parent will have access to the instrument within a reasonable period of time after the request is received by the building principal.

The term "personal information" means individually identifiable information including: a student or parent's first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; and a Social Security identification number.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following: (1) college or other postsecondary education recruitment, or military recruitment; (2) book clubs, magazines, and programs providing access to low-cost literary products; (3) curricular and instructional materials used by elementary and secondary schools; (4) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information

about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments; (5) the sale by students of products or services to raise funds for school-related or education-related activities; and (6) student recognition programs.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

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Legal
F.S. 1001.42
F.S. 1002.22
20 U.S.C. 1232g
20 U.S.C. 1232h
34 C.F.R. Part 98

PROGRAM

po2417

COMPREHENSIVE HEALTH EDUCATION

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

2417 - **COMPREHENSIVE HEALTH EDUCATION**

Pursuant to State law, the Governing Board shall provide an evidence-based, medically accurate, comprehensive instruction on:

A. health education that addresses concepts of community health, consumer health, environmental health, and family life, including:

1. injury prevention and safety;

2. internet safety;

3. nutrition;

4. personal health;

5. prevention and control of disease;

6. substance use and abuse; and

7. prevention of child sexual abuse, exploitation, and human trafficking.

B. life skills that build confidence, support mental and emotional health, and enable students to overcome challenges, including:

1. self-awareness and self-management;

2. responsible decision-making;

3. resiliency;

4. relationship skills and conflict resolution;

5. understanding and respecting other viewpoints and backgrounds;

6. for students in grades 9 through 12, developing leadership skills, interpersonal skills, organizational skills, and research skills; creating a resume, including a digital resume; exploring career pathways; using State career planning resources; developing and practicing the skills necessary for employment interviews; workplace ethics and workplace law; managing stress and expectations; and self-motivation.

C. for students in grades 7 through 12, teen dating violence and abuse. This component will 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.

D. for students in grades 6 through 12, an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy.

E. for students in grades 6 through 12, the social, emotional, and physical effects of social media. This component must include, but need not be limited to, the negative effects of social media on mental health, including addiction; the distribution of misinformation on social media; how social media manipulates behavior; the permanency of sharing materials online; how to maintain personal security and identify cyberbullying, predatory behavior, and human trafficking on the Internet; and how to report suspicious behavior encountered on the Internet.

   Additionally, the Authority shall notify parents of students of the availability of the Florida Department of Education's online instructional material.

This instruction shall enable students to master the standards set forth in the State academic standards.

Instruction will include basic training in first aid, including of cardiopulmonary resuscitation (CPR), once in middle school in a physical education or health class and once in high school in a physical education or health class. Instruction in the use of cardiopulmonary resuscitation must allow students to practice the psychomotor skills associated with performing cardiopulmonary resuscitation and include the use of an automated external defibrillator (AED).

Health education materials shall, at all times, reflect current theory, knowledge, and practice, and shall be evidence-based and proven effective. The curriculum materials shall be available for review at each school site.

The health education and life skills instruction and materials may not contradict the principles enumerated in F.S. 1003.42.

However, classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten, prekindergarten through grade 3-8, except when required by F.S. 1003.42 and F.S. 1003.46. If such instruction is provided in grades 9 through 12, the instruction must be or in other grades in a manner that is not age-appropriate or developmentally appropriate for students in accordance with State standards.

Parent Opt-Out

Any student who parent makes a written request to the school principal shall be permitted to opt-out from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption and shall be given alternative assignments during this time.

Parents shall be notified of their right and the process to request an exemption. The Authority's website homepage includes a link for a student's parent to access and review the instructional materials, as defined in F.S. 1006.29, to teach the curriculum.

The Authority shall annually review and confirm that the information provided on the Authority's website homepage is accurate and up to date and shall notify parents by physical or electronic means any time revisions are made to such information.

Florida Department of Education Approved Materials

The Florida Department of Education shall approve all materials used by the Board to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment, as part of the courses referenced in F.S. 1003.42.

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F.S. 1003.42
F.S. 1003.453
F.S. 1003.46

PROGRAM

po2421

CAREER AND TECHNICAL EDUCATION

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

2421 - **CAREER AND TECHNICAL EDUCATION**

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

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

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

A. job preparatory courses designed to provide students with the competencies necessary for effective entry into an occupation;

B. exploratory courses designed to give students initial exposure to skills and attitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;

C. practical arts courses designed to teach students practical generic skills which, although applicable in some occupations, are not designed to prepare students for entry into an occupation;

D. career education instruction which is designed to strengthen and integrate basic academic skills and career/technical skills and occupational awareness;

E. accelerated career and technical programs such as vocational dual enrollment designed to enable high school students to earn elective credit toward graduation and postsecondary credit toward an A.S. degree or a technical certificate.

Additionally, Oasis High School shall host a career fair during the school year and establish a process to provide students in grades 11 and 12 the opportunity to meet or interview with potential employers during the career fair. The career fair must be held on the campus

of the high school, except that a group of high schools in the System may hold a joint career fair at an alternative location to satisfy this requirement. A joint career fair must be held at a location within reasonable driving distance for students at all participating schools. The career fair must be held during the school day and may use Florida's online career planning and work-based learning system as part of the career fair activities. Alternatively, the Oasis High School may consult with local workforce development boards, advisory committees, and business groups to determine free or cost-effective methods to provide other career and industry networking opportunities during the school day for secondary students, and exposure for elementary and secondary students to a representative variety of industries, business, and careers.

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

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

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

Digital Materials, CAPE Digital Tool Certificates, and CAPE Industry Certifications

The CCCCSA, in consultation with the Superintendent, shall make available digital materials, CAPE Digital Tool certificates, and CAPE industry certifications for students in prekindergarten through grade 12 in order to enable students to attain digital skills. The digital materials, CAPE Digital Tool certificates, and CAPE industry certifications may be integrated into subject area curricula, offered as a separate course, made available through open-access options, or deployed through online or digital computer applications.

The CCCCSA may seek partnerships with other school districts, private businesses, postsecondary institutions, or consultants to offer classes and instruction to teachers and students to assist the CCCCSA in providing digital materials, CAPE Digital Tool certificates, and CAPE industry certifications established pursuant to F.S. 1003.4203.

Career-Themed Courses

The Authority shall offer at least two (2) career-themed courses at the middle and high school levels.

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

Industry Certification in Industry-Certified Career Education Programs

Secondary schools offering career-themed courses and career and professional academies shall enable students in such programs to earn industry certification in an industry that is:

A. within an industry that addresses a critical local or Statewide economic need;

B. linked to an occupation that is included in the workforce system's targeted occupation list; or

C. linked to an occupation that is identified as emerging.

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

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

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

The Authority's career-themed courses should increase student academic achievement and graduation rates through integrated academic and career curriculum. Each middle school career exploration program, middle, and high school career-themed courses leading to industry certification, and high school graduation requirements shall be aligned.

Revised 8/14/18
Revised 3/9/21

Revised 8/15/23
Revised 5/7/24
Revised 11/12/24
Revised 5/13/25
Revised 4/14/26

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Legal
F.S. 445.004
F.S. 445.006
F.S. 446 et seq.
F.S. 450.081
F.S. 1000.05
F.S. 1001.42
F.S. 1003.01
F.S. 1003.41
F.S. 1003.4156
F.S. 1003.4203
F.S. 1003.4282
F.S. 1003.491
F.S. 1003.492
F.S. 1003.493
F.S. 1003.4935
F.S. 1004.096
F.S. 1004.91
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F.A.C. 6A-1.0014
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F.A.C. 6A-6.0200
F.A.C. 6A-6.0576
F.A.C. 6A-10.0244
F.A.C. 6A-10.0381
F.A.C. 6A-20.0284
29 U.S.C. 201
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29 U.S.C. 217
29 U.S.C. 218
29 U.S.C. 218b
29 U.S.C. 218c
29 U.S.C. 219

PROGRAM

po2423

SCHOOL-TO-WORK PROGRAM

ADOPTED Dec 14, 2021 · REVISED Sep 16, 2025

2423 - **SCHOOL-TO-WORK PROGRAM**

Federal School-to-Work Opportunities Act of 1994

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

A. School-based learning which includes career awareness, exploration, and counseling and the integration of academic and vocational learning.

B. Work-based learning which provides students with a planned program of job training and/or various types of work experiences that are coordinated with school-based learning.

C. Connecting activities which are designed to ensure that there is effective correlation and coordination between what students learn in school and what they learn at worksites.

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

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

A. Proposals are submitted to obtain planning and/or implementation funds from the State and other sources, when available and appropriate.

B. Informed parental consent will be obtained for any out-of-Authority activities such as career-awareness trips, job shadowing, work experiences, and the like.

C. All students are being provided with appropriate opportunities to participate in school-to-work activities.

D. Emphasis is being placed throughout the program on the development/reinforcement of a high-quality work ethic by every student.

E. Each learning activity/program will have defined objectives with a clear correlation to career preparation and a means for assessing how well each student is achieving the objectives.

F. All activities/programs will comply with associated Board policies and District procedures as well as applicable Federal/State laws.

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

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

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

Florida Work-Based Learning Opportunities

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

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

A. be developmentally appropriate.

B. identify learning objectives for the term of experience.

C. explore multiple aspects of an industry.

D. develop workplace skills and competencies.

E. assess performance.

F. provide opportunities for work-based reflection.

G. link to next steps in career planning and preparation in a student's chosen career pathway.

H. be provided in an equal and fair manner.

I. be documented and reported in compliance with State and Federal labor laws.

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

Revised 5/7/24
Revised 5/13/25
Revised 9/16/25

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Legal
F.S. 446.021 (1)(2)
F.S. 446.0915
F.S. 446.54
F.A.C. 6A-23.002
F.A.C. 6A-23.0042, Work-Based Learning Standards
F.A.C. 6A-23.010
The Fair Labor Standards Act of 1938 (as amended), 29 U.S.C. 201, et seq.
29 C.F.R. Part 570

PROGRAM

po2430

AUTHORITY-SPONSORED CLUBS AND ACTIVITIES

ADOPTED Apr 12, 2016 · REVISED Dec 14, 2021

2430 - **AUTHORITY-SPONSORED CLUBS AND ACTIVITIES**

The Governing Board believes that the goals and objectives of this Authority are best achieved by a diversity of learning experiences, including those that are not conducted in a regular classroom but are directly related to the curriculum.

The purpose of curricular-related activities shall be to enable students to explore a wider range of individual interests than may be available in the Authority's courses of study but are still directly related to accomplishing the educational outcomes for students as adopted by the Board in Policy 2131.

For purposes of this policy, curricular-related activities are defined as those activities in which:

A. the subject matter is actually taught or will be taught in a regularly offered course;

B. the subject matter concerns the Authority's composite courses of study;

C. participation is required for a particular course.

No curricular-related activity shall be considered to be under the sponsorship of this Board unless it meets one or more of the criteria stated above and has been approved by the Superintendent.

Such activities, along with extra-curricular activities (not directly related to courses of study), may be conducted on or off school premises by clubs, associations, and organizations of students sponsored by the Board and directed by a staff advisor.

The Board expressly declines to create a limited open forum for clubs and activities, initiated by students that cannot meet one (1) of the three (3) criteria stated above.

Noncurricular student activities that are initiated by parents or other members of the community may be allowed under the provisions of Policy 7510 - *Use of Authority Facilities*. The Board, however, will not:

A. assume any responsibility for the planning, conducting, or evaluating of such activities;

B. provide any funds or other resources;

C. allow any member of the Authority's staff to assist in the planning, conducting, or evaluating of such an activity during the hours s/he is functioning as a member of the staff.

No nonAuthority-sponsored organization may use the name of the Authority or any other name that would associate an activity with the Authority.

Individual Authority schools may establish eligibility requirements for any co-curricular, interscholastic, and noninterscholastic extra-curricular activities.

Students identified as disabled under the IDEA are subject to the eligibility standards established by the school unless specifically exempted by the express terms of their individualized education program (IEP). An IEP can specify the criteria by which a grade will be determined for [a] course[s], given the individual student's disability.

Students shall be fully informed of the curricular-related and extra-curricular activities available to them and of the eligibility standards established for participation in these activities. Students will be further informed that participation in these activities is a privilege and not a right, and that they may be prohibited from all or part of their participation in such activities by authorized school personnel without further notice, hearing, and/or appeal rights (See Policy 5610.05 - *Prohibition from Extra-Curricular Activities*). Authority-sponsored activities shall be available to all students who elect to participate and who meet eligibility standards.

Parents will be informed about the nature and purpose of the curricular and extra-curricular clubs and activities in their child's school through the school's website.

The Superintendent shall prepare administrative procedures to implement a program of curricular-related clubs and activities and of extra-curricular activities. Such procedures should ensure that the needs and interests of the students are properly assessed and procedures are established for continuing evaluation of each club and activity.

Revised 12/14/21

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Legal
F.S. 1006.15
F.S. 1006.195
F.S. 1014.05

PROGRAM

po2431

INTERSCHOLASTIC ATHLETICS

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

2431 - **INTERSCHOLASTIC ATHLETICS**

The Governing Board recognizes the value of interscholastic athletics and the positive impact sports have on students. A program of interscholastic athletics for students is an integral part of the total school experience and benefits the community as a whole. The program should foster the growth of school loyalty within the student body as a whole and stimulate community interest in athletics. Participation in the Authority's interscholastic athletics programs by a student is a privilege, not a right.

The program of interscholastic athletics shall include all activities relating to competitive sport contests, games, events, or sport exhibitions involving individual students or teams of students from high schools in this Authority with those from a high school in another district.

Competition involving middle schools (grades 6-8) shall be in accordance with Florida High School Athletic Association's (FHSAA's) bylaws.

An interscholastic contest is any competition between organized teams or individuals of different schools in a sport recognized by the FHSAA, and therefore shall be subject to all regulations pertaining to such contests. The interscholastic athletics 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 coaches and advisors.

Appropriate adult supervision consistent with Florida law shall be provided to all students. All athletic coaches and sponsors of extra-curricular activities involving outdoor practices or events shall complete annual training in exertional heat stroke (EHS) identification, prevention, and response, including effective administration of cooling zones.

Eligibility and Regulation

All middle schools and high schools shall be members of the FHSAA and governed by its rules and regulations. All Authority students (including transfer students) shall satisfy the eligibility requirements established by the FHSAA, Florida law, Board Policy 2431.01, and Policy 5610.05.

Students enrolled in a private school l, charter school, including full-time virtual charter schools. Florida Virtual School (FLVS), home education students enrolled in a full-time virtual instruction program under F.S. 1002.45, or educated at home, are permitted to participate in an Authority interscholastic or intrascholastic sport and must fulfill the same academic and nonacademic requirements as any other participant.

A student who participates in an interscholastic or intrascholastic activity at an Authority public school and who transfers from that school during the school year must be allowed to continue to participate in the activity at that school for the remainder of the school year if:

A. during the period of participation in the activity, the student continues to meet the requirements specified in F.S. 1006.15.

B. the student continues to meet the same standards of acceptance, behavior, and performance which are required of other students participating in the activity, except for enrollment requirements at the school at which the student participates.

C. the parents of the student participating in the activity provide for the transportation of the student to and from the school at which the student participates. The school the student attends, the school at which the student participates in the activity, and the Board are exempt from civil liability arising from any injury that occurs to the student during such transportation.

The Principal of each Authority school shall be responsible for determining each participant's eligibility pursuant to State law, the rules of this Board, and the bylaws of the FHSAA. Any school that allows an ineligible student to participate shall be subject to the penalties set forth in Florida law and the bylaws of the FHSAA. (see also Policy 2431.01)

The interscholastic athletics program requires as follows:

A. Prior to enrolling in the sport, each participant shall submit to a thorough physical examination by a physician; and parents shall report any past or current health problems along with a physician's statement that any such problems have or are being treated and pose no threat to the student's participation. Physicals must be dated June 1st or later of the current school year and beginning in the 2026-2027 school year and thereafter, the first time a student who is in grades 9 through 12 participates in an interscholastic athletic competition or is a candidate for an interscholastic athletic team, the student shall complete at least one (1) electrocardiogram screening that meets the requirements of F.S. 1006.165. A student shall be granted an exception to the electrocardiogram requirement if the parent of the student objects in writing to the student receiving an electrocardiogram because the electrocardiogram is contrary to the student's religious tenets or practices or if a physician licensed under F.S. Chapter 458

or Chapter 459 in good standing with the Board of Medicine or Board of Osteopathic Medicine, as applicable, provides a certificate of medical exception.

B. Any student who is found to have a health condition which may be life-threatening to self or others shall not be allowed to participate until the situation has been analyzed by a medical review panel that has determined the conditions under which the student may participate. Pursuant to F.S. 1006.20(2)d, the Authority shall not be liable for any student with a health condition who has been authorized to play by the parent(s) if the parent(s) of the student objects in writing to the student undergoing a medical evaluation because such evaluation is contrary to his/her religious tenets or practices.

C. Any student who incurs an injury requiring a physician's care is to have the written approval of a physician prior to the student's return to participation.

D. In order to minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, athletic trainers, and lay coaches should never dispense, supply, recommend, or permit the use of any drug, medication, or food supplement solely for performance-enhancing purposes.

E. The Superintendent and Authority school Principals will require that sportsmanship, ethics, and integrity characterize the manner in which the athletic program is conducted and the actions of students who participate.

In order to support the FHSAA's program to strengthen sportsmanship, ethics, and integrity, the Board commits itself to:

A. adopt policies (upon recommendation of the administration) which reflect the Authority's educational objectives and promote the ideals of good sportsmanship, ethics, and integrity;

B. reinforce the concept that participation in athletic activities are a privilege, not a right;

C. attend and enjoy school athletic activities, serving as a positive role model and expecting the same from parents, fans, participants, coaches, and other school personnel;

D. support and recognize participants, coaches, school administrators, and fans who display good sportsmanship; and

E. recognize the value of school athletic activities as a vital part of education.

Participation by Agreement

An individual public school student who is otherwise eligible to participate in interscholastic extra-curricular activities may either participate in any such activity at any public school in the Authority in which the student resides or develop an agreement to participate in such activity at a private school, unless the activity is provided by the student's traditional public school. Such student must, before participation, register with the school the student's intent to participate in interscholastic extra-curricular activities as a representative of the school. The student must be able to participate in curricular activities if that is a requirement for an extra-curricular activity.

Recruiting Prohibited/Penalties

The Board recognizes that the recruitment of student athletes is strictly prohibited by F.S. 1006.20. The FHSAA, through its bylaws, has prescribed penalties, sanctions, and an appeals process for athletic recruiting violations. These penalties and sanctions may be applied by the FHSAA against a member school, student athletes, and coaches. In addition to FHSAA penalties and sanctions, Authority employees found to have engaged in the improper recruitment of a student athlete may be subject to disciplinary action, up to and including termination.

A student may not be declared ineligible based on violation of recruiting rules unless the student or parent has falsified any enrollment or eligibility document or accepted any benefit or any promise of benefit if such benefit is not generally available to the school's students or family members or is based in any way on athletic interest, potential, or performance.

Eligibility Appeals

If the Principal determines that a transfer student is ineligible to participate in interscholastic athletics, a student may submit an appeal in accordance with Florida law and the FHSAA's Bylaws.

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Revised 3/9/21
Revised 5/7/24
Revised 3/10/26

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Legal
F.S. 1002.20
F.S. 1006.15
F.S. 1006.165
F.S. 1006.195
F.S. 1006.20

PROGRAM

po2431.01

PARTICIPATION BY TRANSFER STUDENTS

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

2431.01 - **PARTICIPATION BY TRANSFER STUDENTS**

The Governing Board recognizes the value of interscholastic athletics and the positive impact sports have on students. The Board shall comply with the rules and regulations promulgated by the Florida High School Athletic Association, Inc. (FHSAA), Florida law, and this policy when determining the eligibility of a transfer student to participate in the Authority's interscholastic athletic program.

Pursuant to the bylaws of the FHSAA, a "transfer" occurs when a student makes any change in schools after establishing residency at a school each year. A student who transfers from one school to another will be eligible at the new school provided the student qualifies under one of transfer eligibility categories set forth in the FHSAA's bylaws and meets all other eligibility requirements.

A student who transfers to a school during the school year may seek to immediately join an existing team if the roster for the specific interscholastic or intrascholastic extra-curricular activity has not reached the identified maximum size for the particular activity and if the coach for the activity determines that the student has the requisite skill and ability to participate. The FHSAA and Authority may not declare such a student ineligible because the student did not have the opportunity to comply with qualifying requirements.

However, a student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets one (1) of the following criteria:

A. Dependent children of active duty military personnel whose move resulted from military orders.

B. Children who have been relocated due to a foster care placement in a different school zone.

C. Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.

D. Authorized for good cause.

For purposes of this policy, "authorized for good cause" means the student is able to satisfactorily demonstrate to the Principal that one (1) of the following applies:

A. The student moves to a new home address due to a move by the student and a person or person(s) with whom the student has been previously living that makes it necessary for the student to attend a different school.

B. The student moves to a new residence following marriage of the student. The student must immediately establish a new residence that makes it necessary to attend a different school.

C. The student is reassigned to a new school pursuant to Board policy.

D. The student transfers from the current school within the first twenty (20) school days to a new school (i.e., acceptance into a previously applied for magnet program, charter, or private school).

E. Special assignment by the Superintendent.

F. Undue hardship.

The Principal of each school in the Authority shall be responsible for enforcing the FHSAA's bylaws and policies in their school. The Principal shall review and determine whether a transfer student qualifies under one of the transfer eligibility categories set forth in the FHSAA's bylaws and meets all other eligibility requirements. Upon approval of the transfer student's eligibility, a Notice of Transfer form prescribed by the FHSAA shall be submitted to the FHSAA prior to the student participating in any sport season.

The Principal or designee must annually submit all eligibility reports electronically and sign all eligibility correspondence. The principal or designee shall certify that the information provided to the FHSAA is accurate and that the students named in the report are eligible to participate in accordance with the FHSAA's bylaws.

Recruiting Prohibited/Penalties

The Board recognizes that the recruitment of student athletes is strictly prohibited by F.S. 1006.20. The FHSAA, through its bylaws, has prescribed penalties, sanctions and an appeals process for athletic recruiting violations. A student may not be declared ineligible based on violation of recruiting rules unless the student or parent has falsified any enrollment or eligibility document or accepted any benefit or any promise of benefit if such benefit is not generally available to the school's students or family members or is based in any way on athletic interest, potential, or performance.

Eligibility Appeals

If the Principal determines that a transfer student is ineligible to participate in interscholastic athletics, a student may submit an appeal in accordance with Florida law and the FHSAA's bylaws.

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Revised 3/10/26

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Legal
Handbook and Bylaws of the Florida High School Athletic Association
F.S. 1002.20
F.S. 1006.15
F.S. 1006.195
F.S. 1006.20

PROGRAM

po2431.03

CONCUSSIONS AND HEAD INJURIES

ADOPTED Apr 12, 2016 · REVISED Dec 14, 2021

2431.03 - **CONCUSSIONS AND HEAD INJURIES**

It is the policy of the Governing Board that the Athletic Director provides the materials developed by the Florida High School Athletic Association (FHSAA) to educate coaches, student athletes, and parents/guardians of student athletes about the nature and risks of concussions and head injuries, including continuing to play after a concussion or head injury, before any student athlete is allowed to participate in any interscholastic athlete activity or practice for any school-sanctioned athletic team. Student athletes and their parents shall be required to sign Form 2431.01 F1 before participating in any practice or interscholastic competition. Per the FHSAA rules and this policy, coaches and licensed trainers shall document completion of the online training program provided by the FHSAA annually.

During any athletic season, a coach or licensed trainer who suspects that a student athlete may have sustained a concussion or head injury shall remove the student athlete from participation or competition at that time. For purposes of this policy, a "student athlete" is any student who tries out for or participates on any athletic team sponsored by the Authority. When a student athlete is removed from an interscholastic athletic activity or other competition, including any practice session, because of a suspected head injury or concussion, that student athlete may not return to the contest or the practice until written clearance to participate from a medical provider licensed in Florida has been provided.

An employee or a volunteer with current cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) training shall be present at each athletic activity during and outside of the school year.

Revised 12/14/21

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PROGRAM

po2431.05

ATHLETIC INJURIES PREVENTION AND TREATMENT PROGRAM

ADOPTED Mar 9, 2021

2431.05 - **ATHLETIC INJURIES PREVENTION AND TREATMENT PROGRAM**

The Governing Board's athletic injuries prevention and treatment program, to be developed by the superintendent, is designed to prevent and treat physical injuries that may occur to student-athletes participating in a CCCCSA-sponsored athletic activity including, but not limited to, exercises, sports, games, or recreation requiring any of the physical attributes of strength, agility, flexibility, range of motion, speed, and stamina. Central to the program is the employment and availability of persons trained in the prevention and treatment of physical injuries that may occur during athletic activities.

Athletic Trainer Qualifications

To qualify to be employed as an athletic trainer through the program, an individual must, at a minimum, be licensed as required by part XIII of F.S. Chapter 468 and possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to F.S. 1012.35, 1012.56, or 1012.57. All athletic trainers employed shall undergo background screening in accordance with applicable law and Board policy, whether they are employed as a part-time or full-time Authority employee or a contract employee.

"Athletic training" through the program means service and care provided by an athletic trainer under the direction of a physician as specified in F.S. 468.713. Such service and care must relate to the prevention, recognition, evaluation, management, disposition, treatment, or rehabilitation of a physically active person who sustained an injury, illness, or other condition involving exercise, sport, recreation, or related physical activity. An athletic trainer shall only practice as provided in F.S. 468.705. Athletic trainers may not provide, offer to provide, or represent that they are qualified to provide any care or service that they lack the education, training, or experience to provide or that athletic trainers are prohibited by law from providing. For the provision of such care and services, an athletic trainer may use physical modalities, including, but not limited to, heat, light, sound, cold, electricity, and mechanical devices.

Athletic trainers shall practice under the direction of a physician licensed under F.S. Chapter 458, Chapter 459, Chapter 460, or otherwise authorized by Florida law to practice medicine. The physician shall communicate his/her direction through oral or written

prescriptions or protocols as deemed appropriate by the physician for the provision of services and care by the athletic trainer. An athletic trainer shall provide service or care in the manner dictated by the physician.

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Legal
F.S. Chapter 468
F.S. 1012.46

PROGRAM

po2431.06

NAME, IMAGE, AND LIKENESS (NIL) IN ATHLETICS

ADOPTED Nov 12, 2024 · REVISED Mar 10, 2026

2431.06 - **NAME, IMAGE, AND LIKENESS (NIL) IN ATHLETICS**

The Governing Board recognizes the rights of student athletes to use and benefit from their name, image, and likeness (NIL) in various activities. However, students are still required to comply with Florida law, the rules of the State Board of Education, and the policies of the Board as they relate to the conduct of student athletes and the administration and financial control of the athletic program. Likewise, student athletes must comply with all applicable bylaws of the Florida High School Athletics Association (FHSAA). Failure to adhere to any of these laws, rules, and/or regulations may, among other things, impact the amateur status of a student athlete.

Prohibited NIL Activities

In accordance with FHSAA bylaws, student athletes:

A. are prohibited from making any reference to and will not otherwise use or authorize others to use the uniforms, logos, mascots, insignia, or identifying marks of the CCCCSA or FHSAA member school, the FHSAA, the National Federation of State High School Athletic Associations (NFHS), and/or any FHSAA, NFHS, or member school event, game, or championship when engaging in any NIL activity. Student athletes are prohibited from monetizing their NIL with the use of their school's uniform, equipment, logo, name, proprietary patents, products, and/or copyrights associated with the CCCCSA or FHSAA member school, NFHS, and/or CCCCSA, either in public, print, or social media platforms, unless granted authorization by prior written consent from CCCCSA;

B. may not endorse or promote any third-party entities, goods, or services during school-sponsored activities or FHSAA activities;

C. may not make any reference to FHSAA, NFHS, school, or CCCCSA accolades or championships in NIL activities for which they are compensated;

D. are prohibited from engaging in any NIL activities involving the following categories of products and services:

    1. adult entertainment products and services;

2. alcohol, tobacco, vaping, and nicotine products;

3. cannabis products;

4. controlled substances;

5. prescription pharmaceuticals;

6. gambling, including sports betting, the lottery, and betting in connection with video games, online games, and mobile devices;

7. weapons, firearms, and ammunition;

8. political or social activism; and

9. NIL collectives.

NIL activities and agreements shall not be used to recruit student athletes to attend a particular school in order to participate in interscholastic athletics.

NIL Collectives

NIL collectives are independent entities, organizations, and groups that seek to direct or provide, either directly or indirectly, incentives to student athletes based on the student athletes' NIL. NIL collectives are independent from, and not affiliated with, the Board or CCCCSA.

CCCCSA Personnel

No CCCCSA employee, athletic department staff member, or representative of a school's athletic interests, as defined in FHSAA bylaws, may form, direct, offer, provide, or otherwise engage in any activity outlined in FHSAA bylaws related to NILs and are subject to all prohibitions set forth therein.

Amateur Status and Other Implications

Student athletes engaging in NIL activities or entering into NIL agreements under FHSAA bylaws are solely responsible for determining whether their actions may impact their eligibility under the rules and regulations of the National Collegiate Athletic Association (NCAA), National Association of Intercollegiate Athletics (NAIA), National Junior College Athletic Association (NJCAA), and/or the governing body of the sport in which they may participate, and are encouraged to contact such organizations. Compliance with this policy does not ensure that a student athlete's amateur status or eligibility to participate under the rules of the governing body of their sport will not be impacted.

Student athletes are further encouraged to seek legal counsel and tax advice when contemplating their participation in an NIL activity or whether to enter into an NIL agreement.

Revised 3/10/26

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Legal
F.S. 1001.41
F.S. 1001.42
F.S. 1006.20
FHSAA Bylaws

PROGRAM

po2432

DRIVER EDUCATION

ADOPTED Apr 12, 2016

2432 - **DRIVER EDUCATION**

The Governing Board may offer a program of driver education to students in the secondary schools.

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Legal
F.S. 1003.48

PROGRAM

po2440

SUMMER PROGRAMS

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

2440 - **SUMMER PROGRAMS**

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

A. ESE Students needing extended school year services ("ESY") as identified in their Individual Education Plans ("IEP"). Summer ESY programs for each individual ESE student shall be provided in accordance with the student's IEP. Students in third grade who have not achieved the standards required for promotion shall also be eligible for summer programs.

B. Summer programs for third grades students retained under the provisions of F.S. 1008.25(5)(b) shall include a summer reading camp. Additionally, summer programs for third grade students shall provide required reading remediation and opportunity to demonstrate reading proficiency.

C. Credit recovery for students needing courses for graduation.

D. Summer programs of academic instruction for students in grades K-12 remediation in Math, English, Science, and Social Studies for resident students of the Authority and other students as approved. The Authority may also choose to implement summer enhancement programs, contingent upon Board approval.

Fees

Students in kindergarten through grade 12 who are enrolled in voluntary, noncredit summer school basic program courses are assessed a fee in an amount to be determined annually by the Board. Assessment of the fee will be waived if the principal determines that the student is not able to pay the fee. See also Policy 6152.01 - Waiver of School Fees.

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

Revised 5/7/24

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Legal
F.S. 1001.43
F.S. 1002.53
F.S. 1002.61
F.S. 1008.25

PROGRAM

po2460

EXCEPTIONAL STUDENT EDUCATION

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

2460 - **EXCEPTIONAL STUDENT EDUCATION**

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

A. Child Identification

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

B. Procedural Safeguards

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

C. Multifactored Evaluation

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

The CCCSA will provide a multifactored evaluation for students with disabilities by ensuring that:

1. children are assessed in their native language or other mode of communication;

2. tests are used for their validated purposes;

3. children are evaluated in all areas related to their suspected disability;

4. testing is conducted by a multidisciplinary team;

5. testing materials and procedures are not racially or culturally biased;

6. tests are administered by trained personnel qualified in accordance with all Federal regulations and State standards;

7. tests are administered in conformance with the instructions provided by the producer;

8. medical evaluation, when required as part of the multifactored evaluation, shall be provided at no cost to the parent by a licensed physician designated by the Superintendent or his/her designee, when other no-cost resources are not available.

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

D. Individualized Education Program

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

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

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

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

2. place the student in an exceptional student education center.

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

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

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

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

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

1. individuals certified under F.S. 393.17 or licensed under Chapter 490 or Chapter 491 for applied behavior analysis services as defined in F.S. 627.6686 and 641.31098;

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

   To provide services under this paragraph, a registered behavior technician must be employed by an enrolled Medicaid provider.

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

4. occupational therapists licensed under part III of 379 Chapter 468;

5. physical therapists licensed under Chapter 486;

6. psychologists licensed under Chapter 490; and

7. clinical social workers licensed under Chapter 491.

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

1. the student's public instructional personnel and principal consent to the time and place; and

2. the private instructional personnel satisfies the requirements of F.S. 1012.32 or 1012.321.

E. Least Restrictive Environment

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

F. Confidentiality of Data

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

G. Due Process

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

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

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

H. Surrogate Parent

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

I. Testing Programs

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

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

If the IEP Team determines that a student with a disability is prevented by a

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

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

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

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

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

Parents of students with disabilities, or eligible students with disabilities, and Authority personnel shall sign Form 5780 F1 at the meeting's conclusion which states whether or not any Authority personnel have prohibited, discouraged or attempted discourage the parents, or eligible student, from inviting a person of their

choice to the meeting pertaining to their child's, or their own, educational environment, placement, or discipline.

K. Early Literacy Skills for Retained Prekindergarten Students

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

L. Transfer of Parental Rights at Age of Majority

Unless an exception applies under the rules of the State Board of Education, when a student with a disability reaches the age of eighteen (18), the right of prior written notice is retained as a shared right of the parent and the student. All other parent rights under the IDEA then transfer to the student. At least one (1) year before the student reaches the age of eighteen (18), the Board will provide information and instruction to the student and the student's parent(s) on self-determination and the legal rights and responsibilities regarding the educational decisions that transfer to the student upon attaining the age of eighteen (18). The information and instruction will include written notice that the rights afforded to parents under Part B of the IDEA transfer to the student at age eighteen (18) except in specified circumstances referenced in F.A.C. 6A-6.03311, a description of the rights that transfer to the student, and the ways in which the parent may continue to participate in educational decisions, including:

1. informed consent to grant permission to access confidential records protected under the Family Educational Rights and Privacy Act (FERPA) as provided in F.S. 1002.22;

2. powers of attorney as provided in F.S. Chapter 709;

3. guardian advocacy as provided in F.S. 393.12;

4. guardianship as provided in F.S. Chapter 744; and,

5. supported decision-making agreements as provided in F.S. 709.2209.

Placement by the Department of Children and Family Services

After the Department of Children and Family Services provides written notification to the Authority that an exceptional student has been placed in a private residential care facility,

the receiving school district shall, within ten (10) business days, review the student's IEP and shall:

A. provide educational instruction to the student;

B. contract with another provider to provide the educational instruction;

C. contract with the private residential care facility in which the student resides to provide the educational instruction; or

D. decline to provide or contract for educational instruction, in which case the school district in which the legal residence of the student is located shall provide or contract for the educational instruction of the student.

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

Revised 11/18/22
Revised 5/7/24
Revised 9/17/24
Revised 5/13/25
Revised 9/16/25

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Legal
F.S. 1001.41
F.S. 1001.42
F.S. 1002.20
F.S. 1003.01(3)
F.S. 1003.4156
F.S. 1003.4282
F.S. 1003.57
F.S. 1003.5715
F.S. 1003.572
F.S. 1008.212
F.S. 1008.22
F.S. 1008.24
Statewide Assessment for Students with Disabilities, F.A.C. 6A-1.0943
Florida Alternate Assessment Requirements, F.A.C. 6A-1.09430
Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities, F.A.C. 6A-6.03311
Procedural Safeguards for Exceptional Students Who Are Gifted, F.A.C. 6A-6.03313
Surrogate Parents, F.A.C. 6A-6.0333

Definitions, ESE Policies and Procedures, and ESE Administrators, F.A.C. 6A-6.03411
20 U.S.C. 1400 et seq.
20 U.S.C. 1401 et seq.
34 C.F.R. Part 300

PROGRAM

po2461

RECORDING OF IEP TEAM MEETINGS

ADOPTED Apr 12, 2016

2461 - **RECORDING OF IEP TEAM MEETINGS**

The recording of IEP Team meetings is prohibited unless a parent, authorized representative of a parent, or IEP team member, is unable to understand or meaningfully participate in the IEP process or the planning of the relevant student's education due to a disability, language barrier, or some other impairment.

A. If a parent believes that recording an IEP Team meeting is necessary, s/he should notify the principal in writing, preferably at least two (2) school days before the IEP Team meeting, of his/her desire to record the meeting and the reason the recording is required. The Principal will notify the parent at least one (1) school day before the meeting if s/he intends to grant or deny the parent's request to record the meeting.

B. If the Principal denies the request, s/he will state in writing the reasons for the denial. Authorized exceptions to the general prohibition against the recording of IEP Team meetings involve situations when a parent, or authorized representative of a parent, or other IEP Team member, is unable to understand or meaningfully participate in the IEP process or the planning of the relevant student's education due to a disability, language barrier, or some other impairment. If a parent is permitted to record the meeting, s/he must use his/her own recording device and the Authority will similarly record the meeting.

For purposes of this policy, a recording is defined as the capture of voices, and other ambient sound electronically, digitally, or by any other means for the purpose of retrieval and review.

Video recording an IEP Team meeting is strictly prohibited.

The requirements of this policy shall not be interpreted to be in conflict with the provisions of Policy 5136 - *Wireless Communication Devices* as it pertains to recordings. Moreover, the requirements of this policy shall not be interpreted to extend to school-sponsored public events where there can be no expectation of privacy. A school-sponsored public event is any school-related activity, whether free or at which an admission fee is charged, that members of the public may attend. These include, but are not limited to, athletic competition, plays, musical performances, awards ceremonies, and graduation. See Policy

9160 - *Public Attendance at School Events* for additional information about restrictions on recording at such events.

If the Authority audio records an IEP Team meeting, the resulting recording shall become a part of the student's educational record and will be maintained in accordance with State and Federal law.

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Legal
34 C.F.R. 300.322 and 300.501
F.S. 1003.57
F.A.C. 6A-6.03311

PROGRAM

po2520

SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS

ADOPTED Dec 14, 2021 · REVISED Sep 16, 2025

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

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

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

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

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

As required by State law, instructional materials adopted and used in the CCCSA shall be consistent with the goals and objectives in the CCCSA's adopted course of study and with the course descriptions established by State Board rule. The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library, or included on a reading list. Upon written request, an individual will be provided access to material or books specified in the written request that are maintained in a CCCSA library if such material or books are available for review. The school principal shall arrange for a convenient time to provide such access.

The Superintendent shall develop administrative procedures that set forth a process to involve staff in the review and evaluation of instructional materials. The staff involved in this process shall recommend to the Superintendent for submission to the Board for adoption the instructional materials that address the goals and objectives for adopted

courses of study and the course descriptions established by State Board rule. The instructional materials shall be from the State-adopted instructional materials list if there has been a State adoption or from publishers and other resources if there has not been a State adoption.

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

Purchase of Instructional Materials

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

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

The Superintendent shall approve these purchases.

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

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

Replacement and Purchase of Instructional Materials by Students/Parents

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

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

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

Free School-Related Instructional Materials

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

A. The initiative for securing the materials should be of the type that teachers seek rather than materials forwarded to them to promote the interests of an outside agency.

B. The materials should fill a legitimate purpose of the school curriculum.

C. The advertising feature of the materials should be minimized.

D. Educational films should contain a minimum amount of commercial advertising.

Equipment or Instructional Materials Vendors

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

New Worlds Reading Initiative

The New Worlds Reading Initiative, created by the Florida Department of Education, provides high-quality, free books directly to K-5 students who are not yet reading on grade level, who score below a level 3 in the most recent statewide English Language Arts Assessment (ELA), or having a substantial deficiency in reading identified under F.S. 1008.25, or who have a substantial deficiency in early literacy skills based upon the results of the coordinated screening and progress monitoring under F.S. 1008.25. and to improve the literacy skills of students in K-12.

The CCCSA must notify parents of eligible students in writing and provide them with the application form, which must allow for the selection of specific book topics or genres for the student. The CCCSA must coordinate monthly book deliveries with The School Board of Lee County program administrator beginning no later than October and continuing through at least June.

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

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

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Revised 9/16/25

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F.S. 119.071
F.S. 212.183
F.S. 1001.215
F.S. 1002.22
F.S. 1003.485
F.S. 1006.28
F.S. 1006.28 through 1006.42
F.S. 1006.40
F.S. 1008.22
F.S. 1008.25(5) (a)
F.S. 1008.25 (5) (c)
F.S. 1014.05
F.A.C. 6A-6.03028
F.A.C. 6A-6.053
F.A.C. 6A-7.0713
F.A.C. 6A-7.0715
34 C.F.R. Part 300

PROGRAM

po2521

INSTRUCTIONAL MATERIALS PROGRAM

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

2521 - **INSTRUCTIONAL MATERIALS PROGRAM**

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

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

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

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

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

The Board hereby establishes an instructional materials program that includes the review, recommendation, adoption, and purchase of instructional materials.

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

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

Parental Notification of Access to Student's Instructional Materials

The Authority shall notify parents through the Authority's website and in writing annually of their ability to access their children's instructional materials.

Maximization of Student Use of Authority-approved Instructional Materials

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

A. purchase current instructional materials to provide each student with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12;

B. by the 2015-2016 fiscal year, use at least fifty percent (50%) of the annual allocation for the purchase of digital or electronic instructional materials included on the State-adopted list, except as otherwise authorized by law or rules of the State Board of Education;

C. use up to 100% of that portion of the annual allocation designated for the purchase of instructional materials for kindergarten, and up to seventy-five percent (75%) of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase materials not on the State-adopted list, which shall be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course.

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

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

Required Curriculum

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

A. The history of the United States; the history of the Holocaust.

B. The history of African Americans.

C. The study of Hispanic contributions to the United States.

D. The study of women's contributions to the United States.

E. The nature and importance of free enterprise to the United States economy.

F. The elementary principles of agriculture; and kindness to animals.

Fees Charged to Parents

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

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

Free School-Related Instructional Materials

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

A. The initiative for securing the materials should be of the type that teachers seek rather than materials forwarded to them to promote the interests of an outside agency.

B. The materials should fill a legitimate purpose of the school curriculum.

C. The advertising feature of the materials should be minimized.

D. Educational films should contain a minimum amount of commercial advertising.

Equipment or Instructional Materials Vendors

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

Public Inspection of Sample Copies of Instructional Materials

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

Parent and Resident Objection to Instructional Material Used in Classrooms, Made Available in a School Library, or Included on a Reading List

Parents and residents of the county may object to the use of a specific instructional material in the classroom, made available in a school library, or included on a reading list based on the criteria set forth in F.S. 1006.28(2)(a)2. or F.S. 1014.05(1)(c).

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

Parents and residents of the county should make any such objection in writing to the principal identifying the specific instructional material and stating the basis for the objection.

The principal will review the objection and may meet with the teacher and/or parents/resident, or both, in an attempt to resolve the objection, using an alternative instructional material. If the objection is not resolved to the objectors' satisfaction, the principal shall refer the matter to the Superintendent.

The Superintendent will meet with the objector and attempt to resolve the objection. The objector is further permitted to provide any evidence it desires to the Superintendent to consider as set forth in F.S. 1006.28(2)(a)2. a. and b. If the objection is not resolved to the objector's satisfaction, the matter will be referred to the Board for a public hearing.

The public hearing will be scheduled as soon as practicable to take place during a regularly scheduled Board meeting. Prior to the hearing, the Board will receive and review all evidence submitted by the objector. Additionally, the objector will have an opportunity to make a five (5) minute oralpresentation to the Board.

If the Board finds that the instructional material does not meet the criteria under F.S. 1006.28(2)(a)2.a or that any other material contains prohibited content under F.S. 1006.28(2)(a)2.b., the Authority will discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

The decision of the Board shall be final.

New Worlds Reading Initiative

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

The School Authority must notify parents of eligible students in writing and provide them with the application form, which must allow for the selection of specific book topics or

genres for the student. The Authority must coordinate monthly book deliveries with The School Board of Lee County program administrator beginning no later than October and continuing through at least June.

The School Board of Lee County shall coordinate with the charter school for the purposes of identifying eligible students, notifying parents, coordinating book deliveries, providing the opportunity to annually select book topics and genres, and raising awareness of the initiative.

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

Revised 12/14/21
Revised 6/14/22
Revised 5/7/24

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Legal
F.S. 119.071
F.S. 1001.215
F.S. 1002.22
F.S. 1003.41
F.S.1003.485
F.S. 1006.28
F.S. 1006.28 through 1006.42
F.S. 1008.22
F.S. 1008.25 (5) (a)
F.S. 1008.25(5) (c)
F.S. 1014.05
F.A.C. 6A-6.03028
F.A.C. 7A-7.0713
34 C.F.R. Part 300

PROGRAM

po2531

COPYRIGHTED WORKS

ADOPTED Apr 12, 2016

2531 - **COPYRIGHTED WORKS**

The Governing Board directs its staff and students to use copyrighted works only to the extent that the law permits. The Board recognizes that Federal law applies to public school districts and the staff and students must, therefore, avoid acts of copyright infringement under penalty of law.

In order to help the staff and students abide by the laws set forth in Title 17 of the United States Code, the Board directs the Superintendent to provide administrative procedures regarding the copying and distribution of copyrighted materials for instructional purposes and for the appropriate use of copyrighted material on the Board's website.

Because the Board hosts a web site and stores information on it at the direction of users, it is classified as an on-line service provider for copyright purposes. In order to limit the Board's liability relating to material/information residing, at the direction of a user, on its system or network, the Board directs the Superintendent to annually appoint an individual as the agent to receive notification of claimed infringement. A link to the agent's name, mailing address, telephone number, fax number, and e-mail address shall appear on the home page of the Board's web site. Such contact information, along with the appropriate filing fee, shall also be provided to the Copyright Office of the Library of Congress.

The agent shall be responsible for investigating and responding to any complaints.

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Legal
17 U.S.C. 101 et seq.

PROGRAM

po2575

SERVICE LEARNING

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

2575 - **SERVICE LEARNING**

Service learning programs and activities may be established, expanded, and institutionalized for Authority students in kindergarten through grade 12.

For purposes of this policy, service learning is a student-centered, research-based teaching and learning strategy that engages students in meaningful service activities in the students' school and community.

The Authority's academic curricula may include service learning activities that are tied directly to course content, standards, and course, Authority or State assessments in grades kindergarten through 12. The purpose of these activities will be to foster academic achievement, character development, civic engagement, and career exploration. These activities will enable students to apply curriculum content, skills, and behaviors that are taught in the classroom while performing meaningful community service.

The Superintendent is authorized to include service learning programs developed and adopted by the Florida Department of Education (FLDOE) in the Authority's middle and high school curriculum and to include such course codes in the Authority's academic program that is recommended to the Governing Board for approval.

Beginning with the class of 2023, all students who graduate from a CCCCSA high school shall perform 100 hours of community service as an individual graduation requirement and as an eligibility requirement for participation in the Florida Bright Futures Scholarship Program. For purposes of the Florida Bright Futures Scholarship Program, paid work hours also fulfill the community service hours requirement.

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Legal
F.S. 1001.32
F.S. 1003.428
F.S. 1003.43
F.S. 1003.497

PROGRAM

po2605

RESEARCH AND EVALUATION

ADOPTED Dec 14, 2021

2605 - **RESEARCH AND EVALUATION**

The School Board believes that effective education includes proper evaluation of the results produced from the educational resources provided by the community and the government. As the governing body of the CCCCSA, the Board has the responsibility for assessing how well goals are being accomplished.

The Superintendent shall develop systematic and specific administrative procedures for conducting research and program evaluations. The design of these studies will include:

A. Clear statements of expectations and purposes for each program coupled with specifications of how their successful achievement will be determined.

B. Provisions for staff, resources, and support necessary to achieve each program's purposes.

C. Evaluation of each program to assess the extent to which each program's purposes and objectives are being achieved.

D. Recommendations for revisions and modifications needed to better fulfill expectations and purposes.

E. The right of a parent to opt out of any CCCCSA-level data collection relating to their minor child that is not required by law.

The Superintendent shall maintain a schedule of assessment activities and program evaluations and shall make periodic evaluation reports to the Board. Findings of the assessment program will be used to evaluate the progress of students and the effectiveness of the curriculum; the effectiveness of the school/delivery system.

The Superintendent shall recommend improvements in the educational program annually, based on CCCCSA evaluation.

The Board may employ experts from outside the CCCCSA to serve in the evaluation process.

The Board will annually make available to the public reports of student achievement.

The Superintendent shall maintain a systematic accountability plan for all schools. The plan shall annually evaluate each school on performance indicators. These indicators shall include student performance outcomes and other areas designed by the Superintendent.

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

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Legal
F.S. 1008.34
F.S. 1008.345
F.S. 1014.05

PROGRAM

po2623

STUDENT ASSESSMENT

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

2623 - **STUDENT ASSESSMENT**

The Governing Board shall assess student achievement and needs in all program areas in compliance with the law and rules of the State Board of Education. The purpose will be to determine the progress of students and to assist them in attaining student performance objectives and the educational achievement goals of the CCCSA. Each student must participate in the Statewide, standardized assessment program and the local assessment program as required by law.

Student performance data shall be used in developing objectives for the school improvement plan, evaluating instructional personnel and administrative personnel, assigning staff, allocating resources, acquiring instructional materials and technology, implementing performance-based budgeting, and promoting and assigning students to educational programs. The analysis of student performance data will identify strengths and needs in the educational program and trends over time, and be used in conjunction with budgetary planning and development of remediation programs.

The Board shall require the following:

A. mandatory participation by all eligible students as defined by State Board of Education rules;

B. industry certification examinations, national assessments, and Statewide assessments be taken at the student's regularly assigned school unless an alternative site is mutually agreed to by the CCCSA and the Florida Virtual School or authorized contractor;

   The CCCSA will notify students of the date and time of the administration of each examination or assessment.

C. parents be informed of the testing program of the schools and of the Statewide, standardized tests or the local assessments that are to be administered to their children;

D. data regarding individual test scores on either the Statewide, standardized tests or the local assessments be entered on the student's cumulative record, where it will

be subject to the policy of this Board regarding student records;

E. The School Board of Lee County will report CCCSA test results to the public annually;

F. the Superintendent shall develop procedures for the annual assessment of first, second, third, and fourth grade students on their reading proficiency and identify those students who are reading below grade level. S/He shall ensure that each student's teacher is involved in the assessment and in the identification of those students who are reading below grade level.

The CCCSA will notify the parent of each student who exhibits a deficiency in reading, shall consult with the parent in the development of a progress monitoring plan, and will provide intensive reading instruction to the student until the deficiency is corrected.

Statewide Standardized Assessment

The Board shall administer the Statewide, standardized tests to students at the grade levels and for the subjects at the times designated by the Florida Commissioner of Education. The Statewide, standardized assessment program consists of Statewide, standardized comprehensive assessments, end-of-course (EOC) assessments, and the Florida Alternate Assessment.

A Statewide, standardized EOC assessment must be used as the final cumulative examination for its associated course. No additional final assessment may be administered in a course with a Statewide, standardized EOC assessment. A CCCSA-required local assessment may be used as the final cumulative examination for its associated course in accordance with Board policy.

Local Assessments

The CCCSA shall administer a local assessment that measures student mastery of course content at the necessary level of rigor for the grade levels/subjects that are not included in the subjects and grade levels measured under the Statewide, standardized assessment program. The course content that will be measured by the local assessments is set forth in the State standards that are required by F.S. 1003.41 and in the course description.

The CCCSA will provide a student's performance results on CCCSA-required local assessments to the student's teachers and parent within one (1) week after administering such assessments unless the superintendent determines in writing that extenuating circumstances exist and report the extenuating circumstances to the Board. Results will be made available through a web-based portal as part of the CCCSA's student information system and in a printed format upon request by a student's parent.

Local Assessment

The CCCSA shall administer a local assessment that measures student mastery of course content at the necessary level of rigor for the grade levels/subjects that are not included in the subjects and grade levels measured under the Statewide, standardized assessment program. The course content that will be measured by the local assessments is set forth in the State standards that are required by F.S. 1003.41 and in the course description.

Through The School Board of Lee County/Florida Department of Education, the CCCSA will provide a student's performance results to the student's teachers and parent within one (1) week after administering such assessments unless The School Board of Lee County's superintendent determines in writing that extenuating circumstances exists. Results will be made available through a web-based portal as part of The School Board of Lee County's student information system and in a printed format upon request by a student's parent.

Scheduling of Assessments

A. The School Board of Lee County will establish schedules for the administration of any Statewide, standardized assessments and Authority required assessments.

   The School Board of Lee County will publish the testing schedules.

B. The Board will not schedule more than five percent (5%) of a student's total school hours in a school year to administer Statewide, standardized assessments, the coordinated screening and progress monitoring system under F.S. 1008.25, and CCCSA-required local assessments. The Board will secure written consent from a student's parent before administering CCCSA-required local assessments that, after applicable Statewide, standardized assessments and coordinated screening and progress monitoring are scheduled, exceed the five percent (5%) test administration limit for that student. The five percent (5%) test administration limit for a student may be exceeded if necessary to provide test accommodations that are required by an IEP or are appropriate for an English language learner who is currently receiving services in the CCCSA's English language learner program.

Assessment Preparation

No school in this CCCSA may suspend the regular program of curricula to administer practice assessments or engage in other assessment-preparation activities for a Statewide, standardized assessment. However, the Board authorizes schools to:

A. distribute to students sample assessment books and answer keys that are published by the Florida Department of Education;

B. provide individual instruction in assessment-taking strategies without suspending the school's regular program of curricula for a student who scores at Level 1 or Level 2 on a prior administration of the Statewide assessment;

C. provide individualized instruction in the content knowledge and skills assessed, without suspending the school's regular program of curriculum for a student who scores at Level 1 or Level 2 on a prior administration of the Statewide assessment or a student who, through a diagnostic assessment administered by the CCCSA is identified as having a deficiency in the content knowledge and skills assessed; and

D. administer a practice assessment or engage in other assessment preparation activities for the statewide assessment which are determined necessary to familiarize students with the organization of the assessment, the format of the assessment items, and the assessment directions, or which are otherwise necessary for the valid and reliable administration of the assessment, as set forth in rules adopted by the State Board of Education.

Students with Disabilities

A. Participation in Statewide Standardized Assessments with or without Accommodations

All students with disabilities will participate in the Statewide standardized assessment program based on State standards, pursuant to F.A.C. 6A-1.09401, without accommodations unless the student's individual educational plan (IEP) team, or the team that develops the plan required under Section 504 of the Rehabilitation Act, determines and documents that the student requires allowable accommodations during instruction and for participation in a Statewide standardized assessment.

"Accommodations" are defined as adjustments to the presentation of the Statewide standardized assessment questions, methods of recording examinee responses to the questions, scheduling for the administration of a Statewide standardized assessment to include amount of time for administration, settings for administration of a Statewide standardized assessment, and the use of assistive technology or devices to facilitate the student's participation in a Statewide standardized assessment.

Accommodations that negate the validity of a Statewide standardized assessment are not allowable.

The provision of accommodations for students with disabilities shall be provided in accordance with F.A.C. 6A-1.0943 and applicable State and Federal laws.

B. Florida Alternate Assessment

The CCCCSA does not offer a Florida Alternate Assessment.

Test Administration and Security

The CCCSA may contract with qualified contractors to administer and proctor Statewide standardized assessments or local assessments required under State law. Assessments may be administered or proctored by qualified contractors at sites that meet criteria established by rules of the State Board of Education and adopted pursuant to State law to implement these contracting requirements.

The CCCSA may use CCCSA employees, such as education paraprofessionals, licensed, certified instructors, or education services test administrators as described in F.S. 1008.23 may administer and proctor Statewide, standardized assessments or assessments associated with Florida-approved courses under F.S. 1003.499. All test administrators and proctors for the Statewide assessments will be trained according to rules of the State Board of Education before performing such duties.

The Board shall take appropriate and necessary actions against any employee who knowingly and willfully violates test security rules adopted by the FLDOE for any Statewide standardized assessments.

Revised 11/18/22
Revised 5/7/24
Revised 9/17/24
Technical Correction 11/12/24

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Legal
F.S. 1002.37
F.S. 1002.395
F.S. 1003.4282
F.S. 1008.212
F.S. 1008.22
F.S. 1008.23
F.S. 1008.24
F.S. 1008.25
F.A.C 6A-1.09422
F.A.C. 6A-1.0943
F.A.C. 6A-1.09430
F.A.C. 6A-1.09431
F.A.C. 6A-1.09432
F.A.C. 6A-10.042

INSTRUCTIONAL STAFF

po3111

DESIGNATION OF A NEW POSITION

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

3111 - **DESIGNATION OF A NEW POSITION**

The Governing Board recognizes the need to establish positions that, when filled by competent, qualified instructional staff members, will assist the Authority in achieving the educational goals set by the Board. The Authority employs only U.S. citizens and others lawfully authorized to work in the United States.

Subject to the recommendation of the Superintendent, the Board shall designate new positions pursuant to the job descriptions developed in accordance with Policy 3600 and set the initial salary for new positions not currently covered by a valid collective bargaining agreement.

When designating new positions, primary consideration shall be given to:

A. the number of students enrolled;

B. the special needs of the students;

C. the operational services of the Authority.

Revised 8/15/23

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Legal
F.S. 1001.42
F.S. 1012.22
F.S. 1001.42(5)

INSTRUCTIONAL STAFF

po3112

BOARD-STAFF COMMUNICATIONS

ADOPTED Apr 12, 2016

3112 - **BOARD-STAFF COMMUNICATIONS**

The Governing Board is a policy making body and its individual members do not have authority to direct the day-to-day operations of the Authority or its employees. Nevertheless, the Board believes that open channels of communication between itself and the staff will benefit the Authority. The preferred line of official communication should, however, be through the Superintendent.

A. Staff Communications to the Board

Communications regarding official business of the Authority from staff members to the Board or its committees should preferably be submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board no later than seven (7) days following receipt.

If a staff member chooses to communicate directly with the Board regarding Authority business, then that communication should be sent to all members of the Board and the Superintendent should be copied as well.

This communication protocol is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures.

B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will generally be communicated through the Superintendent, who shall also keep staff members informed of the Board's concerns and actions.

C. Social Interaction

Both staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the Authority. However, since Board members are not authorized to act on behalf of the Board unless in open public

session or when specifically vested with such authority, Board members and members of the staff should not discuss personnel grievances or other complaints if procedures to seek remedy for such grievances or complaints have been established in Board policy or in the collective bargaining agreement.

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F.S. 1001.32

INSTRUCTIONAL STAFF

po3113

CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

ADOPTED Apr 12, 2016

3113 - **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP**

It is the policy of the Governing Board that no Authority officer or employee, including but not limited to, Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship with any business entity or any agency which is doing business with the Authority, excluding those organization and their officer who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the Authority.

Furthermore, it is the policy of the Board that no Authority officer or employee, including but not limited to Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship that will create any conflict whatsoever between his/her private interests and the performance of his/her duties or that would impede the full and faithful discharge of his/her duties.

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F.S. 112.313(7)

INSTRUCTIONAL STAFF

po3120

EMPLOYMENT OF INSTRUCTIONAL STAFF

ADOPTED Mar 10, 2026

3120 - **EMPLOYMENT OF INSTRUCTIONAL STAFF**

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

The Board may establish reciprocal certification agreements with other Florida school Districts whose employment and/or certification requirements are comparable to those of this School system.

For purposes of this policy, instructional staff includes: classroom teachers, librarians/media specialists, guidance counselors, social workers, career specialists, school psychologists, other instructional staff (such as: primary specialists, learning resource specialists, instructional trainers, and adjunct educators), and additional CCCCSA-defined positions, including registered nurses, audiologists, and speech pathologists.

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

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

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

A person is ineligible for educator certification or employment in any position that requires direct contact with students if:

A. they are on the disqualification list maintained by the Florida Department of Education under F.S. 1001.10(4)(b);

B. they are registered as a sex offender as described in 42 U.S.C. 9858f(c)(1)(C);

C. they are ineligible based on a security background investigation under F.S.435.04;

The Agency for Health Care Administration shall determine the eligibility of employees in any position that requires direct contact with students in a CCCCSA school.

D. they would be ineligible for an exemption under F.S. 435.07(4)(c); or

E. they have been convicted or found guilty of, have had adjudication withheld for, or have pled guilty or nolo contendere to (1) any criminal act in another state or under federal law which, if committed in Florida, constitutes a disqualifying offense under F.S. 435.04(2) or (2) any delinquent act committed in Florida or any delinquent or criminal act committed in another state or under Federal law which, if committed in Florida, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under F.S. 943.0435.

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

Individuals who apply for employment are governed by the law and rules in effect at the time of application for employment, provided that continuity of employment is maintained.

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

INSTRUCTIONAL PERSONNEL

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

Any employee who does not achieve a passing score on any subtest of the general knowledge examination will be provided information regarding the availability of State-

level and CCCCSA-level supports and instruction to assist him/her in achieving a passing score. Such information will include, but is not limited to, State-level test information guides, School CCCCSA preparation resources, and preparation courses offered by State universities and Florida college system institutions.

CERTIFICATION

A. State Certification

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

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

B. In-Field

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

1. the teacher is assigned to a course covering subject matter for which the teacher holds a certificate per F.S. 1012.55; or

2. demonstrates sufficient subject matter expertise as determined by F.A.C. 6A-1.0503, (2)(a)-(h).

F.S. 1012.42

NONCERTIFICATED INSTRUCTIONAL PERSONNEL

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

CERTIFICATED PERSONNEL

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

ALTERNATIVE CERTIFICATION

The alternative certification program is a competency-based program designed to expand the pool of educators to include non-education majors committed to making a positive impact on student achievement. The procedures for this program may be found in the Lee County Alternative Certification Program.

LICENSED PERSONNEL

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

Heroes in the Classroom

An honorably discharged or retired military veteran or retired first responder who commits to joining the teaching profession as a full-time classroom teacher is eligible for a one-time sign-on bonus administered by the Department of Education (FLDOE), subject to legislative appropriation. An eligible veteran or first responder may receive an additional bonus for teaching a course in a high-demand teacher need area, as identified by the FLDOE. For any such eligible veteran or first responder employed by it, the Board will provide any necessary information requested by the DOE and, in a manner established by the FLDOE, notify the eligible veteran or first responder that employment may impact their pension from a previous employer.

Revised 2/9/21
Revised 3/9/21
Revised 12/14/21
Revised 11/18/22
Revised 5/7/24
Revised 3/10/26

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

F.S. 1012.33
F.S. 1012.42
F.S. 1012.55
F.S. 1012.56
F.S. 1012.57
F.S. 1012.575
F.A.C. 6A-1.0502
F.A.C. 6A-1.0503
20 U.S.C. 6301
20 U.S.C. 7801

INSTRUCTIONAL STAFF

po3120.03

ATHLETIC COACHES

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

3120.03 - **ATHLETIC COACHES**

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

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

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

Revised 9/16/25

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Legal
F.S. 1012.55(2)

INSTRUCTIONAL STAFF

po3120.04

EMPLOYMENT OF SUBSTITUTE, SHORT-TERM, AND PART-TIME INSTRUCTIONAL STAFF

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

3120.04 - **EMPLOYMENT OF SUBSTITUTE, SHORT-TERM, AND PART-TIME INSTRUCTIONAL STAFF**

When it becomes necessary to employ instructional personnel on a temporary basis, such employment is on a limited-time basis for the purpose of filling a vacancy for which a regular employee cannot be found, or to perform some task of a temporary nature. This employment shall end at the close of the school term, at the end of the fiscal year, or at the time when the temporary task is completed.

A. Substitute Teachers

The Governing Board authorizes the employment of State and Authority certificated substitute teachers pursuant to Florida law. The employment of substitute teachers shall be in accordance with a planned program developed by the Authority.

Each school principal is authorized to employ a substitute teacher when an instructional staff member is unable to perform assigned duties. The principal shall obtain substitute teachers from the approved list published by the Human Resource Office.

In the absence of a regular teacher, a substitute teacher shall be employed under the following conditions:

1. Absences of regular teachers shall be filled by highly qualified substitute teachers whenever possible.

2. Before working in the District, substitute teachers will complete an initial orientation and training program in Board policies and District procedures addressing school safety and security procedures, educational liability laws, professional responsibilities, and ethics.

3. All substitute teachers shall observe the same hours and perform the same duties as regular teachers. Substitutes may be excused by the principal from instructional meetings.

4. Each substitute teacher shall conduct classes according to lesson plans and schedules prepared by the teacher who is absent.

5. The principal shall determine whether substitutes will be responsible for the extra-curricular duties assigned to the regular teacher. Each substitute shall leave for the returning teacher a summary of the work covered and work assigned to students.

6. Compensation of substitute teachers shall be established by the Board.

7. Each substitute teacher shall file a complete set of fingerprints as required in Policy 3121.01 - *Employment History and Criminal Background Checks*.

8. The Authority may remove a substitute teacher from its approved list of substitute teachers with or without cause. The substitute teacher removed from the approved list shall not have no further recourse against the Authority unless removal from the approved list is in violation of State or Federal law.

Upon request from an early learning coalition serving students in Lee County, the Authority will make available to the coalition a list of persons eligible to act as a substitute teacher in this Authority.

B. Part-Time Instructional Staff

The Superintendent is authorized to employ temporary or part-time personnel as needed to teach less than a full school day or less than a full school year.

Revised 4/14/26

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Legal
F.S. 1002.83(14)
F.S. 1012.35
F.S. 1012.36

INSTRUCTIONAL STAFF

po3120.06

SELECTING STUDENT TEACHERS

ADOPTED Apr 12, 2016

3120.06 - **SELECTING STUDENT TEACHERS**

The Governing Board encourages cooperation with State-approved colleges and universities in the training of student teachers, because the public school offers an essential ingredient - direct experience with students and teachers at work in the classroom. However, certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent regarding placement of a student teacher. The Authority shall comply with the policies and procedures governing the placement of student teachers established by the college or university.

The Superintendent shall make the final placement of student teachers.

The supervising staff member shall have had no less than four (4) years of successful experience in the area of assignment.

Instructional staff members who agree to serve as supervisors of student teachers may accept honoraria or stipends directly from the college/university for those services rendered outside the regular school day and above and beyond the duties and responsibilities specified in their contracts.

The following conditions shall also be met:

A. The college/university making the assignment shall provide on-going supervision in a manner suitable to the Superintendent.

B. The supervising teacher must agree to work effectively with both the student teacher and the college/university supervisor.

C. If at any time the quality of teaching is judged to be inferior or the student teacher is disruptive to the on-going program, the Superintendent may request withdrawal of that person from the program.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a "field experience" program in order for selected interns to gain first-hand knowledge of and experience in a school environment.

The Superintendent may terminate the Authority's partnership with a college or university teacher preparation program if one or more aspects of the program are not meeting Authority expectations.

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Legal
F.S. 1012.39

INSTRUCTIONAL STAFF

po3120.07

CASUAL EMPLOYMENT OF INSTRUCTIONAL STAFF

ADOPTED Apr 12, 2016

3120.07 - **CASUAL EMPLOYMENT OF INSTRUCTIONAL STAFF**

Instructional staff members employed by the Authority may be employed as casual resource personnel, outside of their regular duties and assignments at the discretion of the Superintendent.

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F.S. 1012.01

INSTRUCTIONAL STAFF

po3120.08

PART-TIME EXTRA-CURRICULAR PERSONNEL

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

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

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

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

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

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

Revised 8/14/18
Revised 9/16/25

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

INSTRUCTIONAL STAFF

po3120.10

JOB SHARING

ADOPTED Apr 12, 2016

3120.10 - **JOB SHARING**

The Governing Board recognizes the value to the Authority to obtain the services of quality staff members who may not be available on a full-time basis but wish to offer their knowledge and skills part-time through a job-sharing process.

The Authority will consider job share requests only if the cost (including benefits) of employing two (2) staff members on a half-time basis does not exceed the cost of employing one full-time staff member.

Half-time positions may be approved in which two (2) currently employed staff members will be allowed to share one (1) full-time position. Each staff member will be given credit for one (1) full year of seniority for this half-time job assignment.

The Board authorizes the Superintendent to create a job-sharing program provided it does not impact adversely on the Authority or any current staff member.

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F.S. 1012.23
F.S. 1012.36

INSTRUCTIONAL STAFF

po3120.11

PREFERENCE FOR VETERANS IN EMPLOYMENT

ADOPTED Jun 14, 2022

3120.11 - **PREFERENCE FOR VETERANS IN EMPLOYMENT**

Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran, pursuant to the provisions below, as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

Appointment or Retention in Positions of Employment

Preference shall be given to the following:

A. Those disabled veterans:

1. who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the U.S. Department of Veterans Affairs; or

2. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans Affairs and the Department of Defense.

B. The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

C. A wartime veteran as defined in F.S. 1.01(14) who has served at least one (1) day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.

D. The unremarried widow or widower of a veteran who died of a service-connected disability.

E. The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.

F. A veteran as defined in F.S. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.

G. A current member of any reserve component of the United States Armed Forces or the Florida National Guard.

The Governing Board may waive a postsecondary educational requirement for a position of employment, other than those positions made exempt under F.S. 295.07 for a current member of a reserve component of the U.S. Armed Forces or the Florida National Guard or a veteran who has been honorably discharged if the person is otherwise qualified for the position.

Veterans' preference in employment and retention may be given only to eligible persons who are described above.

In all positions in which the appointment or employment of persons is not subject to a written examination, first preference in appointment, employment, and retention processes shall be given to persons included under A and B above, and second preference shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

A veteran employed will be subject to the employment policies of the Authority.

Reinstatement or Reemployment

When an Authority employee has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the District shall reemploy or reinstate such person to the same position that s/he held prior to such service in the Armed Forces, or to an equivalent position, provided such person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position.

Further, the Authority shall reemploy or reinstate the person who was a veteran when employed by the Authority and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge to the same position that s/he held prior to service in the Armed Forces, or to an equivalent position, provided the person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. The person shall also be

awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.

The provisions in the preceding two (2) paragraphs pertaining to persons who are reemployed or reinstated shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

Recruitment Plan

The Board will develop and implement a veterans recruitment plan for the full use of veterans in the Board's workforce. The plan will be designed to meet the established goals. The veterans recruitment plan applies to the preference-eligible persons who are described above.

Revised 6/14/22

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Legal
F.S. 295.07
F.S. 295.08
F.S. 295.085
F.S. 295.09

INSTRUCTIONAL STAFF

po3121

CONDITIONS FOR EMPLOYMENT AND RE-EMPLOYMENT OF INSTRUCTIONAL STAFF

ADOPTED Apr 12, 2016

3121 - **CONDITIONS FOR EMPLOYMENT AND RE-EMPLOYMENT OF INSTRUCTIONAL STAFF**

Applicants for employment or re-employment must submit an employment application, a copy of the social security card with correct name, and a minimum of three (3) acceptable references. Candidates shall meet the Governing Board's hiring guidelines and employment prerequisites prior to consideration for any vacancy.

Failure of candidates to adhere to the time schedule established for submission of documents may be cause for failure to employ or for dismissal.

False or misleading statements or answers or omissions made by a person in connection with seeking employment may bar a person from employment with the Board or, if discovered after employment, may result in disciplinary action, including termination upon the recommendation of the Superintendent and the approval of the Board. Each case shall be considered on its own merits.

The Superintendent shall 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 Board policies.

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Legal
F.S. 121.091
F.S. 1012.01
F.S. 1012.32
F.S. 1012.40

INSTRUCTIONAL STAFF

po3121.01

BACKGROUND SCREENING AND EMPLOYMENT HISTORY CHECKS

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

3121.01 - **BACKGROUND SCREENING AND EMPLOYMENT HISTORY CHECKS**

The safety of its students is of paramount importance to the Authority. Consistent with this concern for student safety, and in compliance with Florida law, the Authority requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all positions shall be subject to a criminal screening check to determine eligibility for employment. Additionally, the Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to Federal and State law.

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

The cost of the background screening, with the exception of fingerprinting, related to initial employment or re employment after a break in service will be borne by the Authority.

The Board is a registered employer with the Care Provider Background Screening Clearinghouse. The Authority shall publish a clear and conspicuous link on its official website, and provide the link in all job vacancy advertisements and posts, to the Agency for Health Care Administration's webpage related to the Care Provider Background Clearinghouse. Background screenings, including all fingerprint requirements, shall be conducted in accordance with F.S. 435.12 and F.S. 1012.32. Criminal history checks through the Care Provider Background Screening will be conducted before referring an employee or potential employee or a person with a current or potential affiliation with the Authority for electronic fingerprint submission to the Florida Department of Law Enforcement. For purposes of this policy, "affiliation" means the status of a person employed or serving as a volunteer or contractor, or seeking to be employed or to serve as a volunteer or contractor, with the Authority in a position for which screening is not required by law but is authorized under the National Child Protection Act.

A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with

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

Furthermore, before employing instructional personnel in any position that requires direct contact with students, the Principal or designee shall conduct employment history checks of each of the candidate's previous employer(s), review each affidavit of separation from previous employers pursuant to F.S. 1012.31, screen the candidate through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the Principal or designee shall document efforts to contact the employer (F.S. 1012.27(6)). Background screenings for these candidates must also comply with the requirements of F.S. 1012.465 or F.S. 1012.56 (whichever is applicable).

Pursuant to State law, all instructional staff members employed by the Authority must self-report arrests for serious offenses (see AP 3121.01).

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

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

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

Pursuant to State law, the Governing Board of Lee County will, however, share information received as the result of the criminal background check with CCCCSA.

Current employees will be rescreened through the Care Provider Background Screening Clearinghouse in accordance with the following schedule:

A. Employees for whom the last screening was conducted on or before June 30, 2021, must be rescreened by June 30, 2025;

B. Employees for whom the last screen was conducted between July 1, 2021, and June 30, 2022, must be rescreened by June 30, 2026; and,

C. Employees for whom the last screening was conducted between July 1, 2022, and December 31, 2023, must be screened by June 30, 2027.

Furthermore, if information received as a result of the criminal history records check indicates that a certificated instructional staff member has been convicted of certain crimes

enumerated by law, the Superintendent must report this information to the Florida Department of Education per Policy 8141 - *Mandatory Reporting of Misconduct*.

Changes to Initial Status - Care Provider Background Screening Clearinghouse

Before January 1, 2024, initial status and any changes in status must be reported within ten (10) business days after a person receives their initial status or after a change in the person's status has been made.

Effective January 1, 2024, initial status and any changes in status must be reported within five (5) business days after a person receives their initial status or after a change in the person's status has been made.

Revised 8/14/18
Revised 12/14/21
Revised 11/18/22
Revised 8/15/23
Revised 5/7/24
Revised 3/10/26

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Legal
F.S. 435.09
F.S. 435.12
F.S. 448.095
F.S. 943.0435
F.S. 943.0585(4)(a)
F.S. 943.059(4)(a)
F.S. 1001.10(5)
F.S. 1001.41
F.S. 1001.42
F.S. 1012.23
F.S. 1012.27(6)
F.S. 1012.315
F.S. 1012.32
F.S. 1012.56
F.A.C. 6A-10.083
Federal Immigration Reform and Control Act of 1986
8 U.S.C. 1255a

INSTRUCTIONAL STAFF

po3122

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

3122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

I. **General Statement**

The Governing Board does not discriminate on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes") in its programs and activities, including employment opportunities.

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

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

II. **Definitions**

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

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

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

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

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

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

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

III. Authority Compliance Officer

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

A. Compliance Officer(s)

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

The COs shall also serve as the ADA Coordinator and Title IX Coordinator.

Kristie Belesiotis
Human Resources Manager

239-424-6100 X7456
3519 Oasis Blvd.
Cape Coral, Florida 33914
OasisHR@capecoral.gov

B. ADA Coordinator and Title IX Coordinator

The Board designates the following individuals to serve as the ADA Coordinator and Title IX Coordinator.

Kristie Belesiotis
Human Resources Manager
239-424-6100 x7456
3519 Oasis Blvd.
OasisHR@capecoral.gov
Cape Coral, Florida 3391

C. Title IX Coordinator

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

Kristie Belesiotis
Human Resources Manager
239-424-6100 x7456
OasisHR@capecoral.gov

D. Publication Required

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

IV. **Complaint Procedures**

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

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

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

V. Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination that is prohibited in this policy. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the compliance officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the compliance officer for good cause.

C. The compliance officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The compliance officer will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The

compliance officer shall maintain the Authority's files and records relating to the complaint.

D. The Superintendent will, within ten (10)days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render his/her decision within ten (10) days of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

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

V. **Filing a Complaint with OCR/FCHRs/EEOC**

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

VI. **Retaliation**

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

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of

this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

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

VII. Training

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

VIII. Notice

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

IX. Retention of Investigatory Records and Materials

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

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by Authority personnel;

D. any written documentation of actions taken by Authority personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Authority's response to the alleged violation of this policy;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

O. copies of the Board policy and/or procedures/guidelines used by the Authority to conduct the investigation, and any documents used by the Authority at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

P. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and

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

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

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

Revised 10/8/19
Revised 3/9/21
Revised 6/8/21
Technical Correction 11/12/24

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

INSTRUCTIONAL STAFF

po3122.01

PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

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

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

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

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

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

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as

devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

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

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

CCCSA Compliance Officers

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

Kristie Belesiotis
Human Resources Manager
239-424-6100 x7456
3519 Oasis Blvd.
Cape Coral, Florida 33914
OasisHR@capecoral.gov

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

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

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

Complaint Procedures

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

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

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

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

Appealing to OCR/Florida Commission on Human Relations/EEOC

If the complainant is not satisfied with the Superintendent's decision, the complainant will have an additional sixty (60) days to appeal the decision to the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

Retaliation

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

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

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

Training

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

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

Facilities

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

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

Notice

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

Revised 6/8/21
Technical Correction 11/12/24

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Legal
29 C.F.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

INSTRUCTIONAL STAFF

po3122.02

NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

ADOPTED Apr 12, 2016

3122.02 - **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

The Governing Board does not discriminate against any employee or applicant for employment with respect to hiring, compensation, terms, conditions, or privileges of employment based on genetic information. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Retaliation against an applicant or employee for engaging in protected activity is prohibited.

As required by Federal law and regulation, the Board shall direct its employees not to provide any genetic information in response to requests for medical information, including but not limited to FMLA medical certification or recertification. The Board shall also direct applicants for employment not to provide any genetic information in response to requests for medical information as part of the Authority's application process. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. As required by Federal law, if the Authority inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members.

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Legal

29 C.F.R. Part 1635

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

20 U.S.C. 1232g

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

INSTRUCTIONAL STAFF

po3124

DRUG-FREE WORKPLACE

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

3124 - **DRUG-FREE WORKPLACE**

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

The use of illegal drugs, the abuse of alcohol, and the misuse of prescription and over-the-counter drugs are unacceptable. The Board does not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, or any drug paraphernalia as the term is defined by law, by any member of the District's staff, visitor or vendor at any time while on District property or while involved in any District-related activity or event.

Drug Testing

In furtherance of this policy, the Board conducts drug testing of its job applicants and employees, pursuant to Federal and State law.

Board employees who operate Board vehicles and have a commercial driver's license or perform safety-sensitive functions are subject to the drug testing procedures in Policy 4162.

"Drug" means an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph. This definition also includes all prescription drugs obtained without authorization and all prescribed and over-the-counter drugs being used in a way other than for medical purposes, in accordance with the directions for use provided in the prescription or by the manufacturer. This definition includes prescription marijuana.

Types of Drug Testing

A. Job Applicant Drug Testing

For the purpose of this policy, "job applicant" means a person who has applied for a position with the Board and has been offered employment conditioned upon successful completion of a drug test. Applicants will be informed in advance of the requirement of a negative drug screen as a condition of employment. The drug screen must be conducted within thirty (30) days prior to employment, and within twenty-four (24) hours of receiving the notice to report from Human Resources. A refusal to submit to a drug test or a positive confirmed drug test may be a basis for refusing to hire a job applicant. Applicants who fail to appear at the pre-employment drug screening within the twenty-four (24) hour period will not be eligible to reapply for a period of thirty (30) calendar days.

B. Reasonable Suspicion Drug Testing

For the purpose of this policy, "reasonable suspicion" means the reasonable belief that an employee is using or has used drugs in violation of this policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion drug testing shall not be required except upon the recommendation of a supervisor who is at least one (1) level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:

1. observable phenomena while at work, including, but not limited to; direct observation of drug use; physical symptoms; or manifestations of being under the influence of a drug;

2. abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

3. a report of drug use, provided by a reliable and credible source;

4. evidence that an individual has tampered with a drug test during his/her employment with the Board;

5. information that an employee has caused, or contributed to, an accident while at work; or

6. evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working for the Board or while on the Board's premises; or while operating the Board's vehicles, machinery, or equipment.

C. Routine Fitness-for-Duty Drug Testing

A drug screening will be required as part of an employee fitness-for-duty medical

examination that is scheduled routinely for all members of an employment classification or group.

D. Follow-up Drug Testing

If the employee in the course of employment enters an employee assistance program for drug-related problems, or a drug rehabilitation program, the Board will require the employee to submit to a drug test as a follow-up to such program. Follow-up testing will be conducted at least once a year for a two (2) year period after completion of the program, with no advance notice of follow-up testing dates.

Drugs Tested

The Board will test for the following drugs:

A. alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor

B. an amphetamine

C. a cannabinoid (THC/marijuana)

D. cocaine

E. phencyclidine (PCP)

F. a hallucinogen

G. methaqualone

H. an opiate (fentanyl, oxycodone, methadone)

I. a barbiturate (phenobarbital)

J. a benzodiazepine (Valium, Xanax, Klonopin)

K. a synthetic narcotic

L. a designer drug

M. a metabolite of any of the substances listed above

Common Medications that May Affect a Drug Test

These are common medications that may alter or affect a drug test:

A. ADHD (attention deficit hyperactivity disorder) medications like methylphenidate (Ritalin)

B. antidepressants like bupropion (Wellbutrin), fluoxetine (Prozac) and trazadone (Desyrel)

C. beta blockers like labetalol (Trandate)

D. diet pills like phentermine (Adipex-P)

E. medication to treat nausea and vomiting like phenothiazines (Promethazine)

F. over-the-counter cold, sinus, and nasal decongestants like ephedrine and pseudoephedrine (Sudafed) and Vicks inhaler

G. pain medication like ibuprofen (Advil/Motrin) and naproxen sodium (Aleve)

H. sleep aids like doxylamine (Unisom)

I. pain medication like ibuprofen

J. selective serotonin reuptake inhibitors (SSRIs) like sertraline (Zoloft), which can be used to treat depression, post-traumatic stress disorder (PTSD), obsessive-compulsive disorder (OCD), social anxiety disorder and panic attacks

K. cannabidiol (CBD) oil

L. HIV medication like efavirenz (Sustiva)

M. proton-pump inhibitors like pantoprazole (Protonix)

N. quinoline antibiotics used to treat bacterial infections like levofloxacin (Levaquin) and ofloxacin

O. anti-psychotic medications like quetiapine (Seroquel)

P. over-the-counter antihistamines like diphenhydramine (Benadryl)

Confidential Report to Medical Review Officer (MRO)

An employee may confidentially report to an MRO their use of prescription or non-prescription medications, either before or after being tested.

Right to Consult with the MRO

An employee has the right to consult with an MRO for technical information regarding prescription or non-prescription medication.

Employee Self-Report

Board employees who self-report substance abuse problems, prior to any incident requiring the employee's drug testing, will, upon the first self-report, be afforded employee assistance with the District's Employee Assistance Program. Depending upon the substance involved, this may necessitate the employee requesting a leave from their position while in treatment. This leave will be charged to the employee's accrued time or will be unpaid. Actions taken upon an employee's subsequent self-reports will be at the discretion of Human Resources.

Positive Confirmed Test Result

The Board will not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of a job applicant or employee on the sole basis of a positive drug test, excluding breathalyzer testing, that is not verified by a confirmation test.

An employee who receives a positive confirmed test result may contest or explain the result to the MRO within five (5) workdays after receiving written notification of the test result. If the employee's explanation or challenge is unsatisfactory to the MRO, the MRO will report a positive test result to the Board. The employee may appeal the drug test result to the Board within five (5) workdays from receiving notice of the MRO's report of a positive test result.

Refusal and Adulterated Specimen

A refusal to submit to a drug screen will be considered a positive test result, and the employee will be subject to disciplinary action. An employee or applicant who refuses to submit to an alcohol or controlled substance test does so by:

A. failing to provide adequate breath for testing without a valid medical explanation after being notified of the requirement for breath testing;

B. failing to provide adequate urine for controlled substance testing without a valid medical explanation after being notified of the requirement for urine testing; or

C. engaging in conduct that clearly obstructs the testing process.

An adulterated specimen is considered a refusal to participate in a drug screen (i.e., a positive test).

Disciplinary Sanctions

Disciplinary action may be instituted against an employee who has violated this policy, and who the Board believes will not be assisted by rehabilitation; or who the Board believes has had or will have a negative impact on students and/or staff. Disciplinary sanctions, if appropriate, will be implemented in accordance with Board policy, applicable Florida statutes, and State Board of Education rules.

A job applicant found to test positive for illegal drug(s) or abuse of legal drug(s) will not be considered for employment by the Board. Job applicants may appeal a positive test for drugs to the Superintendent.

A Board employee found to test positive for illegal drug(s) or abuse of legal drug(s) will be immediately subject to disciplinary procedures. Employees who test positive for illegal drugs and/or abuse of legal drugs may be:

A. suspended from employment, with or without pay;

B. terminated from employment;

C. required to submit to further testing; or

D. be subject to other administrative procedures necessary for the enforcement of this policy.

Any and all actions will be in accord with the Board policy, Florida statutes, and any applicable collective bargaining agreement.

The Board recognizes that chemical dependency is an illness that may be successfully treated. The Board may choose to direct an employee to a rehabilitation program.

Notice of Administrative or Civil Action

It is the responsibility of the employee to notify the laboratory of any administrative or civil action brought pursuant to Florida law or this policy.

Confidentiality

Laboratory results and test results will not appear in an employee's general personnel records. Information of this nature will be contained in a separate, confidential medical file that will be appropriately maintained by the HR Department. The reports or test results may be disclosed to Board administrators on a strictly need-to-know basis and to the tested employee upon request. Disclosures without the employee's consent may also occur when the information:

A. is compelled by law or by judicial or administrative process;

B. has been placed at issue in a formal dispute between the Board and the employee;

C. is to be used in administering an employee benefit plan; or

D. is needed by medical personnel for the diagnosis or treatment of the employee in the event the employee is unable to authorize disclosure.

Resources Available

The following employee assistance and local drug rehabilitation programs are available:

EAP
City of Cape Coral
HR Department

Notice of Policy

A notice of drug testing will be included on vacancy announcements for positions with the Board. The Board will also post notice of this policy in appropriate and conspicuous locations.

This policy is adopted pursuant to F.S. 440.102. The Board will follow the procedures outlined in AP 3124, *Drug-Free Workplace Technical Guide*, in implementing this policy.

Revised 5/13/24

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Legal
F.S. 440.101
F.S. 440.102
F.A.C. Chapter 59A-24, Drug-Free Workplace Standards

INSTRUCTIONAL STAFF

po3128

CONTRACTS: INSTRUCTIONAL PERSONNEL

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

3128 - **CONTRACTS: INSTRUCTIONAL PERSONNEL**

Any person employed as a member of the instructional staff shall hold a valid Florida Teaching Certificate except as noted elsewhere in policy. All instructional staff members shall be entitled to and shall enter into a written contract with the Authority as provided by law. Any member of the instructional staff who is willfully absent from duty without leave shall forfeit compensation for the time absent, and the staff member's contract shall be subject to cancellation by the Authority.

Contracts with, as well as contracts pertaining to, instructional staff that provide for extra compensation, bonuses, and/or severance pay, shall strictly comply with the provisions of F.S. 215.425.

All instructional personnel are at-will employees and may be dismissed or terminated at any time, with or without cause.

The Board may not award an annual contract on the basis of any contingency or condition not expressly authorized in law by the Florida Legislature or alter or limit its authority to award or not award an annual contract as provided in F.S. 1012.335. This paragraph applies only to a collective bargaining agreement entered into or renewed on or after June 15, 2017.

In the event there is any conflict or inconsistency between the terms and conditions of any policy and the terms and conditions of an employment contract, the terms and conditions of the employment contract shall govern and control the rights and obligations of the parties.

A true signed copy of the contract shall be retained by the Authority in the office of the Superintendent.

In the event there is any conflict or inconsistency between the terms and conditions of any policy and the terms and conditions of an employment contract, the terms and conditions of the employment contract shall govern and control the rights and obligations of the parties.

Year of Service Defined for Instructional Personnel

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.

Any claim to a year of service for salary purposes shall be the equivalent of the service required for a continuing, instructional 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 Authority for a comparable position.

In determining the number of days that must be served to constitute a full year of out-of-state teaching experience, the existing regulations of the State or school district in which the contract was executed shall be used as the criteria.

Revised 8/14/18

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Legal
F.S. 215.425
F.S. 1001.42
F.S. 1001.43
F.S. 1011.60
F.S. 1012.22
F.S. 1012.32
F.S. 1012.33
F.S. 1012.335
F.S. 1012.34
F.S. 1012.56
F.A.C. 6A-1.052
F.A.C. 6A-1.064

INSTRUCTIONAL STAFF

po3129

CONFLICT OF INTEREST - PRIVATE PRACTICE

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

3129 - **CONFLICT OF INTEREST – PRIVATE PRACTICE**

The proper performance of school business is dependent upon high standards of honesty, integrity, impartiality, and professional conduct by Governing Board employees. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence. For these reasons, the Board adopts the following procedures to assure that conflicts of interest do not occur. These procedures are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees.

A. No employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with the employee's job duties and responsibilities in the school system.

B. Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the Authority.

   Included, by way of illustration rather than limitation are the following:

   1. the provision of any private lessons or services for a fee;

   2. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through access to Authority records;

   3. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;

   4. the requirement of students or clients to purchase any private goods or services provided by an employee or any business, or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

C. No employee, officer, agent or Board member shall not make use of materials, equipment, or facilities of the Authority in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

Exceptions to any provision in parts A through C of this policy shall be approved in advance by the Superintendent and shall be consistent with State law, including providing services in accordance with The New Worlds Tutoring Program as permitted under F.S. 1008.366.

Employees, officers, or agents may not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Employees, officers, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

To the extent that the Authority has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the Authority may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the Authority is unable, or appears to be unable, to be impartial.

Employees, officers, and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the Authority. Upon discovery of any potential conflict of interest, the Authority will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Authority will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery, or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, consistent with substantive and procedural due process and as permitted by applicable Board policy, State law,

Exceptions to this policy shall be approved by the Superintendent consistent with State law.

Revised 11/18/22
Revised 4/14/26

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Legal

F.S. 112.312
F.S. 112.313
F.S. 1002.411
F.S. 1006.32
F.S. 1008.366
2 C.F.R. 200.112
2 C.F.R. 200.113
2 C.F.R. 200.318

INSTRUCTIONAL STAFF

po3129.01

TUTORING

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

3129.01 - **TUTORING**

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

Instructional staff members who tutor students within their school unit and receive compensation for this work shall have prior approval of their principal.

Staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes for which a grade is given.

For purposes of this policy, "remedial tutoring" does not include The New Worlds Tutoring Program services permitted under Policy 3129.

In accordance with this policy, Governing Board facilities and materials shall not be utilized for such tutoring.

Revised 11/18/22
Revised 4/14/26

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Legal
F.S. 1002.411
F.S. 1008.365
F.S. 1008.366

INSTRUCTIONAL STAFF

po3130

APPOINTMENT, ASSIGNMENT, TRANSFER, AND PROMOTION OF INSTRUCTIONAL STAFF

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

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

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

Appointment and Assignment

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

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

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

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

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

Assignment to Schools Graded “D” or “F”

Pursuant to statutory requirements, the percentage of inexperienced teachers, teachers in need of improvement, or out-of-field teachers assigned to schools graded “D” or “F” under State law shall not be greater than the Authority average. As used in this policy, "inexperienced teacher" means a teacher who has been teaching for three (3) years or less.

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

A. has received an “effective” or “highly effective” rating in the immediate prior year’s performance evaluation;

B. has successfully completed or is enrolled in a teacher preparation program, is provided with high-quality mentoring during the first two (2) years of employment, holds a professional certificate and holds a probationary contract; or

C. holds a probationary contract, holds a professional certificate and has successful teaching experience, and if, in the judgment of the school principal students would benefit from the placement of that individual.

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

Assignment to Teacher Preparation Programs

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

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

All instructional personnel who supervise or direct teacher preparation students during field experience courses or internships, in which a candidate demonstrates an impact on student learning growth, on a United States military base in another country through a Florida online or distance program must have received “clinical educator” training or its equivalent, hold a valid professional certificate issued by the United States Department of

Defense or a state or territory of the United States, and have at least three (3) years of K-12 teaching experience.

Teachers Teaching Out-of-Field

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

A. Approval of Out-of-Field Teachers

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

B. Notification Requirements and Transfer Requests

When a teacher is assigned instructional duties in a class containing subject matter outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise, as determined by the State Board of Education rule (F.A.C. 6A-1.0503), the parents of all students in the class shall be notified in writing of such assignment.

The Board shall report out-of-field teachers on the District's website and in newsletter form by October 1st and February 1st each year.

A parent whose student is assigned an out-of-field teacher may request that their child be transferred to an in-field classroom teacher within the school and grade in which the student is currently enrolled through the process set forth in Policy 5780.

Promotion and Transfer

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

Before transferring an instructional staff member from one (1) school to another, the Superintendent shall consult with the principal of the school to which the teacher will be assigned and allow the principal the opportunity to review the teacher's records, including student performance demonstrated under F.S. 1012.34, and interview the teacher. If, in

the judgment of the principal, students would not benefit from the placement, an alternative placement may be sought. A principal may refuse to accept the Superintendent's assignment or transfer of an instructional staff member who holds a professional teaching certificate to his/her school, unless that instructional staff member has a performance rating of effective or highly effective under F.S. 1012.34.

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

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

Required Reporting

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

Duties, Days, and Hours

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

A. Instructional staff members shall perform the duties required by Florida statutes and Board policy, as well as other reasonable duties as may be assigned by their immediate supervisor. Failure to perform such duties in an acceptable manner shall constitute a violation of the instructional staff member's contract.

B. Instructional staff members are responsible for student control and supervision at any location on campus or during school-sponsored activities.

C. Instructional staff members shall not permit their family members or friends by their presence to interfere with performance of their duties during working hours.

Employment and Supervision of Relatives (Nepotism)

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

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

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

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

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

Revised 8/14/18
Revised 2/9/21
Revised 9/16/25
Revised 4/14/26

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Legal
F.S. 112.3135
F.S. 1001.32
F.S. 1004.04
F.S. 1012.22
F.S. 1012.23
F.S. 1012.2315
F.S. 1012.27
F.S. 1012.28
F.S. 1012.42
F.S. 1012.795
F.S. 1012.796
F.A.C. 6A-1.0503

INSTRUCTIONAL STAFF

po3131

REDUCTION IN STAFF

ADOPTED Apr 12, 2016

3131 - **REDUCTION IN STAFF**

If workforce reduction is needed, the Governing Board must retain employees at a school or in the Authority based upon educational program needs and the performance evaluations of employees within the affected program areas. Within the program areas requiring reduction, the employee with the lowest performance evaluations must be the first to be released; the employee with the next lowest performance evaluations must be the second to be released; and reductions must continue in like manner until the needed number of reductions has occurred. The Board may not prioritize retention of employees based on seniority.

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F.S. 1012.33

INSTRUCTIONAL STAFF

po3132

VACANCIES

ADOPTED Apr 12, 2016

3132 - **VACANCIES**

It shall be the policy of the Governing Board to employ the best qualified individual for any Authority vacancy at any level.

Vacancies shall be announced, and all members of the instructional staff shall be eligible for any Authority vacancy, providing they are properly qualified.

The Superintendent shall establish procedures to facilitate identification and evaluation of candidates for administrative, supervisory, and other leadership positions.

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F.S. 1012.23

INSTRUCTIONAL STAFF

po3139

EDUCATOR MISCONDUCT

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

3139 - **EDUCATOR MISCONDUCT**

As required by the provisions of State Board of Education rules and the *Principles of Professional Conduct of the Education Profession in Florida*, an instructional employee is required to self-report within forty-eight (48) hours to a District authority, as determined by the Superintendent, any arrest for a felony or a misdemeanor offense listed in F.S. 435.04, including any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such self-report is not to be considered an admission of guilt, nor shall such self-report be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgement. When handling sealed and expunged records disclosed under this policy, the Authority shall comply with the confidentiality provisions in Florida statutes.

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

The CCCCSA shall temporarily remove instructional personnel from the classroom within twenty-four (24) hours after a notification by law enforcement or a self-reporting employee of their arrest for a felony or misdemeanor offense listed in F.S. 435.04.

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

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

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

Revised 3/10/26

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Legal
F.S. 943.0585(4)(c)
F.S. 943.059(4)(c)
F.S. 1012.22
F.S. 1012.795
F.S. 1012.796
F.S. 1012.799
F.A.C. 6A-10.081

INSTRUCTIONAL STAFF

po3139.01

STAFF DISCIPLINE

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

3139.01 - **STAFF DISCIPLINE**

The Governing Board delegates to the superintendent the authority to administer discipline to members of the instructional staff when necessary. Such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process, State law, and/or the specific provisions of any applicable collective bargaining agreement.

Generally, the Superintendent shall follow a policy of progressive discipline by which less severe forms of discipline are imposed prior to resorting to the imposition of more severe sanctions for the same or similar conduct by the employee. The Superintendent, however, has the right to impose even the most severe discipline as an initial measure when circumstances warrant.

Policy 8141 sets forth the procedures for reporting alleged misconduct by instructional staff members.

Revised 8/14/18

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F.S. 1006.061

INSTRUCTIONAL STAFF

po3140

SUSPENSION OR DISMISSAL OF INSTRUCTIONAL STAFF

ADOPTED Apr 12, 2016 · REVISED Oct 8, 2019

3140 - **SUSPENSION OR DISMISSAL OF INSTRUCTIONAL STAFF**

It is the desire of the Governing Board to maintain a staff of well-trained, competent instructional employees in order to offer comprehensive services to the students of the Authority.

No employee may be suspended from duty except by the Superintendent or the Board. The Board hereby delegates to the Superintendent authority to suspend a member of the staff, subject to the provisions of Policy 3140.01 and as provided by applicable law.

Any member of the instructional staff who is employed under an annual contract may be dismissed at any time during the term of his/her contract by the Board upon the recommendation of the Superintendent.

Policy 8141 sets forth the procedures for mandatory reporting of alleged misconduct by instructional staff members to the Florida Department of Education. Additionally, parental notification of certain misconduct is required in accordance with Policy 8141.

The Superintendent shall determine the nature and effective date of the suspension or dismissal.

Revised 10/8/19

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Legal
F.S. 120.569
F.S. 120.57
F.S. 120.68
F.S. 1012.22
F.S. 1012.27
F.S. 1012.32
F.S. 1012.33

F.S. 1012.335
F.S. 1012.34

INSTRUCTIONAL STAFF

po3140.01

DISCIPLINARY SUSPENSION WITH AND WITHOUT PAY

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

3140.01 - **DISCIPLINARY SUSPENSION WITH AND WITHOUT PAY**

Suspension Without Pay

For disciplinary action other than termination, the Governing Board hereby delegates authority of employee suspension to the Superintendent in order to facilitate personnel management and to maintain an orderly and productive work environment. The suspension shall be without pay.

Suspensions With Pay

An employee may be suspended with pay as follows:

A. Prior to suspending an employee with pay, the superintendent shall provide written notice of such suspension to the employee. Such notice shall be in writing and shall state the effective date of the suspension. The notice of suspension shall be either hand delivered to the affected employee or sent to the affected employee by certified mail, return receipt requested.

B. An employee may be suspended immediately with pay, but without the benefit of written notice, upon determination by the superintendent that such suspension is in the best interest of the Authority. The employee will be provided written notice of the suspension as soon as practicable.

Revised 8/14/18

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F.S. 1012.27(5)

INSTRUCTIONAL STAFF

po3150

RESIGNATION

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

3150 - **RESIGNATION**

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

The request to resign should be submitted at least two (2) weeks in advance of its effective date. If the effective date is within thirty-one (31) days of the start of the school year, all accrued leave shall be forfeited unless otherwise approved by the Superintendent. The Superintendent shall determine if the reason for resignation is acceptable and if a qualified and satisfactory replacement is available.

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

If the Superintendent determines that misconduct by an instructional staff member who holds an educator certificate affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated and the Superintendent must report the misconduct to the Department in the format prescribed by the Department. Additionally, Policy 8141 sets forth the procedures for mandatory reporting of alleged misconduct by instructional staff members to the Florida Department of Education.

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

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

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

Revised 8/14/18

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F.S. 1001.43

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

INSTRUCTIONAL STAFF

po3160

PHYSICAL EXAMINATION

ADOPTED Apr 12, 2016

3160 - **PHYSICAL EXAMINATION**

It is the policy of the Governing Board that the Superintendent may require, after a conditional offer of employment, that the successful candidate submit to a medical examination in order to determine the candidate's physical and/or mental capacity to perform essential functions of the position, with or without reasonable accommodation, provided that the Board requires other successful candidates for the same position (or job classification) to do so. Such examinations shall be performed by a health provider designated by the Authority.

Individuals who are required to submit to an appropriate examination will also be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 3160 F2). Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for withdrawing the conditional offer of employment.

As required by Federal law and regulation and Board Policy 3122.02, the Superintendent shall direct the successful candidate who is being required to submit to a medical examination, as well as the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Such report should indicate whether the candidate can perform essential functions of the position, with or without reasonable accommodation.

Employees will be notified of the results of the medical examination upon receipt. Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended, any and all reports of such examination will be confidential and exempt from release, except as provided by law. As required by Federal law, if the Authority inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record. In the event of a report indicating that the candidate is not qualified to perform the position's essential functions, with or without reasonable accommodation, the Superintendent will make a

recommendation to the Board of non-employment. The Superintendent may discuss the results of the report with the healthcare provider who conducted the medical examination prior to making a recommendation to the Board.

The Board shall pay any uninsured fees for required examinations.

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Legal
29 C.F.R. Part 1630
F.S. 1012.23, 1012.31
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

INSTRUCTIONAL STAFF

po3161

FITNESS FOR DUTY

ADOPTED Apr 12, 2016

3161 - **FITNESS FOR DUTY**

If the Superintendent believes an instructional staff member is unable to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations, the staff member will be offered the opportunity for a meeting to discuss these issues.

The Superintendent may require an instructional staff member to submit to an appropriate examination by a health provider designated by the Governing Board to determine whether or not the staff member is able to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations. The Board shall pay any uninsured fees for such examinations.

The staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action in accordance with the terms of the applicable collective bargaining agreement.

Further, as required by Federal law and regulation and Board Policy 3122.02, the Superintendent shall direct the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended, the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. As required by Federal law, if the Authority inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from a medical provider it shall be treated as a confidential medical record.

Upon the recommendation of the Superintendent and approval of the Board, an instructional staff member may be placed on a leave of absence related to fitness for duty. Such leave shall be without pay; however, the employee may use accrued leave, if

available. Furthermore, the Superintendent may recommend the instructional staff member's dismissal based upon the results of the medical examination.

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42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
F.S. 1012.23
29 C.F.R. Part 1630
29 C.F.R. Part 1635

INSTRUCTIONAL STAFF

po3170

SUBSTANCE ABUSE

ADOPTED Apr 12, 2016

3170 - **SUBSTANCE ABUSE**

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

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

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

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

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

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F.S. 1012.798
Rehabilitation Act of 1973, 29 U.S.C. 794

INSTRUCTIONAL STAFF

po3170.01

EMPLOYEE ASSISTANCE PROGRAM (EAP)

ADOPTED Apr 12, 2016

3170.01 - **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Governing Board believes that early recognition and treatment of illegal drug use, controlled substance abuse, or alcohol abuse is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The Authority encourages the earliest possible diagnosis and treatment for illegal drug use or controlled substance abuse and supports sound treatment efforts. Whenever feasible, the Authority will assist staff members in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Staff members with personal drug or controlled substance abuse problems should request assistance from the City of Cape Coral Human Resources Department. Assistance will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services.

Although the Authority will assist a staff member to the extent feasible through the Employee Assistance Program, the Board cannot guarantee that the staff member's use of illegal drugs or abuse of alcohol or controlled substances will not impact adversely the staff member's employment status through disciplinary procedures.

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F.S. 1012.798

INSTRUCTIONAL STAFF

po3210

STANDARDS OF ETHICAL CONDUCT

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

3210 - **STANDARDS OF ETHICAL CONDUCT**

Instructional staff members shall be guided by and adhere to the following ethical principles:

A. The instructional staff member values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.

B. The instructional staff member's primary professional concern will always be for the student and for the development of the student's potential. The instructional staff member will, therefore, strive for professional growth and will seek to exercise the best professional judgment and integrity.

C. The instructional staff member strives to achieve and sustain the highest degree of ethical conduct because s/he is aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community.

Authority instructional staff members shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual instructional staff member's certificate, or the other penalties as provided by law.

A. Obligation to the student requires that the Authority instructional staff member shall:

1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.

2. not unreasonably restrain a student from independent action in pursuit of learning.

3. not unreasonably deny a student access to diverse points of view.

4. not intentionally suppress or distort subject matter relevant to a student's academic program.

5. not intentionally expose a student to unnecessary embarrassment or disparagement.

6. not intentionally provide classroom instruction to students in kindergarten through grade 3 on sexual orientation or gender identity.

7. not intentionally violate or deny a student's legal rights.

8. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination. Discrimination on the basis of race, color, national origin, or sex includes subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believe any of the concepts listed in F.S. 1000.05(4)(a).

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

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

B. Obligation to the public requires that the Authority's instructional staff member shall:

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

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

3. not use institutional privileges for personal gain or advantage. (see also Policy 3129, *Conflict of Interest*)

4. accept no gratuity, gift, or favor that might influence professional judgment. (see also Policy 3129, *Conflict of Interest*)

(NOTE: Pursuant to F.S. 112.313, no instructional staff member shall solicit or accept anything of value, including a gift (see F.S. 112.312), loan, reward, promise of future employment, favor, or service based

upon an understanding that the vote, official action, or judgment of the instructional staff member would be influenced thereby.)

5. offer no gratuity, gift, or favor to obtain special advantages. (see also Policy 3129, *Conflict of Interest*)

C. Obligation to the profession of education requires that the Authority's instructional staff member shall

1. maintain honesty in all professional dealings.

2. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, if otherwise qualified, or social and family background, deny to a colleague professional benefits or advantages or participation in any professional organization.

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

4. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination.

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

6. not use coercive means or promise special treatment to influence professional judgments of colleagues.

7. not misrepresent one's own professional qualifications.

8. not submit fraudulent information on any document in connection with professional activities.

9. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.

10. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

11. provide upon the request of a certificated individual a written statement of the specific reason for recommendations that lead to the denial of

increments, significant changes in employment, or termination of employment.

12. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules.

13. self-report within forty-eight (48) hours to a CCCCSA authority, as determined by the Superintendent, any arrest for a felony or misdemeanor offense listed in F.S. 435.04, including any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance.

    Such self-report shall not be considered an admission of guilt nor shall such self-report be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, Authority instructional staff members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and 943.059(4)(c).

14. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).

15. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).

16. comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.

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

D. No instructional staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature that is in substantial conflict with the proper discharge of his/her duties in the public interest. (see also Policy 3129, *Conflict of Interest*)

E. All Authority instructional staff members shall adhere to the principles enumerated above.

Stolen Valor

Board employees shall not knowingly misrepresent military service for material gain as set forth in F.S. 112.3131. These prohibitions include, but are not necessarily limited to, the following:

A. misrepresenting by making false, fictitious, or fraudulent statements or representations, directly or indirectly, that they are or were:

1. a service member or veteran of the Armed Forces of the United States;

2. the recipient of a decoration, medal, title, or honor from the Armed Forces of the United States or otherwise related to military service, including, but not limited to, those listed in F.S. 112.3131;

3. a holder of an awarded qualification or military occupational specialty, including, but not limited to, any of those listed in F.S. 112.3131; or,

4. that they actively served in the Armed Forces of the United States during a wartime era, regardless of whether there was a declared war, or served in combat operations in a warzone, or were a prisoner of war.

B. wearing the uniform or any medal or insignia authorized for use by members or veterans of the Armed Forces of the United States which they are not authorized to wear.

“Material gain” means anything of value, regardless of whether the value is monetary, remunerative, or tangible, which is received by or given to, or is intended to be received by or given to, an individual. The term includes, but is not limited to, food, lodging, compensation, travel expenses, placards, public benefits, public relief, financial relief, obtaining or retaining employment or a promotion in such individual’s current employment or public employment, including gaining a position in state or local government with authority over another person, regardless of whether the individual receives compensation or renumeration for their service in the position; obtaining or retaining state or local public office through election or appointment; or any thing in which or for which a tangible benefit was gained, even if the value of such benefit is de minimis.

Violations are subject to disciplinary action up to and including dismissal.

Revised 8/15/23
Revised 5/13/25
Revised 3/10/26

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F.S. 112.312
F.S. 112.313
F.S. 112.3131
F.S. 112.317
F.S. 1001.42(6)
F.S. 1001.421
F.S. 1006.32
F.S. 1012.23
F.A.C. 6A-10.081

INSTRUCTIONAL STAFF

po3211

WHISTLEBLOWER PROTECTION

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

3211 - **WHISTLEBLOWER PROTECTION**

The Governing Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative procedures. Pursuant to State law, the Board expects instructional staff members to report any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare to their immediate supervisors. Additionally, pursuant to State law, instructional staff members are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of their immediate supervisor. If the employee's immediate supervisor is not responsive or is the one whose behavior is in question, the employee should report the alleged misconduct to the Superintendent.

After such a report is made, the immediate supervisor will ask that the employee's report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported, and such report meets the requirements of the Florida's Whistleblower's Act.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member or the Superintendent, the report is to be filed directly with the Board Attorney, who is hereby authorized to engage outside counsel to conduct the investigation concerning the alleged misconduct.

Upon receipt of a legally sufficient report made by an instructional staff member pursuant to this policy, an investigation shall be conducted by the Superintendent or Board Attorney consistent with the procedures described in F.S. 112.3189.

Revised 4/14/26

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Legal
F.S. 112.3187
F.S. 112.3189

INSTRUCTIONAL STAFF

po3213

STUDENT SUPERVISION AND WELFARE

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

3213 - **STUDENT SUPERVISION AND WELFARE**

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

A. An instructional staff member shall report immediately to a building administrator any accident or safety hazard, they detect.

B. An instructional staff member shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to the Superintendent and local public safety agencies and/or school officials in accordance with Policy 8406 - *Reports of Suspicious Activity and Potential Threats to Schools*.

C. An instructional staff member shall provide proper instruction in safety matters as presented in assigned course guides.

D. An instructional staff member shall not send students on any non-school-related errands.

E. An instructional staff member shall encourage a student to discuss issues relating to the student's well-being with the student's parent, or shall facilitate the student's discussion of the issue with the parent.

F. An instructional staff member shall advise and consult with the principal if there is a change in a student's services or monitoring related to a student's mental, emotional or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The staff member shall assist the principal in notifying the parent of any such change.

G. An instructional staff member shall not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

H. An instructional staff member shall not inappropriately associate with students at any time in a manner which may give the appearance of impropriety, including, but

not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.

I. An instructional staff member shall not knowingly distribute to a minor any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format and/or by any manner. An instructional staff member who knowingly distributes any such material to a minor also commits a felony under State law and is subject to disciplinary action up to and including termination.

J. An instructional staff member shall not transport students in a private vehicle without the approval of the principal.

K. A student shall not be required to perform work or services that may be detrimental to their health.

L. Staff members shall not engage students in social media and online networking media, such as Facebook, X (formerly known as Twitter), Instagram, etc.

M. Staff members are expressly prohibited from posting any video or comment pertaining to any student on social network sites or similar forums, such as YouTube.

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

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

Revised 5/14/19
Revised 11/18/22
Revised 3/10/26

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Legal
F.S. 119.011
F.S. 847.012

F.S. 1001.42
F.S. 1001.51
F.S. 1002.22
F.S. 1003.32
F.S. 1006.07
20 U.S.C. 1232
34 C.F.R. Part 99

INSTRUCTIONAL STAFF

po3214

SOLICITATION OR ACCEPTANCE OF GIFTS OR UNAUTHORIZED COMPENSATION

ADOPTED Apr 12, 2016

3214 - **SOLICITATION OR ACCEPTANCE OF GIFTS OR UNAUTHORIZED COMPENSATION**

Pursuant to State law no instructional staff member shall solicit or accept anything of value to the recipient, including, but not limited to, a gift, loan, reward, promise of future employment, favor, or service, that is based upon any understanding that the vote, official action, or judgement of the instructional staff member would be influenced thereby.

For purposes of this policy, the meaning of "gift" shall be consistent with the definition of the term in F.S. 112.312(12)(a), and shall include, but not be limited to, the following:

A. real property

B. the use of real property

C. tangible or intangible personal property

D. a preferential rate or terms on a debt, loan, goods or services

E. forgiveness of an indebtedness

F. transportation, other than that provided to other employees in relation to officially approved government business, lodging, or parking

G. food or beverage

H. membership dues

I. entrance fees, admission fees, or tickets to events, performances, or facilities

J. plants, flowers, or floral arrangements

K. services provided by persons pursuant to a professional license or certificate

L. other personal services for which a fee is normally charged

M. any other similar service or thing having an attribute value

It is the policy of the Governing Board that instructional staff members may accept gifts of nominal value from students or parents in celebration of a holiday, the staff member's birthday, or at the end of a school year.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Pursuant to State law, no instructional staff member of the Authority, or his/her spouse or minor child shall, at any time, accept compensation, payment, or anything of value when the instructional staff member knows, or, with the exercise of reasonable care, should know, that it was given to influence the vote or other action in which the instructional staff member was expected to participate in his/her official capacity. Furthermore, instructional staff members shall not accept any compensation, payment, or anything of value from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor.

In addition, instructional staff members who recommend purchases shall not enter into a contractual relationship with a vendor seeking to do business with the Authority, or a vendor with whom the Authority is doing business, whereby an individual instructional staff member receives compensation, payment, or anything of value for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts as defined in State law, albeit unsolicited, from a vendor, the instructional staff member shall notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Fiscal Officer.

Any instructional staff member who has knowledge of, or suspects that, this policy has been violated is expected to report this violation or suspected violation in accordance with Policy 3211 – *Whistleblower Protection*.

See also Policy 3129, *Conflict of Interest*.

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Legal
F.S. 112.312
F.S. 112.313
F.S. 1006.32
2 C.F.R. 200.318

INSTRUCTIONAL STAFF

po3215

SMOKING AND TOBACCO-FREE ENVIRONMENT

ADOPTED Apr 12, 2016 · REVISED Dec 14, 2021

3215 - **SMOKING AND TOBACCO-FREE ENVIRONMENT**

The Governing Board recognizes that the use of tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is committed to providing students, staff, and visitors with a smoking and tobacco-free environment on school property and at off-campus, school-sponsored events.

The Board also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, staff, and visitors.

The Board recognizes that adult staff and visitors serve as role models for students. The Board embraces its obligation to promote positive role models in schools and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke or aerosol and other tobacco use for the students, staff, and visitors.

Definitions

A. "Any time" means twenty-four (24) hours a day, seven (7) days a week, 365 days a year.

B. "Electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. "Electronic smoking device" includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or similar devices. "Electronic smoking device" also includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods**.**

C. "School property" means all facilities and property, including land, whether owned, rented, or leased by the Board, and also includes all vehicles owned, leased, rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors.

D. “Tobacco product” means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes, electronic smoking devices, cigars, little cigars, and other kinds and forms of tobacco.

General Statement of Policy

A. Students are prohibited from possessing, using, consuming, displaying, or selling any tobacco products, tobacco-related devices, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored event.

B. Administrators, staff, or visitors are prohibited from using, consuming, displaying, activating, or selling any tobacco products, tobacco-related devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored events. This includes products or paraphernalia displaying tobacco industry brands.

C. It is a violation of this policy for administrators or staff to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/or training facilities. It is also a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the Board.

D. It is a violation of this policy for any person to promote tobacco products on the school property or at off-campus, school-sponsored events via the display of images of tobacco products on gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other material.

Exceptions

It is not a violation of this policy:

A. for a staff member or approved visitor to include tobacco products, tobacco-related devices, imitation tobacco products, or lighters in an instructional or work-related activity in Authority school buildings, if the activity does not include smoking, chewing, or otherwise ingesting the product; or

B. for a person to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco

dependence product, or for other medical purposes, and if the product is being marketed and sold solely for such an approved purpose.

Opportunities for Cessation Programs

Administrators shall consult with the local public health department or other appropriate health and allied community-based organizations to provide students, staff, and administrators with information and access to support systems, programs, and services to encourage them to abstain from the use of tobacco products.

Administrators shall identify and offer evidence-based programs and services for staff members who use tobacco products to support them in complying with this policy.

Enforcement

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the entire school community. All individuals on school premises, including students, staff, administrators, and visitors, are responsible for adhering to and enforcing this policy. Members of the school community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

The first violation of this policy will result in a verbal warning to the staff member and an offer of a referral to cessation services.

The second violation will result in a written warning to the staff member with a copy placed in the staff member's Authority personnel file and an offer of referral to cessation services.

The third violation will be considered insubordination and shall be dealt with accordingly based on established policies and procedures for suspension and/or dismissal of staff.

Dissemination of Policy

Notice of this policy will be provided through:

A. appropriate "No Tobacco" signage posted in the Authority on school buildings, building entrances, vehicles, vehicular entrances to school grounds, and indoor and outdoor athletic facilities;

B. written notice to students and parents/guardians in student handbooks and orientations;

C. written notice in staff handbooks, in orientations and employee or staff trainings, and when offering employment;

D. reminder announcements of this policy at school and Authority events, as appropriate.

Program Evaluation

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

Revised 3/9/21
Revised 12/14/21

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Legal
F.S. 381.84
F.S. 386.202
F.S. 386.204
F.S. 386.209
F.S. 386.212
20 U.S.C. 6081 et seq.
20 U.S.C. 7182
Florida Department of Health and the Public Health Law Center's publication "Commerical Tobacco-Free K-12 School Model Policy: Questions and Answers"

INSTRUCTIONAL STAFF

po3216

STAFF DRESS AND GROOMING

ADOPTED Apr 12, 2016 · REVISED Jun 14, 2022

3216 - **STAFF DRESS AND GROOMING**

The Governing Board believes that instructional staff members set an example in dress and grooming for their students to follow.

The Board, subject to any collective bargaining agreement, authorizes the development of standards for staff dress and grooming that promotes a professional educational atmosphere that gives consideration to the impact on the educational process and the diversity of the Authority's staff.

When assigned to Authority duty, all staff members shall:

A. be physically clean, neat, and well-groomed;

B. dress in a manner consistent with their instructional responsibilities;

C. dress in a manner that communicates to students a pride in personal appearance;

D. dress in a manner that does not cause damage to Authority property;

E. be groomed in such a way that does not disrupt the educational process.

The Board recognizes instructional staff members' right to dress in accordance with their gender identity, within the constraints of the preceding dress and grooming guidelines.

Revised 6/14/22

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INSTRUCTIONAL STAFF

po3217

WEAPONS

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

3217 - **WEAPONS**

But for the exceptions specified below, pursuant to State law, the Governing Board prohibits Authority employees from openly carrying a handgun or carrying a concealed weapon or firearm, in a school safety zone, into any elementary or secondary school, administration building, as well as into any Board meeting, any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

Furthermore, the Board prohibits Authority employees from having an unloaded firearm securely encased within the interior of a private motor vehicle when that vehicle is parked on property leased, owned, or contracted for by the Board.

Weapons and firearms as defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term "weapon" also means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

Exceptions to the Board's prohibition from openly carrying a handgun or carrying a concealed weapon or firearm, in the school safety zone of any elementary or secondary school, into any administration building, as well as into any Board meeting, any setting that is under the control and supervision of the Authority for the purpose of school activities approved and authorized by the Authority including, but not limited to, property leased, owned, or contracted for by the Authority, any school-sponsored event, or in an Authority vehicle include the following:

A. A person may carry an unloaded firearm in a case to a firearms program, class or function which has been approved in advance by the Principal or site administrator as a program or class to which firearms could be carried.

B. A person may carry an unloaded firearm in a case to a career center having a firearms training range.

C. Police, or other licensed law enforcement officers, as well as other persons approved by the superintendent on a case-by-case basis may possess a firearm or weapon.

D. Staff members, contractors, vendors, or their employees may possess and use tools, instruments, and other devices on Authority property or at Authority-sponsored events, including in vehicles in either situation, even though such items fall within the definition of weapons, provided that such possession and use is in accordance with the terms of a written contract with the Board, or is otherwise in furtherance of their duties under such a contract and is authorized in advance by the superintendent.

All Authority employees shall immediately report knowledge of firearms, weapons, and/or threats of violence by students, staff members, or visitors to the Superintendent. Failure to report such knowledge may subject Authority employees to discipline.

The superintendent shall require that any Authority employee possessing a firearm, weapon, or other device designed to inflict serious bodily harm, including a concealed firearm or weapon, in violation of this policy and State law, is reported immediately to the appropriate law enforcement agency, regardless of whether such Authority employee possesses a valid concealed weapon license. As well, the staff member shall be subject to disciplinary action, up to and including termination, consistent with law and due process.

Revised 5/7/24

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Legal
F.S. 790.001
F.S. 790.06
F.S. 790.115
F.S. 790.251
F.S. 1001.43
F.S. 1006.07
18 U.S.C. 922

INSTRUCTIONAL STAFF

po3220

EVALUATION OF INSTRUCTIONAL PERSONNEL

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

3220 - **EVALUATION OF INSTRUCTIONAL PERSONNEL**

Pursuant to State law, evaluations shall be conducted for the purpose of increasing student learning growth by improving the quality of instructional services in the Authority. Except for classroom teachers who are newly hired in the Authority and excluding substitute teachers, a performance evaluation must be conducted for each instructional staff member at least once per year. Newly hired teachers must be observed and evaluated twice during their first year of teaching in the Authority.

The Principal is responsible for the performance of all personnel employed by the Governing Board and assigned to the school to which the Principal is assigned. The Principal shall appropriately and effectively apply the personnel evaluation system that has been recommended by the Superintendent and approved by the Board, and approved, as required by State law, by the Florida Department of Education.

Instructional Personnel Evaluation System

The performance evaluation of instructional personnel must be based upon the performance of students assigned to their classrooms. The performance evaluation system must be based upon sound educational principles and contemporary research in effective educational practices. The Authority's performance evaluation system is not limited to basing unsatisfactory performance of instructional personnel and school administrators solely upon student performance, but may include other criteria to evaluate instructional personnel and school administrators' performance, or any combination of student performance and other criteria. All personnel must be fully informed of the criteria, data sources, methodologies, and procedures associated with the evaluation process before the evaluation takes place. Additionally, the Principal shall assist the teachers within the school to use student assessment data, as measured by student learning growth gains pursuant to State law for self-evaluation and improvement.

The evaluation system for instructional personnel will:

A. be designed to support effective instruction and student learning growth, and performance evaluation results must be used when developing Authority and school-level improvement plans;

B. provide appropriate instruments, procedures, timely feedback, and criteria for continuous quality improvement of the professional skills of instructional personnel, and performance evaluation results must be used when identifying professional learning;

C. include a mechanism to examine performance data from multiple sources, including opportunities for parents to provide input into employee performance evaluations when appropriate;

D. identify those teaching fields for which special evaluation procedures and criteria are necessary;

E. differentiate among four (4) levels of performance as follows:

1. highly effective

2. effective

3. needs improvement or, for instructional personnel in the first three (3) years of employment who need improvement, developing

4. unsatisfactory

F. provide for training and monitoring programs based upon guidelines provided by the Department of Education to ensure that all individuals with evaluation responsibilities understand the proper use of the evaluation criteria and procedures.

Evaluation Procedures and Criteria

Evaluation procedures and criteria must comply with, but are not limited to, the following:

A. Performance of Students

At least one-third (1/3) of the performance evaluation of instructional personnel must be based upon the data and indicators of student performance of the teacher's students as determined by the Authority in accordance with F.S. 1012.34(7). The performance of students' criterion shall also include growth or achievement data of the teacher's students for at least three (3) years or, if less than three (3) years is available, the years for which data are available. The proportion of growth or achievement data may be determined by instructional assignment.

For classroom teachers of grades and subjects for which their students' performance is assessed by Statewide standardized assessments, the Authority may measure student learning growth using the formulas approved by the Commissioner and the standards for performance levels adopted by the State Board

for courses associated with the Statewide, standardized assessments administered under F.S. 1008.22 no later than the school year immediately following the year the formula is approved by the Commissioner (see F.A.C. 6A-5.030 and 6A-5.0411).

For classroom teachers of grades and subjects for which their students' performance is not assessed by Statewide, standardized assessments, the Authority shall measure student performance using the methodology set forth in the Authority's evaluation plan that is submitted to and approved by the FLDOE to measure the student's performance upon which to base one-third (1/3) of the performance evaluation.

For instructional personnel who are not classroom teachers, the Authority shall use the methodology set forth in the Authority's evaluation plan that is submitted to and approved by the FLDOE to measure the student's performance upon which to base one-third (1/3) of the performance evaluation.

Pursuant to State law, the proportion of growth or achievement data in the Authority-determined student performance measures may be determined by instructional assignment.

B. Instructional Practice

At least one-third (1/3) of the performance evaluation must be based upon instructional practice. Evaluation criteria used when annually observing classroom teachers, as defined in F.S. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support. This section does not preclude a school administrator from visiting and observing classroom teachers throughout the school year for purposes of providing mentorship, training, instructional feedback, or professional learning.

C. Other Indicators of Performance

The remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the State Board of Education or identified by the Board. The performance evaluation may also include peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

The individual responsible for supervising the employee must evaluate the employee's performance. The evaluation system may provide for the evaluator to consider input from other personnel trained under F.S. 1012.34(2). The evaluator must submit a written report

of the evaluation to the Superintendent for the purpose of reviewing the employee's contract. The evaluator must submit the written report to the employee no later than ten (10) days after the evaluation takes place. The evaluator must discuss the written evaluation report with the employee. The employee shall have the right to initiate a written response to the evaluation, and the response shall become a permanent attachment to his or her personnel file.

The evaluation shall be completed and on file in accordance with the time schedule established by the Superintendent. The written report of the evaluation must be on file and provided to the employee within ten (10) days after the evaluation conference. The evaluator must discuss the written evaluation report with the employee. The employee shall have the right to initiate a written response to the evaluation, and the response shall become a permanent attachment to his/her personnel file. The evaluator may amend an evaluation based upon assessment data from the current year if the data becomes available within ninety (90) days after the close of the school year.

If an employee is not performing his/her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination.

An evaluation shall be submitted at the time an instructional staff member leaves the Authority if services terminate prior to annual evaluations.

An instructional staff member shall be given a copy of any documents relating to his/her performance that are to be placed in the personnel file.

A portion of each instructional staff member's compensation shall be based on the employee's performance evaluation as required by State law.

In addition, the Superintendent shall annually report the evaluation results of instructional staff members using the four (4) levels of performance set forth in State law to the FLDOE. The results shall be provided by school and shall be disaggregated by classroom teachers, as defined in State law, excluding substitute teachers, and all other instructional personnel, also as defined in State law.

The Superintendent shall also notify the FLDOE of any instructional staff members who receive two (2) consecutive unsatisfactory evaluations, as well as any instructional personnel who are given written notice by the Authority of intent to terminate or not renew their employment.

Revised 8/14/18
Revised 2/9/21
Revised 5/7/24
Revised 4/14/26

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Legal

F.S. 1012.01
F.S. 1012.22
F.S. 1012.28
F.S. 1012.31
F.S. 1012.34
F.A.C. 6A-5.030
F.A.C. 6A-5.0411

INSTRUCTIONAL STAFF

po3231

OUTSIDE ACTIVITIES OF STAFF

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

3231 - **OUTSIDE ACTIVITIES OF STAFF**

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

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

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

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

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

A. refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate, but is susceptible to no reasonable interpretation other than an appeal or against a specific candidate;

B. is made within thirty (30) days before a primary or special primary election or sixty (60) days before any other election for the office sought by the candidate; and

C. is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

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

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

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

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

Revised 9/16/25

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

INSTRUCTIONAL STAFF

po3232

POLITICAL ACTIVITIES

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

3232 - **POLITICAL ACTIVITIES**

Pursuant to State law, instructional staff members who are employed by the Governing Board shall not participate in any political campaign for an elective office while on duty.

Pursuant to State law and Board Policy 6480, instructional staff members may not expend public funds (that is, any funds under the jurisdiction or control of the Authority) for a political advertisement or other communication sent to electors concerning an issue, referendum, or amendment, including State questions that are subject to a vote of the electors.

Pursuant to F.S. 106.011:

A. "Political advertisement" means a paid expression in a "communications medium," whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue. However, political advertisement does not include:

    1. a statement by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization’s newsletter, which newsletter is distributed only to the members of that organization;

    2. editorial endorsements by a newspaper, a radio or television station, or any other recognized news medium.

B. "Communications medium" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail, advertising agencies, the Internet, and telephone companies; but with respect to telephones, an expenditure is deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters but excluding the costs of telephones incurred by a volunteer for use of telephones by such volunteer; however, with respect to the Internet, an expenditure is deemed

an expenditure for use of communications media only if made for the cost of creating or disseminating a message on a computer information system accessible by more than one person but excluding internal communications of a campaign or of any group.

Therefore, instructional staff members who engage in political activities or hold public office shall not use time, facilities, or personnel of the school system to engage in such activities. Specifically, the use of copy reproduction equipment or other machinery or supplies, the use of secretarial help, or any other school facilities or personnel is strictly prohibited. Telephone use for such political activities during duty hours shall be confined to an emergency only, and then only in such a manner as shall not conflict with the instructional staff member's school-related duties. Additionally, instructional staff members who engage in political activities or hold public office are expected to discourage constituents or other persons with whom they are associated within their political capacities, from making telephone calls to them during duty hours.

Instructional staff who declare themselves candidates for public office for an elective office shall notify the Superintendent immediately upon qualifying for election. They shall submit to the Superintendent a written explanation of how they will conduct their campaign so that it will be in accord with the requirements of State law and this policy.

All candidates for public office may take personal leave without pay. The instructional staff member's request for leave shall be submitted according to the established procedure.

Such candidates shall adhere strictly to Florida statutes governing political activity on the part of public officials and public employees.

An instructional staff member who is 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 Board, to evaluate the compatibility of the dual responsibility and the need for personal leave without pay.

Revised 11/18/22

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Legal
F.S. 104.31
F.S. 106.113
F.S. 110.233
F.A.C. 60L-36.002

INSTRUCTIONAL STAFF

po3242

PROFESSIONAL LEARNING

ADOPTED Feb 9, 2021 · REVISED Apr 14, 2026

3242 - **PROFESSIONAL LEARNING**

Professional Learning System

Pursuant to State law, the Authority will work collaboratively with the Florida Department of Education (FLDOE), public postsecondary institutions, State education foundations, teachers, consortia, professional organizations, and business/community representatives in Florida to maintain a coordinated system of professional learning.

Pursuant to Florida law, the term “professional learning” means learning that is aligned to Florida’s standards for effective professional learning, educator practices, and leadership practices; incorporates active learning; is collaborative; provides models; and is sustained and continuous.

The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum and prepare students for continuing education and the workforce.

The Authority's comprehensive professional learning system will incorporate school improvement plans and will align with the standards adopted by the State which support the framework for standards adopted by Learning Forward. Furthermore, the results of the performance evaluations of instructional staff members conducted pursuant to State law and Governing Board Policy 3220 will be used when identifying the areas for which professional learning is needed. As part of its effort to develop and refine its professional learning plan, the Authority will review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

The Board will provide funding for professional learning as required by State law and the General Appropriations Act and will authorize expenditures from other sources to continuously strengthen the Authority's system of professional learning. The plan will also provide for training for each teacher who will use materials that were purchased with funds allocated by the State for instructional materials, provide for in-service credit for the training, and document satisfactory completion of the training by each teacher.

The in-service activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

The Authority shall also provide in-service activities and support targeted to the individual needs of new teachers participating in the professional learning certification and education competency program.

Additionally, in-service activities will be made available for instructional personnel of nonpublic schools in the Authority and the State certified teachers who are not employed by the Board on a fee basis not to exceed the cost of the activity per all participants.

School principals may, but are not required to, establish and maintain an individual professional learning plan for each instructional employee assigned to the school. The individual professional learning plan must:

A. be related to specific performance data for the students to whom the teacher is assigned;

B. define the in-service objectives and specific measurable improvements expected in student performance as a result of the in-service activity;

C. include an evaluation component that determines the effectiveness of the professional learning plan.

Professional learning activities linked to student learning and professional growth for instructional staff will meet the following criteria:

A. Utilize materials aligned to the State's educational leadership standards.

B. Have clear, defined, and measurable outcomes for both individual in-service activities and multiple day sessions.

C. Employ multiple measurement tools for data on teacher growth, participants' use of new knowledge and skills, student learning outcomes, instructional growth outcomes, and leadership growth outcomes, as applicable.

D. Utilize active learning and engage participants directly in designing and trying out strategies, providing participants with the opportunity to engage in authentic teaching and leadership experiences.

E. Utilize artifacts, interactive activities, and other strategies to provide deeply embedded and highly contextualized professional learning.

F. Create opportunities for collaboration.

G. Utilize coaching and expert support to involve the sharing of expertise about content and evidence-based practices, focused directly on the needs of the role.

H. Provide opportunities to think about, receive input on, and make changes to practice by facilitating reflection and providing feedback.

I. Provide sustained duration with follow-up to have adequate time to learn, practice, implement, and reflect upon new strategies that facilitate changes in practice.

Professional Learning Certification and Education Competency Program

The Authority will provide the competency-based professional development certification program developed by the FLDOE by which members of the Authority's instructional staff with a State-issued temporary certificate may satisfy the mastery of professional preparation and education competence requirements specified in State law and rules of the State Board of Education.

Record Maintenance and Data Reporting is maintained by The School Board of Lee County

The following information will be maintained for each component:

A. dates the component was delivered;

B. names of component leaders;

C. names of participants and performance records;

D. evaluation of the component; and,

E. criteria for successful completion.

The following information will be maintained for each component participant:

A. title and number of the component;

B. dates of participation;

C. satisfactory or unsatisfactory completion; and,

D. number of in-service points to be awarded, eligibility of the points to be used for certification, and expiration date of the educator's certificate(s), if applicable. All requirements for renewal of a professional certificate on the basis of completion of in-service points pursuant to F.S. 1012.585 and F.A.C. 6A-4.0051 shall be met.

The Authority will report data information for all approved professional learning components through the Lee County School District to the FLDOE's automated data reporting procedures.

Revised 5/7/24
Revised 4/14/26

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Legal
F.S. 1001.42
F.S. 1011.62
F.S. 1011.67
F.S. 1012.22
F.S. 1012.34
F.S. 1012.56
F.S. 1012.98
F.S. 1012.985
F.S. 1012.986
F.A.C. 6A-5.069
F.A.C. 6A-5.071

INSTRUCTIONAL STAFF

po3243

PROFESSIONAL MEETINGS

ADOPTED Apr 14, 2026

3243 - **PROFESSIONAL MEETINGS**

The Governing Board encourages opportunities for instructional personnel to develop increased competence, beyond that which they may attain through the performance of their assigned duties through attendance at professional meetings.

For purposes of this policy, a professional meeting shall be defined as:

A. any meeting that is related to the activities, duties, or responsibilities of instructional staff members as determined by the Superintendent;

B. a meeting through which direct value can be derived for the person in attendance for later use in the performance of District duties;

C. a collaborative effort with other districts, professional organizations, State foundations, and postsecondary educational institutions to, among other things, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum.

Professional learning plans established by the Board shall incorporate school improvement plans and be aligned with principal leadership trainings.

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F.S. 1003.413
F.S. 1012.98
F.S. 1012.985

INSTRUCTIONAL STAFF

po3281

USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL

ADOPTED Apr 12, 2016

3281 - **USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL**

Employees may wish to bring personal property to school either for reasons associated with professional responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the Governing Board is not responsible for any loss, damage, or misuse of said property. Employees who bring personal property onto Authority school premises for work-related purposes shall notify the building principal prior to bringing such property onto Authority premises. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

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

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

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

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

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INSTRUCTIONAL STAFF

po3310

FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS

ADOPTED Apr 12, 2016

3310 - **FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS**

Instructional staff members, as citizens in a democratic society, have the right to speak out on issues of public concern. When those issues are related to the Authority, however, the instructional staff member's expression should be balanced against the interests of this Authority. Further, Federal and State law prohibit the Governing Board from adopting any policy or rule, or from entering into any agreement, that infringes upon or waives the rights or freedoms afforded to instructional staff members by the United States Constitution.

The following procedures are adopted by the Board to help clarify and, therefore, avoid situations in which the instructional staff member's expression could conflict with the Authority's interests. In such situations, s/he should:

A. state clearly that his/her expression represents personal views and not necessarily those of the Authority;

B. refrain from expressions that would disrupt harmony among co-workers;

C. refrain from expressions that would interfere with the maintenance of discipline by school officials;

D. not make threats or abusive or personally defamatory comments about co-workers, administrators, or officials of the Authority;

E. refrain from making public expressions which s/he knows to be false or are made without regard for truth or accuracy.

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Legal
F.S. 1003.4505
Fla. Constitution, Article I, Section 4
First Amendment, U. S. Constitution

INSTRUCTIONAL STAFF

po3362

ANTI-HARASSMENT

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

3362 - **ANTI-HARASSMENT**

I. General Policy Statement

It is the policy of the CCCSA to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all CCCSA operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Superintendent will vigorously enforce its prohibition against discriminatory harassment on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes"; hereinafter referred to as unlawful harassment), and encourages those within the CCCSA community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Superintendent will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Superintendent will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

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

II. Other Violations of the Anti-Harassment Policy

The Superintendent will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

III. **Definitions**

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

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

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

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

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

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

A. Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race (including anti-Semitism), color, national origin, religion, or

disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. This unlawful harassment may include, but not be limited to, the following:

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

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

1. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
2. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. has the effect of substantially disrupting the orderly operation of a school.

C. Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as:

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

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

3. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 – *Nondiscrimination on the Basis of Sex in Education Programs or Activities* is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

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

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

2. Unwanted physical and/or sexual contact.

3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

4. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the

unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

5. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work or educational environment, that may reasonably embarrass or offend individuals.

6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

7. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.

8. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

9. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.

10. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.

11. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

12. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

13. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

14. Inappropriate boundary invasions by an Authority employee or other adult member of the CCCSA community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based and gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment, or such that it creates a hostile or abusive employment or educational environment.

Note: Any teacher, administrator, coach or other CCCSA community member who engages in sexual conduct with a student may also be guilty of a crime.

D. Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

E. Race/Color Harassment (Including Anti-Semitism)

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

F. Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or

educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

G. National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

H. Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

I. Pregnancy Harassment

Prohibited pregnancy harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's pregnancy and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's pregnancy and condition of pregnancy.

IV. **Reports and Complaints of Harassing Conduct**

Members of the CCCSA community and Third Parties, which includes all staff, are

encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor, or other CCCSA official so that the Superintendent may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other CCCSA official who receives such a report shall file it with the CCCSA's Anti-Harassment Compliance Officer within two (2)days of receiving the report of harassment.

Members of the CCCSA community and Third Parties who believe they have been unlawfully harassed by another member of the CCCSA community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs unless the Complainant makes the complaint maliciously or with knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – *Bullying and Harassment*, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on sex, race (including anti-Semitism), color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or while the matter is being addressed pursuant to Policy 2266, the Principal shall suspend Policy 5517.01 investigation to await the Compliance Officer's written report or the determination or responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 3362 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

A. Compliance Officers

The Board designates the following individuals to serve as the Authority's " Compliance Officers" (also known as "Civil Rights Coordinators"); for the Authority. They are hereinafter referred to as the "COs".

The COs shall also serve as the System's ADA Coordinator and Title IX Coordinators.

Kristie Belesiotis
Human Resources Manager
3519 Oasis Blvd.
Cape Coral, Florida 33914
239-424-6100 X7456
OasisHR@capecoral.gov

B. ADA Coordinator and Title IX Coordinators

The Board designates the following individuals to serve as the CCCSA's ADA Coordinators and Title IX Coordinators.

Kristie Belesiotis (ADA Coordinator)
Human Resources Manager
239-424-6100 X7456
3519 Oasis Blvd.
Cape Coral, FL 33914
OasisHR@capecoral.gov

C. Title IX Coordinators

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

Kristie Belesiotis
Human Resources Manager
239-424-6100 x7456
3519 Oasis Blvd.
Cape Coral, FL 33914
OasisHR@capecoral.gov

D. Publication Required

The names, titles, and contact information of these individuals will be published annually on the CCCSA's website.

E. Duties and Responsibilities

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the CCCSA community, and Third Parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers within two (2) days. Thereafter, the Compliance Officer or designee must contact the Complainant, if over age eighteen (18) or the Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Superintendent's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the CCCSA community or a visitor to the CCCSA community or to receive complaints which are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the CCCSA community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare, after consultation with the Superintendent, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the CCCSA community must report incidents of unlawful harassment which are reported to them to a Compliance Officer within five (5) days of learning of the incident.

V. **Investigation and Complaint Procedure**

Except for Sexual Harassment that is covered by Policy 2266 - *Nondiscrimination on the Basis of Sex in Education Program or Activities*, any employee or other member of the CCCSA community or Third Party who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

The procedures set forth below are not intended to interfere with the rights of any

individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights (OCR), the Florida Commission on Human Relations (FCHR), and/or the Equal Employment Opportunity Commission (EEOC).

A. Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the CCCSA community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

Employees, other members of the CCCSA community, or Third Parties who believe that they have been unlawfully harassed or retaliated against may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a CCCSA employee, any other adult member of the CCCSA community, or a Third Party and a student will be formally investigated. However, all complaints of harassment involving a CCCSA employee, any other adult member of the CCCSA community, or a third party against a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the allegedly inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) to the Superintendent or other CCCSA-level employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to the Compliance Officers who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The CCCSA's informal complaint procedure is designed to provide employees, other members of the CCCSA community, or Third Parties who believe they are being unlawfully harassed by another individual with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

1. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

2. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.

3. If both parties agree, the Compliance Officers may arrange and facilitate a meeting or mediation between the Complainant and Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officers or designee is directed to attempt to resolve all informal complaints within fifteen (15)days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

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

B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not

appropriate for resolution through the informal process, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of an employee, other member of the CCCSA community, or Third Party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

The Complainant may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other CCCSA official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, the Compliance Officer, Superintendent, or other CCCSA official, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer within two (2) days.

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

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent and/or Board Attorney.

Within two (2) days of receiving a formal complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The respondent will be informed about the nature of the allegations and a copy of any relevant policies and/or administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5)days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) days of receiving the formal complaint. The investigation will include:

1. interviews with the Complainant;

2. interviews with the Respondent;

3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

4. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer/designee shall then prepare and delivered a written report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a

written decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

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

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

VI. **Privacy/Confidentiality**

The CCCSA will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer or designee will instruct all members of the CCCSA community and Third Parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any

information that is learned or provided during the course of the investigation.

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

VII. **Sanctions and Monitoring**

The Superintendent shall vigorously enforce the Board's prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment/retaliation and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Superintendent may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Superintendent becomes aware that a prior remedial action has been taken against a member of the CCCSA community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

VIII. **Retaliation**

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

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

and/or other appropriate remedies. Actions that could be construed as retaliation may result in disciplinary action, up to and including the discharge of the employee or the suspension/expulsion of a student involved in the retaliatory behavior.

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

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

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

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

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

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

X. Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy 8141 to report alleged misconduct by certificated employees of the CCCSA that affects the health, safety, or welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy 8141.

XI. Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the CCCSA

community related to the implementation of this policy and shall provide training for CCCSA students and staff where appropriate. All training, as well as all information provided regarding this policy and harassment in general, will be age and content-appropriate.

XII. Retention of Investigatory Records and Materials

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

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by CCCSA personnel;

D. any written documentation of actions taken by CCCSA personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile

environment, and remedy its discriminatory effects;

N. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

O. copies of the Board policy and/or procedures/guidelines used by the CCCSA to conduct the investigation, and any documents used by the CCCSA at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

P. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and

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

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

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

Revised 10/8/19
Revised 3/9/21
Revised 6/8/21
Technical Correction 11/12/24
Revised 5/13/25

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Legal
F.S. 110.1221
F.S. 250.481
F.S. 760.01
F.S. 760.10

F.S. 784.049
F.S. 1000.05
F.S. 1006.07
F.S. 1006.147
20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as the Individuals with Disabilities Act)
20 U.S.C. 1681 et seq.
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973
29 C.F.R. Part 1635
29 U.S.C. 6101, The Age Discrimination Act of 1975
38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

INSTRUCTIONAL STAFF

po3380

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

ADOPTED Apr 12, 2016

3380 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The Governing Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning physical well-being is strictly forbidden. Any student, parent, visitor, staff member, volunteer, or agent of the Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

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F.S. 1006.145
20 U.S.C. 1681 et seq.
29 U.S.C. 621 et seq.
29 U.S.C. 749 et seq.
42 U.S.C. 12101 et seq.
42 U.S.C. 2000e et seq.
Civil Rights Act 41 U.S.C. 1983

INSTRUCTIONAL STAFF

po3410

COMPENSATION

ADOPTED Nov 18, 2022

3410 - **COMPENSATION**

Salaries of all instructional staff members shall be determined by the Governing Board and shall be authorized by the performance salary schedule for instructional staff who are hired after July 1, 2014, or who held annual contracts as of July 1, 2014, as adopted by the Board upon the recommendation of the Superintendent.

If budget constraints in any given year limit the Board's ability to fully fund all adopted salary schedule, the performance salary schedule shall not be reduced on the basis of total cost or the value of individual awards in a manner that is proportionally greater than reductions to any other salary schedules adopted by the Authority. Any compensation for longevity of service awarded to instructional personnel must be included in calculating the salary adjustments required by, and in accordance with, F.S. 1012.22.

Salary Supplements

The Board shall also award salary supplements that are annual additions to the instructional staff member's salary. Salary supplements shall be paid to all instructional staff members who were hired before July 1, 2011 for any advanced degree held, and to all instructional staff members hired after July 1, 2011 but before July 1, 2014 for advanced degrees earned in their area of responsibility.

As provided by law, these annual salary supplements shall not become part of the instructional staff member's permanent base salary.

Performance Salary Schedule for Instructional Staff

Beginning July 1, 2014, the performance salary schedule shall be the basis for paying instructional staff members new to the Authority, returning to the Authority after a break in service without an authorized leave of absence, or appointed for their first time to an instructional staff position in the Authority.

The performance salary schedule shall also be the basis for paying instructional staff members on annual contract as of July 1, 2014.

The annual salary adjustment under the performance salary schedule for an instructional staff member rated as "highly effective" must be greater than the highest annual salary adjustment available to an instructional staff member of the same classification through any other salary schedule adopted by the Board.

The performance salary schedule must not provide an annual salary adjustment for an instructional staff member who receives a rating other than highly effective or effective for the year.

Salary Supplements

The performance salary schedule for instructional staff shall provide for the following salary supplements:

A. certification and teaching in the critical teacher shortage areas identified by the State Board of Education and/or District pursuant to State law;

B. assignment of additional academic responsibilities;

   The list of additional academic responsibilities for which instructional staff members shall receive salary supplements are set forth in the CCCCSA add pay list.

   Each Principal shall submit to the Superintendent a list of staff members assigned additional academic responsibilities.

   The Superintendent will authorize payment of the supplement t for the staff members assigned additional academic responsibilities.

C. advanced degree in the area of certification.

   The Principal shall submit to the Superintendent a list of instructional staff members who have earned advanced degrees in their area of certification.

   The Superintendent will authorize payment of the supplement for the staff members who have earned advanced degrees in their area of certification.

Credit for Previous Experience

The base salary established under the performance salary schedule will include a credit for previous experience earned in a position with similar responsibilities.

An employee who claims credit for previous experience must complete and submit to the Human Resources Department the Experience Verification Form (Form 3410 F1) within the first fourteen (14) days of employment, in order to receive credit for years of service.

Bonuses

If the Board provides bonuses to instructional staff that are not included in an individual employment contract those bonuses must strictly comply with the provisions of F.S. 215.425 that pertain to such bonuses and/or severance pay.

Any bonus plan must be based on the award of a bonus on work performance, describe the performance standards and evaluation process by which a bonus will be awarded, notify all instructional staff of the bonus policy before the beginning of the evaluation period on which a bonus will be based, and consider all instructional staff for the bonus.

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F.S. 215.425
F.S. 1001.42
F.S. 1001.43
F.S. 1011.60
F.S. 1012.01
F.S. 1012.22
F.S. 1012.32
F.S. 1012.33
F.S. 1012.335
F.S. 1012.34
F.S. 1012.56
F.A.C. 6A-1.052, Salary Schedules to be Adopted for All Personnel
F.A.C. 6A-1.064, Forms for Contracts for Instructional and Professional Administrative Personnel, and Other Personnel

INSTRUCTIONAL STAFF

po3419

GROUP HEALTH PLANS

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

3419 - **GROUP HEALTH PLANS**

The Governing Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide certain health benefit plans to instructional staff members and eligible dependents as permitted by law.

The Board has elected to provide major medical coverage that provides minimum value coverage under the Affordable Care Act for some or all of its eligible employees. The terms and conditions of the major medical coverage are set forth in the appropriate plan documents.

Eligible employees who have coverage through the employer of a working spouse may receive additional compensation if they waive the Authority's medical coverage. Eligible employees who waive the medical coverage will be paid an additional monthly compensation equal to $160.00 of the cost of single medical coverage for that employee, with the understanding that this additional compensation is subject to FICA and Federal, State and local income tax. To receive this compensation, the eligible employee must provide the Authority with proof of medical coverage provided by the spouse's employer and complete a Health Insurance Opt-Out Waiver form on an annual basis.

Revised 8/14/18

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F.S. 112.08
F.S. 112.0801

INSTRUCTIONAL STAFF

po3419.03

PATIENT PROTECTION AND AFFORDABLE CARE ACT

ADOPTED Aug 14, 2018

3419.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Governing Board acknowledges that the patient protection and Affordable Care Act ("ACA") imposes certain obligations upon the Board. Such obligations may include the following:

A. The Board shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

   http://www.dol.gov/ebsa/healthreform/regulations/coveroptionsnotice.html

B. Employees of the Board have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the Board enrolls in the Health Insurance Marketplace and receives a subsidy, then the Board may be liable for a penalty.

   In event that the Board concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the Board shall incur the potential penalty.

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29 U.S.C. 218B
26 U.S.C. 4980H

INSTRUCTIONAL STAFF

po3420

BENEFITS

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

3420 - **BENEFITS**

The Governing Board shall provide all instructional staff members with benefits as provided in the Authority employee contract provisions.

Revised 8/14/18

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

INSTRUCTIONAL STAFF

po3430

LEAVES OF ABSENCE

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

3430 - **LEAVES OF ABSENCE**

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

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

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

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

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

A. Paid leaves of absence may include: sabbatical, vacation, sick leave, personal charged to sick, jury/witness duty, illness- or injury in line-of-duty, professional, and military.

B. Unpaid leaves of absence may include: professional study, personal leave not paid, illness leave not paid, family and medical leave, maternity/paternity leave, parental leave, and extended personal leave without pay.

Approval of Leaves

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

Long-term leave without pay may be granted for a period up to one (1) school year. However, no more than two (2) consecutive long-term leaves for any reason shall be approved.

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

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

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

    1. sick leave, up to the amount of accrued leave

    2. illness- or injury-in-line-of-duty leave, up to ten (10) days

    3. military leave, up to seventeen (17) days

    4. personal leave, up to the amount of accrued leave

    5. vacation (annual) leave

    6. professional leave, up to the amount of accrued leave

    7. jury/witness duty leave

B. The Superintendent is authorized to approve Family and Medical Act (FMLA) Leave under Policy 3430.01, *FMLA Leave*.

C. Teachers may be required to take a minimum one-half (1/2) day of leave if a substitute teacher cannot be secured or coverage of the classroom cannot be arranged.

D. All other requests for leave require a recommendation by the Superintendent and approval of the Board.

Revised 8/14/18

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F.S. 1012.22
F.S. 1012.61
F.S. 1012.63
F.S. 1012.64
F.S. 1012.66
F.S. 1012.67
F.A.C. 6A-1.080, Maximum Extent of Leave

INSTRUCTIONAL STAFF

po3430.01

FMLA LEAVE

ADOPTED Apr 12, 2016

3430.01 - **FMLA LEAVE**

Qualifying Reasons for FMLA and Military Family Leave

In accordance with the Family and Medical Leave Act of 1993, as amended, ("FMLA"), eligible staff members may take up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, for the following reasons:

A. the birth and/or care of a newborn child of the staff member, within one (1) year of the child's birth;

B. the placement with the staff member of a child for adoption or foster care, within one (1) year of the child's arrival;

C. the staff member is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;

D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position; or

E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces ("Qualifying Exigency Leave"). Covered active duty means duty during deployment with the Armed Forces to a foreign country.

In addition, an eligible staff member who is a spouse, son, daughter, parent, or next of kin of a covered service member may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member ("Military Caregiver Leave"). A covered service member is defined as (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical

treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran, the injury or illness could have manifested itself before or after the member became a veteran. The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the "single twelve (12) month period", an eligible staff member is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

Eligible Employees

Staff members are "eligible" if they have worked for the Governing Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request, and are employed at a work site where fifty (50) or more employees are employed by the Board within seventy-five (75) miles of that work site. All full-time instructional employees are deemed to meet the 1,250 hour requirement. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service counts towards the staff member's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the staff member's fulfillment of his/her National Guard or Reserve military obligation, or a written agreement exists concerning the Board's intention to rehire the staff member after the break in service.

Twelve (12) Month Period

Twelve (12) month period is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individual staff member).

Serious Health Condition

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider. As utilized in this policy, the term "incapacity" means an inability to work, attend school, or

perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term "treatment" includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

B. Continuing treatment by a healthcare provider, includes any one or more of the following: 1.) "incapacity and treatment"; 2.) any incapacity related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provided for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

    1. "Incapacity and treatment" involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a healthcare provider, by a nurse under direct supervision of a healthcare provider, or by a provider of healthcare services (e.g., physical therapist) under orders of, or on referral by, a healthcare provider, or b.) treatment by a healthcare provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of a healthcare provider.

        a. Treatment by a healthcare provider as referenced above involves an in-person visit to a healthcare provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The healthcare provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.

        b. Regimen of continuing treatment includes a course of prescription medication (e.g., antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen).

c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a healthcare provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

2. A period of incapacity related to pregnancy need not involve a visit to the healthcare provider for each absence, and the absence need not last more than three (3) consecutive, full calendar days.

3. A chronic serious health condition is one that: a.) requires periodic visits (i.e., at least twice a year) for treatment by a healthcare provider, or by a nurse under direct supervision of a healthcare provider; b.) continues over an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a healthcare provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.

4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider.

C. Conditions for which cosmetic treatment are administered (e.g., most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e., leave in separate blocks of time for a single qualifying reason) or on a reduced leave schedule (i.e., reducing the employee's usual weekly or daily work schedule) for reason (A) or (B) on page one. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may also take FMLA leave on an intermittent or reduced-leave schedule for Qualifying Exigency Leave (i.e., reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on

planned medical treatment for the employee, a family member, or a covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of reasons (C) or (D) on page one or pursuant to Military Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

When leave is needed for planned medical treatment, the staff member must make a reasonable effort to schedule the treatment so as not to unduly disrupt the System's operations, subject to the approval of the healthcare provider.

If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) on page one, the Board may also require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave then does the staff member's regular position.

Staff Member Notice Requirements

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board's usual and customary notice and procedural requirements for requesting leave.

Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must provide "sufficient information" for the Superintendent to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family member is under the continuing care of a healthcare provider, that the requested leave is for a particular qualifying exigency related to a qualifying family member's covered active duty or call to covered active duty status, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the System has previously provided the staff member FMLA-protected leave, the staff member must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Substitution of Paid Leave

The Board shall require the staff member to "substitute" (i.e., run concurrently) any of his/her earned or accrued paid leave (e.g., sick leave, personal leave, assault leave, vacation leave, compensatory leave, family leave) for unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the System's normal leave policy. A staff member electing to use any type of paid leave concurrently with FMLA leave must follow the same terms and conditions of the Board's policy that apply to other employees for use of such leave. The staff member is always entitled to unpaid FMLA leave if s/he does not meet the Board's conditions for taking paid leave. On occasion the Board may waive any procedural requirements for the taking any of type of paid leave.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Military Caregiver Leave, such leave counts toward the twelve (12) work week/twenty-six (26) work week maximum leave allowance provided by this policy and Federal law.

System Notice Requirements

The Superintendent is directed to post the Department of Labor approved Notice explaining employees' rights and responsibilities under the FMLA. The notice must be

posted prominently where it can be readily seen by employees and applicants and shall either be distributed to each new employee upon hiring or be included in employee handbooks or other written guidance concerning benefits or leave rights. Electronic posting is sufficient to meet these requirements.

When a staff member requests FMLA leave or the System acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent will attach any medical certification that may be required, and a copy of the employee's essential job functions. If the Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent must notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the Superintendent shall, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the Superintendent has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g., after receiving certification), the Superintendent shall notify the staff member whether the leave will be designated and counted as FMLA leave. Leave that qualifies as both Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e., reason (C)) must be considered as Military Caregiver Leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the Superintendent shall notify the staff member of the number of hours, days and weeks that will be counted against the employee’s FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work.

Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent determines the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by the FMLA or the staff member's FMLA leave entitlement has been exhausted), the Superintendent shall notify the staff member of that determination. If the staff member is required to substitute paid leave for unpaid FMLA leave, or if paid leave taken under an existing leave plan is being counted as FMLA leave, the "Designation Notice" shall include this information. Additionally, the "Designation Notice" shall notify the staff member if s/he is required to present a fitness-for-duty certification to be restored to employment. Further, if the fitness-for-duty certification is required to address the staff member's ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the staff member's position will be included.

If the information provided to the staff member in the Designation Notice changes, the Superintendent shall provide, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

Limits on FMLA When Both Spouses are Employed by the Board

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition.

Where the husband and wife both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) on page, or to care for a parent, the husband and wife are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the "single twelve (12) month period" if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

Certification

When FMLA leave is taken for either reason (C) or (D) on page one, the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member. The staff member may either:

A. submit the completed medical certification to the Superintendent; or

B. direct the healthcare provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

If the staff member fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to require second or third opinions (at the Board's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The staff member may either:

A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent; or

B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the staff member shall not constitute FMLA leave.

Recertification

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the System will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the System receives information that casts doubt upon the staff member’s stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Staff members requesting Qualifying Exigency Leave are required to submit to the Superintendent a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Staff members requesting Military Caregiver Leave are required to submit to the Superintendent certification completed by an authorized healthcare provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

The Board authorizes its healthcare provider, but not the staff member's direct supervisor, to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e., medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

Job Restoration & Maintenance of Health Benefits

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students' program.

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee does not meet the goal due to FMLA leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

Generally, a staff member may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any procedures that are appropriate for this policy and ensure that the policy is posted properly.

Copies of this policy shall be available to staff members upon request.

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Legal
29 C.F.R. Part 825
F.S. 110.221, 1012.61
29 U.S.C. 2601 et seq. (as amended)
45 C.F.R. Part 160, 164
National Defense Authorization Act of 2010

INSTRUCTIONAL STAFF

po3430.02

DOMESTIC VIOLENCE LEAVE

ADOPTED Apr 12, 2016

3430.02 - **DOMESTIC VIOLENCE LEAVE**

The Governing Board shall grant leave for an employee if the employee, or a family or household member, is the victim of domestic or sexual violence.

Definitions

A. "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one (1) family or household member by another family or household member.

B. "Sexual violence" means sexual violence as defined in F.S. 784.046 or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence.

C. "Family or household member" means spouses, former spouses, persons related by blood or marriage, person who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

D. "Victim" means an individual who has been subjected to domestic or sexual violence.

Such leave may be for up to three (3) days in any twelve (12) month period and shall be used for the following purposes:

A. to seek protection against domestic violence or an injunction 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 to address physical or psychological injuries resulting from domestic or sexual violence;

C. to obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic or sexual violence;

D. to secure their home from the perpetrator of domestic or sexual violence or to seek new housing to escape the perpetrator;

E. to seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

The leave shall be granted without pay and is subject to the following conditions:

A. Except in cases of imminent danger to the health or safety of the employee or to the health and safety of a family or household member, the employee seeking the leave must provide appropriate advance notice along with sufficient documentation of the act of domestic or sexual violence as required by the administrative procedures implementing this policy.

B. The employee shall not be required to have exhausted all annual or vacation leave, personal leave, and sick leave prior to utilizing this leave.

C. Pursuant to Florida statutes, the Board shall keep information concerning leave for domestic or sexual violence confidential and exempt from disclosure.

D. The Board may not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his/her rights under the provisions of this policy. However, this does not limit the Board's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in the work force or termination for cause.

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F.S. 741.28
F.S. 741.313

INSTRUCTIONAL STAFF

po3430.03

LEAVE

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

3430.03 - **LEAVE**

Instructional staff members who are appointed to work full-time shall earn one (1) day of paid leave for each full month of employment. Earned leave shall be pro-rated in proportion to the number of hours employed per day. Leave may not be used before it is earned and credited.

A. Accrual

1. Ten (10) days of leave will be advanced at the beginning of each school year. However, each employee is entitled to earn no more than one (1) day of leave times the number of months of employment during the year of employment.

2. Leave shall be cumulative from year to year, up to a limit of 337.5 hours, the limit to be calculated at the end of each fiscal year.

B. Use

1. Sick leave shall be in increments of one-half (1/2) or full days or shall be equivalent to the time taken dependent upon substitute availability and school setting.

2. Bereavement leave is granted to staff for the death of the employee's spouse, child, father, mother, brother, sister or other close relative or member of the employee's own household

3. An employee taking leave shall notify the appropriate supervisor and enter leave request in Tyler Time and Attendance before beginning the leave, if possible. In an emergency, the request for leave may be entered immediately following return to duty.

4. No leave consisting of three (3) consecutive student school days is allowed unless it is approved by the principal, unless it is bereavement leave, medical leave, or another emergency.

Instructional staff shall not take personal leave immediately before or following an extended holiday weekend. If an emergency or major event has occurred, the discretion to grant leave is left to the building principal.

C. Transfer

An employee may authorize transfer of accrued leave to another Authority employee.

Any transferred sick leave that is not used as anticipated shall be returned to the authorizing administrator, upon the recipient's return to work. In the case of multiple donors, the unused leave will be returned pro-rata to each donor.

The person receiving the transfer may not use the donated sick leave until s/he has exhausted all of his/her own accrued sick leave, excluding sick leave from a sick leave bank, if the recipient participated in a sick leave bank.

Donated sick leave shall have no value for terminal pay.

(F.S. 1012.61(2)(e)1)

The person receiving the transfer may not use the donated leave until s/he has exhausted all of his/her own accrued leave.

D. Terminal Pay for Sick Leave

Upon the retirement or death of an employee, s/he will be paid for leave accumulated through the end of the last full month worked, but not including the last partial month worked unless the employee works one (1) more day than half of the partial month. Accrued leave shall be compensated at the daily rate of pay applicable at the time of retirement.

Revised 8/15/23
Revised 5/13/25

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F.S. 402.22
F.S. 1001.41
F.S. 1001.42(5)
F.S. 1001.43(11)
F.S. 1012.22
F.S. 1012.23
F.S. 1012.61

F.S. 1012.62
F.S. 1012.66

INSTRUCTIONAL STAFF

po3430.05

ILLNESS- OR INJURY-IN-LINE-OF-DUTY LEAVE

ADOPTED Apr 12, 2016

3430.05 - **ILLNESS- OR INJURY-IN-LINE-OF-DUTY LEAVE**

Instructional staff members shall be entitled to illness- or-injury-in-line-of-duty leave when they have to be absent from work because of a personal injury received in the discharge of duty or because of illness from any contagious or infectious disease contracted in school work. An authorized workers compensation physician shall certify the illness or injury received in the performance of duties.

Such leave shall be authorized for a total of not to exceed ten (10) school days during any school year and shall be applicable only to the year during which the accident/illness occurred.

Any instructional staff member who has any claim for compensation while absent because of illness contracted or injury incurred as prescribed herein shall file a claim in the manner prescribed in F.S. 1012.61 (2)(b) within five (5) working days following the staff member's return from such absence. The Superintendent shall approve the claims and authorize the payment if the Superintendent is satisfied that the claim correctly states the facts and that the claim is entitled to payment in accordance with the provisions of F.S. 1012.61.

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Legal
F.S. 1012.22(2)
F.S. 1012.61
F.S. 1012.63

INSTRUCTIONAL STAFF

po3430.07

MILITARY LEAVE

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

3430.07 - **MILITARY LEAVE**

The Governing Board supports individuals willing to serve in the armed forces of the United States or the State of Florida to protect our country and State. In accordance with State and Federal laws, instructional staff members who must be absent from work for military service are entitled to take a military leave of absence in accordance with this policy.

Instructional staff members called to duty are required to notify the Superintendent immediately unless notice is impossible or prevented by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable.

Reserve or Guard Training

All instructional staff members in this Authority who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

Compensation allowed for military leave to participate in required training exercises shall not exceed 240 hours in any one (1) annual period as provided in F.S. 115.07. Such leave is not charged as vacation. It shall be established that the period selected is not at the convenience of the employee but a military necessity, if it falls within the school year. Upon the recommendation of the Superintendent, leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and may be granted by the Board and when so granted shall be without loss of time or efficiency rating.

When an instructional staff member's assigned employment duty conflicts with ordered active or inactive duty training, it is the responsibility of the Board to provide a substitute employee, if necessary, for the assumption of such employment duty while the employee is on assignment for the training.

Active Military Service

Instructional staff members who are service members of the National Guard or a reserve component of the Armed Forces of the United States shall be granted leave to perform active military service, the first thirty (30) days of any such leave to be with full pay for Federal military service that is equal to or greater than ninety (90) consecutive days.

Leave of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay. Instructional staff members on military leave may substitute accrued paid vacation for unpaid leave.

Re-Employment

Re-employment of all instructional staff members granted military leave shall be governed in accordance with 38 U.S.C. 4312. An instructional staff member who is granted military leave for active duty shall, upon the completion of the tour of duty, be returned to employment without prejudice, provided that the instructional staff member gives notice and files an application for re-employment within the time limitations contained in Federal law. Instructional staff members will be returned to duty in the same or a similar position as previously held in accordance with Federal law.

Benefits During Military Leave

The Board shall continue to provide all health insurance and other existing benefits to instructional staff members as required by the Uniformed Services Employment and Reemployment Rights Act, Chapter 43 of Title 38 U.S.C.

Bargaining unit members should refer to the collective bargaining agreement for more information pertaining to military leave.

Voluntary Service

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 Board's discretion. An employee whose absence will interfere with the orderly operation of the school program shall be denied military leave, except in unusual cases.

Revised 11/12/24

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Legal
F.S. 115.07
F.S. 115.09
F.S. 115.14

F.S. 121.111
F.S. 250.341
F.S. 1012.23
38 U.S.C. 2021 et seq.
38 U.S.C. 4312
38 U.S.C. 4323

INSTRUCTIONAL STAFF

po3430.08

PROFESSIONAL AND SABBATICAL LEAVE

ADOPTED Apr 12, 2016

3430.08 - **PROFESSIONAL AND SABBATICAL LEAVE**

Professional Leave

With prior approval, instructional staff members may take paid professional leave (vacation or personal leave) to engage in activities during the workday which will result in his/her professional benefit or advancement, including earning college credits and degrees, or that will contribute to the profession of teaching.

An instructional staff member must submit to his/her supervisor a description of the course or activity, time needed away from work, and a narrative describing the relationship with the course and/or activity and the profession of teaching. All documentation, including the instructional staff member's work schedule while attending the course or activity, must be approved prior to attending courses or activities.

In no case shall an instructional staff member be permitted to work toward an advanced or supplemental degree or receive college credit during the workday or at any time when the Governing Board pays the instructional staff member's salary or provides other reimbursement to the instructional staff member, unless such time is covered by appropriate leave.

Professional leave shall be approved only if specific times and frequency will not adversely affect the instructional staff member's job performance.

Sabbatical Leave

The Board may grant an instructional staff member sabbatical leave for a period not to exceed one (1) year.

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Legal
F.S. 1012.22(2)
F.S. 1012.23
F.S. 1012.64
F.A.C. 6A-1.081, Professional Leave and Extended Professional Leave; Definition

INSTRUCTIONAL STAFF

po3430.09

JURY/WITNESS DUTY LEAVE

ADOPTED Apr 12, 2016

3430.09 - **JURY/WITNESS DUTY LEAVE**

Jury Duty Leave

An instructional staff member summoned to serve on a jury shall be granted temporary leave with pay for all hours required for the duty up to his/her normal workday hours.

Any jury fees may be retained by the instructional staff member.

However, if jury duty does not require absence for the entire workday, an instructional staff member is expected to return to work immediately upon release by the court.

The Governing Board shall not reimburse instructional staff members for meals, lodging, and travel expenses incurred while serving as a juror.

Jury/Witness duty leave will be granted for a maximum of fifteen (15) days unless additional leave is recommended by the Superintendent and approved by the Board.

Witness Duty Leave

An instructional staff member who is subpoenaed as a witness may be granted temporary leave with pay for all hours required for the duty, up to his/her normal workday hours, provided the subpoena is not related to personal litigation in which the instructional staff member is a party.

Any witness fees may be retained by the instructional staff member.

The Board shall not reimburse the instructional staff member for meals, lodging, and travel expenses incurred while serving as a witness.

When an instructional staff member is subpoenaed or called as a witness by the Board at a deposition, hearing, trial or other civil proceeding, s/he may be granted temporary leave with pay for all hours required for the duty.

Any witness fees may be retained by the instructional staff member.

In the event no fees are received from the court, s/he may be paid per diem and for travel expenses pursuant to Policy 6550, *Travel and Per Diem*.

Personal Litigation

In no case shall temporary leave with pay be granted for court attendance when an instructional staff member is engaged in his/her own personal litigation. In such cases, instructional staff members may request vacation or personal leave.

Bargaining unit members should refer to the collective bargaining agreement for more information pertaining to jury/witness leave.

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F.S. 1012.23

INSTRUCTIONAL STAFF

po3440

JOB-RELATED EXPENSES

ADOPTED Apr 12, 2016

3440 - **JOB-RELATED EXPENSES**

The Governing Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any instructional staff member of the Authority incurred in the course of performing services for the Authority, whether within or outside the Authority, under the direction of the Board and in accordance with the Superintendent's administrative procedures.

The validity of payments for job-related expenses shall be determined by the Superintendent. Pre-approval for estimated travel expenses is required.

The Board may pay the expenses of instructional staff members when they attend instructional meetings (as defined in Policy 3243) with prior approval in accordance with the policy of this Board and in accordance with the administrative procedures of the Superintendent.

Whenever a staff member is unable to provide one (1) or more receipts for appropriate expenses, s/he may be reimbursed upon written explanation of the reason for the lack of the receipt and the approval of the expenses by the Superintendent.

Instructional staff members are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, supplemental insurance on rental cars, fines for traffic violations, and the entertainment/meals/lodging of spouse or guests.

This policy does not address every issue, exception, or contingency that may arise in the course of travel.

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F.S. 112.061

INSTRUCTIONAL STAFF

po3500

REMOTE WORK

ADOPTED Nov 18, 2022

3500 - **REMOTE WORK**

Governing Board employees are required to work at their assigned Authority building, Authority site, or school building. However, the Board recognizes that certain District-declared emergencies require remote work.

Eligible employees are only authorized to work remotely in accordance with this policy and procedures developed by the Superintendent.

Remote working can be considered when it provides an operational benefit to the Board; the responsibilities and duties of the position can be accomplished successfully from a remote environment; and the employee demonstrates the skills and abilities needed to effectively work remotely.

Employees are not permitted to work remotely unless approved in advance by the Superintendent.

Definitions

A. Remote Work/Working – a temporary work or work arrangement during which an employee performs their assigned job duties in an alternate work location away from their assigned Authority building, Authority site, or school building.

B. Alternate Work Location(s) - approved locations, other than the employee's normal assigned workplace, where official Authority business is performed. The most common alternate work location is the home of an employee. Alternate work locations must be approved in advance by the Superintendent.

C. Remote Working Agreement - Remote work arrangements are approved by the Superintendent and documented in writing in a remote working agreement. Remote working agreements include specific terms such as employee hours, employee responsibilities, employee expectations, and confidentiality. Remote working agreements may not exceed a specified number of work days, determined by the Superintendent, as the emergency situation dictates but may be renewed by the Superintendent.

Eligible Positions

Positions for which remote work may be authorized are determined at the discretion of the Superintendent during an Authority-declared emergency.

Termination of Remote Working Agreements

Remote working agreements are approved at the discretion of the Superintendent and may be revoked/terminated at any time.

Nothing in this policy is intended to interfere with, or supplant, any rights afforded to employees under the Americans with Disabilities Act, as amended, or Section 504 of the Rehabilitation Act of 1973.

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INSTRUCTIONAL STAFF

po3531

UNAUTHORIZED WORK STOPPAGE

ADOPTED Apr 12, 2016

3531 - **UNAUTHORIZED WORK STOPPAGE**

The Governing Board is obligated and committed to provide certain basic services to students participating in Authority programs. Therefore, if the schools are open and the students are in attendance, those basic services will be provided.

Recognizing the fact that the Authority, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Instructional staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

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F.S. 447.505
F.S. 447.507

INSTRUCTIONAL STAFF

po3550

COMPLAINTS AGAINST INSTRUCTIONAL STAFF

ADOPTED Apr 12, 2016

3550 - **COMPLAINTS AGAINST INSTRUCTIONAL STAFF**

Any complaint against a member of the instructional staff which arises within the membership of the Governing Board or which comes to the attention of the Board (except through the Superintendent) shall be referred to the Superintendent for decision. In cases where the instructional staff member or the complainant is not satisfied with the decision of the Superintendent, an appeal may be taken by either party to the Board through the Superintendent for a final decision.

Pursuant to State law, a complaint of misconduct against an Authority administrator, and all information obtained pursuant to an investigation by the Authority of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the Authority provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the Authority has either:

A. concluded the investigation with a finding not to proceed with disciplinary action or file charges; or

B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the Authority shall also file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - *Mandatory Reporting of Misconduct by Certificated Employees*.

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

A. by certified mail, return receipt requested, to his/her address of record; or

B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

Employees in bargaining units should refer to negotiated agreements.

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F.S. 119.071(2)(k)
F.S. 1012.31
F.S. 1012.795
F.S. 1012.796

INSTRUCTIONAL STAFF

po3590

PERSONNEL FILE

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

3590 - **PERSONNEL FILE**

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

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

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

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

Pursuant to State law, a complaint of misconduct against an Authority employee, and all information obtained pursuant to an investigation by the Authority of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the Authority provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the Authority has either:

A. concluded the investigation with a finding not to proceed with disciplinary action or file charges, or

B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the Authority shall also

file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - *Mandatory Reporting of Misconduct by Certificated Employees*.

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

Materials relating to work performance, discipline, or dismissal must be reduced to writing and signed by an individual competent to know the facts or make the judgment. In cases of separation due to termination or resignation in lieu of termination, the person shall execute and maintain an affidavit of separation, on the form adopted by the Florida Department of Education, setting forth in detail the facts and reasons for such separation. The affidavit must expressly disclose when separation is due to a report of sexual misconduct with a student. The affidavit of separation must be executed under oath and constitutes an official statement within the purview of F.S. 837.06. The affidavit of separation must include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree.

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

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

A. by certified mail, return receipt requested, to the employee's address of record; or

B. by personal delivery. The employee’s signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

No record in a personnel file which is confidential and exempt from inspection and copying pursuant to applicable law shall be disclosed except as provided by applicable law.

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

The City's Human Resource Department shall develop guidelines as to what should be included in a personnel file. The contents of the personnel files should be consistent from file to file. The District should periodically conduct audits of personnel files to determine whether the contents are consistent with the guidelines.

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

The employee shall have access to their file upon request.

The related procedures manual is entitled Personnel File Procedures.

Revised 10/8/19
Revised 12/14/21
Revised 11/18/22

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Legal
F.S. 119.011
F.S. 119.07
F.S. 119.071
F.S. 1012.31
F.S. 1012.797

INSTRUCTIONAL STAFF

po3600

JOB DESCRIPTIONS

ADOPTED Apr 12, 2016

3600 - **JOB DESCRIPTIONS**

The Governing Board shall act upon written recommendations submitted by the Superintendent for positions to be filled and for the minimum qualifications for these positions. Once a position has been established it is essential for each instructional staff member employed in the position to be fully aware of the duties and responsibilities for that position. Job descriptions document and describe the prescribed qualifications for and essential functions of each instructional staff position and thereby promote organization, effectiveness, and efficiency. The Superintendent is authorized to establish and maintain job descriptions which shall include the prescribed qualifications, as well as skills, knowledge and abilities, essential functions, and physical requirements for each instructional staff position.

Job descriptions shall be defined as procedures of the Superintendent.

Instructional staff shall be evaluated, at least in part, against their job description.

Job descriptions shall be brief, factual, and descriptive of the positions designated by the Board.

During the hiring process, the current job description for the position for which the candidate is interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the positions.

During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, instructional staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

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F.S. 1012.23
F.S. 1012.27

INSTRUCTIONAL STAFF

po3700

TEACHERS' BILL OF RIGHTS

ADOPTED May 7, 2024 · REVISED Apr 14, 2026

3700 - **TEACHERS' BILL OF RIGHTS**

Pursuant to F.S. 1015.01 through 1015.06, teachers' rights include, but are not limited to, the following:

A. Rights of Employment

1. Pursuant to F.S. 447.301 and s. 6., Art. I of the State Constitution, the right of public employees, including teachers, to work may not be denied or abridged on account of membership or non-membership in any labor union.

2. A teacher, except in cases of excessive force or cruel and unusual punishment, may not be held civilly or criminally liable for actions carried out in conformity with State Board of Education rules. Pursuant to F.S. 1012.75, a teacher shall have access to liability coverage, subject to the General Appropriations Act, through the educator liability insurance program.

   Pursuant to F.S. 1012.26, a teacher may receive a reimbursement of reasonable expenses for legal services from the Authority if the teacher is charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities.

3. All students and public K-20 educational institution employees, including teachers, have the right to be free from discrimination in public K-20 educational institutions.

4. Pursuant to F.S. 1012.56, teachers must be provided multiple pathways to earn an educator certificate.

B. Right to Continuing Education

1. Teachers are guaranteed a coordinated system of professional learning with the goals of increasing student achievement, enhancing classroom instruction, and preparing students for continuing their education or joining the workforce. Pursuant to F.S. 1012.98, the Florida Department of

Education, public postsecondary educational institutions, public school districts, public schools, State education foundations, consortia, and professional organizations must work collaboratively to provide a coordinated system of professional learning.

2. Pursuant to F.S. 1009.26(10), teachers employed by the Authority may receive a waiver for tuition and fees for up to six (6) credit hours per term at a State university or Florida College System institution.

C. Right to Control the Classroom

1. In accordance with State Board rules and general law, a teacher has the authority to control and discipline students in their classroom and in other places in which the teacher is assigned to be in charge of students. Pursuant to F.S. 1003.32 and in order to provide an orderly and safe learning environment for students, a teacher may:

    a. establish classroom rules of conduct.

    b. establish and implement consequences, which are designed to change behavior, for infractions of classroom rules of conduct.

    c. have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students removed from the classroom for behavior management intervention.

    d. have violent, abusive, uncontrollable, or disruptive students directed to appropriate school or Governing Board personnel for information and assistance.

    e. assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.

    f. request and receive information relating to the disposition of any referrals to administration for a violation of classroom rules of conduct or school rules.

    g. request and receive immediate assistance in classroom management if a student becomes uncontrollable or in the case of an emergency.

    h. request and receive training and other assistance to improve their skills in classroom management, violence prevention, conflict resolution, and related areas.

i. press charges if there is a reason to believe that a crime has been committed on school property, during school-sponsored transportation, or during school-sponsored activities.

j. use reasonable force, according to standards adopted by the State Board, to protect themselves or others from injury.

2. For purposes of this section, in cases in which a teacher faces litigation or professional practices sanctions for an action taken pursuant to Paragraph (1), there is a rebuttable presumption that a teacher was taking necessary action to restore or maintain the safety or educational atmosphere of their classroom.

D. Right to Direct Classroom Instruction

Pursuant to F.S. 1008.25, a teacher has the right to receive student assessment data in a timely manner in order to assist in instruction.

Revised 4/14/26

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Legal
F.S. 1015.01
F.S. 1015.02
F.S. 1015.03
F.S. 1015.04
F.S. 1015.05
F.S. 1015.06
F.A.C. 6A-1.094127

SUPPORT STAFF

po4111

DESIGNATION OF A NEW POSITION

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

4111 - **DESIGNATION OF A NEW POSITION**

The Governing Board recognizes the need to establish positions that, when filled by competent, qualified support staff members, will assist the Authority in achieving the operational goals set by the Board. The Authority employs only U.S. citizens and others lawfully authorized to work in the United States.

Subject to the recommendation of the Superintendent, the Board shall designate new positions pursuant to the job descriptions developed in accordance with Policy 4600 and set the initial salary for new positions not covered by a valid collective bargaining agreement.

When designating new positions, primary consideration shall be given to:

A. the number of students enrolled;

B. the special needs of the students;

C. the operational services of the Authority.

Revised 8/15/23

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Legal
F.S. 1001.42
F.S. 1001.42(5)
F.S. 1012.22

SUPPORT STAFF

po4112

BOARD-STAFF COMMUNICATIONS

ADOPTED Apr 12, 2016

4112 - **BOARD-STAFF COMMUNICATIONS**

The Governing Board desires to maintain open channels of communication between itself and the staff. The basic line of communication, will, however, be through the Superintendent.

A. Staff Communications to the Board

Communications from staff members to the Board or its committees should be submitted through the Superintendent. This procedure is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures.

B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will generally be communicated through the Superintendent, who shall also keep staff members fully informed of the Board's concerns and actions.

C. Social Interaction

Both staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the Authority. However, since Board members are not authorized to act on behalf of the Board unless in open public session or when specifically vested with such authority, Board members and members of the staff should not discuss individual personalities, personnel grievances, or other complaints. Instead, such matters should be addressed in accordance with the procedures established in Board policy or the collective bargaining agreement.

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F.S. 1001.31

SUPPORT STAFF

po4113

CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

ADOPTED Apr 12, 2016

4113 - **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP**

It is the policy of the Governing Board that no Authority officer or employee, including but not limited to, Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship with any business entity or any agency which is doing business with the Authority, excluding those organization and their officer who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the Authority.

Furthermore, it is the policy of the Board that no Authority officer or employee, including but not limited to Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship that will create any conflict whatsoever between his/her private interests and the performance of his/her duties or that would impede the full and faithful discharge of his/her duties.

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F.S. 112.313(7)

SUPPORT STAFF

po4120

EMPLOYMENT OF SUPPORT STAFF

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

4120 - **EMPLOYMENT OF SUPPORT STAFF**

Support employees include all those employees who work in non-administrative, noninstructional, noncontracted roles and serve at the pleasure of the Governing Board.

All support staff are at-will employees and may be dismissed or terminated at any time, with or without cause.

The Superintendent shall conduct employment history checks of all candidates for educational support staff positions. The employment history check shall include, but not be limited to, contacting any previous employer and reviewing each affidavit of separation from previous employers pursuant to F.S. 1012.31, and screening the candidate through the use of the screening tools described in Florida law. If contact with (a) previous employer(s) cannot be made, the Superintendent shall document the efforts made to do so.

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

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

A person is ineligible for employment in any position that requires direct contact with students if:

A. they are on the disqualification list maintained by the Florida Department of Education under F.S. 1001.10(4)(b);

B. they are registered as a sex offender as described in 42 U.S.C. 9858f(c)(1)(C);

C. they are ineligible based on a security background investigation under F.S.435.04;

The Agency for Health Care Administration, the Agency for Health Care

Administration shall determine the eligibility of employees in any position that requires direct contact with students in a District school.

D. they would be ineligible for an exemption under F.S. 435.07(4)(c); or,

E. they have been convicted or found guilty of, have had adjudication withheld for, or have pled guilty or nolo contendere to (1) any criminal act in another state or under Federal law which, if committed in Florida, constitutes a disqualifying offense under F.S. 435.04(2) or (2) any delinquent act committed in Florida or any delinquent or criminal act committed in another state or under Federal law which, if committed in Florida, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under F.S. 943.0435.

Individuals who apply for employment are governed by the law and rules in effect at the time of application for employment, provided that continuity of employment is maintained.

The employment of support staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in Authority operations. Employment shall be recommended to the Board no later than the month following employment.

The Superintendent shall also conduct employment history checks of all candidates for support staff positions. The employment history check shall include, but not be limited to, contacting any previous employer. If contact with (a) previous employer(s) cannot be made, the Superintendent shall document the efforts made to do so.

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

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

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

All support personnel shall become familiar with the policies of the Board and other such policies, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the Authority. Any support staff member employed by the Board who shall be guilty of any willful violation of the policies of the Board shall be guilty of gross insubordination and shall be subject to dismissal or such other lesser penalty as the Board may prescribe.

REQUIREMENTS FOR INSTRUCTIONAL PARAPROFESSIONALS (Paraprofessional II)

All paraprofessionals employed by the Authority to provide instructional support services shall be "highly qualified".

Accordingly, one of the following requirements must be met:

A. an associate's or higher degree;

B. two (2) years of study at an institution of higher education; or

C. met a rigorous standard of quality through a formal State or local academic assessment, knowledge of and the ability to assist in instructing, as appropriate:

1. reading/language arts, writing and mathematics; or

2. reading readiness, writing readiness and mathematics readiness.

AUTHORIZED ACTIVITIES FOR NON-INSTRUCTIONAL PARAPROFESSIONALS (Paraprofessional I)

The activities to which non-instructional paraprofessionals may be assigned include the following:

A. personal care services;

B. parent involvement activities;

C. food service;

D. playground/cafeteria supervision;

E. bus aides/bus attendants;

F. clerical duties

G. non-instructional computer assistance;

H. non-instructional media center/library supervision;

I. translators (not providing instructional support).

Revised 3/9/21
Revised 12/14/21
Revised 11/18/22
Revised 5/7/24

Revised 3/10/26
Revised 4/14/26

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Legal
F.S. 435.04
F.S. 435.07(4)(c)
F.S. 943.0435
F.S. 1001.10
F.S. 1012.01
F.S. 1012.315
F.S. 1012.37
F.S. 1012.40
F.S. 1012.56
F.A.C. 6A-1.0502(11)
20 U.S.C. 6301
42 U.S.C. 9858f

SUPPORT STAFF

po4120.03

ATHLETIC COACHES

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

4120.03 - **ATHLETIC COACHES**

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

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

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

Revised 9/16/25

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F.S. 1012.55(2)

SUPPORT STAFF

po4120.04

EMPLOYMENT OF SUBSTITUTES AND TEMPORARY SUPPORT STAFF

ADOPTED Apr 12, 2016

4120.04 - **EMPLOYMENT OF SUBSTITUTES AND TEMPORARY SUPPORT STAFF**

When it becomes necessary to employ support personnel on a temporary basis, such employment is on a limited-time basis for the purpose of filling a vacancy for which a regular employee cannot be found, or to perform some task of a temporary nature. This employment shall end at the close of the school term, at the end of the fiscal year, or at the time when the temporary task is completed.

Substitutes

Support substitutes shall be paid in accordance with the established salary schedule. A substitute shall be paid on an hourly basis for the actual hours worked, not to exceed the number of hours required of the position for which the employee is substituting.

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F.S. 1012.40

SUPPORT STAFF

po4120.07

CASUAL EMPLOYMENT OF SUPPORT STAFF

ADOPTED Apr 12, 2016

4120.07 - **CASUAL EMPLOYMENT OF SUPPORT STAFF**

Support staff members employed by the Authority may be employed as casual resource personnel, outside of their regular duties and assignments at the discretion of the Superintendent.

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F.S. 1012.01

SUPPORT STAFF

po4120.08

PART-TIME EXTRA-CURRICULAR PERSONNEL

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

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

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

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

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

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

Revised 9/16/25

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

SUPPORT STAFF

po4120.11

PREFERENCE FOR VETERANS IN EMPLOYMENT

ADOPTED Jun 14, 2022

4120.11 - **PREFERENCE FOR VETERANS IN EMPLOYMENT**

Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran, pursuant to the provisions below, as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

Appointment or Retention in Positions of Employment

Preference shall be given to the following:

A. Those disabled veterans:

1. who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the U.S. Department of Veterans Affairs; or

2. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans Affairs and the Department of Defense.

B. The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

C. A wartime veteran as defined in F.S. 1.01(14) who has served at least one (1) day during a wartime period to be eligible for veterans' preference. Active duty for training may not be allowed for eligibility under this paragraph.

D. The unremarried widow or widower of a veteran who died of a service-connected disability.

E. The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.

F. A veteran as defined in F.S. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.

G. A current member of any reserve component of the United States Armed Forces or the Florida National Guard.

The Governing Board may waive a postsecondary educational requirement for a position of employment, other than those positions made exempt under F.S. 295.07 for a current member of a reserve component of the U.S. Armed Forces or the Florida National Guard or a veteran who has been honorably discharged if the person is otherwise qualified for the position.

Veterans' preference in employment and retention may be given only to eligible persons who are described above.

In all positions in which the appointment or employment of persons is not subject to a written examination, first preference in appointment, employment, and retention processes shall be given to persons included under A and B above, and second preference shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

A veteran employed will be subject to the employment policies of the Authority.

Reinstatement or Reemployment

When an Authority employee has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the Authority shall reemploy or reinstate such person to the same position that s/he held prior to such service in the Armed Forces, or to an equivalent position, provided such person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in a promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position.

Further, the Authority shall reemploy or reinstate the person who was a veteran when employed by the Authority and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge to the same position that s/he held prior to service in the Armed Forces, or to an equivalent position, provided the person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. The person shall also be

awarded preference in a promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.

The provisions in the preceding two (2) paragraphs pertaining to persons who are reemployed or reinstated shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

Recruitment Plan

The Board will develop and implement a veterans recruitment plan for the full use of veterans in the Board's workforce. The plan will be designed to meet the established goals. The veterans recruitment plan applies to the preference-eligible persons who are described above.

Revised 6/14/22

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Legal
F.S. 295.07
F.S. 295.08
F.S. 295.085
F.S. 295.09

SUPPORT STAFF

po4121

CONDITIONS FOR EMPLOYMENT AND RE-EMPLOYMENT OF SUPPORT STAFF

ADOPTED Apr 12, 2016

4121 - **CONDITIONS FOR EMPLOYMENT AND RE-EMPLOYMENT OF SUPPORT STAFF**

Applicants for employment or re-employment must submit an employment application, a copy of the social security card with correct name, and a minimum of three (3) acceptable references. Candidates shall meet the Governing Board's hiring guidelines and employment prerequisites prior to consideration for any vacancy.

Failure of a candidate to adhere to the time schedule established for submission of documents may be cause for failure to employ or for dismissal.

False or misleading statements or answers or omissions made by a person in connection with seeking employment may bar a person from employment with the Board or, if discovered after employment, may result in disciplinary action, including termination upon the recommendation of the Superintendent and the approval of the Board. Each case shall be considered on its own merits.

The Superintendent shall 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 Board policies.

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Legal
F.S. 1012.01
F.S. 1012.32
F.S. 1012.40

SUPPORT STAFF

po4121.01

BACKGROUND SCREENING AND EMPLOYMENT HISTORY CHECKS

ADOPTED Dec 14, 2021 · REVISED Mar 10, 2026

4121.01 - **BACKGROUND SCREENING AND EMPLOYMENT HISTORY CHECKS**

The safety of its students is of paramount importance to the CCCCSA. Consistent with this concern for student safety, and in compliance with Florida law, the CCCCSA requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all positions shall be subject to a criminal background screening to determine eligibility for employment. Additionally, the Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to Federal and State law.

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

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

The Board is a registered employer with the Care Provider Background Screening Clearinghouse. The District shall publish a clear and conspicuous link on its official website, and provide the link in all job vacancy advertisements and posts, to the Agency for Health Care Administration's webpage related to the Care Provider Background Clearinghouse. Background screenings, including all fingerprint requirements, shall be conducted in accordance with F.S. 435.12 and F.S. 1012.32. Criminal history checks through the Care Provider Background Screening will be conducted before referring an employee or potential employee or a person with a current or potential affiliation with the District for electronic fingerprint submission to the Florida Department of Law Enforcement. For purposes of this policy, "affiliation" means the status of a person employed or serving as a volunteer or contractor, or seeking to be employed or to serve as a volunteer or contractor, with the District in a position for which screening is not required by law but is authorized under the National Child Protection Act.

If it is found that a person who is employed as a support staff member does not meet the screening requirements, the person shall be immediately suspended from working in that capacity

A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position and/or any position that requires direct contact with students. For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.

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

All support staff members employed by the CCCCSA must self-report arrests for serious offenses (see AP 4121.01).

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

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

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

Pursuant to State law, the School Board of Lee County will share information received as a result of the criminal background check with the Authority.

Current employees will be rescreened through the Care Provider Background Screening Clearinghouse in accordance with the following schedule:

A. Employees for whom the last screening was conducted on or before June 30, 2021, must be rescreened by June 30, 2025;

B. Employees for whom the last screen was conducted between July 1, 2021, and June 30, 2022, must be rescreened by June 30, 2026; and

C. Employees for whom the last screening was conducted between July 1, 2022, and December 31, 2023, must be screened by June 30, 2027.

A person is not required to be rescreened before January 1, 2023, solely for the purpose of retention under F.S. 435.12 if the person was screened before participation by the specified agencies named in F.S. 435.12 (3)(a).

Changes to Initial Status - Care Provider Background Screening Clearinghouse

Before January 1, 2024, initial status and any changes in status must be reported within ten (10) business days after a person receives their initial status or after a change in the person's status has been made.

Effective January 1, 2024, initial status and any changes in status must be reported within five (5) business days after a person receives their initial status or after a change in the person's status has been made.

Revised 11/18/22
Revised 8/15/23
Revised 5/7/24
Revised 3/10/26

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Legal
F.S. 435.09
F.S. 435.12
F.S. 448.095
F.S. 943.0435
F.S. 943.0585(4)(a)
F.S. 943.059(4)(a)
F.S. 1001.10(5)
F.S. 1001.41
F.S. 1001.42
F.S. 1012.27(6)
F.S. 1012.315
F.S. 1012.32
F.S. 1012.465
F.S. 1012.56
F.A.C. 6A-10.083
Federal Immigration Reform and Control Act of 1986
8 U.S.C. 1255a

SUPPORT STAFF

po4122

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

4122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

I. **General Statement**

The Governing Board does not discriminate on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation or gender identity), disability (including HIV, AIDS, or sickle cell trait), marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes") in its programs and activities, including employment opportunities.

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

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

II. **Definitions**

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

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

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

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

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

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

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

III. Authority Compliance Officer

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

A. Compliance Officers

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

The COs shall also serve as the CCCSA's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator.

Kristie Belesiotis

Human Resources Manager
239-424-6100 X7456
3519 Oasis Blvd.
Cape Coral, Florida 33914
OasisHR@capecoral.gov

B. ADA Coordinator and Title IX Coordinator

The Board designates the following individuals to serve as the ADA Coordinator and Title IX Coordinator.

Kristie Belesiotis (AADA Coordinator)
Human Resources Manager
3519 Oasis Blvd.
Cape Coral, FL 33914
239-424-6100 X7456
OasisHR@capecoral.gov

C. Title IX Coordinator

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

Kristie Belesiotis
Human Resources Manager
3519 Oasis Blvd.
Cape Coral, FL 33914
239-424-6100 X7456
OasisHR@capecoral.gov

D. Publication Required

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

IV. **Complaint Procedures**

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

Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

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

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

V. **Internal Complaint Procedure**

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

A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the compliance officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the compliance officer for good cause.

C. The compliance officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The compliance officer will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the

employee may file, in writing, an appeal with the Superintendent. The compliance officer shall maintain the Authority's files and records relating to the complaint.

D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render his/her decision within ten (10) days of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

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

V. **Filing a Complaint with OCR/FCHR/EEOC**

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

VI. **Retaliation**

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

Retaliation against a person for making a report of discrimination, filing a formal

complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

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

VII. Training

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

VIII. Notice

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

IX. Retention of Investigatory Records and Materials

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

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by CCCSA personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the CCCSA’s response to the alleged violation of this policy;

D. any written documentation of actions taken by CCCSA personnel;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

O. copies of the Board policy and/or procedures/guidelines used by the CCCSA to conduct the investigation, and any documents used by the CCCSA at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

P. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and

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

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

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

Revised 3/9/21
Revised 6/8/21
Technical Correction 11/12/24

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

SUPPORT STAFF

po4122.01

PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

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

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

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

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

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

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as

devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

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

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

CCCSA Compliance Officer

The following persons are designated as the CCCSA Section 504 Compliance Officer/ADA Coordinator ("CCCSA Compliance Officer"):

Kristie Belesiotis
Human Resources Manager
239-424-6100 X7456
3519 Oasis Blvd.
Cape Coral, Florida 33914
OasisHR@capecoral.gov

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

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

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

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment, the person may utilize the complaint procedures set forth in Policy 4122 - *Nondiscrimination and Equal Employment Opportunity* as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

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

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

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

Appealing to OCR/Florida Commission on Human Relations/EEOC

If the complainant is not satisfied with the Superintendent's decision, the complainant will have an additional sixty (60) days to appeal the decision to the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

Retaliation

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

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

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

Training

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

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

Facilities

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

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

Notice

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

Revised 6/8/21
Technical Correction 11/12/24

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Legal
29 C.F.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

SUPPORT STAFF

po4122.02

NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

ADOPTED Apr 12, 2016

4122.02 - **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

The Governing Board does not discriminate against any employee or applicant for employment with respect to hiring, compensation, terms, conditions, or privileges of employment based on genetic information. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Retaliation against an applicant or employee for engaging in protected activity is prohibited.

As required by Federal law and regulation, the Board shall direct its employees not to provide any genetic information in response to requests for medical information, including but not limited to FMLA medical certification or recertification. The Board shall also direct applicants for employment not to provide any genetic information in response to requests for medical information as part of the Authority's application process. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. As required by Federal law, if the Authority inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members.

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Legal

29 C.F.R. Part 1635

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

20 U.S.C. 1232g

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

SUPPORT STAFF

po4124

DRUG-FREE WORKPLACE

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

4124 - **DRUG-FREE WORKPLACE**

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

The use of illegal drugs, the abuse of alcohol, and the misuse of prescription and over-the-counter drugs are unacceptable. The Board does not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, or any drug paraphernalia as the term is defined by law, by any member of the CCCCSA's staff, visitor or vendor at any time while on CCCCSA property or while involved in any CCCCSA-related activity or event.

Drug Testing

In furtherance of this policy, the Board conducts drug testing of its job applicants and employees, pursuant to Federal and State law.

Board employees who operate Board vehicles and have a commercial driver's license or perform safety-sensitive functions are subject to the drug testing procedures in Policy 4162.

"Drug" means an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph. This definition also includes all prescription drugs obtained without authorization and all prescribed and over-the-counter drugs being used in a way other than for medical purposes, in accordance with the directions for use provided in the prescription or by the manufacturer. This definition includes prescription marijuana.

Types of Drug Testing

A. Job Applicant Drug Testing

For the purpose of this policy, "job applicant" means a person who has applied for a position with the Board and has been offered employment conditioned upon successful completion of a drug test. Applicants will be informed in advance of the requirement of a negative drug screen as a condition of employment. The drug screen must be conducted within thirty (30) days prior to employment, and within twenty-four (24) hours of receiving the notice to report from Human Resources. A refusal to submit to a drug test or a positive confirmed drug test may be a basis for refusing to hire a job applicant. Applicants who fail to appear at the pre-employment drug screening within the twenty-four (24) hour period will not be eligible to reapply for a period of thirty (30) calendar days.

B. Reasonable Suspicion Drug Testing

For the purpose of this policy, "reasonable suspicion" means the reasonable belief that an employee is using or has used drugs in violation of this policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion drug testing shall not be required except upon the recommendation of a supervisor who is at least one (1) level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:

1. observable phenomena while at work, including, but not limited to; direct observation of drug use; physical symptoms; or manifestations of being under the influence of a drug;

2. abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

3. a report of drug use, provided by a reliable and credible source;

4. evidence that an individual has tampered with a drug test during his/her employment with the Board;

5. information that an employee has caused, or contributed to, an accident while at work; or

6. evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working for the Board or while on the Board's premises; or while operating the Board's vehicles, machinery, or equipment.

C. Routine Fitness-for-Duty Drug Testing

A drug screening will be required as part of an employee fitness-for-duty medical

examination that is scheduled routinely for all members of an employment classification or group.

D. Follow-up Drug Testing

If the employee in the course of employment enters an employee assistance program for drug-related problems, or a drug rehabilitation program, the Board will require the employee to submit to a drug test as a follow-up to such program. Follow-up testing will be conducted at least once a year for a two (2) year period after completion of the program, with no advance notice of follow-up testing dates. However, if the employee voluntarily entered the program the Board will not require follow-up testing.

Drugs Tested

The Board will test for the following drugs:

A. alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor

B. an amphetamine

C. a cannabinoid (THC/marijuana)

D. cocaine

E. phencyclidine (PCP)

F. a hallucinogen

G. methaqualone

H. an opiate (fentanyl, oxycodone, methadone)

I. a barbiturate (phenobarbital)

J. a benzodiazepine (Valium, Xanax, Klonopin)

K. a synthetic narcotic

L. a designer drug

M. a metabolite of any of the substances listed above

Common Medications that May Affect a Drug Test

These are common medications that may alter or affect a drug test:

A. ADHD (attention deficit hyperactivity disorder) medications like methylphenidate (Ritalin)

B. antidepressants like bupropion (Wellbutrin), fluoxetine (Prozac) and trazadone (Desyrel)

C. beta blockers like labetalol (Trandate)

D. diet pills like phentermine (Adipex-P)

E. medication to treat nausea and vomiting like phenothiazines (Promethazine)

F. over-the-counter cold, sinus, and nasal decongestants like ephedrine and pseudoephedrine (Sudafed) and Vicks inhaler

G. pain medication like ibuprofen (Advil/Motrin) and naproxen sodium (Aleve)

H. sleep aids like doxylamine (Unisom)

I. pain medication like ibuprofen

J. selective serotonin reuptake inhibitors (SSRIs) like sertraline (Zoloft), which can be used to treat depression, post-traumatic stress disorder (PTSD), obsessive-compulsive disorder (OCD), social anxiety disorder and panic attacks

K. cannabidiol (CBD) oil

L. HIV medication like efavirenz (Sustiva)

M. proton-pump inhibitors like pantoprazole (Protonix)

N. quinoline antibiotics used to treat bacterial infections like levofloxacin (Levaquin) and ofloxacin

O. anti-psychotic medications like quetiapine (Seroquel)

P. over-the-counter antihistamines like diphenhydramine (Benadryl)

Confidential Report to Medical Review Officer (MRO)

An employee may confidentially report to an MRO their use of prescription or non-prescription medications, either before or after being tested.

Right to Consult with the MRO

An employee has the right to consult with an MRO for technical information regarding prescription or non-prescription medication.

Employee Self-Report

Board employees who self-report substance abuse problems, prior to any incident requiring the employee's drug testing, will, upon the first self-report, be afforded employee assistance with the CCCCSA's Employee Assistance Program. Depending upon the substance involved, this may necessitate the employee requesting a leave from their position while in treatment. This leave will be charged to the employee's accrued time or will be unpaid. Actions taken upon an employee's subsequent self-reports will be at the discretion of Human Resources.

Positive Confirmed Test Result

The Board will not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of a job applicant or employee on the sole basis of a positive drug test, excluding breathalyzer testing, that is not verified by a confirmation test.

An employee who receives a positive confirmed test result may contest or explain the result to the MRO within five (5) workdays after receiving written notification of the test result. If the employee's explanation or challenge is unsatisfactory to the MRO, the MRO will report a positive test result to the Board. The employee may appeal the drug test result to the Board within five (5) workdays from receiving notice of the MRO's report of a positive test result.

Refusal and Adulterated Specimen

A refusal to submit to a drug screen will be considered a positive test result, and the employee will be subject to disciplinary action. An employee or applicant who refuses to submit to an alcohol or controlled substance test does so by:

A. failing to provide adequate breath for testing without a valid medical explanation after being notified of the requirement for breath testing;

B. failing to provide adequate urine for controlled substance testing without a valid medical explanation after being notified of the requirement for urine testing; or

C. engaging in conduct that clearly obstructs the testing process.

An adulterated specimen is considered a refusal to participate in a drug screen (i.e., a positive test).

Disciplinary Sanctions

Disciplinary action may be instituted against an employee who has violated this policy, and who the Board believes will not be assisted by rehabilitation; or who the Board believes has had or will have a negative impact on students and/or staff. Disciplinary sanctions, if appropriate, will be implemented in accordance with Board policy, applicable Florida statutes, and State Board of Education rules.

A job applicant found to test positive for illegal drug(s) or abuse of legal drug(s) will not be considered for employment by the Board. Job applicants may appeal a positive test for drugs to the Superintendent.

A Board employee found to test positive for illegal drug(s) or abuse of legal drug(s) will be immediately subject to disciplinary procedures. Employees who test positive for illegal drugs and/or abuse of legal drugs may be:

A. suspended from employment, with or without pay;

B. terminated from employment;

C. required to submit to further testing; or

D. be subject to other administrative procedures necessary for the enforcement of this policy.

Any and all actions will be in accord with the Board policy, Florida statutes, and any applicable collective bargaining agreement.

The Board recognizes that chemical dependency is an illness that may be successfully treated. The Board may choose to direct an employee to a rehabilitation program.

Notice of Administrative or Civil Action

It is the responsibility of the employee to notify the laboratory of any administrative or civil action brought pursuant to Florida law or this policy.

Confidentiality

Laboratory results and test results will not appear in an employee's general personnel records. Information of this nature will be contained in a separate, confidential medical file that will be appropriately maintained by the HR Manager. The reports or test results may be disclosed to Board administrators on a strictly need-to-know basis and to the tested employee upon request. Disclosures without the employee's consent may also occur when the information:

A. is compelled by law or by judicial or administrative process;

B. has been placed at issue in a formal dispute between the Board and the employee;

C. is to be used in administering an employee benefit plan; or

D. is needed by medical personnel for the diagnosis or treatment of the employee in the event the employee is unable to authorize disclosure.

Resources Available

The following employee assistance and local drug rehabilitation programs are available:

EPA
City of Cape Coral
Human Resources Department

Notice of Policy

A notice of drug testing will be included on vacancy announcements for positions with the Board. The Board will also post notice of this policy in appropriate and conspicuous locations.

This policy is adopted pursuant to F.S. 440.102. The Board will follow the procedures outlined in AP 4124, *Drug-Free Workplace Technical Guide*, in implementing this policy.

Revised 5/13/25

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Legal
F.S. 440.101
F.S. 440.102
F.A.C. Chapter 59A-24, Drug-Free Workplace Standards

SUPPORT STAFF

po4129

CONFLICT OF INTEREST

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

4129 - **CONFLICT OF INTEREST - PRIVATE PRACTICE**

The proper performance of school business is dependent upon high standards of honesty, integrity, impartiality, and professional conduct by Governing Board employees. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence. For these reasons, the Board adopts the following procedures to assure that conflicts of interest do not occur. These procedures are not intended to be all inclusive, nor to substitute for good judgment on the part of all Board members, employees, officers, or agents.

A. No employee, officer, or agent shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with the employee's job duties and responsibilities in the school system.

B. No employee, officer, or agent shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the Authority.

Included, by way of illustration rather than limitation, are the following:

1. the provision of any private lessons or services for a fee with the exception of tutoring;

2. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through access to Authority records;

3. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration;

4. the requirement of students or clients to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any employee has a financial relationship, as a

condition of receiving any grades, credits, promotions, approvals, or recommendations.

C. No employee, officer, or agent shall make use of materials, equipment, or facilities of the Authority in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

Exceptions to this policy shall be approved by the Superintendent consistent with State law.

To the extent that the District has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.

Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the Authority. Upon discovery of any potential conflict of interest, the Authority will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Authority will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, pursuant to Board Policy 4139.01, *Staff Discipline* and/or State law.

Revised 8/14/18

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Legal
F.S. 112.312
F.S. 112.313
F.S. 1006.32
2 C.F.R. 200.112
2 C.F.R. 200.113
2 C.F.R. 200.318

SUPPORT STAFF

po4129.01

TUTORING

ADOPTED Apr 12, 2016

4129.01 - **TUTORING**

As set forth in Policy 4210, it shall be the policy of the Governing Board that no support staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest.

Support staff members who tutor students within their school unit and receive compensation for this work shall have prior approval of their principal.

Staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes for which a grade is given.

In accordance with this policy, Board facilities and materials shall not be utilized for such tutoring.

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SUPPORT STAFF

po4130

ASSIGNMENTS

ADOPTED Apr 12, 2016 · REVISED Feb 9, 2021

4130 - **ASSIGNMENTS**

The Governing Board believes that the appropriate placement of qualified and competent staff is essential to the success of the Authority.

The Superintendent shall assign and communicate the duties, days, and hours of the various classifications of support personnel.

A. Support staff members shall perform the duties required by Florida statutes and all other generally accepted duties such as hall duty, supervision of bus loading zones, monitoring students, and other reasonable duties as may be assigned by the immediate supervisor. Failure to perform such duties in an acceptable manner shall constitute a violation of performance responsibilities and/or Board appointment.

B. Support staff members are responsible for student control and supervision at any location on campus or during school-sponsored activities.

Appointment and Assignment

When developing his/her recommendation for appointments of support staff, the Superintendent shall consider nominations for staff appointments submitted by the principals. Further, if the Superintendent intends to recommend placement of a staff member in a school who was not nominated by the principal, the Superintendent will consult with that principal.

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

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

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

Promotion and Transfer

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

Before transferring a support staff member from one (1) school to another, the Superintendent shall consult with the principal of the school to which the support staff member will be assigned and allow the principal the opportunity to review the support staff member's records and interview the support staff member.

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

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

Duties, Days, and Hours

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

A. Support staff members shall perform the duties required by Florida statutes, Board policy, and the collective bargaining agreement, as well as other reasonable duties as may be assigned by their immediate supervisor. Failure to perform such duties in an acceptable manner shall constitute a violation of the support staff member's contract and just cause for disciplinary action.

B. Support staff members are responsible for student control and supervision at any location on campus or during school sponsored activities.

C. Support staff members shall not permit their family members or friends by their presence to interfere with performance of their duties during working hours.

Nepotism

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

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

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

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

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

Revised 8/14/18
Revised 2/9/21

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Legal
F.S. 112.3135
F.S. 1012.22
F.S. 1012.23
F.S. 1012.27
F.S. 1012.28
F.A.C. 6A-1.070

SUPPORT STAFF

po4130.01

RE-ASSIGNMENT OF SUPPORT STAFF

ADOPTED Apr 12, 2016

4130.01 - **RE-ASSIGNMENT OF SUPPORT STAFF**

Support staff members may be reassigned to any position for which they are qualified in order to meet the needs of the Authority.

Support staff members in a bargaining unit are to refer to negotiated agreements.

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Legal
F.S. 1012.01
F.S. 1012.33

SUPPORT STAFF

po4131

REDUCTION IN STAFF

ADOPTED Apr 12, 2016

4131 - **REDUCTION IN STAFF**

If workforce reduction is needed, the Governing Board must retain employees at a school based upon educational program needs and the performance evaluations of employees within the affected program areas.

To the extent that support staff member are directly involved in classroom instruction of students, in those program areas requiring reduction, the employee with the lowest performance evaluations must be the first to be released; the employee with the next lowest performance evaluations must be the second to be released; and reductions must continue in like manner until the needed number of reductions has occurred. The Board may not prioritize retention of these employees based on seniority.

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Legal
F.S. 1012.33

SUPPORT STAFF

po4139.01

STAFF DISCIPLINE

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

4139.01 - **STAFF DISCIPLINE**

The Governing Board delegates to the superintendent the authority to administer discipline to members of the support staff when necessary. Such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process and State law.

Generally, the Superintendent shall follow a policy of progressive discipline by which less severe forms of discipline are imposed prior to resorting to the imposition of more severe sanctions for the same or similar conduct by the employee. The Superintendent, however, has the right to impose even the most severe discipline as an initial measure when circumstances warrant.

Revised 8/14/18

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F.S. 1012.22
F.S. 1012.23

SUPPORT STAFF

po4140

SUSPENSION OR DISMISSAL OF SUPPORT STAFF

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

4140 - **SUSPENSION OR DISMISSAL OF SUPPORT STAFF**

No employee may be suspended from duty except by the Superintendent. The Governing Board hereby delegates to the Superintendent authority to suspend a member of the staff as provided by applicable law. The Board shall be notified of all such suspensions.

The Superintendent shall determine the nature and effective date of the suspension or termination.

Revised 8/14/18

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Legal
F.S. 1012.22
F.S. 1012.27
F.S. 1012.40

SUPPORT STAFF

po4140.01

DISCIPLINARY SUSPENSION WITH AND WITHOUT PAY

ADOPTED Aug 14, 2018

4140.01 - **DISCIPLINARY SUSPENSION WITH AND WITHOUT PAY**

Suspension Without Pay

For disciplinary action other than termination, the Governing Board hereby delegates authority of employee suspension to the Superintendent in order to facilitate personnel management and to maintain an orderly and productive work environment. The suspension shall be without pay.

Suspensions With Pay

An employee may be suspended with pay as follows:

A. Prior to suspending an employee with pay, the superintendent shall provide written notice of such suspension to the employee. Such notice shall be in writing and shall state the effective date of the suspension. The notice of suspension shall be either hand delivered to the affected employee or sent to the affected employee by certified mail, return receipt requested.

B. An employee may be suspended immediately with pay, but without the benefit of written notice, upon determination by the superintendent that such suspension is in the best interest of the Authority. The employee will be provided written notice of the suspension as soon as practicable.

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SUPPORT STAFF

po4150

RESIGNATION

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

4150 - **RESIGNATION**

Any person who wishes to resign shall submit his/her resignation addressed to the Superintendent in writing. The request to resign should be submitted at least two (2) weeks in advance of its effective date. If the effective date is within thirty one (31) days of the start of the school year, all accrued leave shall be forfeited unless otherwise approved by the Superintendent.

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

Revised 8/14/18

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F.S. 1001.43
F.S. 1012.33

SUPPORT STAFF

po4160

PHYSICAL EXAMINATION

ADOPTED Apr 12, 2016

4160 - **PHYSICAL EXAMINATION**

It is the policy of the Governing Board that the Superintendent may require, after a conditional offer of employment, that the successful candidate submit to a medical examination in order to determine the candidate's physical and/or mental capacity to perform essential functions of the position, with or without reasonable accommodation, provided that the Board requires other successful candidates for the same position (or job classification) to do so. Such examinations shall be performed by a health provider designated by the Authority.

Individuals who are required to submit to an appropriate examination will also be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 4160 F2). Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for withdrawing the conditional offer of employment.

As required by Federal law and regulation and Board Policy 4122.02, the Superintendent shall direct the successful candidate who is being required to submit to a medical examination, as well as the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Such report should indicate whether the candidate can perform essential functions of the position, with or without reasonable accommodation.

Employees will be notified of the results of the medical examination upon receipt. Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended, any and all reports of such examination will be confidential and exempt from release, except as provided by law. As required by Federal law, if the Authority inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record. In the event of a report indicating that the candidate is not qualified to perform the position's essential functions, with or without reasonable accommodation, the Superintendent will make a

recommendation to the Board of non-employment. The Superintendent may discuss the results of the report with the healthcare provider who conducted the medical examination prior to making a recommendation to the Board.

The Board shall pay any uninsured fees for required examinations.

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Legal
29 C.F.R. Part 1630
F.S. 1012.23, 1012.31
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

SUPPORT STAFF

po4161

FITNESS FOR DUTY

ADOPTED Apr 12, 2016

4161 - **FITNESS FOR DUTY**

If the Superintendent believes a support staff member is unable to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations, the staff member will be offered the opportunity for a meeting to discuss these issues.

The Superintendent may require a support staff member to submit to an appropriate examination by a health provider designated by the Governing Board to determine whether or not the staff member is able to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations. The Board shall pay any uninsured fees for such examinations.

The staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action in accordance with the terms of the applicable collective bargaining agreement.

Further, as required by Federal law and regulation and Board Policy 4122.02, the Superintendent shall direct the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act , as amended, the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. As provided by Federal law, if the Authority inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from a medical provider it shall be treated as a confidential medical record.

Upon the recommendation of the Superintendent and approval of the Board, a support staff member may be placed on a leave of absence related to fitness for duty. Such leave shall be without pay; however, the employee may use accrued leave, if available.

Furthermore, the Superintendent may recommend the support staff member's dismissal based upon the results of the medical examination.

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Legal
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
F.S. 1012.23
29 C.F.R. Part 1630
29 C.F.R. Part 1635

SUPPORT STAFF

po4162

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

ADOPTED Apr 12, 2016 · REVISED Feb 9, 2021

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

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

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

A. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.

B. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.

C. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.

D. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of Board-owned vehicles.

E. The term *CDL license holder* means all regular and substitute bus drivers, staff members who may drive students in Board-owned vehicles or inspect, repair, and

maintain Board-owned vehicles, and staff members who drive vehicles designed to transport nine (9) or more people (including the driver).

F. The term *while on duty* means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

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

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

A. Marijuana

B. Cocaine

C. Opiods

D. Amphetamines

E. Phencyclidine (PCP)

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

A. prior to employment (Controlled Substances Only);

B. for reasonable cause;

C. upon return to duty after any alcohol or drug rehabilitation;

D. post-accident;

E. on a random basis, and

F. on a follow-up basis.

The Superintendent shall require that the Authority query the FMCSA's Drug and Alcohol Clearinghouse for current and prospective CDL drivers' drug and alcohol violations before

allowing a driver to operate an Authority-owned and/or operated vehicle, consistent with Federal regulations, including consent requirements.

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

A. using Board-owned equipment;

B. evaluated for assistance resources;

C. subject to discipline, up to and including discharge, in accordance with Authority procedures.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then:

A. the test will be considered positive and the employee shall be prohibited from driving any school vehicle.

B. the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen.

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

Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested. Nothing herein shall prevent the Board from disciplining a staff member for misconduct associated with his/her alcohol and/or drug use regardless of whether the employee has disclosed that s/he has an alcohol or drug addiction.

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

A. reports for duty or performs work while testing positive for using a prohibited drug, or while being under the influence of a prohibited drug

B. refuses to submit to drug and/or alcohol testing

C. alters or attempts to alter or unduly influence alcohol and/or drug testing results

D. fails to remain readily available for post-accident testing (including notifying his/her supervisor of his/her location, if the staff member leaves the scene of the accident

prior to the submission of a post-accident test unless the staff member's departure is to obtain necessary emergency medical care)

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

A. the dangers of illegal drug use and controlled substance and alcohol abuse;

B. Board Policy 4124 - *Drug-Free Workplace*, Policy 4161 - *Fitness for Duty*, Policy 4170 - *Substance Abuse*, and Policy 4170.01 - *Employee Assistance Program*;

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

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

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

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

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

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

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

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

A. testing of all first and second test urine samples

B. clear and consistent communication with the Authority's Medical Review Officer (MRO)

C. methodology and procedures for conducting random tests for controlled substances and alcohol

D. preparation and submission of all required reports to the Authority, the MRO, and to Federal and State governments

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

Notification

A tested candidate shall be notified of the results of a pre-employment controlled substances test conducted under this part, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

A tested individual shall be notified of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The tested individual shall also be informed which controlled substance or substances were verified as positive.

The Superintendent shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

The Superintendent shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within seventy-two (72) hours.

Individuals holding a CDL license must notify all current employers of any DOT violations (such as testing positive for the presence of alcohol or a controlled substance in violation of this policy). The notification must be made 1) by the end of the business day following the day the individual first receives notice of the violation or 2) prior to performing any safety-sensitive function, whichever comes first. Individuals are not required to notify the employer that administered the test or that documented the circumstances giving rise to the violation.

In the event that an individual is selected for testing, the Superintendent will inform the individual that the test is required by applicable law.

Reporting Test Results

The Superintendent shall report all information required by Federal regulations to the Clearinghouse in a timely manner. The Superintendent shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this policy during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers. Such summaries shall be submitted in a manner and timeline as required by law.

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

CDL license holders and other employees who perform safety-sensitive functions will be provided educational materials at the time of hire or at any time when required to operate a school vehicle. The educational materials shall explain the requirements of the Federal regulations and of the Board's policies and procedures to meet the Federal regulations shall be provided to all staff members, including the following:

A. the contact information for the Transportation Supervisor, designated by the Board to answer questions about the educational materials

B. a statement that all CDL license holders and other employees who perform safety-sensitive functions are subject to 49 C.F.R. 382.601, which is a Federal regulation that addresses the misuse of alcohol and other controlled substances

C. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations

D. information concerning prohibited conduct

E. the circumstances under which employees are subject to testing for alcohol and/or controlled substances

F. the procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee, including post-accident information, procedures, and instructions required under Federal regulations

G. the requirement that staff members must submit to alcohol and controlled substance testing as required by the regulations

H. an explanation of what constitutes a refusal to be tested for alcohol or controlled substances and the attendant consequences

I. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment

J. the consequences for a test indicating an alcohol concentration greater than 0.02, but less than 0.04

K. information concerning the effects of alcohol and drug misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a co-worker's) and

L. information regarding the requirement that certain personal information collected and maintained under 49 C.F.R. 382.601 be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse

M. information indicating that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including alcohol, is prohibited on all Board property and at school-sponsored activities. Individuals are strictly prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member must sign a statement certifying receipt of these materials. Each employee shall receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering employee questions about the materials.

Return-to-Duty (Safety-Sensitive Positions)

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

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

Revised 10/8/19
Revised 2/9/21
Revised 3/9/21

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F.S. 112.0455
F.S. 440.102
F.S. 1012.45
21 U.S.C. 812, Schedules I-V of Section 202 of the Controlled Substances Act
21 C.F.R. 1308.11-.15
34 C.F.R. Part 40 (DOT)
49 C.F.R. Parts 382 and 391 (FHWA)
49 C.F.R. 382.101 et seq.
Omnibus Transportation Employee Testing Act, Pub. L. 102-143, Title V

SUPPORT STAFF

po4170

SUBSTANCE ABUSE

ADOPTED Apr 12, 2016

4170 - **SUBSTANCE ABUSE**

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

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

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

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

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

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F.S. 112.0455
Rehabilitation Act of 1973, 29 U.S.C. 794

SUPPORT STAFF

po4170.01

EMPLOYEE ASSISTANCE PROGRAM (EAP)

ADOPTED Apr 12, 2016

4170.01 - **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Governing Board believes that early recognition and treatment of illegal drug use, controlled substance abuse, or alcohol abuse is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The Authority encourages the earliest possible diagnosis and treatment for illegal drug use or controlled substance abuse and supports sound treatment efforts. Whenever feasible, the Authority will assist staff members in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Staff members with personal drug or controlled substance abuse problems should request assistance from the City of Cape Coral Human Resources Department. Assistance will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services.

Although the Authority will assist a staff member to the extent feasible through the Employee Assistance Program, the Board cannot guarantee that the staff member's use of illegal drugs or abuse of alcohol or controlled substances will not impact adversely the staff member's employment status through disciplinary procedures.

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F.S. 112.0455
F.S. 1012.798

SUPPORT STAFF

po4210

STANDARDS OF ETHICAL CONDUCT

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

4210 - **STANDARDS OF ETHICAL CONDUCT**

The Governing Board hereby establishes the following as the standards of ethical conduct for all support staff members in the Authority who have direct access to students.

Support staff members shall be guided by and adhere to the following ethical principles:

A. The support staff member values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.

B. The support staff member's primary professional concern will always be for the student and for the development of the student's potential. The support staff member will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.

C. The support staff member strives to achieve and sustain the highest degree of ethical conduct because s/he is aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community.

District support staff members who have direct access to students shall comply with the following disciplinary principles.

Individuals who violate any of these principles shall be subject to disciplinary action, as well as other penalties as may be provided by law.

A. Obligation to the student requires that the District support staff member shall:

1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety;

2. not unreasonably restrain a student from independent action in pursuit of learning;

3. not unreasonably deny a student access to diverse points of view;

4. not intentionally suppress or distort subject matter relevant to a student's academic program;

5. not intentionally expose a student to unnecessary embarrassment or disparagement;

6. not intentionally provide classroom instruction to students in kindergarten through grade 3 on sexual orientation or gender identity;

7. not intentionally violate or deny a student's legal rights;

8. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination; discrimination on the basis of race, color, national origin, or sex includes subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believe any of the concepts listed in F.S. 1000.05(4)(a);

9. not exploit a relationship with a student for personal gain or advantage;

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

B. Obligation to the public requires that the District support staff member shall:

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

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

3. not use institutional privileges for personal gain or advantage; (see also Policy 4129, *Conflict of Interest*)

4. accept no gratuity, gift, or favor that might influence judgment; (see also Policy 4129, *Conflict of Interest*)

   (NOTE: Pursuant to F.S. 112.313, no support staff member shall solicit or accept anything of value, including a gift (see F.S. 112.312), loan,

reward, promise of future employment, favor, or service based upon an understanding that the vote, official action, or judgment of the support staff member would be influenced thereby.)

5. offer no gratuity, gift, or favor to obtain special advantages. (see also Policy 4129, *Conflict of Interest*)

C. Obligation to the profession of education requires that the District support staff member shall:

1. maintain honesty in all dealings;

2. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, if otherwise qualified, or social and family background, deny to a colleague professional benefits or advantages or participation in any professional organization;

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

4. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination;

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

6. not use coercive means or promise special treatment to influence professional judgments of colleagues;

7. not misrepresent one's own professional qualifications;

8. not submit fraudulent information on any document in connection with professional activities;

9. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;

10. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;

11. provide upon the request of a certificated individual a written statement of specific reason for recommendations that lead to the denial of increments,

significant changes in employment, or termination of employment;

12. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct for the Education Profession in Florida and other applicable Florida statutes and State Board of Education rules;

13. self-report within forty-eight (48) hours to CCCCSA authorities (as determined by the Superintendent) any arrest for a felony or misdemeanor offense listed in F.S. 435.04, including any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance;

    Such self-report is not to be considered an admission of guilt, nor shall such self-report be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, District support staff members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and 943.059(4)(c).

14. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1);

15. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).

D. No support staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature that is in substantial conflict with the proper discharge of his/her duties in the public interest. (see also Policy 4129, *Conflict of Interest*)

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

The School Board hereby establishes the ethical and disciplinary principles set forth in the Florida Administrative Code as the Principles of Professional Conduct of the Education Profession in Florida as the District's standards of ethical conduct and requires all support staff members to adhere to them.

No support staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any

nature that is in substantial conflict with the proper discharge of their duties in the public interest. (see also Policy 4129, *Conflict of Interest*)

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

Stolen Valor

Board employees shall not knowingly misrepresent military service for material gain as set forth in F.S. 112.3131. These prohibitions include, but are not necessarily limited to, the following:

A. misrepresenting by making false, fictitious, or fraudulent statements or representations, directly or indirectly, that they are or were:

    1. a service member or veteran of the Armed Forces of the United States;

    2. the recipient of a decoration, medal, title, or honor from the Armed Forces of the United States or otherwise related to military service, including, but not limited to those listed in F.S. 112.3131;

    3. a holder of an awarded qualification or military occupational specialty, including, but not limited to, any of those listed in F.S. 112.3131; or

    4. that they actively served in the Armed Forces of the United States during a wartime era, regardless of whether there was a declared war, or served in combat operations in a warzone, or were a prisoner of war.

B. wearing the uniform or any medal or insignia authorized for use by members or veterans of the Armed Forces of the United States which they are not authorized to wear.

"Material gain" means anything of value, regardless of whether the value is monetary, remunerative, or tangible, which is received by or given to, or is intended to be received by or given to, an individual. The term includes, but is not limited to, food, lodging, compensation, travel expenses, placards, public benefits, public relief, financial relief, obtaining or retaining employment or a promotion in such individual's current employment or public employment, including gaining a position in state or local government with authority over another person, regardless of whether the individual receives compensation or renumeration for their service in the position; obtaining or retaining state or local public office through election or appointment; or any thing in which or for which a tangible benefit was gained, even if the value of such benefit is de minimis.

Violations are subject to disciplinary action up to and including dismissal.

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

Revised 8/14/18
Revised 8/15/23
Revised 5/13/25
Revised 3/10/26

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Legal
F.S. 112.312
F.S. 112.313
F.S. 112.3131
F.S. 112.317
F.S. 1001.42(6)
F.S. 1001.421
F.S. 1006.32
F.S. 1012.23
F.A.C. 6A-10.081

SUPPORT STAFF

po4211

WHISTLEBLOWER PROTECTION

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

4211 - **WHISTLEBLOWER PROTECTION**

The Governing Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative procedures. Pursuant to State law, the Board expects support staff members to report any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare to their immediate supervisors. Additionally, pursuant to State law, support staff members are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of their immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the one should report the alleged misconduct to the Superintendent.

After such a report is made, the immediate supervisor will ask that the employee's report be put in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member or the Superintendent, the report is to be filed directly with the Board Attorney who is hereby authorized to engage outside counsel to conduct the investigation concerning the alleged misconduct.

Upon receipt of a legally sufficient report made by a support staff member pursuant to this policy, an investigation shall be conducted by the Superintendent or Board Attorney consistent with the procedures described in F.S. 112.3189.

Revised 4/14/26

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Legal
F.S. 112.3187
F.S. 112.3189

SUPPORT STAFF

po4213

STUDENT SUPERVISION AND WELFARE

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

4213 - **STUDENT SUPERVISION AND WELFARE**

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

A. A support staff member shall report immediately to a building administrator any accident or safety hazards they detect.

B. A support staff member shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to the Superintendent and local public safety agencies and/or school officials in accordance with Policy 8406 - *Reports of Suspicious Activity and Potential Threats to Schools*.

C. A support staff member shall not send students on any non-school-related errands.

D. A support staff member shall encourage a student to discuss issues relating to the student's well-being with the student's parent, or shall facilitate the student's discussion of the issue with the parent.

E. A support staff member shall advise and consult with the principal if there is a change in a student's services or monitoring related to a student's mental, emotional or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The support staff member may assist the principal in notifying the parent of any such change.

F. A support staff member shall not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

G. A support staff member shall not inappropriately associate with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student

by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.

H. A support staff member shall not knowingly distribute to a minor any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format and/or by any manner. A support staff member who knowingly distributes any such material to a minor also commits a felony under State law and is subject to disciplinary action up to and including termination.

I. A support staff member shall not transport students in a private vehicle without the approval of a building administrator.

J. A student shall not be required to perform work or services that may be detrimental to their health.

K. Staff members shall not engage students in social media and online networking media, such as Facebook, X (formerly known as Twitter), Instagram, etc.

L. Staff members are expressly prohibited from posting any video or comment pertaining to any student on social network sites or similar forums, such as YouTube.

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

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

Revised 5/14/19
Revised 11/18/22
Revised 3/10/26

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Legal
F.S. 119.011
F.S. 847.012
F.S. 1001.42
F.S. 1001.51
F.S. 1002.22

F.S. 1003.32
F.S. 1006.07
20 U.S.C. 1232
34 C.F.R. Part 99

SUPPORT STAFF

po4214

SOLICITATION OR ACCEPTANCE OF GIFTS OR UNAUTHORIZED COMPENSATION

ADOPTED Apr 12, 2016

4214 - **SOLICITATION OR ACCEPTANCE OF GIFTS OR UNAUTHORIZED COMPENSATION**

Pursuant to State law no support staff member shall solicit or accept anything of value to the recipient, including, but not limited to, a gift, loan, reward, promise of future employment, favor, or service, that is based upon any understanding that the vote, official action, or judgement of the support staff member would be influenced thereby.

For purposes of this policy, the meaning of "gift" shall be consistent with the definition of the term in F.S. 112.312(12)(a), and shall include, but not be limited to, the following:

A. real property

B. the use of real property

C. tangible or intangible personal property

D. a preferential rate or terms on a debt, loan, goods or services

E. forgiveness of an indebtedness

F. transportation, other than that provided to other employees in relation to officially approved government business, lodging, or parking

G. food or beverage

H. membership dues

I. entrance fees, admission fees, or tickets to events, performances, or facilities

J. plants, flowers, or floral arrangements

K. services provided by persons pursuant to a professional license or certificate

L. other personal services for which a fee is normally charged

M. any other similar service or thing having an attribute value

It is the policy of the Governing Board that support staff members may accept gifts of nominal value from students or parents in celebration of a holiday, the staff member's birthday, or at the end of a school year.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Pursuant to State law, no support staff member of the Authority, or his/her spouse or minor child shall, at any time, accept compensation, payment, or anything of value when the support staff member knows, or, with the exercise of reasonable care, should know, that it was given to influence the vote or other action in which the support staff member was expected to participate in his/her official capacity. Furthermore, support staff members shall not accept any compensation, payment or anything of value from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor.

In addition, support staff members who recommend purchases shall not enter into a contractual relationship with a vendor seeking to do business with the Authority, or a vendor with whom the Authority is doing business, whereby an individual support staff member receives compensation, payment, or anything of value for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts as defined in State law, albeit unsolicited, from a vendor, the support staff member shall immediately notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Fiscal Officer.

Any support staff member who has knowledge of, or suspects that, this policy has been violated is expected to report this violation or suspected violation in accordance with Policy 4211 – *Whistleblower Protection*.

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Legal
F.S. 112.313

SUPPORT STAFF

po4215

SMOKING AND TOBACCO-FREE ENVIRONMENT

ADOPTED Apr 12, 2016 · REVISED Dec 14, 2021

4215 - **SMOKING AND TOBACCO-FREE ENVIRONMENT**

The Governing Board recognizes that the use of tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is committed to providing students, staff, and visitors with a smoking and tobacco-free environment on school property and at off-campus, school-sponsored events.

The Board also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, staff, and visitors.

The Board recognizes that adult staff and visitors serve as role models for students. The Board embraces its obligation to promote positive role models in schools and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke or aerosol and other tobacco use for the students, staff, and visitors.

Definitions

A. "Any time" means twenty-four (24) hours a day, seven (7) days a week, 365 days a year.

B. "Electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. "Electronic smoking device" includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or similar devices. "Electronic smoking device" also includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods**.**

C. "School property" means all facilities and property, including land, whether owned, rented, or leased by the Board, and also includes all vehicles owned, leased, rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors.

D. “Tobacco product” means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes, electronic smoking devices, cigars, little cigars, and other kinds and forms of tobacco.

General Statement of Policy

A. Students are prohibited from possessing, using, consuming, displaying, or selling any tobacco products, tobacco-related devices, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored event.

B. Administrators, staff, or visitors are prohibited from using, consuming, displaying, activating, or selling any tobacco products, tobacco-related devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored events. This includes products or paraphernalia displaying tobacco industry brands.

C. It is a violation of this policy for administrators or staff to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/or training facilities. It is also a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the Board.

D. It is a violation of this policy for any person to promote tobacco products on the school property or at off-campus, school-sponsored events via the display of images of tobacco products on gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other material.

Exceptions

It is not a violation of this policy:

A. for a staff member or approved visitor to include tobacco products, tobacco-related devices, imitation tobacco products, or lighters in an instructional or work-related activity in Authority school buildings, if the activity does not include smoking, chewing, or otherwise ingesting the product; or

B. for a person to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco

dependence product, or for other medical purposes, and if the product is being marketed and sold solely for such an approved purpose.

Opportunities for Cessation Programs

Administrators shall consult with the local public health department or other appropriate health and allied community-based organizations to provide students, staff, and administrators with information and access to support systems, programs, and services to encourage them to abstain from the use of tobacco products.

Administrators shall identify and offer evidence-based programs and services for staff members who use tobacco products to support them in complying with this policy.

Enforcement

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the entire school community. All individuals on school premises, including students, staff, administrators, and visitors, are responsible for adhering to and enforcing this policy. Members of the school community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

The first violation of this policy will result in a verbal warning to the staff member and an offer of a referral to cessation services.

The second violation will result in a written warning to the staff member with a copy placed in the staff member's Authority personnel file and an offer of referral to cessation services.

The third violation will be considered insubordination and shall be dealt with accordingly based on established policies and procedures for suspension and/or dismissal of staff.

Dissemination of Policy

Notice of this policy will be provided through:

A. appropriate "No Tobacco" signage posted in the Authority on school buildings, building entrances, vehicles, vehicular entrances to school grounds, and indoor and outdoor athletic facilities;

B. written notice to students and parents/guardians in student handbooks and orientations;

C. written notice in staff handbooks, in orientations and employee or staff trainings, and when offering employment;

D. reminder announcements of this policy at school and Authority events, as appropriate.

Program Evaluation

This smoking and tobacco-free policy shall be assessed by the Authority or its designated evaluator at regular intervals, but at least once a year, to

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Revised 12/14/21

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Legal
F.S. 381.84
F.S. 386.202
F.S. 386.204
F.S. 386.209
F.S. 386.212
20 U.S.C. 6081 et seq.
20 U.S.C. 7182

SUPPORT STAFF

po4216

STAFF DRESS AND GROOMING

ADOPTED Apr 12, 2016 · REVISED Jun 14, 2022

4216 - **STAFF DRESS AND GROOMING**

The Governing Board believes that support staff members, like instructional staff members, set an example in dress and grooming for students to follow.

The Board authorizes the development of standards for staff dress and grooming that promote a professional educational atmosphere that gives consideration to the impact on the educational process and the diversity of the Authority's staff.

When assigned to Authority duty, all staff members shall:

A. be physically clean, neat, and well-groomed;

B. dress in a manner consistent with their assigned responsibilities;

C. dress in a manner that communicates to students a pride in personal appearance;

D. dress in a manner that does not cause damage to District property;

E. be groomed in such a way that does not disrupt the educational process or cause a health or safety hazard.

The Board recognizes employees' right to dress in accordance with their gender identity, within the constraints of the preceding dress and grooming guidelines.

Revised 6/14/22

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SUPPORT STAFF

po4217

WEAPONS

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

4217 - **WEAPONS**

But for the exceptions specified below, pursuant to State law, the Governing Board prohibits Authority employees from openly carrying a handgun or carrying a concealed weapon or firearm, in a school safety zone, into any elementary or secondary school, administration building, as well as into any Board meeting, any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

Furthermore, the Board prohibits Authority employees from having an unloaded firearm securely encased within the interior of a private motor vehicle when that vehicle is parked on property leased, owned, or contracted for by the Board.

Weapons and firearms as defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term "weapon" also means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

Exceptions to the Board's prohibition from openly carrying a handgun or carrying a concealed weapon or firearm, in the school safety zone of any elementary or secondary school, into any administration building, as well as into any Board meeting, any setting that is under the control and supervision of the Authority for the purpose of school activities approved and authorized by the Authority including, but not limited to, property leased, owned, or contracted for by the Authority, any school-sponsored event, or in an Authority vehicle include the following:

A. A person may carry an unloaded firearm in a case to a firearms program, class or function which has been approved in advance by the Principal or site administrator as a program or class to which firearms could be carried.

B. A person may carry an unloaded firearm in a case to a career center having a firearms training range.

C. Police, or other licensed law enforcement officers, as well as other persons approved by the superintendent on a case-by-case basis may possess a firearm or weapon.

D. Staff members, contractors, vendors, or their employees may possess and use tools, instruments, and other devices on Authority property or at Authority-sponsored events, including in vehicles in either situation, even though such items fall within the definition of weapons, provided that such possession and use is in accordance with the terms of a written contract with the Board, or is otherwise in furtherance of their duties under such a contract and is authorized in advance by the superintendent.

All Authority employees shall immediately report knowledge of firearms, weapons, and/or threats of violence by students, staff members, or visitors to the Superintendent. Failure to report such knowledge may subject Authority employees to discipline.

The superintendent shall require that any Authority employee possessing a firearm, weapon, or other device designed to inflict serious bodily harm, including a concealed firearm or weapon, in violation of this policy and State law, is reported immediately to the appropriate law enforcement agency, regardless of whether such Authority employee possesses a valid concealed weapon license. As well, the staff member shall be subject to disciplinary action, up to and including termination, consistent with law and due process.

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Legal
F.S. 790.001
F.S. 790.06
F.S. 790.115
F.S. 790.251
F.S. 1001.43
F.S. 1006.07
18 U.S.C. 922

SUPPORT STAFF

po4220

EVALUATION OF SUPPORT PERSONNEL

ADOPTED Apr 12, 2016

4220 - **EVALUATION OF SUPPORT PERSONNEL**

The continuing evaluation of support staff members is necessary to enable the Governing Board to monitor the effectiveness and competence of support staff members and to assist them in the improvement of their professional performance.

The work of support staff shall be evaluated annually by the supervisor, utilizing the appropriate performance appraisal system. Each evaluation shall relate to, but not be limited to, the duties specified in the job description.

A. The evaluation shall be completed and on file in accordance with the time schedule established by the Superintendent.

B. An evaluation shall be submitted at the time a support staff member leaves the Authority if services terminate prior to annual evaluations.

C. Support staff members may be required to take recognized examinations as the Superintendent deems necessary to evaluate their health, competence, and/or performance. Refusal to take required examinations may be grounds for immediate dismissal. The Board shall pay the cost of the examination(s).

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Legal
F.S. 1012.22
F.S. 1012.34

SUPPORT STAFF

po4232

POLITICAL ACTIVITIES

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

4232 - **POLITICAL ACTIVITIES**

Pursuant to State law, support staff members who are employed by the Governing Board shall not participate in any political campaign for an elective office while on duty.

Pursuant to State law and Board Policy 6480, support staff members may not expend public funds (that is, any funds under the jurisdiction or control of the Authority) for a political advertisement or any other communication sent to electors concerning an issue, referendum, or amendment, including State questions that are subject to a vote of the electors.

Pursuant to F.S. 106.011:

A. "Political advertisement" means a paid expression in a "communications medium," whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue. However, political advertisement does not include:

    1. a statement by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization’s newsletter, which newsletter is distributed only to the members of that organization;

    2. editorial endorsements by a newspaper, a radio or television station, or any other recognized news medium.

B. "Communications medium" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail, advertising agencies, the Internet, and telephone companies; but with respect to telephones, an expenditure is deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters but excluding the costs of telephones incurred by a volunteer for use of telephones by such volunteer; however, with respect to the Internet, an expenditure is deemed

an expenditure for use of communications media only if made for the cost of creating or disseminating a message on a computer information system accessible by more than one person but excluding internal communications of a campaign or of any group.

Therefore, support staff members who engage in political activities or hold public office shall not use time, facilities, or personnel of the school system to engage in such activities. Specifically, the use of copy reproduction equipment or other machinery or supplies, the use of secretarial help, or any other school facilities or personnel is strictly prohibited. Telephone use for such political activities during duty hours shall be confined to an emergency only, and then only in such manner as shall not conflict with the support staff member's school-related duties. Additionally, support staff members who engage in political activities or hold public office are expected to discourage constituents or other persons with whom they are associated with in their political capacities, from making telephone calls to them during duty hours.

Support staff who declare themselves candidates for an elective office shall notify the Superintendent immediately upon qualifying for election. They shall submit to the Superintendent a written explanation of how they will conduct their campaign so that it will be in accord with the requirements of State law and this policy.

All candidates for public office may be granted personal leave without pay. The support staff member's request for leave shall be submitted according to the established procedure.

Such candidates shall adhere strictly to Florida statutes governing political activity on the part of public official and public employees.

A support staff member who is 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 Board, to evaluate the compatibility of the dual responsibility and the need for personal leave without pay.

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Legal
F.S. 104.31
F.S. 106.113
F.S. 110.233
F.A.C. 60L-36.002

SUPPORT STAFF

po4242

STAFF DEVELOPMENT

ADOPTED Feb 9, 2021 · REVISED Mar 10, 2026

4242 - **STAFF DEVELOPMENT**

Professional Development System

The Governing Board believes that training is a prerequisite for the continued growth of staff and, therefore, pursuant to State law, requires support staff members to participate in in-service and other training programs.

The staff development plan shall provide for training for each staff member who will use approved instructional materials in their assignment, and require documentation of satisfactory completion of the training by each staff member.

In addition to requiring training about the fidelity of instructional materials for those support staff who may use them, incorporating school improvement plans, and aligning with principal leadership training, the Authority's staff development plan shall require necessary and appropriate training for the various classifications of support staff, including, but not limited to, job-specific skills training, training related to the *School Safety and Security Plan*, and any other training required by State or Federal law.

The Superintendent shall annually report to the Board on the implementation of the Authority's staff development plan.

Professional Learning Catalog

A. Components

As part of its coordinated system of professional development, the Authority will establish a Professional Learning Catalog (catalog) that outlines all professional learning opportunities, referred to as components, for all Authority employees from all funding sources. For each component, the catalog will include the following:

1. a title;

2. an identifying number assigned in accordance with the FLDOE Information Database Requirements: Volume II – Automated Staff Information System pursuant to F.S. 1008.385(2) and F.A.C. 6A-1.0014;

3. the maximum number of in-service points to be awarded for successful completion of the component, assigned in accordance with the specifications outlined in F.A.C. 6A-5.071(7);

4. a description of the specific objectives and activities to be completed; and,

5. the component evaluation criteria for determining the effectiveness of professional learning in:

    a. addressing the specific objectives;

    b. increasing employee knowledge and skills;

    c. changing employee dispositions or practice in the educational setting; and,

    d. improving student outcomes.

For each component for which in-service points will be awarded, the catalog will also include a description of any follow-up activities that will be required and support that will be provided to allow for successful completion of the component.

B. Review, Amendment, and Submission

Annually, the Authority shall conduct a review of the previous year's catalog program operations that results in a determination of its effectiveness in the educational setting as measured by changes in educator practice and student outcomes, and use this information to make decisions about which components to continue, modify, or eliminate.

Based on the results of the review, and by September 1st, annually, the catalog will be updated and approved by the Board.

By October 1st of each year, the Authority will submit a letter to the Commissioner of Education verifying that the Board has approved the Authority's catalog and that it meets the criteria set forth in F.A.C. 6A-5.071. Any components of the Authority's catalog developed or modified after the annual approval of the catalog will be approved as an amendment by the Board.

C. Record Maintenance and Data Reporting

The following information will be maintained for each component:

1. dates the component was delivered;

2. names of component leaders;

3. names of participants and performance records;

4. evaluation of the component; and,

5. criteria for successful completion.

The following information will be maintained for each component participant:

1. title and number of the component;

2. dates of participation;

3. satisfactory or unsatisfactory completion; and,

4. number of in-service points to be awarded, eligibility of the points to be used for certification, and expiration date of the educator's certificate(s), if applicable. All requirements for renewal of a professional certificate on the basis of completion of in-service points pursuant to F.S. 1012.585 and F.A.C. 6A-4.0051 shall be met.

The Authority will report data information for all approved professional learning components through FLDOE's automated data reporting procedures.

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Legal
F.S. 1008.385
F.S. 1012.22
F.S. 1012.585
F.S. 1012.98
F.S. 1012.985
F.A.C. 6A-1.0014
F.A.C. 6A-4.0051
F.A.C. 6A-5.071

SUPPORT STAFF

po4281

USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL

ADOPTED Apr 12, 2016

4281 - **USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL**

Employees may wish to bring personal property to school either for reasons associated with classified responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the Governing Board is not responsible for any loss, damage, or misuse of said property. Employees who bring personal property onto Authority premises for work-related purposes shall notify the building principal prior to bringing such property onto Authority premises. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

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

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

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

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

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SUPPORT STAFF

po4310

FREEDOM OF SPEECH IN NON-INSTRUCTIONAL SETTINGS

ADOPTED Apr 12, 2016

4310 - **FREEDOM OF SPEECH IN NON-INSTRUCTIONAL SETTINGS**

Federal and State law prohibit the Governing Board from adopting any policy or rule, or from entering into any agreement, that infringes upon or waives the rights or freedoms afforded to support staff members by the United States Constitution.

The following procedures are adopted by the Board to help clarify and, therefore, avoid situations in which the support staff member's expression might conflict with the Authority's interests. In such situations, s/he should:

A. state clearly that his/her expression represents personal views and not necessarily those of the Authority;

B. refrain from expressions that would interfere with the maintenance of discipline by school officials;

C. not make threats or abusive or personally defamatory comments about co-workers, administrators, or officials of the Authority;

D. refrain from making public expressions which s/he knows to be false or are made without regard for truth or accuracy.

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Legal
F.S. 1003.4505
Fla. Constitution, Article I, Section 4
First Amendment, U.S. Constitution

SUPPORT STAFF

po4362

ANTI-HARASSMENT

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

4362 - **ANTI-HARASSMENT**

I. General Policy Statement

It is the policy of the Cape Coral Charter School Authority (CCCSA) to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all CCCSA operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Superintendent will vigorously enforce its prohibition against discriminatory harassment on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes"; hereinafter referred to as unlawful harassment), and encourages those within the CCCSA community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Superintendent will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Superintendent will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

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

II. Other Violations of the Anti-Harassment Policy

The Superintendent will also take immediate steps to impose disciplinary action on

individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

III. Definitions

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

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

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

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

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

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

A. Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress

on one (1) or more students or employees and that bullying is based upon sex, race (including anti-Semitism), color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. This unlawful harassment may include, but not be limited to, the following:

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

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

1. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
2. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or

3. has the effect of substantially disrupting the orderly operation of a school.

C. Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as:

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

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

3. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 – *Nondiscrimination on the Basis of Sex in Education Programs or Activities* is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

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

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

2. Unwanted physical and/or sexual contact.

3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

4. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

5. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work or educational environment, that may reasonably embarrass or offend individuals.

6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

7. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.

8. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

9. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.

10. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.

11. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

12. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

13. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

14. Inappropriate boundary invasions by a CCCSA employee or other adult member of the CCCSA community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based and gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an

individual's employment, or such that it creates a hostile or abusive employment or educational environment.

Any teacher, administrator, coach, or other school CCCSA who engages in sexual conduct with a student may also be guilty of a crime. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to CCCSA employees or other adult members of the CCCSA community.

D. Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

E. Race/Color Harassment (Including Anti-Semitism)

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

F. Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

G. National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

H. Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

I. Pregnancy Harassment

Prohibited pregnancy harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's pregnancy and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such

harassment may occur where conduct is directed at the characteristics of a person's pregnancy and condition of pregnancy.

IV. **Reports and Complaints of Harassing Conduct**

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

Members of the CCCSA community and Third Parties who believe they have been unlawfully harassed by another member of the CCCSA community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs unless the Complainant makes the complaint maliciously or with knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – *Bullying and Harassment*, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on sex, race (including anti-Semitism), color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or while the matter is being addressed pursuant to Policy 2266, the Principal shall suspend Policy 5517.01 investigation to await the Compliance Officer's written report or the determination or responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 4362 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

A. <u>Compliance Officers</u>

The Board designates the following individuals to serve as the CCCSA's

"Compliance Officers" (also known as "Civil Rights Coordinators"); for the CCCSA. They are hereinafter referred to as the "COs".

The COs shall also serve as the System's ADA Coordinator and Title IX Coordinators.

Kristie Belesiotis
Human Resources Manager
3519 Oasis Blvd.
Cape Coral, Florida 33914
239-424-6100 X7456
OasisHR@capecoral.gov

B. ADA Coordinator and Title IX Coordinators

The Board designates the following individuals to serve as the CCCSA's ADA Coordinators and Title IX Coordinators.

Kristie Belesiotis
Human Resources Manager
239-424-6100 x 7456
3519 Oasis Blvd.
Cape Coral, FL 33914
OasisHR@capecoral.gov

C. Title IX Coordinators

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

Kristie Belesiotis
Human Resources Manager
239-424-6100 x7456
3519 Oasis Blvd.
Cape Coral, FL 33914
OasisHR@capecoral.gov

D. Publication Required

The names, titles, and contact information of these individuals will be published annually on the CCCSA's website.

E. Duties and Responsibilities

A Compliance Officer will be available during regular school/work hours to

discuss concerns related to unlawful harassment, to assist students, other members of the CCCSA community, and Third Parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers within two (2) days. Thereafter, the Compliance Officer or designee must contact the Complainant, if over age eighteen (18) or the Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Superintendent's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the CCCSA community or a visitor to the CCCSA Community or to receive complaints which are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the CCCSA community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare, after consultation with the Superintendent, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the CCCSA community must report incidents of unlawful harassment which are reported to them to a Compliance Officer within five (5) days of learning of the incident.

V. **Investigation and Complaint Procedure**

Except for Sexual Harassment that is covered by Policy 2266 - *Nondiscrimination on the Basis of Sex in Education Program or Activities*, any employee or other member of the CCCSA community or Third Party who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals

should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights (OCR), the Florida Commission on Human Relations (FCHR), and/or the Equal Employment Opportunity Commission (EEOC).

A. Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the CCCSA community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

Employees, other members of the CCCSA community, or Third Parties who believe that they have been unlawfully harassed or retaliated against may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a CCCSA employee, any other adult member of the CCCSA community, or a Third Party and a student will be formally investigated. However, all complaints of harassment involving a CCCSA employee, any other adult member of the CCCSA community, or a Third Party against a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or

unwilling to directly approach the Respondent about the allegedly inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) to the Superintendent or other CCCSA-level employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to the Compliance Officers who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The CCCSA's informal complaint procedure is designed to provide employees, other members of the CCCSA community, or Third Parties who believe they are being unlawfully harassed by another individual with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

1. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

2. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.

3. If both parties agree, the Compliance Officers may arrange and facilitate a meeting or mediation between the Complainant and Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officers or designee is directed to attempt to resolve all informal complaints within fifteen (15)days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers or designee in accordance with the Board's records retention policy. (See Policy 8310 and Policy 8320)

B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of an employee, other member of the CCCSA community, or Third Party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Complainant may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other CCCSA official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, the Compliance Officer, Superintendent, or other CCCSA official, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer within two (2) days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In

making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent and/or Board Attorney.

Within two (2) days of receiving a formal complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The respondent will be informed about the nature of the allegations and a copy of any relevant policies and/or administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5)days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) days of receiving the formal complaint. The investigation will include:

1. interviews with the Complainant;

2. interviews with the Respondent;

3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

4. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer shall consult with the superintendent. A written report shall then be prepared and delivered to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if

discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a written decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

The Superintendent reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the CCCSA community or Third Party alleging the unlawful harassment pursues the complaint. The Superintendent also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Superintendent.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

VI. **Privacy/Confidentiality**

The CCCSA will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's

identity.

During the course of a formal investigation, the Compliance Officer or designee will instruct all members of the CCCSA community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the Family Educational Rights and Privacy Act will be maintained in a manner consistent with the provisions of the Federal and State laws.

VII. **Sanctions and Monitoring**

The Superintendent shall vigorously enforce the Board's prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment/retaliation and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Superintendent may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Superintendent becomes aware that a prior remedial action has been taken against a member of the CCCSA community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

VIII. **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or

encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies. Actions that could be construed as retaliation may result in disciplinary action, up to and including the discharge of the employee or the suspension/expulsion of a student involved in the retaliatory behavior.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

IX. Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board policy.

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officers or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

X. Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy 8141 to report alleged misconduct by certificated employees of the CCCSA that affects the health, safety, or welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy 8141.

XI. Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the CCCSA community related to the implementation of this policy and shall provide training for CCCSA students and staff where appropriate. All training, as well as all information provided regarding this policy and harassment in general, will be age and content-appropriate.

XII. Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by CCCSA personnel;

D. any written documentation of actions taken by CCCSA personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

O. copies of the Board policy and/or procedures/guidelines used by the CCCSA to conduct the investigation, and any documents used by the CCCSA at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

P. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and

Q. documentation of any training provided to CCCSA personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all CCCSA personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the CCCSA's records retention schedule.

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Revised 5/13/25

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Legal

F.S. 110.1221
F.S. 250.481
F.S. 760.01
F.S. 760.10
F.S. 784.049
F.S. 1000.05
F.S. 1006.07
F.S. 1006.147
20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as the Individuals with Disabilities Act)
20 U.S.C. 1681 et seq.
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973
29 C.F.R. Part 1635
29 U.S.C. 6101, The Age Discrimination Act of 1975
38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
20 U.S.C. 1681 et seq.
42 U.S.C. 1983
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

SUPPORT STAFF

po4380

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

ADOPTED Apr 12, 2016

4380 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The Governing Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning physical well-being is strictly forbidden. Any student, parent, visitor, staff member, volunteer, or agent of the Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

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Legal
F.S. 1006.145
20 U.S.C. 1681 et seq.
29 U.S.C. 621 et seq.
29 U.S.C. 749 et seq.
42 U.S.C. 12101 et seq.
42 U.S.C. 2000e et seq.
Civil Rights Act 41 U.S.C. 1983

SUPPORT STAFF

po4410

COMPENSATION

ADOPTED Apr 12, 2016

4410 - **COMPENSATION**

Rates of pay for support staff employees shall be determined by the Governing Board on the recommendation of the Superintendent and shall be outlined in the annual salary schedule adopted by the Board.

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F.S. 1011.60
F.S. 1012.22
F.A.C. 6A-1.052

SUPPORT STAFF

po4411

DIFFERENTIATED PAY

ADOPTED Apr 12, 2016

4411 - **DIFFERENTIATED PAY**

Pursuant to statutory requirements the Governing Board shall adopt a salary schedule for support personnel with differentiated pay based upon Authority-determined factors.

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F.S. 1012.22

SUPPORT STAFF

po4419

GROUP HEALTH PLANS

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

4419 - **GROUP HEALTH PLANS**

The Governing Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. Group health plans, as the term is used in this policy, may include, but would not be limited to, major medical, prescription drug, dental, and/or vision plans. These group health plans may provide certain health benefit to support staff members and eligible dependents as permitted by law.

The Board has elected to provide major medical coverage that provides minimum value coverage under the Affordable Care Act for some or all of its eligible employees. The terms and conditions of the major medical coverage are set forth in the appropriate plan documents.

Eligible employees who have coverage through the employer of a working spouse may receive additional compensation if they waive the District's medical coverage. Eligible employees who waive the medical coverage will be paid an additional monthly compensation equal to $160.00, with the understanding that this additional compensation is subject to FICA and Federal, State and local income tax. To receive this compensation, the eligible employee must provide the Authority District with proof of medical coverage provided by the spouse's employer and complete a Health Insurance Opt-Out Waiver form on an annual basis.

Revised 8/14/18

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F.S. 112.08
F.S. 112.0801

SUPPORT STAFF

po4419.03

PATIENT PROTECTION AND AFFORDABLE CARE ACT

ADOPTED Aug 14, 2018

4419.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Governing Board acknowledges that the patient protection and Affordable Care Act ("ACA") imposes certain obligations upon the Board. Such obligations may include the following:

A. The Board shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

   http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html

B. Employees of the Board have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the Board enrolls in the Health Insurance Marketplace and receives a subsidy, then the Board may be liable for a penalty.

   In event that the Board concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the Board shall incur the potential penalty.

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29 U.S.C. 218B
26 U.S.C. 4980H

SUPPORT STAFF

po4430.01

FMLA LEAVE

ADOPTED Apr 12, 2016

4430.01 - **FMLA LEAVE**

Qualifying Reasons for FMLA and Military Family Leave

In accordance with the Family and Medical Leave Act of 1993, as amended, ("FMLA"), eligible staff members may take up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, for the following reasons:

A. the birth and/or care of a newborn child of the staff member, within one (1) year of the child's birth;

B. the placement with the staff member of a child for adoption or foster care, within one (1) year of the child's arrival;

C. the staff member is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;

D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position; or

E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces ("Qualifying Exigency Leave"). Covered active duty means duty during deployment with the Armed Forces to a foreign country.

In addition, an eligible staff member who is a spouse, son, daughter, parent, or next of kin of a covered service member may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member ("Military Caregiver"). A covered service member is defined as (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical

treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran, the injury or illness could have manifested itself before or after the member became a veteran. The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the "single twelve (12) month period", an eligible staff member is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA- qualifying reason other than to care for a covered service member.)

Eligible Employees

Staff members are "eligible" if they have worked for the Governing Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time support employees are deemed to meet the 1,250 hour requirement. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service counts towards the staff member's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the staff member's fulfillment of his/her National Guard or Reserve military obligation, or a written agreement exists concerning the Board's intention to rehire the staff member after the break in service.

Twelve (12) Month Period

Twelve (12) month period is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individual staff member).

Serious Health Condition

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider. As utilized in this policy, the term "incapacity" means an inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term "treatment" includes (but is not limited to)

examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

B. Continuing treatment by a healthcare provider, includes any one or more of the following: 1.) "incapacity and treatment"; 2.) any incapacity experienced by an expectant mother related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provided for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

1. "Incapacity and treatment" involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a healthcare provider, by a nurse under direct supervision of a healthcare provider, or by a provider of healthcare services (e.g., physical therapist) under orders of, or on referral by, a healthcare provider, or b.) treatment by a healthcare provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of a healthcare provider.

    a. Treatment by a healthcare provider as referenced above involves an in-person visit to a healthcare provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The healthcare provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.

    b. Regimen of continuing treatment includes a course of prescription medication (e.g., antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen).

c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a healthcare provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

2. An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a healthcare provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days.

3. A chronic serious health condition is one that: a.) requires periodic visits (i.e., at least twice a year) for treatment by a healthcare provider, or by a nurse under direct supervision of a healthcare provider; b.) continues over an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a healthcare provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.

4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider.

C. Conditions for which cosmetic treatment are administered (e.g., most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e., leave in separate blocks of time for a single qualifying reason) or on a reduced leave schedule (i.e., reducing the employee's usual weekly or daily work schedule) for reason (A) or (B) on page one. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may also take FMLA leave on an intermittent or reduced-leave schedule for Qualifying Exigency Leave (i.e., reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of

leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member, or a covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary. Support staff members (i.e., individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of reasons (C) or (D) on page one or pursuant to Military Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent for which the support staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

When leave is needed for planned medical treatment, the staff member must make a reasonable effort to schedule the treatment so as not to unduly disrupt the Authority's operations, subject to the approval of the healthcare provider.

If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) on page one, the Board may also require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave then does the staff member's regular position.

Staff Member Notice Requirements(Forms available at the U.S. Department of Labor Website: www.dol.gov)

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the

Board's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must provide "sufficient information" for the Superintendent to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family member is under the continuing care of a healthcare provider, that the requested leave is for a particular qualifying exigency related to a qualifying family member's covered active duty or call to covered active duty status, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the Authority has previously provided the staff member FMLA-protected leave, the staff member must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Substitution of Paid Leave

The Board shall require the staff member to "substitute" (i.e., run concurrently) any of his/her earned or accrued paid leave for unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the Authority's normal leave policy. A staff member electing to use any type of paid leave concurrently with FMLA leave must follow the same terms and conditions of the Board's policy that apply to other employees for use of such leave. The staff member is always entitled to unpaid FMLA leave if s/he does not meet the Board's conditions for taking paid leave. On occasion the Board may waive any procedural requirements for the taking any of type of paid leave.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Military Caregiver Leave, such leave counts toward the twelve (12) work week/twenty-six (26) work week maximum leave allowance provided by this policy and Federal law.

Authority Notice Requirements (Forms available at the U.S. Department of Labor Website: www.dol.gov)

The Superintendent is directed to post the Department of Labor approved Notice explaining employees' rights and responsibilities under the FMLA. The notice must be posted prominently where it can be readily seen by employees and applicants and shall either be distributed to each new employee upon hiring or be included in employee handbooks or other written guidance concerning benefits or leave rights. Electronic posting is sufficient to meet these requirements.

When a staff member requests FMLA leave or the Authority acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent will attach any medical certification that may be required, and a copy of the employee's essential job functions. If the Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent must notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the Superintendent shall, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the Superintendent has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g., after receiving certification), the Superintendent shall notify the staff member whether the leave will be designated and counted as FMLA leave. Leave that qualifies as both Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e., reason (C)) must be considered as Military Caregiver Leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the Superintendent shall notify the staff member of the number of hours, days, and weeks that will be counted against the

employee's FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work.

Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent determines the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by the FMLA or the staff member's FMLA leave entitlement has been exhausted), the Superintendent shall notify the staff member of that determination. If the staff member is required to substitute paid leave for unpaid FMLA leave, or if paid leave taken under an existing leave plan is being counted as FMLA leave, the "Designation Notice" shall include this information. Additionally, the "Designation Notice" shall notify the staff member if s/he is required to present a fitness-for-duty certification to be restored to employment. Further, if the fitness-for-duty certification is required to address the staff member's ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the staff member's position will be included.

If the information provided to the staff member in the Designation Notice changes, the Superintendent shall provide, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

Limits on FMLA When Both Spouses are Employed by the Board

When eligible spouses are both employed by the Board, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition.

Where the spouses both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) on page, or to care for a parent, the spouses are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When eligible spouses are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the "single twelve (12) month period" if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

Certification

When FMLA leave is taken for either reason (C) or (D) on page one, the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member. The staff member may either:

A. submit the completed medical certification to the Superintendent; or

B. direct the healthcare provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

If the staff member fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to require second or third opinions (at the Board's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The staff member may either:

A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent; or

B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the staff member shall not constitute FMLA leave.

Recertification

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the Authority will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous

certification have changed significantly, or if the Authority receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Staff members requesting Qualifying Exigency Leave are required to submit to the Superintendent a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Staff members requesting Military Caregiver Leave are required to submit to the Superintendent certification completed by an authorized healthcare provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

The Board authorizes its healthcare provider, human resource professional – but not the staff member's direct supervisor – to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e. medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

A staff member who takes leave for reason (D) on page one, prior to returning to work, must provide the Superintendent with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the Superintendent may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

Job Restoration & Maintenance of Health Benefits

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students'

program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee does not meet the goal due to FMLA leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitle the staff member to leave pursuant to reasons (C) or (D) on page one or Military Caregiver Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

Generally, a staff member may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any procedures that are appropriate for this policy and ensure that the policy is posted properly.

Copies of this policy shall be available to staff members upon request.

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Legal
29 C.F.R. Part 825
F.S. 110.221, 1012.61
29 U.S.C. 2601 et seq. (as amended)
45 C.F.R. Part 160, 164
National Defense Authorization Act of 2010

SUPPORT STAFF

po4430.02

DOMESTIC VIOLENCE LEAVE

ADOPTED Apr 12, 2016

4430.02 - **DOMESTIC VIOLENCE LEAVE**

The Governing Board shall grant leave for an employee if the employee, or a family or household member, is the victim of domestic or sexual violence.

Definitions

A. "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one (1) family or household member by another family or household member.

B. "Sexual violence" means sexual violence as defined in F.S. 784.046 or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence.

C. "Family or household member" means spouses, former spouses, persons related by blood or marriage, person who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

D. "Victim" means an individual who has been subjected to domestic or sexual violence.

Such leave may be for up to three (3) days in any twelve (12) month period and shall be used for the following purposes:

A. to seek protection against domestic violence or an injunction 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 to address physical or psychological injuries resulting from domestic or sexual violence;

C. to obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic or sexual violence;

D. to secure their home from the perpetrator of domestic or sexual violence or to seek new housing to escape the perpetrator;

E. to seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

The leave shall be granted with pay and is subject to the following conditions:

A. Except in cases of imminent danger to the health or safety of the employee or to the health and safety of a family or household member, the employee seeking the leave must provide appropriate advance notice along with sufficient documentation of the act of domestic or sexual violence as required by the administrative procedures implementing this policy.

B. The employee shall be required to have exhausted all annual or vacation leave, personal leave, and sick leave prior to utilizing this leave.

C. Pursuant to Florida statutes, the Board shall keep information concerning leave for domestic or sexual violence confidential and exempt from disclosure.

D. The Board may not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his/her rights under the provisions of this policy. However, this does not limit the Board's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in the work force or termination for cause.

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Legal
F.S. 741.28
F.S. 741.313

SUPPORT STAFF

po4430.03

LEAVE

ADOPTED Aug 15, 2023

4430.03 - **LEAVE**

Support staff members (Paraprofessionals I and II, Office Assistants, Receptionists, and Clinic Staff) who are appointed to work full-time shall earn one (1) day of paid leave for each full month of employment. Earned leave shall be pro-rated in proportion to the number of hours employed per day. Leave may not be used before it is earned and credited.

A. Accrual

1. One (1) day of leave will be advanced at the beginning of each successive month of employment. However, each employee is entitled to earn no more than one (1) day of leave times the number of months of employment during the year of employment.

2. An employee who is in an active pay status, including leave with pay, shall earn leave for each month in which s/he receives pay for one (1) day more than half the number of work days during that month.

3. An employee who is on leave without pay during a month shall earn leave for that month if s/he has worked one (1) day more than half the number of work days during that month.

4. Sick leave shall be cumulative from year to year up to an hourly limit based on the contract specific to each position .

B. Use

1. An employee taking leave shall notify the appropriate supervisor and file a certificate of absence before beginning the leave, if possible. In an emergency, the certificate of absence may be filed immediately following return to duty.

2. Leave shall be equivalent to the time taken.

a. for the illness or death of the employee's spouse, child, father, mother, brother, sister, other close relative, or member of the employee's own household;

b. for the maternity or paternity of the employee or the employee's spouse, child, other close relative, or member of the employee's own household.

C. Transfer

1. An employee may authorize transfer of accrued leave to another Authority employee. (F.S. 1012.61(2)(e)1)

2. A person receiving the transfer may not use the donated leave until s/he has exhausted all of his/her own accrued leave.

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F.S. 402.22
F.S. 1001.41
F.S. 1001.42(5)
F.S. 1001.43(11)
F.S. 1012.22
F.S. 1012.23
F.S. 1012.61
F.S. 1012.62
F.S. 1012.66

SUPPORT STAFF

po4430.07

MILITARY LEAVE

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

4430.07 - **MILITARY LEAVE**

The Governing Board supports individuals willing to serve in the armed forces of the United States or the State of Florida to protect our country and State. In accordance with State and Federal laws, support staff members who must be absent from work for military service are entitled to take a military leave of absence in accordance with this policy.

Support staff members called to duty are required to notify the Superintendent immediately unless notice is impossible or prevented by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable.

Reserve or Guard Training

All support staff members in this Authority who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

Compensation allowed for military leave to participate in required training exercises shall not exceed 240 hours in any one (1) annual period as provided in F.S. 115.07. Such leave is not charged as vacation. It shall be established that the period selected is not at the convenience of the employee but a military necessity, if it falls within the school year. Upon the recommendation of the Superintendent, leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and may be granted by the Board and when so granted shall be without loss of time or efficiency rating.

When a support staff member's assigned employment duty conflicts with ordered active or inactive duty training, it is the responsibility of the Board to provide a substitute employee, if necessary, for the assumption of such employment duty while the employee is on assignment for the training.

Active Military Service

Support staff members who are service members of the National Guard or a reserve component of the Armed Forces of the United States shall be granted leave to perform active military service, the first thirty (30) days of any such leave to be with full pay for Federal military service that is equal to or greater than ninety (90) consecutive days.

Leave of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay. Support staff members on military leave may substitute accrued paid vacation for unpaid leave.

Re-Employment

Re-employment of all support staff members granted military leave shall be governed in accordance with 38 U.S.C. 4312. A support staff member who is granted military leave for active duty shall, upon the completion of the tour of duty, be returned to employment without prejudice, provided that the support staff member gives notice and files an application for re-employment within the time limitations contained in Federal law. Support staff members will be returned to duty in the same or a similar position as previously held in accordance with Federal law.

Benefits During Military Leave

The Board shall continue to provide all health insurance and other existing benefits to support staff members as required by the Uniformed Services Employment and Reemployment Rights Act, Chapter 43 of Title 38 U.S.C.

Bargaining unit members should refer to the collective bargaining agreement for more information pertaining to military leave.

Voluntary Service

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 Board's discretion. An employee whose absence will interfere with the orderly operation of the school program shall be denied military leave, except in unusual cases.

Revised 11/12/24

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Legal
F.S. 115.07
F.S. 115.09
F.S. 115.14
F.S. 121.111
F.S. 250.341

F.S. 1012.23
38 U.S.C. 2021 et seq.
38 U.S.C. 4312
38 U.S.C. 4323

SUPPORT STAFF

po4430.09

JURY/WITNESS DUTY LEAVE

ADOPTED Apr 12, 2016

4430.09 - **JURY/WITNESS DUTY LEAVE**

Jury Duty Leave

A support staff member summoned to serve on a jury shall be granted temporary leave with pay for all hours required for the duty up to his/her normal workday hours.

Any jury fees may be retained by the support staff member.

However, if jury duty does not require absence for the entire workday, a support staff member is expected to return to work immediately upon release by the court.

The Governing Board shall not reimburse support staff members for meals, lodging, and travel expenses incurred while serving as a juror.

Jury/Witness duty leave will be granted for a maximum of fifteen (15) days unless additional leave is recommended by the Superintendent and approved by the Board.

Witness Duty Leave

A support staff member who is subpoenaed as a witness may be granted temporary leave with pay for all hours required for the duty, up to his/her normal workday hours, provided the subpoena is not related to personal litigation in which the support staff member is a party.

Any witness fees may be retained by the support staff member.

The Board shall not reimburse the support staff member for meals, lodging, and travel expenses incurred while serving as a witness.

When a support staff member is subpoenaed or called as a witness by the Board at a deposition, hearing, trial or other civil proceeding, s/he may be granted temporary leave with pay for all hours required for the duty.

Any witness fees may be retained by the support staff member.

In the event no fees are received from the court, s/he may be paid per diem and for travel expenses pursuant to Policy 6550, Travel and Per Diem.

Personal Litigation

In no case shall temporary leave with pay be granted for court attendance when a support staff member is engaged in his/her own personal litigation. In such cases, support staff members may request vacation or personal leave.

Bargaining unit members should refer to the collective bargaining agreement for more information pertaining to jury/witness leave.

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F.S. 1012.23

SUPPORT STAFF

po4440

JOB-RELATED EXPENSES

ADOPTED Apr 12, 2016

4440 - **JOB-RELATED EXPENSES**

The Governing Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any support staff member of the Authority incurred in the course of performing services for the Authority, whether within or outside the Authority, under the direction of the Board and in accordance with the Superintendent's administrative procedures.

The validity of payments for job-related expenses shall be determined by the Superintendent. Pre-approval for estimated travel expenses is required.

The Board may pay the expenses of support staff members when they attend meetings with prior approval in accordance with the policy of this Board and in accordance with the administrative procedures of the Superintendent.

Whenever a staff member is unable to provide one (1) or more receipts for appropriate expenses, s/he may be reimbursed upon written explanation of the reason for the lack of the receipt and the approval of the expenses by the Superintendent.

Support staff members are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, supplemental insurance on rental cars, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

This policy does not address every issue, exception, or contingency that may arise in the course of travel.

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F.S. 112.061

SUPPORT STAFF

po4500

REMOTE WORK

ADOPTED Nov 18, 2022

4500 - **REMOTE WORK**

Governing Board employees are required to work at their assigned Authority building, Authority site, or school building. However, the Board recognizes that certain District-declared emergencies require remote work.

Eligible employees are only authorized to work remotely in accordance with this policy and procedures developed by the Superintendent.

Remote working can be considered when it provides an operational benefit to the Board; the responsibilities and duties of the position can be accomplished successfully from a remote environment; and the employee demonstrates the skills and abilities needed to effectively work remotely.

Employees are not permitted to work remotely unless approved in advance by the Superintendent.

Definitions

A. Remote Work/Working – a temporary work or work arrangement during which an employee performs their assigned job duties in an alternate work location away from their assigned Authority building, Authority site, or school building.

B. Alternate Work Location(s) - approved locations, other than the employee's normal assigned workplace, where official Authority business is performed. The most common alternate work location is the home of an employee. Alternate work locations must be approved in advance by the Superintendent.

C. Remote Working Agreement - Remote work arrangements are approved by the Superintendent and documented in writing in a remote working agreement. Remote working agreements include specific terms such as employee hours, employee responsibilities, employee expectations, and confidentiality. Remote working agreements may not exceed a specified number of work days, determined by the Superintendent, as the emergency situation dictates but may be renewed by the Superintendent.

Eligible Positions

Positions for which remote work may be authorized are determined at the discretion of the Superintendent during an Authority-declared emergency.

Termination of Remote Working Agreements

Remote working agreements are approved at the discretion of the Superintendent and may be revoked/terminated at any time.

Nothing in this policy is intended to interfere with, or supplant, any rights afforded to employees under the Americans with Disabilities Act, as amended, or Section 504 of the Rehabilitation Act of 1973.

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SUPPORT STAFF

po4531

UNAUTHORIZED WORK STOPPAGE

ADOPTED Apr 12, 2016

4531 - **UNAUTHORIZED WORK STOPPAGE**

The Governing Board is obligated and committed to provide certain basic services to students participating in Authority programs. Therefore, if the schools are open and students are in attendance, those basic services will be provided.

Recognizing the fact that an Authority, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools, when possible.

Support staff members who fail to perform their normal duties when so required as part of an unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the policies of this Board and the laws of the State.

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F.S. 447.505
F.S. 447.507

SUPPORT STAFF

po4550

COMPLAINTS AGAINST SUPPORT STAFF

ADOPTED Apr 12, 2016

4550 - **COMPLAINTS AGAINST SUPPORT STAFF**

Any complaint against a member of the support staff which arises within the membership of the Governing Board or which comes to the attention of the Board (except through the Superintendent) shall be referred to the Superintendent for decision. In cases where the support staff member or the complainant is not satisfied with the decision of the Superintendent, an appeal may be taken by either party to the Board through the Superintendent for a final decision.

Pursuant to State law, a complaint of misconduct against an Authority administrator, and all information obtained pursuant to an investigation by the Authority of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the Authority provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the Authority has either:

A. concluded the investigation with a finding not to proceed with disciplinary action or file charges; or

B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the Authority shall also file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - *Mandatory Reporting of Misconduct by Certificated Employees*.

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

A. by certified mail, return receipt requested, to his/her address of record; or

B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

Support staff members in a bargaining unit should refer to negotiated agreements.

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F.S. 119.071(2)(k)
F.S. 1012.31

SUPPORT STAFF

po4590

PERSONNEL FILE

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

4590 - **PERSONNEL FILE**

It is necessary for the orderly operation of the Authority to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the Authority and the Authority's responsibilities to the employee.

The Governing Board requires that sufficient records exist to determine an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with Authority rules, and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Florida. Materials relating to work performance, discipline, suspension, or dismissal will be reduced to writing and signed by a person competent to know the facts or make the judgment. The resignation or termination of an employee before an investigation of alleged misconduct by the employee affecting the health, safety, or welfare of a student is concluded must be clearly indicated in an employee's personnel file.

The term personnel file as used in this section shall mean all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its instructional staff, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file.

Pursuant to State law, a complaint of misconduct against an Authority employee, and all information obtained pursuant to an investigation by the Authority of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the Authority provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the Authority has either:

A. concluded the investigation with a finding not to proceed with disciplinary action or file charges, or

B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the Authority shall also

file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - *Mandatory Reporting of Misconduct by Certificated Employees*.

Notwithstanding F.S. 1012.31(3)(a)1, 1012.796(4), and this policy, within twenty-four (24) hours after a law enforcement agency provides the Superintendent with written notification pursuant to F.S. 1012.797 that a District employee has been arrested for a felony or a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance, the Principal shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.

Materials relating to work performance, discipline, or dismissal must be reduced to writing and signed by an individual competent to know the facts or make the judgment. In cases of separation due to termination or resignation in lieu of termination, the person shall execute and maintain an affidavit of separation, on the form adopted by the Florida Department of Education, setting forth in detail the facts and reasons for such separation. The affidavit must expressly disclose when separation is due to a report of sexual misconduct with a student. The affidavit of separation must be executed under oath and constitutes an official statement within the purview of F.S. 837.06. The affidavit of separation must include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree.

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

A. by certified mail, return receipt requested, to r the employee's address of record; or

B. by personal delivery. The employee’s signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

Regardless of the status of an investigation, any legally sufficient complaint will be filed in writing with Florida Department of Education (FLDOE) within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the District pursuant to F.S. 1012.796(1, d, 1). A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education.

No record in a personnel file which is confidential and exempt from inspection and copying pursuant to applicable law shall be disclosed except as provided by applicable law.

The Human Resources Department shall maintain a record in each personnel file of those persons reviewing the files each time they are reviewed.

A copy of each such entry shall be given to the employee upon request.

The employee shall have access to r the employee's file upon request.

The related procedures manual is entitled Personnel File Procedures.

Revised 10/8/19
Revised 12/14/21
Revised 11/18/22

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Legal
F.S. 119.011
F.S. 119.07
F.S. 119.071
F.S. 1012.31
F.S. 1012.797

SUPPORT STAFF

po4600

JOB DESCRIPTIONS

ADOPTED Apr 12, 2016

4600 - **JOB DESCRIPTIONS**

The Governing Board shall act upon written recommendations submitted by the Superintendent for positions to be filled and for the minimum qualifications for these positions. Once a position has been established it is essential for each support staff member employed in the position to be fully aware of the duties and responsibilities for that position. Job descriptions document and describe the prescribed qualifications for and essential functions of each support staff position and thereby promote organization, effectiveness, and efficiency. The Superintendent is authorized to establish and maintain job descriptions which shall include the prescribed qualifications, as well as skills, knowledge and abilities, essential functions, and physical requirements for each support position.

Job descriptions shall be defined as procedures of the Superintendent.

Support staff shall be evaluated, at least in part, against their job description.

Job descriptions shall be brief, factual, and descriptive of the positions designated by the Board.

During the hiring process, the current job description for the position for which the candidate is interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the positions.

During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, support staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

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F.S. 1012.23
F.S. 1012.27

STUDENTS

po5111.01

HOMELESS STUDENTS

ADOPTED Apr 12, 2016 · REVISED Sep 17, 2024

5111.01 - **HOMELESS STUDENTS**

Definitions

Children who are identified as meeting the Federal definition of "homeless" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the Authority. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The Authority shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. The Authority shall regularly review and revise its policies, including school discipline policies that impact homeless students, including those who may be a member of any of the protected classes (Policy 2260).

This policy and AP 5111.01, *Homeless Students (Role of the Liaison)*, are designed to identify students experiencing homelessness and to refer such students and their families for services available through the McKinney-Vento Act and services provided by local community social service entities.

Definitions

"Students experiencing homelessness" pursuant to State law means individuals who lack a fixed, regular, and adequate nighttime residence (as defined in 42 U.S.C. Section 11432) and include children and youth who meet any of the following criteria:

A. children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

B. children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

C. children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

D. migratory children who are living in circumstances described in A through C above.

According to non-regulatory guidance from the U.S. Department of Education (ED), standards for adequate housing may vary by locality. Please see *Education for Homeless Children and Youth Programs, Non-Regulatory Guidance,* U.S. Department of Education (ED), for factors to consider when determining whether a child or youth is living in "substandard housing". For purposes of whether a child or youth resides in "substandard housing," the Authority may consider whether the setting in which the family, child, or youth is living lacks one (1) of the fundamental utilities such as water, electricity, or heat; is infested with vermin or mold; lacks a basic functional part such as a working kitchen or a working toilet; or may present unreasonable dangers to adults, children, or persons with disabilities.

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth under the age of twenty-one (21) and not in the physical custody of a parent or guardian. Under State law an unaccompanied homeless youth who is sixteen (16) years of age or older and found to be an unaccompanied homeless youth eligible for services under Federal law shall be issued a certificate by the Authority's Liaison for Homeless Children on Authority letterhead documenting his/her status which is to be accepted by medical providers and the courts.

Additionally, pursuant to Federal and State law, children or youth who are experiencing homelessness also include migratory children who are living in circumstances described in A-F above.

Questionnaire(s)

The Authority shall create and utilize a student housing questionnaire(s) to be used in all public schools, including charter schools, to identify students who are experiencing homelessness and who may be eligible for services under the McKinney-Vento Act. The following requirements apply:

A. A student housing questionnaire must be provided to parents, guardians, and unaccompanied homeless youth at least once annually and whenever there is evidence that a student may be experiencing homelessness throughout the school year.

B. A student housing questionnaire must be included in the annual school enrollment packet.

C. A student housing questionnaire may be distributed or returned electronically, but it must be available in hard copy, if requested.

Beginning July 1, 2024, any student housing questionnaire will prominently explain that the purpose of the form is to identify students and families who may be eligible for

services in the school or local community. In addition, the questionnaire will request the following information:

A. student's name (first name, middle initial, last name);

B. student's birth date;

C. student's school and grade;

D. names, birthdates, school, and grade for each additional child or youth in the household;

E. parent's or guardian's name;

F. street address;

G. length of time at current address;

H. former address;

I. parent's, guardian's, or unaccompanied homeless youth's phone number;

J. parent's, guardian's, or unaccompanied homeless youth's signature and date of signature;

K. selection of nighttime residence type, using the residences defined in the "Homeless Student, PK-12" data element in F.A.C. 6A-1.0014;

L. selection if the student is an unaccompanied homeless youth, as defined in 42 U.S.C. Section 11434(a)(6);

M. selection of homelessness cause, using the causes defined in the "Homelessness Cause" data element in F.A.C. 6A-1.0014.

Services to Homeless Children and Youth

The Authority will provide services to homeless students that are comparable to other students in the Authority, including:

A. transportation services (Policy 8600 - *Transportation*);

B. public preschool programs and other educational programs and services for which the homeless student meets eligibility criteria including:

1. programs for children with disabilities (Policy 2460 - *Exceptional Student Education*)

2. programs for English learners (ELs) (i.e., students with Limited English Proficiency (LEP)) (Policy 5780 - *Student/Parent Rights*);

3. programs in career and technical education (Policy 2421 - *Career and Technical Education*);

4. programs for gifted and talented students (Policy 2460 - *Exceptional Student Education*; Policy 5780 - *Student/Parent Rights*);

5. school nutrition programs(Policy 5335.01 - *Diet Modifications*; Policy 8500 - *Food Service Program*; Policy 8510 - *Wellness*; Policy 8531 - *Free and Reduced-Price Meals*);

6. before - and after-school programs; and

7. Title I programs (Policy 2261 - *Title I Services*; Policy 2261.01 - *Parent Participation in Title I Programs*; Policy 2261.02 - *Title I - Parents' Right to Know*).

The Superintendent will appoint a McKinney-Vento Liaison who will perform the duties as assigned by the Superintendent, including those required under F.A.C. 6A-10.088. Additionally, the Liaison will:

A. coordinate Authority programs;

B. collaborate with other school districts, community services providers, and organizations, including:

   1. local social services and other community agencies to provide support to homeless students and their families;

   2. other school districts regarding homeless student-related transportation, transfer of school records, and other inter-Authority activities as needed; and

   3. housing authorities.

C. collaborate with the State Coordinator for the Education of Homeless Children and Youth and school personnel responsible for the provision of education and related services to homeless children and youths, including exceptional student education needs. For more information on the role of the Liaison, refer to AP 5111.01.

Unaccompanied homeless high school youth will receive counseling to prepare and improve their readiness for postsecondary education.

School Stability

Maintaining a stable school environment is crucial to a homeless student's success in school. To ensure stability, the Authority must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. The Authority must:

A. continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or

B. enroll the student in any public school that non-homeless students who live in the attendance area in which the child or youth, or the family of the child or youth, is actually living are eligible to attend.

When determining a child or youth's best interest, the Authority must assume that keeping the homeless student in the school of origin is in that student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or the student if he or she is an unaccompanied youth. The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also includes the designated receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin.

When determining the student's best interest, the Authority must also consider student-centered factors, including the impact of mobility on achievement, education, health, and safety of homeless students and give priority to the request of the student's parent or guardian, or youth (if an unaccompanied youth). The Authority also considers the school placement of siblings when making this determination.

If the Authority finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or unaccompanied youth, the Authority must provide the individual with a written explanation and reason for the determination in a manner and form understandable to the parent, guardian or unaccompanied youth. This written explanation will include appeal rights and be provided in a timely manner.

Immediate Enrollment

The Authority has an obligation to remove barriers to the enrollment and retention of homeless students. If a school other than the student's school of origin is chosen on the basis of a best interest determination, the homeless student must be immediately enrolled,

even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate, or previous academic records. The homeless student must also be enrolled immediately regardless of whether the student missed application or enrollment deadlines during the period of homelessness, fails to meet uniform or dress code requirements, or has outstanding fines or fees.

The enrolling school must immediately contact the school last attended by the homeless student to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must immediately refer the parent, guardian or unaccompanied youth to the Liaison, who will help obtain the immunizations, screenings or other required health records. Records usually maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or district. These records include immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs. Procedures for inter-State records transfer between schools should be taken into account in order to facilitate immediate enrollment.

In addition, it shall be the Authority's responsibility to make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs (if available).

Transportation

The Authority shall promptly provide homeless students with transportation services that are comparable to those available to non-homeless students. At the request of the parent or guardian, or the liaison in the case of an unaccompanied youth, the Authority shall provide, or arrange for, transportation to and from the student's school of origin. If the homeless student continues to live in the Authority, and transportation can be provided, or the Authority shall arrange for the student's transportation, to/from his/her school of origin.

The mode of transportation shall be determined in consultation with the parent or guardian and shall be based on the best interest of the student.

Records

The local liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA) and Policy 8330, and in such a manner

so that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information and must be provided the same protections as other non-directory personally identifiable information (PII) contained in student education records under FERPA. The Authority shall incorporate practices to protect student privacy as described in AP 5111.01, AP 8330, and in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA).

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

Revised 8/14/18
Revised 9/17/24

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Legal
F.S. 743.067
F.S. 1003.01
F.S. 1003.21
F.S. 1003.22
F.S. 1009.21
F.S. 1009.25
42 U.S.C. 11431 et seq.

STUDENTS

po5111.02

EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

ADOPTED Apr 12, 2016

5111.02 - **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

Children of an active duty member of the United States armed services shall be entitled to all of the rights and protections afforded under the Interstate Compact on Educational Opportunity for Military Children (Compact).

The intent of this policy is to minimize the potential challenges to educational success for children of military families because of frequent moves and deployment of their parents by:

A. facilitating the timely enrollment and placement of children of military families in educational and other school programs and activities;

B. facilitating the on-time graduation of children of military families; and

C. providing for the uniform collection and sharing of information between and among schools and military families.

The Superintendent shall maintain guidelines for implementation of this policy which are consistent with the Compact and State law.

The guidelines shall apply to children of military families within the State as well as between member states.

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Legal
F. S. 1000.36
Interstate Compact on Educational Opportunity for Military Children

STUDENTS

po5111.03

CHILDREN AND YOUTH IN FOSTER CARE

ADOPTED Aug 14, 2018

5111.03 - **CHILDREN AND YOUTH IN FOSTER CARE**

The Governing Board recognizes the importance of educational stability for children and youth in foster care. Further, the Board recognizes these children and youth as a vulnerable subgroup of students in need of safeguards and supports in order to facilitate a successful transition through elementary and secondary education and into college and/or careers. To that end, the District will collaborate with the Florida Department of Education (FLDOE), other schools and school districts, and the appropriate child welfare agencies to provide educational stability for children and youth in foster care.

Definitions

Children who meet the Federal definition of "in foster care" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the Authority. To that end, students in foster care will not be stigmatized or segregated on the basis of their status. The Authority shall establish safeguards that protect foster care students from discrimination on the basis of their foster care status or other of the recognized protected classes (Policy 2260). The Authority shall regularly review and revise its policies, including school discipline policies that may impact students in foster care.

Consistent with the Fostering Connections Act, “foster care” means twenty-four (24) hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in:

A. foster family homes;

B. foster homes of relatives;

C. group homes;

D. emergency shelters;

E. residential facilities;

F. child care institutions; and

G. preadoptive homes.

A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, tribal, or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made. (45 C.F.R. 1355.20 (a))

School Stability

The Authority shall remove barriers to the enrollment and retention of children and youth in foster care in schools in the Authority. Foster care students shall be enrolled immediately, even if they do not have the necessary enrollment documentation such as immunization and health records, proof of residency or guardianship, birth certificate, school records, and other documentation.

The Authority shall meet the Title I requirements for educational stability for children and youth in foster care, including those awaiting foster care placement. The Authority shall identify which students are in foster care and shall collaborate with State and tribal child welfare agencies to provide educational stability for these children and youth. Authority staff will work closely with child welfare agency personnel to develop and implement processes and procedures that include these enrollment safeguards:

A. a child/youth in foster care shall remain in his/her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest;

B. if it is not in the child's best interest to stay in his/her school of origin, the child shall be immediately enrolled in the determined new school even if the child is unable to produce records normally required for enrollment; and

C. the new (enrolling) school shall immediately contact the school of origin to obtain relevant academic and other records, including the student's Individualized Education Program (IEP) if applicable. (ESEA Section 1111(g)(1)(E)(i)-(iii))

Best Interest Determination

In making the best interest determination, the Authority will follow the guidelines established by ODE and the State or tribal child welfare agencies. The Authority shall utilize the prescribed process in conjunction with local child welfare agencies in making best interest determinations. Once a determination is made the Authority shall provide the decision in writing to all relevant parties, in collaboration with the appropriate child welfare agency. When making decisions regarding educational placement of students with disabilities under IDEA and Section 504, the Authority shall provide all required special educational and related services and supports provided in the least restrictive placement

where the child's unique needs, as described in the student's IEP or Section 504 plan, can be met.

Dispute Resolution

If there is a dispute regarding whether the educational placement of a child in foster care is in the best interest of that child, the dispute resolution process established by the child welfare agency shall be used.

The Authority's representatives shall collaborate fully in this process, considering relevant information regarding academic programming and related service needs of the child, and advocating for what the Authority believes is in the best interest of the child.

To the extent feasible and appropriate, the child will remain in his/her school of origin while disputes are being resolved in order to minimize disruption and reduce the possible number of moves between schools. (ESEA Section 1111(g)(1)(E)(i))

Since the child welfare agency holds ultimate legal responsibility for making the best interest determination for the foster child in their care, if the dispute cannot be resolved the dispute, the child welfare agency will make the final determination.

All notifications and reports regarding foster care placement, changes in school enrollment, transportation services, and changes in the child's living arrangements shall be provided to the affected parties, in writing, in accordance with the forms, procedures, and requirements of State law, State Board rule, or State/tribal or local child welfare agencies.

Local Point of Contact

The Superintendent shall designate and make public a local point of contact who will perform the duties as assigned by the Superintendent. The point of contact shall serve as a liaison to coordinate with child protection agencies, lead the development of a process for making the best determination for a student, facilitate the transfer of records, and oversee the enrollment and regular school attendance of students in foster care.

Records

The Authority shall provide privacy protections for children and families and shall facilitate appropriate data-sharing pertaining to children in foster care between child welfare and educational agencies, in accordance with the Family Educational Rights and Privacy Act (FERPA) and Policy 8330 – *Student Records*.

Services to Children and Youth in Foster Care

Foster care children and their families shall be provided equal access to the educational services for which they are eligible comparable to other students in the Authority including:

A. educational services for which the student in foster care meets eligibility criteria including services provided under Title I of the Elementary and Secondary Education Act or similar State and local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;

B. preschool programs;

C. programs in vocational and technical education;

D. programs for gifted and talented students;

E. school nutrition programs; and

F. before - and after-school programs.

Transportation Services

Consistent with procedures developed by the Authority and the State/tribal or local child welfare agency, the Authority shall provide transportation services for children in foster care who reside within the Authority.

Transportation services shall be provided in the most cost-effective manner possible.

When it is determined to be in the best interest of a student in foster care to remain in his/her school of origin and that school of origin is in the attendance zone where the student now lives, transportation shall be provided for the student in foster care even if other students who are not in foster care but who live in the same school attendance area are ineligible for transportation pursuant to Board policy or State law.

When it is determined to be in the best interest of a student in foster care to remain in his/her school of origin and that school of origin is in the Authority but not in the attendance zone where the student now lives, transportation services shall be arranged, provided, and funded for the duration of the child's placement in foster care.

Coordination of Service

Since foster care placements may occur across Authority, county, or State boundary lines, coordination among multiple agencies may be necessary. The Authority will work with appropriate State and local agencies to address such placement and transportation issues that arise. The District shall provide or arrange for adequate and appropriate transportation to and from the school of origin while any disputes are being resolved.

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of children and youth in foster care.

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Legal
45 C.F.R. 1355.20 et seq.
42 U.S.C. 675

STUDENTS

po5112

ENTRANCE REQUIREMENTS

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

5112 - **ENTRANCE REQUIREMENTS**

The Governing Board hereby establishes entrance age requirements for students which are consistent with statute and sound educational practice and requires the equitable treatment of all eligible children.

Pursuant to State law, all children who have attained the age of six (6) years or who will have attained the age of six (6) years by February 1st of any school year or who are older than six (6) years of age but who have not attained the age of sixteen (16) years, except as otherwise provided in Florida statute, are required to attend school regularly during the entire school term. Further, all children enrolling in an Authority school shall meet the immunization requirements set forth in F.S. 1003.22, as well as provide evidence of a physical exam as required by State law.

The superintendent may require evidence of the age of any child who seeks to enroll in the Authority or who the superintendent believes to be within the limits of compulsory attendance as provided by law; however, the superintendent will not require evidence from any child who meets regular attendance requirements by attending any of the following schools or programs:

A. a parochial, religious, or denominational school;

B. a private school supported in whole or in part by tuition charges or by endowments or gifts;

C. a home education program that meets the requirements of F.S. Chapter 1002; or

D. a private tutoring program that meets the requirements of F.S. Chapter 1002.

In addition, consistent with rules adopted by the State Board of Education, children with disabilities who have attained the age of three (3) years shall be eligible for admission to the Authority's special education programs and for related services. Children with disabilities younger than three (3) years of age who are deaf or hard of hearing, visually impaired, dual sensory impaired, orthopedically impaired, other health impaired, who have experienced traumatic brain injury, who have autism spectrum disorder, established conditions, or who exhibit developmental delays or intellectual disabilities may be eligible

for special programs and may receive services in accordance with rules of the State Board of Education. The identification of established conditions for children birth through two (2) years of age and developmental delays for children birth through five (5) years of age shall be in accordance rules adopted by the State Board of Education.

Further, as required by F.S. 1003.22 and Policy 5320, *Immunizations and Health Examinations* all children enrolling in an Authority school shall meet the immunization requirements set forth in State law, as well as provide evidence of a physical exam as required by State law.

Kindergarten

Children entering kindergarten in this Authority for the first time must comply with F.S. 1003.21 regarding entry age. A child must be five (5) years old on or before September 1st, in order to meet the Florida age requirement for kindergarten. A child under age six (6) who is enrolled in kindergarten will be considered of compulsory school age.

First Grade

Children entering first grade in this Authority for the first time must comply with F.S. 1003.21. Any child who has attained the age of six (6) years on or before September 1st of the school year and who has been enrolled in a public school or who has attained the age of six (6) years on or before September 1st and has satisfactorily completed the requirements for kindergarten in a non-public school, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the Authority's student progression plan.

Students transferring to first grade from a kindergarten program other than the one offered by the Authority will need written verification of satisfactory completion of an appropriate kindergarten program. Verification forms are available at each elementary school.

Initial Entry

A. Children entering the Authority for the first time must comply with F.S. 1003.21 and with the Authority's *Student Progression Plan*. Students must have an immunization record on file at the school. Any student who does not have the proper immunization shall be temporarily excluded from attendance until compliance has been documented.

B. Each child who is entitled to admittance to kindergarten or is entitled to any other initial entrance into a public school in the Authority must have a certification of a school-entry health examination performed within one (1) year before enrollment in school. Students transferring into the Authority from a school within the State of Florida who have completed physical examination form as part of their school

record need not be re-examined. Examinations taken out-of-state may be accepted if performed within one (1) year of entry and include documentation and reported on the official forms of the physician. A student shall have up to thirty (30) school days to present a certification of a school-entry health examination. Children and youths who are experiencing homelessness and children who are known to the Department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days. The school health services plan shall contain provisions to assist students in obtaining the health examinations.

C. A child may be exempt from the required health examination and/or immunization upon written request of the parent or guardian of such child stating objection to examination and/or immunization on religious grounds or for medical reasons certified by a competent medical authority.

D. Any student and/or his/her parent(s) who enters the Authority for the first time must disclose the following information at the time of enrollment:

    1. prior school expulsions;

    2. arrests resulting in a charge;

    3. juvenile justice actions; and

    4. any corresponding referral to mental health services by a school district that the student previously attended.

Any student who discloses any of the above-referenced matters is subject to the provisions of the Code of Student Conduct, Policy 5500, and Policy 5610 relating to disciplinary placement and/or assignment of students.

Verification of Residence

Verification of a parent or guardian's residence shall be required at the time the child registers in an Authority school. Verification of residence may also be required at any other time at the discretion of the Superintendent or designee.

A student whose parent is transferred or is pending transfer to a military installation within the State while on active military duty pursuant to an official military order shall be considered a resident of the Authority for purposes of enrollment when the order is submitted to the Authority.

Notification of in Loco Parentis

In cases in which a student is temporarily not residing with his/her parents or legal guardian for a short period of time, the parent or legal guardian of the student shall

designate in writing that adult person with whom the student resides who stands in loco parentis to the student in order for him/her to be admitted or continue in school. This statement shall be notarized and presented to the principal.

Revised 5/14/19
Revised 10/8/19
Revised 12/8/20
Revised 3/9/21
Revised 11/12/24

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Legal
F.S. 1003.01
F.S. 1003.05
F.S. 1003.21
F.S. 1003.22
F.S. 1006.07
F.A.C. 6A-1.0985

STUDENTS

po5114

NONIMMIGRANT STUDENTS AND FOREIGN EXCHANGE PROGRAMS

ADOPTED Apr 12, 2016

5114 - **NONIMMIGRANT STUDENTS AND FOREIGN EXCHANGE PROGRAMS**

The Governing Board recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having nonimmigrant students with citizenship in countries other than the United States as members of the student body of the Authority.

Nonimmigrant Students with J-1 Visas

The Board will permit the admission of nonimmigrant students with citizenship in countries other than the United States as foreign exchange students if they are participating in a Student and Exchange Visitor Program (SEVP) that is offered in Authority schools that has petitioned for and received status as SEVP-certified by the U.S. Immigration and Customs Enforcement (ICE). Further, the Board requires that foreign exchange students be selected and sponsored by a sponsoring exchange organization that has been so designated by the U.S. Department of State.

These sponsoring exchange organizations, not the Authority, issue certificates of eligibility for J-1 Visas to nonimmigrant students with citizenship in countries other than the United States who meet the criteria established for participation in the SEVP by Federal law and this policy.

Other Nonimmigrant Students

This policy does not apply to nonimmigrant students with citizenship in countries other than the United States who are not participating in an approved student and exchange visitor program at an Authority school so they can attend a school in the Authority as participants in the exchange visitor program on a valid F-1 visa.

All other nonimmigrant students with citizenship in countries other than the United States who seek to enroll in the Authority's schools are subject to State law and the Authority's policies regarding enrollment, legal settlement, and tuition.

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Legal

8 C.F.R. 214 et seq.

8 U.S.C. 1101 (Immigration Reform and Control Act)

STUDENTS

po5121

CONTROLLED OPEN ENROLLMENT

ADOPTED Mar 9, 2021 · REVISED May 7, 2024

5121 - **CONTROLLED OPEN ENROLLMENT**

The Governing Board shall permit a program of controlled open enrollment as set forth herein and in accordance with Florida law. "Controlled open enrollment" means a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential educational school choice as a significant factor.

Components of the CCCCSA's Controlled Open Enrollment Program

The CCCCSA's controlled open enrollment program:

A. adheres to Federal desegregation requirements;

B. allows parents to declare school preferences, including placement of siblings within the same school;

C. provides a lottery procedure to determine student assignment and establishes an appeals process for hardship cases if the number of applicants exceeds the individual schools capacity;

D. maintains socioeconomic, demographic, and racial balance;

E. addresses the availability of transportation;

F. identifies schools that have not reached capacity, as determined by the CCCCSA;

G. ensures that preferential treatment is provided to individuals as set forth in Florida law;

H. maintains a wait list of students who are denied access due to capacity and provides for notification to parents when space becomes available; and

I. accepts students throughout the school year as capacity becomes available.

Eligibility for Participation in the Controlled Open Enrollment Program

A parent of a student under the age of eighteen (18) or an eligible student who lives in Lee County or elsewhere in the State of Florida who is not subject to a current expulsion or suspension may seek to enroll in any school of the CCCCSA that has not reached capacity, subject to the maximum class size pursuant to F.S. 1003.03 and Section 1, Art. IX of the Florida Constitution.

In determining the capacity of each CCCCSA school, the Board shall incorporate the specifications, plans, elements, and commitments contained in the CCCCSA's educational facilities plan and the long-term work programs required under Florida law.

A CCCCSA school shall be at "capacity" once the number of enrolled students equals or exceeds the number of seats available for each of the grade levels and/or programs offered in that school.

"Capacity" as defined herein is subject to program-specific enrollment limitations. Programs with enrollment limitations may include, but are not limited to, self contained Exceptional Student Education (ESE) programs, career-tech programs, magnet programs, international baccalaureate programs, advanced placement courses, and other academic programs that require student-teacher ratios less than the FISH capacity for that space.

The capacity at each public school in the CCCCSA shall be identified on the CCCCSA's website at CapeCharterSchools.org.

Application and Preferential Treatment

Applications to participate in the CCCCSA's controlled open enrollment program shall be accepted beginning in January (June for Kindergarten enrollment only) and ending March (October for Kindergarten enrollment only). Applications are available online or in-person at each school and must be submitted to the Enrollment Specialist.

Applications received after the deadline will be placed on a waiting list for each grade level according to the date in which they applied.

Access is available at each CCCCSA school for parents to complete the application. Applicants will be required to identify their primary school of choice in the application.

An applicant's failure to disclose information (e.g., being subject to suspension or expulsion, having a current IEP, being assigned to a Department of Juvenile Justice program, et cetera) that would be relevant to the CCCCSA's determination that the applicant could be served in a program at his/her preferred or alternate schools and therefore would be accepted shall constitute grounds for revocation of approval to enroll under this policy.

After the close of the application period and the determination of capacity at each school, the CCCCSA shall conduct a lottery and then process the applications according to the random numbers assigned.

Lottery

The lottery will be conducted by Enrollment Specialists at each school where a lottery is necessary.

The lottery involves the assignment of a random number to each applicant (siblings shall be paired unless requested otherwise).

Students Residing in the CCCCSA

Students residing in the CCCCSA will not be displaced by a student from another school seeking enrollment under the CCCCSA's controlled open enrollment program.

Completion of Highest Grade Level

A student who enrolls in the CCCCSA through the CCCCSA's controlled open enrollment program may remain within the K - 12 school system until completion of the highest grade at the school without the need to reapply.

Maintaining Appropriate Socioeconomic, Demographic, and Racial Balance

Given our diverse society and the importance of preparing students for education, work, and citizenship, the Board is committed to providing students with equal educational opportunities, promoting educational diversity in the CCCCSA, and providing students with the educational benefits of a diverse student body. To that end, should a concern arise regarding socioeconomic, demographic, or racial balance in one or more of the CCCCSA's schools, the Superintendent shall consult with legal counsel to determine the appropriate steps that should be taken, including, but not limited to, any necessary policy revisions and other actions necessary to comply with Florida and Federal law. The Superintendent shall then make the appropriate recommendations to the Board.

Transportation

Subject to seating availability and after taking into account the transportation needs of students currently attending CCCCSA schools, the CCCCSA may provide transportation to students under this policy on an established bus route to and from the school to which they have been granted admission unless otherwise required by State or Federal laws.

Interscholastic and Intra-scholastic Extra-curricular Activities

A student who enrolls in the CCCCSA through the CCCCSA's controlled open enrollment program is immediately eligible to participate in interscholastic and intra-scholastic extra-curricular activities; however, a student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets one (1) of the following criteria:

A. Dependent children of active duty military personnel whose move resulted from military orders.

B. Children who have been relocated due to a foster care placement in a different school zone.

C. Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.

D. Authorized for good cause.

"Good cause" is defined in Policy 2431.01 – *Participation by Transfer Students*.

A student who believes "good cause" exists must submit a written request to the school principal identifying the facts and circumstances the student believes establishes "good cause". The Superintendent will consider the written request and make a recommendation to the Board during a publicly noticed meeting.

Revised 11/18/22
Revised 5/7/24

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Legal
Section 1, Art. IX, Florida Constitution
F.S. 1002.20
F.S. 1002.31
F.S. 1003.03
F.S. 1003.05
F.S. 1013.35

STUDENTS

po5130

WITHDRAWAL FROM SCHOOL

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

5130 - **WITHDRAWAL FROM SCHOOL**

The Governing Board affirms that, while statute requires attendance of each student from six (6) years of age, or five (5) years of age if enrolled in kindergarten, and not formally withdrawn, until eighteen (18) years of age, it is in the best interests of both students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools. A child enrolled in kindergarten is deemed to be of compulsory school age unless the child's parent or guardian, at the parent or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten.

The Board directs that whenever a student wishes to withdraw, effort should be made to determine the underlying reason for such action and the resources of the Authority should be used to assist the student in reaching his/her career goals. Prior to withdrawal of the student, an exit interview shall be provided and a Department of Education survey completed to determine reasons for withdrawal and actions that could be taken to keep the student in school. The student's certified school counselor or other school personnel shall inform the student of opportunities to continue their education in a different environment including, but not limited to, adult education, high school equivalency examination preparation, and the Graduation Alternative to Traditional Education Program pursuant to Florida law. In addition, the student must complete a survey in a format prescribed by the Department of Education to provide data on student reasons for terminating enrollment and actions taken by the Authority to keep students enrolled. No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent and in compliance with State law.

Whenever a student under the age of eighteen (18), withdraws from school without moving out of State, transferring to another approved school, being granted an age and schooling certificate, or enrolling in and attending an approved program, the Superintendent shall notify the Registrar of Motor Vehicles and the Judge of the Juvenile Court.

Such notification is to be given within two (2) weeks after the Superintendent confirms the student is not properly enrolled in and attending another approved school or program or has moved out of State.

In accordance with Policy 5610, the Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under The School Board of Lee County policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. Any resulting expulsion shall be imposed for the same duration it would have been had the student remained enrolled.

Revised 9/16/25

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Legal
F.S. 1002.20
F.S. 1003.21

STUDENTS

po5136

WIRELESS COMMUNICATION DEVICES

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

5136 - **WIRELESS COMMUNICATION DEVICES**

The Governing Board is aware that wireless communication devices (WCDs) are used by students and parents to communicate with each other. However, the use of wireless communication devices (WCDs) on school grounds must be appropriately regulated to protect students, staff, and the learning environment. This policy sets forth the Authority's policy with respect to WCDs.

Pursuant to State law, students shall not operate a motor vehicle owned or leased by the Authority on or off school property, or personal motor vehicle on Authority property, while manually typing or entering multiple letters, numbers, symbols, or other characters into a personal communication device or while sending or reading messages on such a device, for the purpose of non-voice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, instant messaging, and snap chatting.

Elementary, middle, and high school students may not use WCDs during the school day time and are prohibited from accessing social media platforms through the use of Internet access provided by the Authority, except when expressly directed by a teacher solely for educational purposes. Teachers shall designate an area for WCDs to be stored during instructional time.

Elementary and middle school students may possess wireless communication devices (WCDs) in school, on school property, during after school activities (e.g. extra-curricular activities), and at school-related functions, they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight during school hours during after school activities (e.g., extra-curricular activities), and on school buses or other Board-provided vehicles unless approved by the driver.

High school students may use wireless communication devices (WCDs) before and after school; however, not during their lunch break or in between classes. Use of WCDs, except those approved by a teacher or administrator, is prohibited and they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight.

Students may not use WCDs on school property or at a school-sponsored activity to access and/or view Internet websites that are otherwise blocked to students at school and shall

not download or access prohibited applications using Internet access provided by the Authority.

Students may use WCDs while riding to and from school on a school bus or other Board-provided vehicles or on a school bus or Board-provided vehicle during school sponsored activities, at the discretion of the bus driver, classroom teacher, and/or sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated.

Technology, including but not limited to WCDs intended and actually used for instructional purposes (e.g., taking notes, recording classroom lectures, writing papers), will be permitted, as approved by the classroom teacher or the building principal. However, the use of a WCD to engage in non-education-related communications is expressly prohibited.

For purposes of this policy, "wireless communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), and/or other web-enabled devices of any type. Students may not use WCDs on school property or at a school-sponsored activity to access and/or view Internet websites that are otherwise blocked to students at school. Students may use WCDs while riding to and from school on a school bus or other Board-provided vehicles or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the bus driver, classroom teacher, and/or sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated.

Also, during after-school activities, WCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor.

Under certain circumstances, a student may keep his/her WCD "on" with prior approval from the building principal.

Except as authorized by a teacher, administrator, or IEP Team, students are prohibited from using WCDs during the school day, including while off-campus on a field trip, to capture, record or transmit the words or sounds (i.e. audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit, written consent for the capture, recording or transmission of such words or images. Using a WCD to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. Students who violate this provision and/or use a WCD to violate the privacy rights of another person may have their WCD confiscated and held until a parent/guardian picks it up, and may be directed to delete the audio and/or picture/video file while the parent/guardian is present.

If the violation involves potentially illegal activity, the confiscated WCD may be turned over to law enforcement.

"Sexting" is prohibited at any time on school property or at school functions. As set forth in State law, sexting is the knowing transmission or distribution to another minor by a computer or similar device any photograph or video of any person that depicts nudity and is harmful to minors. Sexting also includes possessing a photo of any person that was transmitted or distributed by another minor that depicts nudity. Such conduct not only is potentially dangerous for the involved students but can lead to unwanted exposure of the messages and images to others and could result in criminal violations related to the transmission or possession of child pornography. Such conduct will be subject to discipline and possible confiscation of the WCD.

WCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principal are the authority to determine other specific locations and situations where possession of a WCD is absolutely prohibited.

Students shall have no expectation of confidentiality with respect to their use of WCDs on school premises/property.

Students may not use a WCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated. See Policy 5517.01 – *Bullying and Harassment*. In particular, students are prohibited from using WCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, national origin, sex, sexual orientation, disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing or possessing pictures, text messages, e-mails or other materials of a sexual nature (i.e., sexting) in electronic or any other form. As set forth in State law, sexting is the knowing transmission or distribution to another minor by a computer or similar device any photograph or video of any person that depicts nudity and is harmful to minors. Sexting also includes possessing a photo of any person that was transmitted or distributed by another minor that depicts nudity and is harmful to minors. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a WCD to capture, record and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using WCDs to receive such information.

Possession of a WCD by a student at school during school hours and/or during extra-curricular activities is a privilege that may be forfeited by any student who fails to abide by the terms of this policy or otherwise abuses this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the WCD. The building principal may also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the WCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity, in which case the WCD may be turned over to law enforcement. In particular, egregious offenses involving the invasion of another person's privacy, the Board reserves the right to confiscate the WCD and hold it until the end of the school year. A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian or turned over to law enforcement. School officials will not search or otherwise tamper with WCDs in Authority custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 – *Search and Seizure*. If multiple offenses occur, a student may lose his/her privilege to bring a WCD to school for a designated length of time or on a permanent basis.

A person who discovers a student using a WCD in violation of this policy is required to report the violation to the building principal.

Students are personally and solely responsible for the care and security of their WCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of WCDs brought onto its property, or the unauthorized use of such devices.

Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office.

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F.S. 1003.32
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STUDENTS

po5136.01

TECHNOLOGY RESOURCES AND OTHER ELECTRONIC EQUIPMENT

ADOPTED Aug 14, 2018

5136.01 - **TECHNOLOGY RESOURCES AND OTHER ELECTRONIC EQUIPMENT**

While in some instances the possession and use of technology resources (as defined in Bylaw 0100) and other electronic equipment or devices by a student at school may be appropriate, the possession and use of such technology resources and other equipment or devices by students at school may also have the effect of distracting, disrupting and/or intimidating others in the school environment and leading to opportunities for academic dishonesty and other disruptions of the educational process.

Consequently, the Governing Board will supply any technology resources and other electronic equipment or devices necessary for participation in the educational program. Students shall not use any technology resources and other electronic equipment or devices on school property or at any school-sponsored activity without the permission of the principal and/or classroom teacher.

Examples of prohibited devices include, but are not limited to:

A. cameras (photographic and/or video)

B. laptops

C. tablets (e.g., iPad-like devices)

D. smartphones

E. e-readers (e.g., Kindle-like devices)

F. personal digital assistants (PDAs)

G. lasers

H. laser pens or pointers

I. radios

J. "boom–boxes"

K. headphones

L. portable CD/MP3 players

M. portable TV's

N. electronic games/toys

O. pagers/beepers, other paging devices

Students may use the following technology resources and other electronic equipment/devices while riding to and from school on a school bus or other vehicle provided by the Board or on a school bus or Board provided vehicle during school sponsored activities, at the discretion of the bus driver, classroom teacher, and/or sponsor/advisor/coach:

A. cameras (photographic and/or video)

B. laptops

C. tablets (e.g., iPad-like devices)

D. smartphones

E. e-readers (e.g., Kindle-like devices)

F. personal digital assistants (PDAs)

G. portable CD/MP3 players with headphones

H. electronic games/toys

Distracting behavior that creates an unsafe environment will not be tolerated.

Students are prohibited from using technology resources and other electronic equipment or devices in a manner that may be physically harmful to another person (e.g., shining a laser in the eyes of another student). Further, at no time may any technology resources or other electronic equipment/device be utilized by a student in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated. See Policy 5517.01 – *Bullying and Harassment*. In particular, students are prohibited from using technology resources, a camera, or other electronic equipment/device to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of

others based upon their race, national origin, sex (including transgender identity, sexual orientation, and gender identity), age, disability, religion, or political beliefs; and (2) send, share, view or possess pictures, text messages, e-mails, or other materials of a sexual nature (i.e., sexting) in electronic or any other form. Violation of these prohibitions shall result in disciplinary action.

Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are prohibited from using technology resources and other electronic equipment/devices to capture, record, or transmit test information or any other information in a manner constituting fraud, theft, or academic dishonesty. Similarly, students are prohibited from using technology resources and other electronic equipment and devices to capture, record, or transmit the words (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member, or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture and/or recording of such words or images. Using technology resources or other electronic equipment/devices to capture, record, or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal. Technology resources and other electronic equipment/devices are expressly banned from and may not be possessed, activated, or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include but are not limited to locker rooms, shower facilities, restrooms, classrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a camera or other electronic equipment/device is absolutely prohibited.

Unauthorized technology resources and other electronic equipment and devices will be confiscated from the student by school personnel and disciplinary action taken.

If technology resources or other electronic equipment/device is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed.

Any technology resources or other electronic equipment/device confiscated by Authority staff will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian. Technology resources or other electronic equipment/devices in Authority custody will not be searched or otherwise tampered with unless school officials reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules (e.g., a student is observed using a camera in a prohibited area). Any search will be conducted in accordance with Policy 5771 *Search and Seizure*.

Students are personally and solely responsible for the care and security of any technology resources and other electronic equipment or devices they bring to school. The Board assumes no responsibility for theft, loss, damage, or vandalism to electronic equipment and devices brought onto its property, or the unauthorized use of such devices.

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STUDENTS

po5200

ATTENDANCE

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

5200 - **ATTENDANCE**

The educational program offered by the Authority is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Attendance shall be required of all students enrolled in the schools during the days and hours that the school is in session. School attendance is the responsibility of parents and students. Absences shall be reported to the school attendance office by the parent or adult student as soon as practicable.

In accordance with statute, the Superintendent shall require, from the parent of each student of compulsory school age or from an adult student who has been absent from school or from class for any reason, a statement of the cause for such absence. The Governing Board reserves the right to verify such statements and to investigate the cause of each single absence.

In addition, educators have the responsibility to encourage regular attendance of students, maintain accurate attendance records, and follow reporting procedures prescribed by the Superintendent. Schools will record absent and tardy students in the automated student attendance recordkeeping system.

Provision shall be made for promoting school attendance through adjustment of personal problems, education of parents, and enforcement of the compulsory attendance laws and related child-welfare legislation. Accordingly:

A. absences must be reported to the school by the parent or adult student as soon as practicable;

   Failure to report and explain the absence(s) shall result in unexcused absence(s). The final authority for determining acceptability of the reason for the absence(s) shall rest with the principal.

B. upon each unexcused absence, or absence for which the reason is unknown, the principal or designee shall contact the student's parent to determine the reason for the absence;

C. teachers shall record absentees each period of the school day and report absences, excused and unexcused, as required by the school;

D. insofar as possible, parents should be contacted each time their child has an unexcused absence, or an absence for which the reason is unknown, to prevent the development of patterns of nonattendance;

E. when a student has at least five (5) unexcused absences or absences for which the reasons are unknown, within a calendar month, or ten (10) unexcused absences, or absences for which the reasons are unknown, within a ninety (90) calendar day period, the teacher must report to the Principal that the child may be exhibiting a pattern of nonattendance. Unless there is clear evidence that the absences are not a pattern of nonattendance, the Principal will refer to the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, a meeting with the parent must be scheduled to identify potential remedies. The child study team may allow the parent to attend the meeting virtually or by telephone if the parent is unable to attend the meeting in person. If the parent or child fails to attend the child study team meeting, the meeting shall be held in their absence, and the child study team shall make written recommendations to remediate the truancy based upon the information available to the school. The recommendations shall be provided to the parent within seven (7) days after the child study team meeting.

   If the initial meeting does not resolve the problem problem is not resolved, the child study team shall implement the following:

   1. Frequent attempts at communication between the teacher and the family

   2. Attempt to determine the reasons the child is truant from school and provide remedies if available or refer the family to services, including referring the family for available scholarship options if the learning environment is an issue of concern.

   3. Evaluation for alternative education programs.

   4. Attendance contracts.

The child study team may, but is not required to, implement other interventions, including referral to the Department of Juvenile Justice's designated provider for voluntary family services or to other agencies for family services, or to recommend filing a truancy petition seeking early truancy intervention pursuant to F.S. 984.151.

If the Superintendent's final determination is that the strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate,

the Superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the Superintendent shall refer the case to the Department of Juvenile Justice's authorized agent which shall offer voluntary family services and schedule a meeting of the case staffing committee pursuant to F.S. 984.12. If the services do not remediate the child's truancy, the Superintendent or designee may file a truancy petition pursuant to the procedures in F.S. 984.151. If a student is responsive to these interventions and completes the necessary requirements to pass the current grade as indicated in the Student Progression Plan, the student may not be determined to be a habitual truant and shall be promoted.

Under the direction of the Superintendent, the social worker must provide written notice in person or by return-receipt mail to the parent, requiring the child's enrollment or attendance within three (3) days after the date of notice, when no valid reason is found for a student’s nonenrollment in school, the child is under compulsory education requirements and is not exempt.

A. If the child is not enrolled or in attendance in school within three (3) days after the notice being provided, the social worker must report the case to the Superintendent, who must refer the case to the child study team at the school the student would be assigned according to attendance area policies or to the case staffing committee, established pursuant to F.S. 984.12. In addition, the social worker may refer the case to the Department of Juvenile Justice's authorized agent for families in need of services.

B. The child study team shall diligently facilitate intervention services and shall report the case back to the Superintendent within fifteen (15) days after referral of the case if l reasonable efforts to resolve the non-enrollment behavior have been made and the child is still not attending school are exhausted.

C. If the parent still refuses to cooperate or enroll the child in school within fifteen (15) days after referral of the case to the child study, the Superintendent or designee must make a report to law enforcement and refer the case to the Office of the State Attorney to bring criminal prosecution against the parent. The Superintendent or designee shall give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The Superintendent or designee may file a truancy petition, as defined in F.S. 984.03, following the procedures outlined in F.S. 984.151.

A designated school representative may visit the home or place of residence of a student and any other place in which they are likely to find any student who is required to attend school when the student is not enrolled or is absent from school during school hours without an excuse. The designated school representative shall be accompanied on any

visit to the home or place of residence of a student by a law enforcement officer or social worker. As permitted in F.S. 984.13 and 1003.26, a child may be taken into custody by a designated school representative. The designated school representative must adhere to the following:

A. If the student is found by the designated school representative, the student shall be returned to their parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent.

B. If the parent cannot be located or is unavailable to take custody of the child, and the child is not to be presented to the child's school or tutor, the child shall be referred to the Department of Juvenile Justice's shelter or another facility. Upon receipt of the student, the parent shall be immediately notified.

C. If the student has not been assigned to an alternative school placement, the designated school representative shall deliver the child to the parent, legal guardian, or custodian, to a location determined by the parent, legal guardian, or custodian, or to a designated truancy interdiction site until the parent or guardian can be located.

The designated school representative shall report to the appropriate authority designated by law to receive such notices, all violations of the Child Labor Law that may come to their knowledge.

The designated school representative shall have the right of access to, and inspection of, establishments where minors may be employed or detained only for the purpose of ascertaining whether students of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if they find unsatisfactory working conditions or violations of the Child Labor Law, report those findings to the appropriate authority.

Each school should establish procedures to ensure good attendance.

Make-Up for Absences

For excused absences, the student shall have a reasonable amount of time, one (1) day for every day absent plus an additional day, to complete make-up work. Principals may grant extensions to the make-up time limit for extenuating circumstances.

For unexcused absences, each principal shall establish site-specific policies that encourage both regular attendance and high academic achievement, and shall review and modify these policies from time-to-time as required to maintain and improve their effectiveness.

Excused Absences

The Board considers the following factors to be reasonable excuses for time missed at school:

A. Personal illness of the student (medical evidence may be required by the principal or designee for absences exceeding five (5) consecutive days).

B. Court appearance of the student.

C. Pregnancy-related issues (see also Policy 5751).

D. Medical appointment of the student.

E. An approved school activity.

F. Insurmountable conditions. Insurmountable conditions are extreme weather conditions, communicable disease outbreaks, and local conditions determined by the School Authority which, after taking into account the material circumstances, would render impracticable a student's attendance at school. (F.A.C. 6A 1.09513)

G. Other absences with prior approval of the principal or designee.

H. Attendance at a center under Children and Families Services supervision.

I. Significant community events with prior permission of the Principal.

J. Religious instruction or religious holiday.

K. Death in the immediate family.

L. Appointments for a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to Florida law for the treatment of autism spectrum disorder, including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

Absences not included in excused absences listed above shall be unexcused.

Students may not be given excused absences to remain out of school for the purpose of working, unless the job is an integral part of the student's instructional program.

Discipline

No student will be suspended for unexcused tardiness, lateness, absence, or truancy but the student may be assigned to detention or placed in existing alternative programs.

Any student who fails to attend any regularly scheduled class and has no excuse for absence should be referred to the appropriate administrator. Disciplinary action should include notification to parents or guardians.

Grades

A student's grade in any course is based on his/her performance in the instructional setting and shall not be reduced for reasons of conduct. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned within the time frame granted by the administration for producing missed work.

Administrative Procedures

The Superintendent shall develop administrative procedures that:

A. provide the student and his/her parents the opportunity to challenge the attendance record prior to notification and that such notification complies with applicable Board rules;

B. require a school session that is in conformity with the rules of the State Board;

C. govern the keeping of attendance records in accordance with the rules of the State Board;

D. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;

E. require that students whose absence has been excused have an opportunity to make up work they missed and receive credit for the work, if completed;

F. require that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the Authority's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 or other appropriate accommodation.

Habitual Truancy

Whenever any student has a total of fifteen (15) unexcused absences from school within ninety (90) calendar days, with or without the knowledge or consent of the parent, s/he will be considered habitually truant. The Board authorizes the Superintendent or his/her designee to inform the student and his/her parents of the record of excessive absences as well as the Authority's intent to notify the Department of Highway Safety and Motor

Vehicles, if appropriate. The Superintendent is authorized to file a truancy petition under F.S. 984.151 if a student has accrued at least five (5) unexcused absences, or absences for which the reasons are unknown, within a calendar month or ten (10) unexcused absences, or absences for which the reasons are unknown within a ninety (90) calendar day period or has had more than fifteen (15) unexcused absences in a ninety (90) calendar day period.

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F.S. 984.151
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F.S. 1003.21
F.S. 1003.23
F.S. 1003.24
F.S. 1003.26
F.S. 1003.27
F.A.C. 6A-1.044, Pupil Attendance Records
F.A.C. 6A-1.09512, Equivalent Minimum School Term for Compulsory Attendance Purposes
F.A.C. 6A-1.09513, Parents' Responsibility for School Attendance
F.A.C. 6A-1.09514, Excused Absences for Religious Instruction or Holiday

STUDENTS

po5223

ABSENCES FOR RELIGIOUS INSTRUCTION

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

5223 - **ABSENCES FOR RELIGIOUS INSTRUCTION**

It is the policy of the Governing Board to cooperate with those parents who wish to provide for religious instruction for their children, but also recognizes its responsibility to enforce the attendance requirements set forth in the State-mandated Student Progression Plan.

Upon receipt of a signed, written request (Form 5223 F1) from the parent/guardian or adult student, the Board will grant permission and allow exceptions to the student's attendance at school for religious instruction outside the school building by a religious group, church, or denomination. The signed, written request shall include the following:

A. a statement attesting that the religious instruction is not provided at a time that conflicts with the student's attendance at school

B. a statement of acceptance by the parent/guardian or adult student for any liability that might arise as a result of the student's conduct while on this release; and

C. a statement of acknowledgement by the parent/guardian that the Authority is not responsible for any harm to the student or student's property that occurs while the student is away from Board property during the release.

Upon receipt of the signed, written request and provided the religious group, church, or denomination responsible for the religious instruction submits evidence, in writing, of the student's registration for religious instruction, as well as written weekly records documenting the student's attendance at such instruction for each day of release, the student shall be considered to have an excused absence during such release for religious instruction.

Prior to approving the request, the principal shall confirm that the student is enrolled in sufficient courses to allow for promotion or graduation and that the student's grades are adequate for promotion or graduation.

The principal may terminate the student's permission for non-attendance. The parent/guardian or adult student may appeal the principal's decisions to terminate permission for the student to be released for religious instruction to the Superintendent.

The religious instruction shall be the responsibility of the religious group, church, or denomination and transportation shall be the responsibility of the parent/guardian, adult student, or the religious institution.

No solicitation for attendance at religious instruction shall be permitted on Authority premises. No staff member shall encourage or discourage participation in any religious instructional program.

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F.A.C. 6A-1.09514

STUDENTS

po5225

ABSENCES FOR RELIGIOUS HOLIDAYS

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

5225 - **ABSENCES FOR RELIGIOUS HOLIDAYS**

It is the policy of the Governing Board that absences from school for the observance of a religious holiday or because of the tenets of a student's religion forbid secular activity during a school day or portion thereof shall be excused subject to compliance with this policy.

Set forth below is a list of religious holidays for which student absences will be excused. The absence will be excused only for the days on which the holiday is observed. The dates on which the holidays are observed will be verified through the use of various sources and may change due to the lunar, Gregorian, and Julian calendars.

A. Martyrdom of the Bab (Baha'i)

B. Hajj Day (Islam)

C. Tish'a B'Av (Jewish)

D. Yawm al-Arafa (Islam Dawoodi Bohra)

E. Eid al-Adha (Islam Dawoodi Bohra)

F. Eid al-Adha (Islam)

G. Asalha Puja Day (Buddhist)

H. Guru Purnima

I. Eid-e-Ghadeer (Islam Dawoodi Bohra)

J. Transfiguration of the Lord (Eastern Orthodox Christian)

K. 1st Muharram (Islamic New Year)

L. 1st Muharram (Islam Dawoodi Bohra)

M. Ashara Mubaraka (Islam Dawoodi Bohra)

N. Onam (Hindu)

O. Naga Panchami (Hindu)

P. Obon (Buddhist)

Q. Feast of the Assumption of Blessed Virgin Mary (Catholic Christian)

R. Dormition of the Theotokos (Orthodox Christian)

S. Yawm Aashura (Islam Dawoodi Bohra)

T. Ulambana (Buddhist)

U. Raksha Bandhan (Hindu)

V. Krishna Janmashtami (Hindu)

W. Fast in Honor of the Holy Mother of Lord Jesus (Eastern Orthodox Christian)

X. Lammas (Christian and Wicca)

Y. Ecclesiastical Year begins (Eastern Orthodox Christian)

Z. Paryushana (Jain)

AA. Rosh Hashana (Jewish)

AB. His Holiness Sakya Trizin's Birthday (Buddhist)

AC. Feast of Trumpets (Church of God, Philadelphia Church of God)

AD. Sh'mini Atzeret (Jewish)

AE. Nativity of Mary (Christian)

AF. Ganesh Chaturthi (Hindu)

AG. Yom Kippur (Jewish)

AH. Day of Atonement (Christian, Church of God, Philadelphia Church of God)

AI. Nativity of the Theotokos (Eastern Orthodox Christian)

AJ. Sukkot (Jewish)

AK. Feast of Tabernacles (Church of God, Philadelphia Church of God)

AL. Mabon (Wicca/Pagan)

AM. The Elevation of the Holy Cross (Eastern Orthodox Christian)

AN. Chehlum Imam Hussain (Islam Dawoodi Bohra)

AO. Last Great Day (Church of God, Philadelphia Church of God)

AP. Simchat Torah (Jewish)

AQ. Navaratri (Hindu)

AR. Milad an-Nabi (Islam Dawoodi Bohra)

AS. Maulid al-Nabi (Islam) Birth of B'ab (Baha'i)

AT. Installation of Scriptures of Guru Granth (Sikh)

AU. Urus-Syedna Mohammad Burhanuddin (Islam Dawoodi Bohra)

AV. All Saints' Day (Christian)

AW. Samhain-Beltane (Wicca)

AX. All Souls' Day (Christian)

AY. Goverdhan Puja (Hindu)

AZ. Birth of Baha'u'llah (Baha'i)

BA. Milad Imam-uz-Zamaan (Islam Dawoodi Bohra)

BB. Diwali (Hindu, Jain, Puja, Deepavali, and Sikh)

BC. The Presentation of the Theotokos to the Temple (Eastern Orthodox Christian)

BD. Guru Tegh Bahadur Martyrdom (Sikh)

BE. Day of Covenant (Baha'i)

BF. Milad Syedna Mohammed Burhanuddin (Islam Dawoodi Bohra)

BG. Ascension of 'Abdul'l Baha (Baha'i)

BH. Nativity Fast begins (Eastern Orthodox Christian)

BI. First Sunday of Advent (Christian)

BJ. Hanukkah (Jewish)

BK. Guru Nanak Dev Sahib Birthday (Sikh)

BL. Immaculate Conception (Christian)

BM. Yule (Wicca and Christian)

BN. Christmas (Christian)

BO. The Nativity of Christ (Eastern Orthodox Christian)

BP. Zarathosht Diso (Zoroastrian)

BQ. Gantan-sai (Shinto)

BR. Mary, Mother of God (Catholic Christian)

BS. Holy Convocation (Church of God and Saints of Christ)

BT. Birthday of Guru Gobindh Singh Sahib (Sikh)

BU. Feast of Epiphany (Christian)

BV. Feast of Theophany (Eastern Orthodox Christian)

BW. Nativity of Christ (Armenian Orthodox)

BX. Feast of the Nativity (Eastern Orthodox Christian)

BY. Maghi (Sikh)

BZ. Makar Sankranti and Pongal (Hindu)

CA. World Religion Day (Baha'i)

CB. Tu B'shvat (Jewish)

CC. Chinese/Lunar New Year (Confucian, Daoist, Buddhist)

CD. The Presentation of Our Lord to the Temple (Eastern Orthodox Christian)

CE. Imbolic-Candlemas (Wicca and Christian)

CF. Midwinter Ceremonies (Native American)

CG. Vasant Panchami (Hindu)

CH. Nirvana Day (Buddhist)

CI. Ayyam al Beez (Islam Dawoodi Bohra)

CJ. Jonah's Passover (Eastern Orthodox Church)

CK. Urus - Syedna Taher Saifuddin (Islam Dawoodi Bohra)

CL. Intercalary Days (Baha'i)

CM. Yawm al-Mab'ath (Islam Dawoodi Bohra)

CN. Shrove Tuesday (Christian)

CO. Maha Shivaratri (Hindu)

CP. Lailat al Miraj (Islam)

CQ. Ash Wednesday (Christian)

CR. Clean Monday (Eastern Orthodox Christian)

CS. L. Ron Hubbard's Birthday (Church of Scientology)

CT. Purim (Jewish)

CU. Holi (Hindu)

CV. Hola Mohalla (Sikh)

CW. Lailat al Bara'ah (Islam)

CX. Ostara (Wicca)

CY. Naw-Ryz (Baha'i)

CZ. Nowruz (Zoroastrian)

DA. Annunciation of the Virgin Mary (Christian)

DB. The Annunciation of the Theotokos (Eastern Orthodox Christian)

DC. Khordad Sal (Zoroastrian)

DD. Souramana Yugadi (Hindu)

DE. Chandramana Yugadi (Hindu)

DF. Ramadan (Islam)

DG. Visakha Puja (Buddhist)

DH. Buddha's Birthday/Buddha Day

DI. Palm Sunday

DJ. Ramnavami (Hindu)

DK. Memorial of the Feast of the Lord's Passover (Church of God and Saints of Christ)

DL. Holy Thursday (Christian)

DM. Mahavir Jayanti (Jain)

DN. Holy Friday (Christian)

DO. Passover/Days of Unleavened Bread (Church of God and Saints of Christ)

DP. Lord's Evening Meal (Christian, Jehovah's Witness)

DQ. Passover (United Church of God)

DR. Passover (Jewish)

DS. Lazarus Saturday (Eastern Orthodox Christian)

DT. Theravadin New Year (Buddhist)

DU. First Day of Unleavened Bread (Church of God)

DV. Days of Unleavened Bread (Philadelphia Church of God)

DW. Easter (Christian)

DX. Palm Sunday (Eastern Orthodox Christian)

DY. Easter Monday (Christian)

DZ. First Day of Ridvan (Baha'i)

EA. Shahadat - Amirul Mumineed (Islam Dawoodi Bohra)

EB. Holy Thursday (Eastern Orthodox Christian)

EC. Holy Friday (Eastern Orthodox Christian)

ED. The Last Friday of the Great Lent (Eastern Orthodox Church)

EE. Last Day of Unleavened Bread (Church of God)

EF. Laylatul Qadr (Islam Dawoodi Bohra)

EG. Easter (Eastern Orthodox Christian)

EH. Milad Syedna Mufaddal Saifuddin (Islam Dawoodi Bohra)

EI. The 11th Panchen Lama's Birthday (Buddhist)

EJ. Bright Monday (Eastern Orthodox Christian)

EK. Hanuman Jayanti (Hindu)

EL. Ninth Day of Ridvan (Baha'i)

EM. Laylatul Qadr (Islam)

EN. Aakhir Jumo'a (Islam Dawoodi Bohra)

EO. Beltane (Wicca)

EP. Twelfth Day of Ridvan (Baha'i)

EQ. Eid al-Fitr (Islam Dawoodi Bohra)

ER. Eid al Fitr (Islam)

ES. Yom Ha'Azmaut (Jewish)

ET. Declaration of the Bab (Baha'i)

EU. Ascension of Our Lord (Christian)

EV. Ascension of Baha'u'llah (Baha'i)

EW. Pentecost (Christian)

EX. Shavuot (Jewish)

EY. Pentecost (Eastern Orthodox Christian)

EZ. Martyrdom of Guru Arjan Dev Sahib (Sikh)

FA. Fast of the Holy Apostles (Eastern Orthodox Christian)

FB. Litha (Wicca)

The Superintendent shall establish procedures and time limits to be observed:

A. by students, teachers, and administrators in making available to each student, so excused, an opportunity to make up any examination, study, or work assignment which has been missed;

B. by a student's parent(s) or guardian when giving prior notice of the student's intended absence; and

C. when giving affected students and parents an opportunity to be heard in connection with the decision not to excuse an absence on a day or portion thereof which is not included in the above list of religious holidays.

Revised 3/9/21
Revised 12/14/21
Revised 11/12/24

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F.S. 1003.21
F.A.C. 6A-1.09514

STUDENTS

po5230

LATE ARRIVAL AND EARLY DISMISSAL

ADOPTED Apr 12, 2016

5230 - **LATE ARRIVAL AND EARLY DISMISSAL**

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the Authority.

The Governing Board recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

As the agent responsible for the education of the children of this Authority, the Board shall require that the school be notified in advance of such absences by request of the student's parent, which shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the principal.

No student shall be permitted to leave school prior to dismissal at the request of or in the company of anyone other than a school employee, a police officer with judicial authority, a court official, or the parents of the student unless the permission of the parent or guardian of record be first secured. Parents or guardians may have access to the student or may grant permission to allow the student to leave school prior to dismissal unless the school has been provided with evidence that there is a legally binding instrument or court order governing such matters as divorce, separation, or custody that provides to the contrary. The parent of primary residential custody shall determine in writing, the individual(s) to whom the student may be released, unless otherwise stated in or by a court order.

Nor student shall be sent from school grounds to perform an errand or act as a messenger except with the approval of the principal and only for urgent and necessary school business and with the consent of the student's parents or guardians.

No student who has a medical disability that may be incapacitating may be released without a person to accompany him/her.

No student shall be released to anyone who is not authorized such custody by the parents.

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F.S. 1001.43

STUDENTS

po5310

HEALTH SERVICES

ADOPTED Apr 12, 2016

5310 - **HEALTH SERVICES**

The Authority may provide or request parents to provide:

A. general physical examinations for athletics;

B. dental examinations;

C. tests for communicable disease;

D. vision and/or audiometric screening;

E. scoliosis tests.

If the Authority chooses to provide nonemergency physical exams or screenings, the Superintendent shall directly notify the parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening is scheduled or expected to be scheduled for students if examination or screening is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of a specific student, or other students.

The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Unless the physical examination or screening is permitted or required by an applicable State law, parents may refuse to allow the Governing Board to administer a nonemergency, invasive physical examination or screening upon written notification to the Board within ten (10) days after receipt of the Board's annual public notice.

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20 U.S.C. 1232(h)
F.S. 381.0056

STUDENTS

po5320

IMMUNIZATION AND HEALTH EXAMINATION

ADOPTED Apr 12, 2016 · REVISED Mar 9, 2021

5320 - **IMMUNIZATION AND HEALTH EXAMINATION**

In order to safeguard the school community from the spread of certain communicable diseases, students are required to undergo a health examination and to be immunized against such diseases, as follows.

Health Examination

Each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public school in the District, must have a certification of a school-entry health examination performed within one (1) year before enrollment in school. A student shall have up to thirty (30) school days to present a certification of a school-entry health examination. Children and youths who are experiencing homelessness and children who are known to the department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days. The school health services plan shall contain provisions to assist students in obtaining the health examinations. However, a child shall be exempted from the requirement of a health examination upon written request of the parent of the child stating objections to the examination on religious grounds.

Immunization

Prior to admittance to or attendance in a public school in the District, grades pre-kindergarten through 12, or any other initial entrance into a Florida public school, each child shall present or have on file with the immunization registry a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health, . Any child who is excluded from participation in the immunization registry pursuant to F.S. 381.003(1, e)2 must present or have on file with the school such certification of immunization. Certification of immunization shall be made on forms approved and provided by the Department of Health or be on file with the immunization registry and shall become a part of each student's permanent record, to be transferred when the student transfers, is promoted, or changes schools. The transfer of such immunization certification shall be accomplished using the Florida Automated System for Transferring Education Records and shall be deemed to satisfy the requirements of this paragraph.

Immunizations shall be required for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, varicella (chicken pox), tetanus, and other communicable diseases as determined by rules of the Department of Health.

The manner and frequency of administration of the immunization or testing shall conform to recognized standards of medical practice. Immunizations required by this policy are available at no cost from the county health department.

The provisions of this policy shall not apply if:

A. the parent of the child objects in writing that the administration of immunizing agents conflicts with his/her religious tenets or practices;

B. a physician licensed under the provisions of F.S. Chapter 458 or Chapter 459 certifies in writing, on a form approved and provided by the Department of Health, that the child should be permanently exempt from the required immunization for medical reasons stated in writing, based upon valid clinical reasoning or evidence, demonstrating the need for the permanent exemption;

C. a physician licensed under the provisions of F.S. Chapter 458, Chapter 459, or Chapter 460 certifies in writing, on a form approved and provided by the Department of Health, that the child has received as many immunizations as are medically indicated at the time and is in the process of completing necessary immunizations;

D. the Department of Health determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous; or

E. the principal issues a temporary exemption, for up to thirty (30) school days, to permit a student who transfers from another district or school system to attend class until his/her records can be obtained. Children and youths who are experiencing homelessness and children who are known to the department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days.

The school nurse is responsible for follow-up of each such student until proper documentation or immunizations are obtained. An exemption for thirty (30) days may be issued for a student who enters a juvenile justice program to permit the student to attend class until his/her records can be obtained or until the immunizations can be obtained. An authorized juvenile justice official is responsible for follow-up of each student who enters a juvenile justice program until proper documentation or immunizations are obtained.

No person licensed by this State as a physician or nurse shall be liable for any injury caused by his/her action or failure to act in the administration of a vaccine or other immunizing agent pursuant to the provisions of this policy if the person acts as a

reasonably prudent person with similar professional training would have acted under the same or similar circumstances.

No member of the Board or any of its employees shall be liable for any injury caused by the administration of a vaccine to any student who is required to be so immunized or for a failure to diagnose scoliosis pursuant to the provisions of this policy.

The parents of any child admitted to or in attendance at a public school, grades prekindergarten through 12, are responsible for assuring that the child is in compliance with the provisions of this policy.

Each school, including public kindergarten, shall provide to the county health department director or administrator annual reports of compliance with the provisions of this policy. Reports shall be completed on forms provided by the Department of Health for each kindergarten and other grade as specified, and the reports shall include the status of children who were admitted at the beginning of the school year.

The presence of any of the communicable diseases for which immunization is required by the Department of Health in a school shall permit the county health department director or administrator or the State Health Officer to declare a communicable disease emergency. The declaration of such emergency shall mandate that all students in attendance in the school who are not in compliance with the provisions of this policy be identified by the Board, and the school health and immunization records of such children shall be made available to the county health department director or administrator. Those children identified as not being immunized against the disease for which the emergency has been declared shall be temporarily excluded from school until such time as is specified by the county health department director or administrator.

Any child otherwise entitled to admittance to kindergarten or any other initial entrance into a Florida public or private school who is not in compliance with the requirements of this policy shall be denied admittance until such requirements are satisfied.

The provisions of this policy do not apply to those persons admitted to or attending adult education classes unless the adult students are under twenty-one (21) years of age.

Any immunization program conducted by the Authority requires prior approval of the Board and can only extend to those immunizations provided for by statute and Board policy.

Revised 3/9/21

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F.S. 1003.22

F.A.C. 64D-3.046, Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

STUDENTS

po5330

USE OF MEDICATIONS

ADOPTED Apr 12, 2016

5330 - **USE OF MEDICATIONS**

The Governing Board shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or if the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, "medication" shall include all medicines including those prescribed by a physician and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Before any prescribed medication or treatment may be administered to any student during school hours, the Board shall require the written prescription from the child's physician accompanied by the written authorization of the parent. Before any nonprescribed medication or treatment may be administered, the Board shall require the prior written consent of the parent along with a waiver of any liability of the System for the administration of the medication. These documents shall be kept in the office of the school clinic, and made available to the persons designated by this policy as authorized to administer medication or treatment. No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule will be considered violations of Policy 5530 - *Drug Prevention* and of the Student Code of Conduct/Discipline Code.

Only medication in its original container; labeled with the date, if a prescription; the student's name; and exact dosage will be administered. The Superintendent shall determine a location in each building where the medications to be administered under this policy shall be stored, which shall be a locked storage place, unless the medications require refrigeration in which case they shall be stored in a refrigerator not commonly used by students. Parents or students authorized in writing by physician and parents, may administer medication or treatment but only in the presence of another adult.

However, students shall be permitted to carry and use, as necessary, an asthma inhaler, provided the student has prior written permission from his/her parent and physician and has submitted Form 5330 F3, *Authorization for the Possession and Use of Asthma Inhalers*, to the principal and any school nurse assigned to the building.

The following staff are designated as being authorized to administer medication and treatment to students:

A. principal

B. school nurse

C. building secretary

D. clinic assistant

Additionally the Board shall permit the administration by a licensed nurse or other authorized staff member of any medication requiring intravenous or intramuscular injection or the insertion of a device into the body when both the medication and the procedure are prescribed by a physician and the nurse/staff member has completed any and all necessary training.

Students who may require administration of an emergency medication may have such medication, identified as aforenoted, stored in the school clinic office, and administered in accord with this policy.

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F.S. 1006.062

STUDENTS

po5330.01

EPINEPHRINE, ANAPHYLAXIS, AND SELF-ADMINISTERED MEDICATION

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

5330.01 - **EPINEPHRINE, ANAPHYLAXIS, AND SELF-ADMINISTERED MEDICATION**

The Governing Board authorizes the Superintendent to adopt a protocol developed by a licensed physician for the administration of epinephrine by school personnel who are trained to recognize an anaphylactic reaction and to administer an epinephrine auto-injection.

A student may carry and self-administer a short-acting bronchodilator, epinephrine auto injector, prescribed pancreatic enzyme supplement and/or may carry diabetic supplies and equipment to manage and care for their diabetes, provided the student's parent or guardian provides the following:

A. For self-administration of a short-acting bronchodilator, the parent or guardian must provide the System with a written authorization that is signed and dated by both the parent or guardian and physician. The written approval by the physician must include the following:

    1. name of the medication in the metered dose inhaler;

    2. the prescribed dosage;

    3. the times or the special circumstances under which the medication is to be administered; and

    4. any other special related information regarding the administration of the metered dose inhaler.

B. For self-administration of an epinephrine auto-injector, the parent or guardian must provide the System with a written authorization that is signed and dated by both the parent or guardian and the physician. The written approval by the physician must include:

    1. the times or the special circumstances under which the medication is to be administered; and

2. any other special related information regarding the administration of the epinephrine auto-injected.

C. For self-administration of prescribed pancreatic enzyme supplements, the parent or guardian must provide the System with a written authorization that is signed and dated and provide the prescription label containing the following:

1. name of the medication;

2. the prescribed dosage;

3. the times or the special circumstances under which the medication is to be administered; and

4. any other special related information regarding the administration of the medication.

(see also Policy 5780, item I, *Epinephrine Use and Supply*)

D. For the use of a diabetic supplies and equipment, the parent or guardian must submit written authorization from the student's physician, containing the following:

1. an identification of the diabetic supplies and equipment the student is authorized to carry;

2. a description of which activities the child is capable of performing without assistance;

3. the times or the special circumstances under which the medication is to be administered;

4. any other special related information regarding the administration of the medication.

When providing the Authority with written authorization that is signed and dated by both the parent or guardian and the physician as required by State law and this policy, that written authorization must also include indemnification by the parent or guardian of the Authority, county health department, public-private partner, and their employees and volunteers for any and all liability for a student who does any of the following:

A. self-administer an epinephrine auto-injector;

B. carries diabetic supplies and equipment on their person and attends to the management and care of their diabetes while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities to

the extent authorized by the parent and physician and within the parameters set forth by the State Board of Education; or

C. use prescribed pancreatic enzyme supplements.

Training on the Prevention and Response to Allergic Reactions, Including Anaphylaxis

Each school serving students in kindergarten through grade 8 shall provide training to an adequate number of school personnel and contracted personnel on the prevention and response to allergic reactions, including anaphylaxis. This training or other training which meets the requirements of F.S.1002.20 may be used as part of the training required under F.A.C. 6A-6.0251.

In determining what constitutes an adequate number of school personnel and contracted personnel identified for training, each school shall consider the following:

A. the number of students with an Individualized Healthcare Plan at the school;

B. the number of students who have experienced or are at risk of experiencing an allergic reaction, including anaphylaxis;

C. the accessibility of healthcare personnel at the school; and

D. the number of trained persons needed to ensure coverage of areas where there is a higher probability of student exposure to allergens, such as the cafeteria and playgrounds.

The training provided at each school must include, at a minimum, the following:

A. recognition of the signs and symptoms of an anaphylactic reaction; and

B. administration of a United States Food and Drug Administration-approved epinephrine delivery device that contains a pre-measured, appropriate weight-based dose in accordance with F.S. 1006.062.

Emergency Action Plans

Emergency action plans (EAP) are child-specific action plans distributed to appropriate school and contracted personnel to facilitate an appropriate response for an anticipated health emergency. The EAP is a component of the Individualized Healthcare Plan developed in accordance with F.S. 1006.062 and F.A.C. 64F-6.004. It is the policy of the Board that:

A. a student's EAP must be in effect and accessible at all times when the student is on school grounds during the school day or participating in school-sponsored activities,

including before and after school programs at the school;

B. personnel designated to implement a student's EAP receive training in order to implement the plan; and

C. this policy and any applicable procedures apply, at a minimum, to students in kindergarten through grade 8.

Epinephrine Use and Supply

School principals may request and be granted permission by the Superintendent to purchase from a wholesale distributor, as defined in F.S. 499.003 and identified by the Authority's Director of Purchasing, and maintain in a locked, secure location on school premises a supply of epinephrine auto-injects for use if a student is having an anaphylactic reaction.

The Superintendent shall adopt a protocol developed by a licensed physician for the administration by school personnel who are trained to recognize an anaphylactic reaction and to administer an epinephrine auto-injection.

The supply of epinephrine auto-injectors may be provided to and used by a student authorized to self-administer epinephrine by auto-injector under F.S. 1000.20(3)(i)(1) or trained school personnel.

The Board and its employees and agents, including the physician who provides the standing protocol for school epinephrine auto-injectors, are not liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:

A. unless the trained school personnel's action is willful and wanton;

B. notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the Authority is not liable; and

C. regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician's assistant, or advanced registered nurse practitioner.

(see also Policy 5780 - *Student/Parent Rights*)

Revised 8/14/18
Revised 9/16/25

Revised 3/10/26
Revised 4/14/26

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Legal
F.S. 381.88
F.S. 1002.20
F.A.C. 6A-6.0251, Use of Epinephrine Auto-Injectors
F.A.C. 6A-6.0252, Use of Prescribed Pancreatic Enzyme Supplements
F.A.C. 6A-6.0253, Diabetes Management

STUDENTS

po5330.04

ADMINISTRATION OF SHORT-ACTING BRONCHODILATORS AND COMPONENTS BY TRAINED SCHOOL PERSONNEL

ADOPTED Sep 16, 2024

5330.04 - **ADMINISTRATION OF SHORT-ACTING BRONCHODILATORS AND COMPONENTS BY TRAINED SCHOOL PERSONNEL**

The Governing Board authorizes the Superintendent to adopt a protocol developed by a licensed physician under F.S. Chapter 458 or Chapter 459 for the administration of short-acting bronchodilators or components by school personnel who are trained to recognize symptoms of respiratory distress and to administer a short-acting bronchodilator or components.

Definitions

A. "Administer" means to give or directly apply a short-acting bronchodilator or components to a student.

B. "Asthma" means a chronic lung disease that inflames and narrows the airways, which can manifest as wheezing, chest tightness, shortness of breath, and coughing.

C. "Authorized health care practitioner" means a physician licensed under F.S. Chapter 458 or Chapter 459, a physician assistant licensed under F.S. Chapter 458 or Chapter 459, or an advanced practice registered nurse licensed under F.S. Chapter 464.

D. "Components" means devices used as part of clinically recommended use of short-acting bronchodilators, which may include spacers, valved holding chambers, or nebulizers.

E. "Respiratory distress" refers to an individual experiencing difficulty breathing, which can be caused by a multitude of medical factors, including chronic diseases such as asthma.

F. "Short-acting bronchodilator" means a beta-2 agonist, such as albuterol, used for the quick relief of asthma symptoms and recommended by the National Heart, Lung, and Blood Institute's National Asthma Education and Prevention Program

Guidelines for the Treatment of Asthma. These bronchodilators may include an orally inhaled medication that contains a premeasured single dose of albuterol or albuterol sulfate delivered by a nebulizer or compressor device or by a pressured metered-dose inhaler used to treat respiratory distress, including, but not limited to, wheezing, shortness of breath, and difficulty breathing, or another dosage of a short-acting bronchodilator recommended in the Guidelines for the Treatment of Asthma.

Authorized Health Care Practitioner Prescription

Pursuant to State law, an authorized health care practitioner may prescribe short-acting bronchodilators and components in the name of a public school for use in accordance with F.S. 1002.20 and a licensed pharmacist may dispense short-acting bronchodilators and components pursuant to a prescription issued in the name of a public school for use in accordance with F.S. 1002.20.

Protocol for Administration of Short-Acting Broncholidators or Components

The CCCCSA shall adopt and follow a protocol developed by a physician licensed under F.S. Chapter 458 or Chapter 459 for the administration of short-acting bronchodilators or components by school personnel who are trained to recognize symptoms of respiratory distress and to administer a short-acting bronchodilator or components.

The protocol shall include guidance for administering short-acting bronchodilators or components in instances of respiratory distress for a student with a known diagnosis of asthma and if approved by the CCCCSA for students with no known diagnosis of asthma. The CCCCSA shall make available to school personnel guidance for such administration.

A school nurse or trained school personnel shall only administer short-acting bronchodilators and components to students if they have successfully completed training and believe in good faith that the student is experiencing respiratory distress, regardless of whether the student has a prescription for a short-acting bronchodilator and components or has previously been diagnosed with asthma.

The CCCCSA shall provide written notice to the parent of each student enrolled in the CCCCSA of the CCCCSA's adopted protocol.

School principals must obtain prior written permission from the parent or guardian to administer a short-acting bronchodilator or components to a student. If parental consent is not on file with the CCCCSA, CCCCSA personnel should contact 911 in the case of an emergency.

Acquisition and Storage of Short-Acting Bronchodilators and Components

School principals may request and be granted permission by the Superintendent to acquire and stock a supply of short-acting bronchodilators and components from a wholesale distributor as defined in F.S. 499.003 or the CCCCSA may enter into an arrangement with a wholesale distributor or manufacturer as defined in F.S. 499.003 for short-acting bronchodilators and components at fair-market, free, or reduced prices pursuant to a prescription issued in accordance with this policy and F.S. 1002.20. The short-acting bronchodilators and components must be maintained in a secure location on a school's premises.

School principals may accept with permission granted by the Superintendent short-acting bronchodilators and components as a donation or transfer if they are new, unexpired, manufacturer-sealed, not subject to recall, unadulterated, and in compliance with relevant regulations adopted by the United States Food and Drug Administration.

The supply of short-acting bronchodilators and components may be provided to and used by a trained school personnel member or a student authorized to self-administer a short-acting bronchodilator and components.

A school nurse or school personnel trained in the administration of short-acting bronchodilator and components who administers or attempts to administer a short-acting bronchodilator or components in compliance with this policy, F.S. 768.13, and F.S. 1002.20, and the CCCCSA (if it employs the school nurse or the trained school personnel) are immune from civil or criminal liability as a result of such administration or attempted administration of a short-acting bronchodilator or components.

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F.S. 1002.20

STUDENTS

po5335

CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

5335 - **CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS**

Students with chronic health conditions will be provided with a free appropriate public education. If their impairment does not require specially designed instruction for them to benefit educationally, they will be eligible for accommodations/modifications/interventions of the regular classroom, curriculum, or activity (i.e. the school setting) so that they have the same access to an education as students without disabilities. Such accommodations/modifications/interventions may be provided pursuant to a Section 504 Plan (Form 2260.01 F13).

Chronic health conditions, for the purposes of this policy, shall include:

A. "peanut" and other food allergies;

B. allergies;

C. asthma;

D. diabetes;

E. epilepsy and seizure disorders (see AP 5335 which relates to the care of students with epilepsy or seizure disorders).

All information regarding student identification, health care management, and emergency care shall be safeguarded as personally identifiable information in accordance with Policy 8330 and Policy 8350.

The Authority will coordinate school health practices for management of a chronic health condition and shall provide for:

A. identification of individuals with chronic health conditions;

B. development of individual health care action plans;

C. coordination of health care management activities by school staff;

D. communication among school staff who interact with children with chronic health conditions;

E. development of protocols to prevent exposure/episodic reactions;

F. awareness and training of school staff regarding Governing Board policy on acute and routine management of chronic health conditions, information on signs and treatment of chronic health conditions, medication and administration, and emergency protocols for dealing with reactions in "unusual" situations such as field trips.

School health practices shall provide students with chronic health conditions the opportunity for:

A. full participation in physical activities when students are well;

B. modified activities as indicated by the student's health care action plan, 504 plan, or Individualized Education Plan (IEP);

C. access to preventative medications before activity (as prescribed by their medical providers) and immediate access to emergency medications during activity;

D. communication regarding student health status between parents, physicians, teachers (particularly physical education teachers), and coaches.

Healthcare management activities shall include:

A. procedures to obtain, maintain, and utilize written health care action plans, signed by the child's parents and physician, for each student with a chronic health condition;

B. a standard emergency protocol in place for students experiencing a distress reaction if they do not have a written health care action plan on site;

C. established communication strategies for students to use to tell an adult they may be having a health-related problem;

D. procedures for students to have immediate access to medications in accordance with Policy 5330 and AP 5330 that allow students to self-care and self-administer medications, inhalers, and Epi-pens, as prescribed by a medical professional and approved by parents/guardians;

E. prevention strategies to avoid causal elements;

F. case management for students with frequent school absences, school health office visits, emergency department visits, or hospitalizations due to chronic health conditions;

G. management and care of the student's chronic health condition in the classroom, in any area of the school or school grounds, or at any school related activity or event.

Staff will be trained about chronic health conditions and their control at least annually in each school in which there is a student with a chronic health condition.

Designated staff who have responsibility for specialized services such as giving inhaler treatments or injections, or conducting glucose and/or ketone tests shall be provided training specific to the procedures, by a licensed health professional.

The school nurse shall maintain a copy of the training program and the records of training completed by school employees.

Revised 11/18/22

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F.S. 381.88

STUDENTS

po5335.01

DIET MODIFICATIONS

ADOPTED Apr 12, 2016

5335.01 - **DIET MODIFICATIONS**

The Governing Board recognizes that some students need dietary modifications.

Students with a food allergy classified as a disability under Section 504 of the Rehabilitation Act or Part B of IDEA (Individuals with Disabilities Education Act) are entitled to receive appropriate substitutions of food items when the allergen could result in severe, life- threatening (anaphylactic) reaction.

Substitutions to the standard meal requirements shall be made, at no additional charge, for students who are certified by a licensed physician to have a disability which restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. 15(b)(3). To qualify for such substitutions the medical certification must identify:

A. the student's disability and the major life activity affected by the disability;

B. an explanation of why the disability affects the student's diet; and

C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

On a case-by-case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who are not "disabled persons", but have a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:

A. the medical or dietary need that restricts the student's diet; and

B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

For non-disabled students who need a nutritional equivalent milk substitute, only a signed requested by a parent or guardian is required.

The parent shall contact the cafeteria manager to obtain the appropriate form required to document the need for a dietary modification, provide verification from a licensed health care provider, and request the substitution of food items.

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7 C.F.R. Part 15b, USDA Regulations

STUDENTS

po5340

STUDENT ACCIDENTS

ADOPTED Apr 12, 2016

5340 - **STUDENT ACCIDENTS**

The Governing Board believes that school personnel have certain responsibilities in case of accidents that occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administrative personnel, notification of parents, and the filing of accident reports.

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident.

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F.S. 381.0056
F.S. 1001.43

STUDENTS

po5341

EMERGENCY MEDICAL AUTHORIZATION

ADOPTED Apr 12, 2016

5341 - **EMERGENCY MEDICAL AUTHORIZATION**

The Authority will distribute annually to parents or guardians of all students the Emergency Medical Authorization Form. In the event emergency medical treatment for a student is necessary, the Authority will adhere to the instructions on the authorization form.

The Emergency Medical Authorization Form will be kept in a separate, easily accessible file in each school building during the school year.

Any time a student or a group of students is taken out of the Authority to participate in a school event, the staff in charge of the event must take the Emergency Medical Forms for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

Whenever it is necessary for staff members to use emergency procedures in order to care properly for a student, they are to follow the procedures described in the Superintendent's administrative procedures.

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F.S. 1001.43
F.S. 1006.062

STUDENTS

po5350

STUDENT SUICIDE PREVENTION, AWARENESS, AND SCREENING

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

5350 - **STUDENT SUICIDE PREVENTION, AWARENESS, AND SCREENING**

The Governing Board recognizes that suicide is one of the leading causes of death for Florida's youth. To address the prevalence of student suicide, the Board believes there must be a partnership between families, the community, and schools. It is critical for families and community members to communicate with and provide information to school staff to identify students at risk of suicide.

All school personnel should be alert to signs of suicide ideation and to students who threaten or attempt suicide. Suicide ideation is the process of fantasizing, planning, practicing, and motivating oneself to commit suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness. Families, community members, and students are encouraged to report any such signs to the Principal.

The School Board of Lee County will provide access to suicide prevention educational resources to all instructional and administrative staff of the CCCCSA as part of the Authority's professional learning program. The suicide educational resources will include material approved by the Statewide Office for Suicide Prevention, the Florida Suicide Prevention Coalition, and the Coordinated School Health Resource Center. The Authority's student personnel services staff will be responsible for providing suicide prevention, awareness, and screening training and resources to students and staff.

Signs of Suicidal Ideations

All school personnel should be alert to signs of suicide ideation and to students who threaten or attempt suicide. Suicide ideation is the process of fantasizing, planning, practicing, and motivating oneself to commit suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness. Families, community members, and students are encouraged to report any such signs to the Principal.

Suicide Risk Assessments

All schools and local mobile response teams shall use the same suicide screening instrument approved by the Florida Department of Education (FLDOE) pursuant to F.S. 1012.583.

Only school-based mental health service providers who have been trained in the use of the instruments utilized by the District may give a risk assessment to a student expressing suicidal ideation or suicidal intent.

A "school-based mental health services provider" means a school psychologist certified under F.A.C. 6A-4.0311, a school social worker certified under F.A.C. 6A-4.035, a school counselor certified under F.A.C. 6A-4.0181, or a mental health professional licensed under F.S. Chapters 490 or 491, who is employed or contracted by the District to provide mental health services in its schools.

If a trained school-based mental health services provider is unavailable, a contracted certified or licensed mental health provider may evaluate students in the District for suicide risk, including the mobile response teams serving the District.

When a suicide risk assessment results in the initiation of an involuntary examination, the Principal is required to make a reasonable attempt to notify the student's parent(s) before the student is removed from school, school transportation, or a school-sponsored activity, unless notification is delayed pursuant to F.S. 1002.20.

When a suicide risk assessment results in a change in related services or monitoring, a student's parent(s) must be notified as soon as possible, unless notification is withheld or delayed pursuant to AP 1213, AP 3213, or AP 4213 - *Student Supervision and Welfare*

Youth Suicide Awareness and Prevention Training

A two (2) hour continuing education training program of youth suicide awareness and prevention utilizing training materials from the list approved by the Florida Department of Education (FLDOE) shall be developed. The training will include an interactive component conducted by a school-based mental health services provider that addresses the following District or school-specific information:

A. identification of school-based mental health services providers available to the school and community-based mental health providers;

B. Board policies and District procedures for responding to a student with suicidal ideation or suicidal intent;

C. District guidelines for informing parents of suicide risk; and,

D. information on how to refer youth and families for mental health services in the community.

Instruction about how to identify appropriate mental health services and how to refer youth and their families to those services shall be included in the program. If provided at a school, the training shall be included in the existing continuing education or in-service training requirements for instructional personnel.

Suicide Prevention Certified Schools

Any District school that meets the following requirements shall be considered a "Suicide Prevention Certified School" under Florida law:

A. If all instructional personnel at the Authority school have participated in the two (2) hours of youth suicide awareness, prevention, and screening and prevention training; and that school will be considered “Suicide Prevention Certified School”.

B. The school has at least two (2) school-based staff members certified or otherwise deemed competent in the use of a suicide screening instrument approved by the FLDOE and has a policy to use such suicide risk screening instrument to evaluate a student's risk before requesting the initiation of, or initiating, an involuntary examination due to concerns about the student's suicide risk.

The Superintendent will notify the FLDOE of all schools qualifying for this designation. Each school shall also post on its own website whether it is a Suicide Prevention Certified School, and the Authority shall post on its website a list of the Suicide Prevention Certified Schools in the District.

Revised 3/9/21
Revised 11/18/22
Revised 4/14/26

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F.S. 14.2019
F.S. 14.20195
F.S. 1001.32(2)
F.S. 1008.386
F.S. 1012.583
F.A.C. 6A-1.0018
F.A.C. 6A-4.0010

STUDENTS

po5410

STUDENT PROGRESSION

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

5410 - **STUDENT PROGRESSION**

Pursuant to F.S. 1008.25, the Authority shall follow the comprehensive student progression adopted by The School Board of Lee County. These plans will provide for a student's progression from one (1) grade to another based on the student's mastery of the standards in F.S. 1003.41, specifically English language arts, mathematics, science, and social studies. The plan must, at a minimum:

A. include criteria that emphasizes student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies in English language arts, mathematics, science, and social studies;

   High schools shall use all available assessment results, including the results of Statewide, standardized English language arts assessments and end-of-course assessments for Algebra I and Geometry to advise students of any identified deficiencies and to provide appropriate postsecondary preparatory instruction before high school graduation. The results of evaluations used to monitor a student's progress in grades K-12 must be provided to the student's teacher in a timely manner and as otherwise required by Florida law. Thereafter, evaluation results must be provided to the student's parent in a timely manner. When available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.

   Beginning in the 2022-2023 school year, the end-of-year comprehensive progress monitoring assessment administered pursuant to F.S. 1008.25. is the Statewide standardized English language arts assessment for students in grades 3 through 10 and the Statewide standardized Mathematics assessments for students in grades 3 through 8.

B. list the student eligibility and procedural requirements established by the Authority for whole-grade promotion, midyear promotion, and subject-matter acceleration that would result in a student attending a different school;

   notify parents and students of the Authority's process by which a parent may request student participation in whole-grade promotion, midyear promotion, or

subject-matter acceleration that would result in a student attending a different school;

C. advise parents and students that additional Academically Challenging Curriculum to Enhance Learning (ACCEL) options that may be available at the student's school;

1. advise parents and students to contact the principal at the student's school for information related to student eligibility requirements for whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual instruction in higher grade level subjects; and any other ACCEL options offered at the school;

2. advise parents and students to contact the principal at the student's school for information related to the school's process by which a parent may request student participation in whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual instruction in higher grade level subjects; and any other ACCEL options offered at the school;

D. advise parents and students of the early graduation options pursuant to State law and Policy 5464 - *Accelerated Graduation Options*;

E. list, or incorporate by reference, all dual enrollment courses contained within the dual enrollment articulation agreement(s) established pursuant to State law;

F. provide instructional sequences by which students in kindergarten through high school may attain progressively higher levels of skill in the use of digital tools and applications. The instructional sequences must include participation in curricular and instructional options and the demonstration of competence of standards required pursuant to State law through attainment of industry certifications and other means of demonstrating credit requirements identified under State law;

G. allow the parent of a student with disabilities who is enrolled in prekindergarten at the age of 4 and is fully funded through the Florida Education Finance Program to retain their child in consultation with the student's Individual Education Plan team; and

H. specify retention requirements for students in kindergarten through grade 2 based upon each student's performance in English Language Arts and mathematics. For students who are retained in kindergarten through grade 2, the plan must incorporate parental notification, include an opportunity for parental input on the retention decision, and include information on the importance of students mastering early literacy and communication skills in order to be reading at or above grade level by the end of grade 3.

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Revised 5/7/24
Technical Change 9/17/24
Revised 9/16/25

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F.S. 1002.3105
F.S. 1003.41
F.S. 1003.4156
F.S. 1003.4203
F.S. 1003.428
F.S. 1003.4281
F.S. 1003.4282
F.S. 1007.271
F.S. 1008.25
Student Performance Standards, F.A.C. 6A-1.09401
Florida Comprehensive Assessment Test and End-of-Course Assessment Requirements, F.A.C. 6A-1.09422
Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion, F.A.C. 6A-1.094221
Standards for Mid-Year Promotion of Retained Third Graders, F.A.C. 6A-1.094222
Determining a Substantial Math Deficiency, F.A.C. 6A-6.0533

STUDENTS

po5410.01

PROMOTION, ACCELERATION, PLACEMENT, AND RETENTION

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

5410.01 - **PROMOTION, ACCELERATION, PLACEMENT, AND RETENTION**

The Governing Board recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

The Board shall provide for the placement, acceleration, and progression of students through adopted student progression plans. The Authority student progression plan includes the standards for evaluating each student's performance, including how well s/he masters the performance standards approved by the State Board of Education. A student will be promoted to the succeeding grade level when s/he has demonstrated sufficient proficiency to permit him/her to move ahead in the educational program of the next grade.

Parents may request student participation in Academically Challenging Curriculum to Enhance Learning (ACCEL) options, including whole-grade promotion, midyear promotion or subject matter acceleration. If the parent selects one of these ACCEL options and the student meets eligibility and procedural requirements in the student progression plan, the student will have the opportunity to participate in the ACCEL option.

No student may be assigned to a grade level based solely on age or other factors that constitute social promotion. (F.S. 1008.25(6)(a))

Progress Monitoring Plans and Remediation

Each student must participate in the Statewide, standardized assessment program that is required by F.S. 1008.22. Each student who does not achieve a Level 3 or above on Statewide, standardized English language arts assessment; the Statewide, standardized mathematics assessment; or the Algebra I end-of-course (EOC) assessment must be evaluated to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance.

Beginning in the 2022-2023 school year, the end-of-year comprehensive progress monitoring assessment administered pursuant to F.S. 1008.25(9))(b)2. is the Statewide

standardized English Language Arts assessment for students in grades 3 through 10 and the Statewide standardized Mathematics assessment for students in grades 3 through 8.

A student who is not meeting the Authority or State requirements for satisfactory performance in English language arts and mathematics must be covered by one (1) of the following plans:

A. a Federally required student plan such as an individual education plan;

B. a schoolwide system of progress monitoring for all students, except a student who scores Level 4 or above on the English language arts and mathematics assessments may be exempted from participation by the principal; or

C. an individualized progress monitoring plan.

Any student who has a substantial deficiency in reading and/or mathematics as described in F.S. 1008.25 must be covered by a Federally required student plan, such as an IEP or an individualized progress monitoring plan, or both, as necessary. The individualized progress monitoring plan shall be developed within forty-five (45) days after the results of the coordinated screening and progress monitoring system become available. The plan, at a minimum, shall include the following:

A. the student's specific, identified reading or mathematics skill deficiency;

B. goals and benchmarks for student growth in reading or mathematics;

C. a description of the specific measures that will be used to evaluate and monitor the student's reading or mathematics progress;

D. for a substantial deficiency in reading, the specific evidence-based will receive;

E. strategies, resources, and materials that will be provided to the student's parent to support the student to make reading or mathematics progress; and

F. any additional services the student's teacher deems available and appropriate to accelerate the student's reading or mathematics skill development.

Substantial Deficiencies in Reading /Characteristics of Dyslexia and Parental Notification

Any student in kindergarten through grade 3 who exhibits a substantial deficiency in reading or the characteristics of dyslexia, based upon screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations must be provided intensive, explicit, systematic, and multisensory reading interventions

immediately following the identification of the reading deficiency or the characteristics of dyslexia to address his or her specific deficiency or dyslexia.

The Authority shall implement reading intervention programs approved by the Florida Department of Education in addition to the comprehensive core reading instruction that is provided to all students in the general education classroom. Dyslexia-specific interventions, as defined by rule of the State Board of Education, shall be provided to students who have the characteristics of dyslexia. The reading intervention programs implemented by the Authority shall do all of the following:

A. provide explicit, direct instruction that is systematic, sequential, and cumulative in language development, phonological awareness, phonics, fluency, vocabulary, and comprehension, as applicable.

B. provide daily targeted small group reading interventions based on student need in phonological awareness, phonics, including decoding and encoding, sight words, vocabulary, or comprehension.

C. be implemented during regular school hours.

A school may not wait for a student to receive a failing grade at the end of a grading period or wait until a plan under this policy is developed to identify the student as having a substantial deficiency in reading and initiate intensive reading interventions. In addition, a school may not wait until an evaluation conducted pursuant to F.S. 1003.57 is completed to provide appropriate, evidence-based interventions for a student whose parent submits documentation from a professional licensed under F.S. Chapter 490 which demonstrates that the student has been diagnosed with dyslexia. Such interventions must be initiated upon receipt of the documentation and based on the student's specific areas of difficulty as identified by the licensed professional.

A student's reading proficiency must be monitored and the intensive interventions must continue until the student demonstrates grade-level proficiency in a manner determined by the Authority, which may include achieving a Level 3 on the Statewide, standardized English Language Arts assessment. Determination of whether a student in a Voluntary Prekindergarten Education Program has a deficiency in early literacy and kindergarten through grade 3 has a substantial deficiency in reading shall be in accordance with State Board of Education guidelines.

The parent of any student who exhibits a substantial deficiency in reading, as described in the above paragraph, must immediately be notified in writing of the following:

A. that their child has been identified as having a substantial deficiency in reading, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading;

B. a description of the current services that are provided to the child;

C. a description of the proposed intensive intervention and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

D. the student progression requirements and that if a child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless the student is exempt from mandatory retention for good cause;

E. strategies, including multisensory strategies, and programming through a read-at-home plan for parents to use in helping their child succeed in reading;

The read-at-home plan must provide access to the resources identified in F.S. 1008.25.

Schools must begin collecting evidence for a portfolio when a student in grade 3 is identified as being at risk of retention of upon the request of the parent, whichever occurs first.

F. that the Statewide, standardized English Language Arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the School Authority in knowing when a child is reading at or above grade level and ready for grade promotion;

G. the Authority's specific criteria and policies for a portfolio as provided in F.S. 1008.22 and the evidence required for a student to demonstrate mastery of Florida's academic standards for English language arts;

H. the Authority's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level;

I. information about the student's eligibility for the New Worlds Reading Initiative under F.S. 1003.485 and the New Worlds Scholarship Accounts under F.S. 1002.411 and information on parent training modules and other reading engagement resources available through the initiative.

After initial notification, schools shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports. Such communication will be in writing and explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement.

To be promoted to grade 4, a student must score a Level 2 or higher on the Statewide, standardized English language arts assessment required under F.S. 1008.22 for grade 3. If a student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the Statewide, standardized assessment required under F.S. 1008.22 for grade 3, the student must be retained.

A student who has been retained in third grade due to a reading deficiency shall be promoted mid-year if the student has demonstrated mastery of the State-mandated requirements in reading.

A student may be eligible for a waiver of retention criteria for acceptable good cause as outlined in the student progression plan. A student may be retained at the same grade level/course(s) when the student has not demonstrated satisfactory mastery of the State-mandated requirements in the required subject areas. Parents must be informed in advance of the possibility of retention of a student at a grade level.

Reading instruction hereunder shall align with the requirements of F.A.C. 6A-6.053.

Substantial Deficiencies in Mathematics/Characteristics of Dyscalculia and Parental Notification

Any student in kindergarten through grade 4 who exhibits a substantial deficiency in mathematics (based on the criteria in F.A.C. 6A-6.0533) or the characteristics of dyscalculia based upon screening, diagnostic, progress monitoring, or assessment data; Statewide assessments; or teacher observations must:

A. immediately following the identification of the mathematics deficiency, be provided systematic and explicit mathematics instruction to address their specific deficiencies through either:

    1. daily targeted small group mathematics intervention based on student need; or

    2. supplemental, evidence-based mathematics interventions before or after school, or both, delivered by a highly qualified teacher of mathematics or a trained tutor.

B. the performance of a student receiving mathematics instruction under Paragraph A must be monitored and instruction must be adjusted based on the student's need.

A school may not wait for a student to receive a failing grade at the end of a grading period or wait until a plan under this policy is developed to identify the student as having a substantial deficiency in mathematics and initiate intensive mathematics interventions. In addition, a school may not wait until an evaluation conducted pursuant to F.S. 1003.57 is completed to provide appropriate, evidence-based interventions for a student whose

parent submits documentation from a professional licensed under Chapter 490 which demonstrates that the student has been diagnosed with dyscalculia. Such interventions must be initiated upon receipt of the documentation and based on the student's specific areas of difficulty as identified by the licensed professional.

The mathematics proficiency of a student receiving additional mathematics supports must be monitored and the intensive interventions must continue until the student demonstrates grade-level proficiency in a manner determined by the district, which may include achieving a Level 3 on the Statewide, standardized Mathematics assessment.

The parent of any student who exhibits a substantial deficiency in mathematics, as described in the above paragraph, must be notified in writing of the following:

A. that their child has been identified as having a substantial deficiency in mathematics, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in mathematics;

B. a description of the current services that are provided to the child;

C. a description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of mathematics deficiency;

D. strategies, including multisensory strategies and programming, through a home-based plan the parent can use in helping their child succeed in mathematics. The home-based plan must provide access to the resources identified in F.S. 1008.25; and

E. information about the student's eligibility for the New Worlds Scholarship Accounts under F.S. 1002.411 and the Authority's tutoring services provided by the New Worlds Tutoring Program under F.S. 1008.366.

After the initial notification, the school shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports. Such communications must be in writing and must explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement. Upon the request of the parent, the teacher or school administrator shall meet to discuss the student's progress. The parent may request more frequent notification of the student's progress, more frequent interventions or supports, and earlier implementation of the additional interventions or supports described in the initial notification.

The Authority shall incorporate into a home-based plan provided to the parent of a student who is identified as having a substantial deficiency in mathematics the resources compiled

by the Florida Department of Education and the Florida Center for Mathematics and Science Education Research. The resources will be made available online in an electronic format or, at the request of a parent, in a hardcopy format.

Mathematics instruction hereunder shall align with the requirements of F.A.C. 6A-6.0533.

Middle Grades Promotion

In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

A. Three (3) middle grades or higher courses in English Language Arts (ELA).

B. Three (3) middle grades or higher courses in mathematics.

1. Each school that includes middle grades must offer at least one (1) high school-level mathematics course for which students may earn high school credit. Successful completion of a high school-level Algebra I or Geometry course is not contingent upon the student's performance on the Statewide standardized end-of-course (EOC) assessment.

2. To earn high school credit for Algebra I, a middle grades student must take the Statewide standardized Algebra I EOC assessment and pass the course, and in addition, a student's performance on the Algebra I EOC assessment constitutes thirty percent (30%) of the student's final course grade.

3. To earn high school credit for a Geometry course, a middle grades student must take the Statewide standardized Geometry EOC assessment, which constitutes thirty percent (30%) of the student's final course grade, and earn a passing grade in the course.

C. Three (3) middle grades or higher courses in social studies.

1. One (1) of these courses must be at least a one (1) semester civics education course that includes the roles and responsibilities of Federal, State, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States.

2. Each student's performance on the Statewide standardized EOC assessment in civics education required under F.S. 1008.22 constitutes thirty percent (30%) of the student's final course grade.

3. A middle grade student who transfers in from out of country, out of state, a private school, a personalized education program, or a home education program after the beginning of the second term of grade 8 is not required to meet the civics education requirement for promotion from the middle grades if the student's transcript documents passage of three (3) courses in social studies or two (2) year-long courses in social studies that include coverage of civics education.

D. One course in career and education planning to be completed in grades 6, 7, or 8, which may be taught by any member of the instructional staff. The course must be Internet-based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals. The course must result in a completed personalized academic and career plan for the student, which must use, when available, Florida online career planning and work-based learning coordination system. The course must teach each student how to access and update the plan and encourage the student to access and update the plan at least annually as the student progresses through middle school and high school. The personalized academic career plan must emphasize the importance of entrepreneurship and employability skills; and must include information from the Department of Economic Opportunity's economic security report under F.S. 445.07 and other state career planning resources.

1. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the following:

    a. requirements for earning a high school diploma designation under F.S. 1003.4285; and the career and technical education pathway to earn a standard high school diploma under F.S. 1003.4282;

    b. requirements for each scholarship in the Florida Bright Futures Scholarship Program;

    c. State university and Florida college system institution admission requirements;

    d. available opportunities to earn college credit in high school, including Advanced Placement courses;

    e. the International Baccalaureate Program;

    f. the Advanced International Certificate of Education Program;

    g. dual enrollment, including career dual enrollment;

h. work-based learning opportunities, including internships and preapprenticeship and apprenticeship programs; and

i. career education courses, including career-themed courses, and course sequences that lead to industry certification pursuant to F.S. 1003.492 or 1008.44.

2. The course may be implemented as a stand-alone course or integrated into another course or courses.

Notification of Acceleration, Academic, and Career Planning Options

At the beginning of each school year, the Authority shall notify students in or entering high school and the students' parents, in a language that is understandable to students and parents, of the opportunity and benefits of the following:

A. advanced placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses;

B. career and professional academies;

C. career-themed courses;

D. the career and technical education pathway to earn a standard high school diploma under F.S. 1003.4282;

E. work-based learning opportunities, including internships and apprenticeship and preapprenticeship programs;

F. foundational and soft-skill credentialing programs under F.S. 445.06;

G. Florida Virtual School courses;

H. options for early graduation under F.S. 1003.4281; and

I. guidance on accessing and using Florida's online career planning and work-based learning coordination system and the contact information of a certified school counselor who can advise students and parents of the options set forth hereinabove.

Retention of Students with Disabilities

Retention and assignment of a student with disability will be determined by the student's Individual Education Plan (IEP) Team and follow the requirements of Florida law. The assignment of and services to be provided to a student with a disability will be

documented on the student's IEP. Extended school year services may be provided for any student who would severely regress in his/her skills and overall functioning as demonstrated by supporting documentation and determined necessary by the student's IEP team.

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Revised 12/14/21
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Revised 5/7/24
Technical Change 9/17/24
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F.S. 1002.3105
F.S. 1003.4156
F.S. 1008.22
F.S. 1008.25
F.A.C. 6A-1.09422
F.A.C. 6A-1.094221
F.A.C. 6A-1.094222
F.A.C. 6A-6.053
F.A.C. 6A-6.0533

STUDENTS

po5420

REPORTING STUDENT PROGRESS

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

5420 - **REPORTING STUDENT PROGRESS**

The Governing Board believes that the cooperation of school and home is a vital ingredient to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Board directs the establishment of a system of reporting student progress that shall include written reports, and/or parent conferences with teachers, and shall require all appropriate staff members to comply with such a system as part of their professional responsibility.

The Superintendent, in conjunction with appropriate staff members, shall develop procedures for reporting student progress to parents which:

A. provide that both student and parent receive ample warning of a pending grade of "failure" or one that would adversely affect the student's status;

B. enable the scheduling of parent-teacher conferences at such times and in such places as will ensure the greatest degree of participation by parents;

C. specify the issuance of report cards at intervals of not more than nine (9) weeks;

D. provide for a continual review and improvement of methods of reporting student progress to parents.

Annual Report to Parents Regarding Student Progress

The Board will annually provide a report to the parent of each student identifying the progress of the student toward achieving State and Authority expectations for proficiency in English language arts, science, social studies, and mathematics. Parents will also be provided a report identifying student results on each Statewide standardized assessment and the coordinated screening and progress monitoring system under F.S. 1008.25. Progress reporting will be provided to parents in a written, easy-to-comprehend individual student report in a language that parents can understand. This information will also be accessible through secure, web-based options, as part of The School Board of Lee County's student information system. An individual student report will be provided in a

printed format if requested by a parent. The report must also include parent resources that explain the purpose of progress monitoring, assist the parent in interpreting progress monitoring results, and support informed parent involvement. Parent resources may include personalized video formats.

Parents will also be notified of reading or mathematics deficiency issues as required by F.S. 1008.25, if applicable.

This report to parents may be included with the student report cards at the end of the year if all students receive report cards. Additionally, to facilitate timely interventions and supports pursuant to F.S. 1008.25 (4), the Authority must provide results from the first two (2) administrations of the progress monitoring system to a student's parent within two (2) weeks after the administration.

The results from the comprehensive, end-of-year progress monitoring ELA assessment for grades 3 through 10 and Mathematics assessment for grades 3 through 8 must be delivered to a student's parent within one (1) week after receiving the results from the FLDOE.

Report Cards

Report cards issued by the Authority will contain, in addition to other information, the following:

A. The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria, and must include the student's performance or nonperformance at his/her grade level.

B. The student's conduct and behavior.

C. The student's attendance, including absences and tardiness.

A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion.

Revised 11/18/22
Revised 5/7/24
Revised 9/17/24
Revised 9/16/25

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F.S. 1001.42
F.S. 1003.33
F.S. 1008.25
F.A.C. 6A-6.0533

STUDENTS

po5421

GRADING

ADOPTED Apr 12, 2016

5421 - **GRADING**

The Governing Board requires that the Authority's grading scale be consistent with State Statute. Furthermore, the Board believes that each student's grades should accurately reflect his/her degree of accomplishment of those expected learning outcomes that are stated for each program at every grade level, kindergarten through twelve.

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F.S. 1001.42
F.S. 1003.437

STUDENTS

po5421.01

GRADE FORGIVENESS

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

5421.01 - **GRADE FORGIVENESS**

To assist in meeting graduation requirements, students may take the following actions to improve their grades and their grade point average (GPA):

A. High school students may replace a grade of "F", or the equivalent of a grade of "F":

1. for required courses, with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in the same or comparable course; and

2. for elective courses, with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in another course.

B. Students in the middle grades (6-8) who take any high school course for high school credit may replace a grade of "F", or the equivalent of a grade of "F", with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in the same or comparable course.

Only the new grade shall be used in the calculation of the student's GPA. Any course grade not replaced according to this policy shall be included in the calculation of the cumulative GPA required for graduation.

Revised 8/14/18

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F.S. 1003.4282(6)

STUDENTS

po5430

CLASS RANK

ADOPTED Apr 12, 2016

5430 - **CLASS RANK**

The Governing Board acknowledges the usefulness of a system of computing grade point averages and class ranking for high school students, both to inform students of their relative academic placement among their peers and to provide students, prospective employers, and institutions of higher learning with a predictive device so that each student is more likely to be placed in an environment conducive to success.

The Board authorizes a system of class ranking, by grade point average, for students in grade(s) 9 through 12.

The Superintendent shall develop procedures for the computation of grade point averages and the assignment of class rank to implement this policy that shall include:

A. a provision for students completing graduation requirements before their class;

B. recognition of the heavier burden of certain work, classes, courses, etc.

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F.S. 1003.437

STUDENTS

po5440

STUDENT PROGRESS THROUGH MASTERY LEARNING

ADOPTED Apr 12, 2016

5440 - **STUDENT PROGRESS THROUGH MASTERY LEARNING**

The Governing Board recognizes that circumstances beyond the control of individuals and/or the Authority could prevent students in any grade from meeting the State requirement of 180 days of instruction, and/or students in grades 9-12 from meeting the State requirement of 135 clock hours of instruction.

To the extent permitted by the Emergency Management Act and pursuant to an executive order issued by the Governor's office under the authority provided by said act, the Board hereby delegates to the Superintendent the responsibility to determine whether or not such circumstances pertain to the Authority. In such matters the Superintendent's decision shall be final.

The Board further recognizes, however, that, despite such circumstances, it is the responsibility of the Authority to provide an instructional program the enables the students to acquire the knowledge and skills presented in the curriculum of this Authority.

If the Superintendent determines that such circumstances pertain to the Authority, it shall be the policy of the Board that students through grade 12 shall be provided the opportunity to earn promotion to the next grade by demonstrating mastery of established performance standards for their grade level, and students in grades 6 through twelve 12 shall be provided the opportunity to earn credit for each course in which they are enrolled by demonstrating mastery of established performance standards on end-of-course examinations or similar evaluations.

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F.S. 252.921 et seq.

STUDENTS

po5451

STUDENT RECOGNITION

ADOPTED Apr 12, 2016 · REVISED Mar 9, 2021

5451 - **STUDENT RECOGNITION**

The Governing Board values excellence and seeks to develop in students the desire to do their best in all things. It shall be the policy of this Board, therefore, to recognize outstanding accomplishment in curricular, co-curricular, and extra-curricular areas.

The Board authorizes the Superintendent or designee to develop a plan for recognition of outstanding student achievement based on well-defined, consistent criteria and standards.

Pursuant to State law, Authority funds may be budgeted and expended to purchase awards to be presented to students in recognition of their achievements and/or service. These awards may include, but are not limited to, certificates, plaques, medals, ribbons, and photographs.

Revised 3/9/21

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F.S. 1001.43(14)
F.S. 1012.22(1)(g)

STUDENTS

po5460

GRADUATION REQUIREMENTS

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

5460 - **GRADUATION REQUIREMENTS**

It shall be the policy of the Governing Board to acknowledge each student's successful completion of the instructional program appropriate to the achievement of Authority goals and objectives as well as personal proficiency by the awarding of a diploma at a fitting graduation ceremony.

Standards for Graduation

Beginning with the 2023-24 school year, high school students enrolled in the U.S. Government classes required by F.S. 1003.4282 must receive at least forty-five (45) minutes of instruction on "Victims of Communism Day" to include topics such as Mao Zedong and the Cultural Revolution, Joseph Stalin and the Soviet System, Fidel Castro and the Cuban Revolution, Vladimir Lenin and the Russian Revolution, Pol Pot and the Khmer Rouge, and Nicolás Maduro and the Chavismo movement, and how victims suffered under these regimes through poverty, starvation, migration, systemic lethal violence, and suppression of speech.

Beginning in the 2023-2024 school year, middle school and high school students enrolled in the civics education class required by F.S. 1003.4156 or the United States Government class required by F.S. 1003.4282(3) must receive at least forty (45) minutes of instruction on "9/11 Heroes' Day" topics involving the history and significance of September 11, 2001, including remembering the sacrifice of military personnel, government employees, civilians, and emergency responders who were killed, wounded, or suffered sickness due to the terrorist attacks on or after that date, including, but not limited to:

A. the historical context of global terrorism.

B. a timeline of events on September 11, 2001, including the attacks on the World Trade Center, the Pentagon, and United Airlines Flight 93.

C. the selfless heroism of police officers, firefighters, paramedics, other first responders, and civilians involved in the rescue and recovery of victims and the heroic actions taken by the passengers of United Airlines Flight 93.

D. the unprecedented outpouring of humanitarian, charitable, and volunteer aid occurring after the events of September 11, 2001.

E. the global response to terrorism and importance of respecting civil liberties while ensuring safety and security.

Receipt of a standard high school diploma requires successful completion of twenty-four (24) credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education completion, or the Career and Technical Education (CTE) pathway.

	Subject	**Credits**
	English Language Arts	4
	Social Studies	3
	Mathematics	4
	Science	3
	Fine or performing arts, speech and debate, or career and technical education	1
	Electives	7.0
	Basic Physical Education	1
	Health (including CPR/AED instruction)	.5
	Personal Financial Literacy and Money Management	.5

Basic training in first aid, including at least one (1) hour of cardiopulmonary resuscitation (CPR) instruction, shall be provided for students once in middle school in a physical education or health class and once in high school in a physical education or health class. Instruction in the use of cardiopulmonary resuscitation must allow students to practice the psychomotor skills associated with performing cardiopulmonary resuscitation and include the use of an automated external defibrillator.

High school students will be provided opportunities to take "computer science" courses and earn technology-related industry certifications to satisfy high school graduation requirements. Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation will be included in the Course Code Directory provided by the School District of Lee County.

Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation

will be included in the Course Code Directory. Such internships must be included in counseling materials and presented with courses required for graduation.

The required credits may be earned through equivalent, applied, or integrated courses or career education courses as defined in F.S. 1003.01, including work-related internships approved by the State Board of Education and identified in the Course Code Directory. However, any must-pass assessment requirements must be met.

An equivalent course is one (1) or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon a review of the State Academic Standards and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas.

Computer science courses that may be taken to satisfy high school graduation requirements include, but are not limited to, the following:

A. High school computer science courses of sufficient rigor, as identified by the FLDOE, such that one (1) credit in computer science and the earning of related industry certifications constitute the equivalent of up to one (1) credit of the mathematics requirement, with the exception of Algebra I or higher-level mathematics, or up to one (1) credit of the science requirement, with the exception of Biology I or higher-level science, for high school graduation.

B. High school computer technology courses in 3D rapid prototype printing of sufficient rigor, as identified by the FLDOE, such that one (1) or more credits in such courses and related industry certifications earned may satisfy up to two (2) credits of mathematics required for high school graduation with the exception of Algebra.

The earning and awarding of high school credits will be in accordance with Florida law, including, but not necessarily limited to, the provisions of F.S. 1003.4282 and those identified in the Student Progression Plan.

For courses that require Statewide standardized end-of-course assessments, a minimum of thirty percent (30%) of a student's course grade shall be comprised of performance on the Statewide standardized end-of-course assessment.

In order to graduate, students must earn passing scores on the Florida State Assessment (State-mandated testing) or scores on a standardized test that are concordant with passing scores on the State-mandated testing. Additionally, a student must earn a cumulative GPA of 2.0 on a 4.0 scale.

High School Diploma

The Board shall award a standard high school diploma to every student enrolled in this Authority who meets the requirements of graduation established by this Board or who properly completes the goals and objectives specified in his/her IEP, including either the exemption from or the requirement to complete the State mandated tests and the recommendation of the IEP Team.

Florida Seal of Fine Arts Program

Additionally, students who develop an exemplary level of proficiency in the performing or visual arts may be awarded a seal on a standard high school diploma through the Florida Department of Education's (FLDOE) Florida Seal of Fine Arts Program. Beginning with the 2024-25 school year, students are eligible for the Florida Seal of Fine Arts if they meet the following requirements:

A. The student earned a standard high school diploma.

B. The student completed at least three (3) year-long courses in dance, music, theatre, or visual arts with a grade of "A" or higher in each course, or earned three (3) sequential course credits in such courses with a grade of "A" or higher in each course pursuant to F.A.C. 6A-1.09441.

C. The student completed at least two (2) of the following requirements:

1. completed a fine arts International Baccalaureate, an Advanced International Certificate of Education, advanced placement, dual enrollment, or honors course with a grade of "B" or higher;

2. participated in an Authority or Statewide organization's juried event as a selected student participant for two (2) or more years (a "juried event" means an Authority or Statewide organization's event where a student or group of students are judged by one (1) or more judges on the selected fine arts discipline of their choosing and receive a scored rating and written or oral feedback);

3. recorded at least twenty-five (25) volunteer hours of arts-related community service in their community and presents a comprehensive presentation on their experiences pursuant to Authority procedures;

4. submits a portfolio that demonstrates the student is an exemplary practitioner of fine arts, as described in F.A.C. 6A-1.09952; or,

5. received Authority, State, or National recognition for the creation and submission of an original work of art (i.e., a musical or theatrical composition, visual artwork, or choreographed routine or performance created by the student).

The Authority shall maintain records showing which students earned the Florida Seal of Fine Arts and report such information to the FLDOE in accordance with F.A.C. 6A-1.0014.

Honorary Diploma

An honorary diploma may be awarded in the case of such unfortunate circumstances as the severe disability or death of a student prior to graduation. The student must have been a senior in good standing to meet the requirements of graduation established by the Board at the time of the disability/death.

Early Admission Program

High school graduation by means of the Early Admission to College Program is an alternative for the college-bound student during the normal senior year in high school. When the prescribed Authority conditions as set forth in the student handbook have been met, the student shall be awarded a high school diploma with the regular high school graduating class. The official college transcript shall be made a part of the student's high school permanent record file.

When students leave high school as Early Admission to College Program students, they may participate in graduation exercises with their graduation class and may be ranked in the class pursuant to Policy 5430.

Early High School Graduation

For the purposes of this policy, the term “early graduation” means graduation from high school in less than eight (8) semesters or the equivalent by the completion of the required number of credits.

A student who meets the requirements of F.S. 1003.4282(3)(a)-(e), earns three (3) credits in electives (a total of eighteen (18) credits), and earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard high school diploma.

A student who meets the requirements of F.S. 1003.4282(3)(a)-(e), earns two and one-half (2.5) credits in electives and one-half (.5) credit in financial literacy and money management (a total of eighteen (18) credits), and earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard high school diploma.

A student also has the option of early graduation if the student has completed a minimum of twenty-four (24) credits and otherwise meets the requirements for graduation.

Credit Acceleration Program (CAP)

High school credit in courses required for high school graduation may be earned through the passage of an end-of-course assessment administered under F.S. 1008.22, an

advanced placement examination, or a College Level Examination Program (CLEP). Course credit shall be awarded to a student who is not enrolled in the course or who has not completed the course if the student attains a passing score on the end-of-course assessment, advanced placement examination, or CLEP. The student shall take the standardized assessment during the regular administration of the assessment or examination.

The Authority shall notify the parent of a student who is eligible to graduate early.

A student who graduates early may continue to participate in school activities and social events and to attend and participate in graduation events with the student's cohort. The student will be included in class ranking, honors, and award determinations for the student's cohort. The student must comply with Board rules and policies regarding access to the school facilities and grounds during normal operating hours.

Career and Technical Education Graduation Pathway Option

A student is eligible to complete an alternative pathway to earning a standard high school diploma through the CTE pathway option. Receipt of a standard high school diploma awarded through the CTE pathway option requires the student's successful completion of at least eighteen (18) credits. A student completing the CTE pathway option must earn at least a cumulative grade point average (GPA) of 2.0 on a 4.0 scale. In order for a student to satisfy the requirements of the CTE pathway option, the student must meet the GPA requirement and:

For a student who enters grade 9 before the 2023-2024 school year

A. meet the requirements as set forth in F.S. 1003.4282;

B. complete two (2) credits in career and technical education; and

The courses must result in a program completion and an industry certification.

C. complete two (2) credits in work-based learning programs. A student may substitute up to two (2) credits of electives, including one-half (1/2) credit in financial literacy, for work-based learning program courses to fulfill this requirement.

For a student who enters grade 9 in the 2023-2024 school year and thereafter

A. meet the requirements as set forth in F.S. 1003.4282;

B. complete two (2) credits in career and technical education; and

The courses must result in a program completion and an industry certification.

C. complete one and one-half (1.5) credits in work-based learning programs.

The CTE pathway option to graduation will be incorporated into the Authority's Student Progression Plan.

High School Equivalency Diploma

The School Board of Lee County shall offer the high school equivalency diploma examination and the subject area examinations to all candidates pursuant to the rules of the State Board of Education. To be eligible to be a candidate for a high school equivalency diploma, a student must be at least eighteen (18) years of age on the date of the examination. However, if the student resides or attends school in the School Authority, the student may take the examination after reaching the age of sixteen (16) if they have first filed a formal declaration of intent to terminate school enrollment pursuant to F.S. 1003.21. All high school equivalency diplomas have equal status with other high school diplomas. A student may be awarded a standard high school diploma pursuant to FLDOE rules.

Additional Educational Options Available to Students Who Fail to Meet Certain Requirements

A student who completes the minimum number of credits and other requirements for graduation but cannot earn a passing score on the State assessments, achieve a cumulative grade point average of 2.0 on a 4.0 scale or its equivalent, or complete all other applicable requirements prescribed by the Board pursuant to Florida statutes shall be awarded a certificate of completion in a form prescribed by the State Board of Education.

A student who is entitled to a certificate may elect to remain as a full-time student or a part-time student for up to one (1) additional year and receive special instruction designed to remedy the student's identified deficiencies. The Board will provide each student who fails to earn a standard diploma under this paragraph a document from the FLDOE detailing available postsecondary options, along with the student's official transcript.

Notice to Students and Parents

The Authority will notify students and parents, in writing, of the requirements for a standard high school diploma, available designations, and the eligibility requirements for State scholarship programs and postsecondary admissions.

Commencement Exercises

Commencement exercises will include only those students who have successfully completed requirements for a standard high school diploma, Early Admission to College Program, or other State or Board approved program. No student who has completed the

requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

Students are permitted to lawfully wear dress uniforms of any of the Armed Forces of the United States or of the State at their graduation ceremony.

Revised 8/14/18
Revised 10/8/19
Revised 3/9/21
Revised 12/14/21
Revised 11/18/22
Revised 5/7/24
Revised 9/17/24
Technical Correction 11/12/24
Revised 5/13/25
Revised 9/16/25
Revised 3/10/26
Revised 4/14/26

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F.S. 683.334
F.S. 683.335
F.S. 1002.3105
F.S. 1003.4281
F.S. 1003.4282
F.S. 1003.4285
F.S. 1003.4286
F.S. 1003.4295
F.S. 1003.433
F.S. 1003.435
F.S. 1003.436
F.S. 1003.437
F.S. 1003.543
F.A.C. 6A-1.0995
F.A.C. 6A-1.09952
F.A.C. 6A-1.09961
F.A.C. 6A-1.09963
F.A.C. 6A-6.0573

STUDENTS

po5460.01

GRADUATION REQUIREMENTS FOR OUT-OF-STATE OR OUT-OF-COUNTRY TRANSFER STUDENTS

ADOPTED Apr 12, 2016

5460.01 - **GRADUATION REQUIREMENTS FOR OUT-OF-STATE OR OUT-OF-COUNTRY TRANSFER STUDENTS**

An eleventh or twelfth grade student transferring to the Authority from out-of-state or from another country shall be permitted to graduate on schedule and receive a standard high school diploma with fewer than the prescribed number of units provided the following conditions are met. The student shall:

A. have successfully completed the normal requirements of the school district, state, or country from which s/he is transferring;

B. have taken and successfully completed a full schedule of courses, including as many required courses as possible, during the period of attendance at the graduating school;

C. have earned a 2.0 grade point average; and

D. have demonstrated proficiency in Reading and Mathematics by either earning passing scores on the Grade 10/Retake State assessment tests or through a standardized test score that is concordant with the passing score as set forth in State law.

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F.S. 1003.428
F.S. 1003.43
F.S. 1003.433

STUDENTS

po5463

CREDITS FROM OTHER SCHOOLS

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

5463 - **CREDITS FROM OTHER SCHOOLS**

Recognizing its responsibility to uphold the minimum educational standards of the State of Florida, the following shall be the Governing Board's policy regarding the transfer of credits from other schools.

The Principal shall determine whether or not a transfer student will be required to take the appropriate Statewide, standardized end-of-course (EOC) assessment to earn credit in a course for which an EOC assessment is required. The Principal shall use the criteria established in State Board rule to make such determination.

Acceptance of transfer grades or credits for students in grades 9-12 shall be in accordance with State Board rule and the Standards of the Commission of Secondary Schools, Southern Association of Colleges and Schools, and shall be based in all cases on official transcripts. Transfer grades and/or credits from schools accredited by another state or by one (1) of the five (5) regional accrediting agencies shall be accepted at face value. The Board shall also accept high school grades and credits awarded by the Florida Virtual School, as well as from postsecondary dual enrollment programs.

Credits from out of country or out of state schools, non-accredited schools, a private school, a personalized education program, or a home education program shall be validated according to the transfer credit procedures outlined in State Board rule.

Students who enter an Authority high school at the 11th or 12th grade from out-of-state or out-of-country shall not be required to spend additional time in a Florida public school in order the meet the high school course requirements if the student has met all requirements of the school district, state, or country from which s/he is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must earn a 2.0 grade point average and pass the required assessments under F.S. 1008.22.

Revised 5/13/25

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F.S. 1003.25
F.S. 1003.413
F.S. 1003.433
F.S. 1003.436
F.S. 1007.24
State Uniform Transfer of High School Credits, F.A.C. 6A-1.09941
F.A.C. 6A-1.09442

STUDENTS

po5464

ACCELERATED GRADUATION OPTIONS

ADOPTED Apr 12, 2016

5464 - **ACCELERATED GRADUATION OPTIONS**

The Governing Board acknowledges that some students are pursuing educational goals which include graduation from high school at an earlier date than their designated class.

Annually, students in grades 6-12 will be provided with information describing the three (3) year and four (4) year graduation options as set forth in State law, including the respective curriculum requirements for each option. A student and parent may select one of the graduation options set forth in State law at anytime during grades 9-12. If the student and parent fail to select one of the accelerated high school graduation options, the student shall be considered to have selected the general requirements for high school graduation and the four (4) year graduation option.

However, before selecting a three (3) year graduation option, the student and his/her parent(s) must meet with the designated school personnel so that the requirements set forth in law for, as well as the advantages and disadvantages of, each option can be reviewed. Written consent of the student's parent is required for participation in a three (3) year accelerated high school graduation option. If an effort to meet with the student's parent(s) fails and is documented by the designated school personnel, then the student may select a three (3) year accelerated high school graduation option with the written consent of the student's parent. If the student is eighteen (18) years of age or older, the student may select a three (3) year accelerated high school graduation option with or without the written consent of his/her parent.

If, at the end of any grade, a student is not on track to meet the credit, assessment, and/or grade-point-average requirements set forth in State law, then the Principal shall notify the student and parent of the requirements currently not being met, the specific performance necessary in grade 11 for the student to meet the accelerated graduation requirements, and of the student's right to change to the four (4) year graduation option as set forth in State law.

A student, who does not exercise his/her option to change to a four (4) year graduation option, will be automatically moved to a four (4) year graduation program under the following circumstances:

A. If the student fails to earn five (5) credits by the end of grade 9 or fails to earn eleven (11) credits by the end of grade 10;

B. If the student does not achieve a passing score on the grade 10 State assessment; or

C. If, by the end of grade 11, the student does not meet the requirements set forth in F.S. 1003.429.

A student who meets all requirements of the Accelerated High School Graduation Options set forth in Florida statute shall be awarded a standard diploma in a form prescribed by the State Board of Education.

The student may participate in the graduation ceremonies with his/her designated class.

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F.S. 1003.428
F.S. 1003.429
F.S. 1003.43

STUDENTS

po5500

STUDENT CONDUCT

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

5500 - **STUDENT CONDUCT**

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in the schools of this Authority.

The Principal shall notify all school personnel as to their obligation to report to the Principal those acts and/or crimes which pose a threat to school safety. School personnel must also properly document the disposition of any such incident.

Zero Tolerance Policy

The Governing Board has zero tolerance for conduct that poses a threat to school safety. Zero-tolerance policies must apply equally to all students and are not intended to be rigorously applied to petty acts of misconduct. This policy minimizes the victimization of students, staff, and volunteers and requires that necessary steps be taken to protect the victim of any violent act from any further victimization. In a disciplinary action, there is a rebuttable presumption that the actions of a student who intervened, using only the amount of force necessary, to stop a violent act against a student, staff, or volunteer were necessary to restore or maintain the safety of others.

Florida law requires that students found to have committed one of the following offenses:

A. bringing a firearm or weapon, as defined in F.S. Chapter 790, to school, to any school function, or onto any school-sponsored transportation, or possessing a firearm at school; or

B. making a threat or false report, as defined by F.S. 790.162 and 790.163, involving school or school personnel’s property, school transportation, or a school-sponsored activity;

shall be recommended to the Sponsor for expulsion, with or without continuing educational services, for a period of not less than one (1) full year and shall be referred to mental health services and to the criminal justice or juvenile justice system.

The Superintendent may consider the one (1) year expulsion requirement on a case-by-case basis and request that the Board modify the requirement by assigning a student to a disciplinary program or second-chance school. The Superintendent's request for modification must be in writing and may only be presented to the School District of Lee County for consideration if the student and/or the student's parent(s) agree in writing to accept the Superintendent's recommendation. The School District of Lee County may approve the request if it is determined to be in the best interest of the student and the school system. If a student committing either of the offenses enumerated above is a student who has a disability, School Board of Lee County shall comply with applicable State Board of Education rules for the discipline of such students.

Before the expiration of an expulsion period, the Superintendent shall determine, based upon the determination of the threat management team, whether the expulsion period should be extended and, if the expulsion period is extended, what educational services will be provided. A recommendation to extend the expulsion period must be provided to the student and their parents in accordance with F.S. 1006.08.

The Authority shall enter into agreements with local law enforcement specifying procedures so that acts that pose a threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency having jurisdiction. The school's threat management team will consult with law enforcement when a student exhibits a pattern of behavior, based on previous acts or the severity of an act that would pose a threat to school safety.

School Environmental Safety Incident Reporting

The following acts are required to be reported to the Department of Education (FLDOE) as school environmental safety incidents (SESIR):

A. Alcohol (Level IV) - possession, sale, purchase, distribution or use of alcoholic beverages. "Use" means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.

B. Aggravated Battery (Level I) - A battery where the attacker intentionally or knowingly causes more serious injury, such as: great bodily harm, permanent disability, or permanent disfigurement; uses a deadly weapon; or, where the attacker knew or should have known the victim was pregnant.

C. Arson (Level I) - To intentionally damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents.

D. Burglary (Level II) - Unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein.

E. Bullying (Level IV) - Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. Bullying includes instances of cyberbullying, as defined in Policy 5517.01, *Bullying and Harassment*. Bullying may include, but is not limited to, repetitive instances of teasing, social exclusion, threats, intimidation, stalking, physical violence, theft, harassment, public or private humiliation, or destruction of property.

F. Criminal Mischief (Felony Vandalism - $1,000 threshold) - Willfully and maliciously injuring or damaging by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti or other acts of vandalism on the property.

G. Disruption on Campus - Major (Level III) - Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others, such as, but not limited to, bomb threats, inciting a riot, or initiating a false fire alarm.

H. Drug Sale or Distribution (Level II) - The manufacture, cultivation, purchase, sale, or distribution of any drug, narcotic, controlled substance, or substance represented to be a drug, narcotic, or controlled substance.

I. Drug Use or Possession (Level III) - The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. "Use" means the person is caught in the act of using, admits to use, or is discovered to have used in the course of an investigation.

J. Fighting (Level III) - When two (2) or more persons mutually participate in use of force or physical violence that requires either physical intervention or results in injury requiring first aid or medical attention.

K. Grand Theft ($750 threshold) (Level III) - The unauthorized taking of the property of another person or organization, including motor vehicles, valued at $750 or more, without threat, violence, or bodily harm.

L. Harassment (Level IV) - as defined in Policy 5517, *Anti-Harassment*.

M. Hazing (Level III) - as defined in Policy 5516, *Student Hazing*.

N. Homicide (Level I) - The unjustified killing of one human being by another.

O. Kidnapping (Level I) - Forcibly, secretly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority.

P. Other Major Incidents (Level III) - Any serious, harmful incident resulting in the need for law enforcement consultation not previously classified. This includes any drug or weapon found unattended and not linked to any individual.

Q. Robbery (Level II) - The taking or attempted taking of money or other property from the person or custody of another with the intent to permanently or temporarily deprive the person or owner of the money or other property under the confrontational circumstances of force, or threat of force or violence, and/or by putting the victim in fear.

R. Sexual Assault (Level II), Sexual Battery (Rape) (Level I), Sexual Harassment (Level III), and Sexual Offenses (Other) (Level III) - as defined in Policy 2266, *Nondiscrimination on the Basis of Sex in Educational Programs and Activities*.

S. Simple Battery (Level II) - An actual and intentional touching or striking of another person against his/her will, or the intentional causing of bodily harm to an individual.

T. Threat/Intimidation (Level III) - An incident where there was no physical contact between the offender and victim, but the victim reasonably believed that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats and verbal threats of physical harm which are made in person, electronically, or through any other means.

U. Tobacco (Level IV) - as defined in Policy 5512, *Smoking and Tobacco-Free Environment*.

V. Trespassing (Level III) - To enter or remain on school grounds, school transportation, or at a school-sponsored event, without authorization or invitation and with no lawful purpose for entry, if involves a student currently under suspension or expulsion, an offender who was previously issued an official trespass warning by school officials, or an offender who was arrested for trespass.

W. Weapons Possession (Level II) - as defined in Policy 5772, *Weapons*.

Acts that Pose a Threat to School Safety

Acts that pose a threat to school safety include, but are not limited to:

A. possession of firearms or other weapons

B. placing, discharging, or throwing an explosive item or noxious substance or making threats to do so

C. arson

D. felony assault

E. threats of unsafe and potentially harmful, dangerous, violent, or criminal activities

Petty acts of misconduct that are not a threat to school safety do not require consultation with law enforcement.

The following are typically considered petty acts of misconduct, although each act must be examined on a case-by-case basis to determine whether or not the act constitutes a threat to school safety requiring consultation with law enforcement:

A. disorderly conduct

B. disrupting a school function (Level IV)

C. simple assault or battery

D. verbal abuse or use of profanity

E. cheating

F. theft of less than $300, trespassing, (incidents without prior official warning, not resulting in arrest, or not involving students under suspension or expulsion) and vandalism of less than $1,000

G. possession or use of tobacco

Assault or Battery on Authority Personnel

Notwithstanding any other provision of Board policy, pursuant to F.S. 1006.13(5), any student found to have committed an act of assault or aggravated assault, or battery or aggravated battery, on any elected official of the Authority, teacher, administrator, or other School Authority personnel, shall be recommended for expulsion or placement in an alternative school setting, as appropriate.

The minimum period of this expulsion or placement in an alternative school setting shall be one (1) year and the student shall be referred to the criminal justice or juvenile justice system.

Further, upon being charged with such offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

Code of Student Conduct

The Code of Student Conduct that is adopted annually by The School Board of Lee County shall provide for review of a decision to suspend or expel a student pursuant to this policy and the Code, consistent with F.S. 1006.07.

The Code shall also include the following:

A. criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest;

   All civil citation or similar prearrest diversion programs must comply with F.S. 985.12.

B. criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention Web.

C. Violations of Policy 5511 - *Dress and Grooming* are subject to the following disciplinary actions:

   1. For a first offense, a student shall be given a verbal warning and the Principal shall call the student's parent or guardian.

   2. For a second offense, the student is ineligible to participate in any extra-curricular activity for a period of time not to exceed five (5) days and the Principal shall meet with the student's parent or guardian.

   3. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to F.S. 1003.01(5) for a period not to exceed three (3) days, the student is ineligible to participate in any extra-curricular activity for a period not to exceed thirty (30) days, and the Principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extra-curricular activities.

Furthermore, if the Board receives notice from the Department of Juvenile Justice, as required by law, that a student enrolled in the Authority has been adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or *nolo contendere*to, a felony violation as set forth in F.S. 1006.13(6)(a), the School District of Lee County shall, pursuant to State law and the adopted cooperative agreement with the Department of Juvenile Justice, require that any no contact order entered by a court be enforced and that all of the necessary steps be taken to protect the victim of the offense or a sibling of the victim.

Students may be subject to discipline for violation of the Code of Conduct/Student Discipline Code even if that conduct occurs on property not owned or controlled by the Authority but that is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.

Student conduct shall be governed by the rules and provisions set forth in the School District of Lee County's Code of Student Conduct which is reviewed and adopted annually by the Lee County School District in accordance with F.S. Chapter 120 and is incorporated in the policy by reference.

The Code of Student Conduct shall contain provisions for the assignment of violent or disruptive students to an alternative educational program and/or referral of such students to mental health services identified by the Authority.

Revised 8/14/18
Revised 5/14/19
Revised 12/8/20
Revised 12/14/21
Revised 11/18/22
Revised 5/7/24
Revised 11/12/24
Revised 3/10/26

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F.S. 1006.07
F.S. 1006.13
F.S. 1012.584

STUDENTS

po5505

ACADEMIC HONESTY

ADOPTED Sep 16, 2025

5505 - **ACADEMIC HONESTY**

The Governing Board values honesty and expects integrity in the CCCCSA's students. Violating academic honesty erodes the trust between teachers and students as well as compromises the academic standing of other students. So that students are judged solely on their own merits, the Board prohibits any student from presenting someone else's work as their own, using artificial intelligence platforms in place of one's own work, providing unauthorized assistance to another student, and cheating in all its forms.

All school work submitted for the purpose of meeting course requirements must be the individual student's original work. It is prohibited for any student to unfairly advance their own academic performance or that of any other student. Likewise, no student may intentionally limit or impede the academic performance or intellectual pursuits of other students.

Academic dishonesty includes, but is not limited to:

A. plagiarism (of ideas, work, research, speech, art, music, etc.);

B. forgery of another's work;

C. utilizing artificial intelligence platforms and Natural Language Processing (NLP) tools to create content and then submitting the content as one's own (See Policy 7540.08 - *Artificial Intelligence (AI)*);

D. downloading or copying information from other sources and presenting it as one's own;

E. using language translation work of someone else when the expectation is doing one's own translation;

F. copying another person's work;

G. allowing another person to copy one's own work;

H. stealing another person's work;

I. doing another person's work for them;

J. distributing copies of one's work for use by others;

K. distributing copies of someone else's work for use by others;

L. intentionally accessing another's work for the purpose of presenting it as one's own;

M. distributing or receiving answers to assignments, quizzes, tests, assessments, etc.

N. distributing or receiving questions from quizzes, tests, assessments, etc.

O. using an Artificial Intelligence platform for the generation or submission of answers to assignments, quizzes, tests.

Faculty and the administration have the responsibility for monitoring students' work for compliance with this policy.

All teachers, beginning in the elementary grades, will educate students as to what constitutes academic dishonesty and what is acceptable and unacceptable behavior in CCCCSA schools regarding academic integrity.

Consequences for Violation of Policy

Students who violate this policy are subject to disciplinary consequences.

Teachers are authorized, in consultation with their Principal, to apply appropriate consequences for violations of this policy. Disciplinary consequences for significant violations may include removal from the class with a failing grade, removal from student leadership positions, elimination of honors recognition, loss of membership in honor organizations, as well as other disciplinary consequences appropriate to the nature of the violation.

Parents shall be contacted as soon as practicable to report any alleged acts of academic dishonesty by their child.

Repeated violations of this policy at the high school level will result in additional disciplinary consequences, up to and including suspension and expulsion.

Student and/or parent appeals of disciplinary consequences resulting from violation of this policy may be made within five (5) business days to the Principal whose decision shall be final. If the Principal was the staff member responsible for the disciplinary consequence being appealed, then student and/or parent appeals should be directed within five (5) business days to the Superintendent whose decision shall be final.

A summary of this policy shall be included in the Student Code of Conduct and the Employee Handbook.

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STUDENTS

po5511

DRESS AND GROOMING

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

5511 - **DRESS AND GROOMING**

The Governing Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the schools. The Board authorizes the Superintendent to establish a uniform dress code in order to promote a safe and healthy school setting and enhance the educational environment. The school uniform shall be incorporated into the Student Code of Conduct or Discipline Code.

Accordingly, the Superintendent shall establish such grooming procedures as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such procedures shall prohibit student dress or grooming practices which:

A. present a hazard to the health or safety of the student or to others in the school, including by way of communicating threats of harm or depictions of harmful conduct directed at others;

B. interfere with school work, create disorder, or disrupt the educational program, including dress that promotes or depicts illegal activity, such as illegal drug use, underage alcohol consumption, or similar activities;

C. cause excessive wear or damage to school property;

D. prevent the student from achieving their own educational objectives because of blocked vision or restricted movement.

Such procedures shall establish the dress requirements for members of the athletic teams, bands, and other school groups when representing the Authority at a public event. Where appropriate, a uniform or specific dress requirement shall be used for students when representing the Authority as described.

The Superintendent shall develop administrative procedures to implement this policy which:

A. designate the principal as the arbiter of student dress and grooming in their building;

B. instruct staff members to demonstrate by example and precept wholesome attitudes toward neatness, cleanliness, propriety, modesty, and good sense in attire and appearance;

C. ensure that all rules implementing this policy impose only minimum and necessary restrictions on the exercise of the student's taste and individuality.

The Superintendent shall develop administrative procedures to implement this policy which designate the principal as the arbiter of student dress and grooming in his/her building.

Students who violate the foregoing rules will not be admitted to class and may be suspended from school.

Revised 6/14/22
Revised 11/18/22

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F.S. 1001.43
F.S. 1006.07
F.S. 1011.78

STUDENTS

po5512

SMOKING AND TOBACCO-FREE ENVIRONMENT

ADOPTED Apr 12, 2016 · REVISED Dec 14, 2021

5512 - **SMOKING AND TOBACCO-FREE ENVIRONMENT**

The Governing Board recognizes that the use of tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is committed to providing students, staff, and visitors with a smoking and tobacco-free environment on school property and at off-campus, school-sponsored events.

The Board also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, staff, and visitors.

The Board recognizes that adult staff and visitors serve as role models for students. The Board embraces its obligation to promote positive role models in schools and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke or aerosol and other tobacco use for the students, staff, and visitors.

Definitions

A. "Any time" means twenty-four (24) hours a day, seven (7) days a week, 365 days a year.

B. "Electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. "Electronic smoking device" includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or similar devices. "Electronic smoking device" also includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.

C. "School property" means all facilities and property, including land, whether owned, rented, or leased by the Board, and also includes all vehicles owned, leased, rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors.

D. “Tobacco product” means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes; electronic smoking devices; cigars; little cigars; and other kinds and forms of tobacco.

General Statement of Policy

A. Students are prohibited from possessing, using, consuming, displaying, or selling any tobacco products, tobacco-related devices, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored event.

B. Administrators, staff, or visitors are prohibited from using, consuming, displaying, activating, or selling any tobacco products, tobacco-related devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored events. This includes products or paraphernalia displaying tobacco industry brands.

C. It is a violation of this policy for administrators or staff to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/or training facilities. It is also a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the Board.

D. It is a violation of this policy for any person to promote tobacco products on the school property or at off-campus, school-sponsored events via the display of images of tobacco products on gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other material.

Exceptions

It is not a violation of this policy:

A. for a staff member or approved visitor to include tobacco products, tobacco-related devices, imitation tobacco products, or lighters in an instructional or work-related activity in Authority school buildings, if the activity does not include smoking, chewing, or otherwise ingesting the product; or

B. for a person to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco

dependence product, or for other medical purposes, and if the product is being marketed and sold solely for such an approved purpose.

Opportunities for Cessation Programs

Administrators shall consult with the local public health department or other appropriate health and allied community-based organizations to provide students, staff, and administrators with information and access to support systems, programs, and services to encourage them to abstain from the use of tobacco products.

Administrators shall identify and offer evidence-based programs and services for staff members who use tobacco products to support them in complying with this policy.

Enforcement

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the entire school community. All individuals on school premises, including students, staff, administrators, and visitors, are responsible for adhering to and enforcing this policy. Members of the school community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

Enforcement of this policy shall be as specified in the Student Code of Conduct.

Dissemination of Policy

Notice of this policy will be provided through:

A. appropriate "No Tobacco" signage posted in the Authority on school buildings, building entrances, vehicles, vehicular entrances to school grounds, and indoor and outdoor athletic facilities;

B. written notice to students and parents/guardians in student handbooks and orientations;

C. written notice in staff handbooks, in orientations and employee or staff trainings, and when offering employment;

D. reminder announcements of this policy at school and Authority events, as appropriate.

Program Evaluation

This smoking and tobacco-free policy shall be assessed by the Authority or its designated evaluator at regular intervals, but at least once a year, to determine whether policies, policy

enforcement, communication, education, staff training, and cessation programs are effective. Policies and programs shall be updated and revised accordingly.

Educational Programming

The Board further directs the Superintendent to develop administrative procedures designed to provide evidenced-based curricula regarding health hazards of the use of tobacco products to students as part of in-school and after-school programs and to provide counseling to students regarding smoking cessation.

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Revised 12/14/21

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F.S. 381.84
F.S. 386.202
F.S. 386.203
F.S. 386.204
F.S. 386.206
F.S. 386.212
20 U.S.C. 6081 et seq.
20 U.S.C. 7182

STUDENTS

po5513

CARE OF SCHOOL PROPERTY

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

5513 - **CARE OF SCHOOL PROPERTY**

The Governing Board believes that the schools should help students learn to respect property and develop feelings of pride in community institutions.

The Board charges each student with responsibility for the proper care of school property and the school supplies and equipment entrusted to his/her use.

Students who cause damage to school property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law except that students eighteen (18) years of age or older shall also be liable for damage they cause.

The Board authorizes the imposition of fines for the loss, damage, or destruction of school equipment, apparatus, musical instruments, library material, textbooks, and for damage to school buildings.

The Board may report to the appropriate juvenile authorities any student whose damage of school property has been serious or chronic in nature.

A reward may be offered by the Board for the apprehension of any person who vandalizes school property.

Revised 5/7/24

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F.S. 1006.42

STUDENTS

po5514

USE OF PERSONAL TRANSPORTATION DEVICES

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

5514 - **USE OF PERSONAL TRANSPORTATION DEVICES**

The Governing Board regulates the utilization of bicycles, scooters, skateboards, hoverboards, and personal transportation devices, whether powered manually by an operator or powered by a mechanical means (including but not limited to gas engines or electric motors). For purposes of this policy, such items are collectively referred to as "personal transportation devices" but do not include personal transportation devices needed and/or used due to a disability.
Personal transportation devices necessary for use due to a student's disability are governed by other policies of the Board. Additionally, this policy does not prevent the safe and reasonable utilization and operation of personal transportation devices when needed due to a disability.

The Board regards the use of personal transportation devices for travel to and from school by students as an assumption of care, risk, and responsibility on the part of the students and parents of students.

The Board in no way regulates the utilization of personal transportation devices off Board property and in no way takes responsibility regarding the utilization of personal transportation devices on Board property, with the owner and operator of such devices being fully and wholly liable for any personal or property damage resulting from the operation of such devices.

The operator of a personal transportation device must observe all safety rules, display courtesy and consideration toward others, and must abide by this Policy as well as all laws and ordinances regarding the operation of the relevant device. Operating or bringing a personal transportation device on Board property is a privilege and not a right.
An administrator may temporarily or permanently revoke such privilege to the extent that a personal transportation device is operated in a negligent, reckless, or other manner that creates a risk of harm to the operator or others, or in a fashion that otherwise fails to comply with safety rules, laws, or ordinances. The decision of the administrator is subject to a school-level appeal, as set forth in the Student Code of Conduct. Additional disciplinary action may result from the unsafe operation of a personal transportation device on Board property.

Under no circumstances are gas-powered personal transportation devices to be operated on Board property. Under no circumstances may an electric-powered personal transportation device be operated on Board property at a speed that exceeds ten (10) miles per hour. Upon the request of an administrator, the operator of an electronic powered transportation device will dismount the device and walk the device to the appropriate storage area. Failure to comply with an administrator's request to dismount and walk such a device may subject the student to disciplinary action.

Students under the age of sixteen (16) are required by State law to wear a helmet.

The Board will not be responsible for personal mobility devices that are lost, stolen, or damaged.

The Board will not be responsible for personal transportation devices that are lost, stolen, or damaged.

Revised 3/10/26

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F.S. 1001.43

STUDENTS

po5515

USE OF MOTOR VEHICLES

ADOPTED Apr 12, 2016

5515 - **USE OF MOTOR VEHICLES**

The Governing Board regards the use of motor vehicles for travel to and from school by students as an assumption of responsibility on the part of those students -- a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration toward others.

The Superintendent shall develop administrative procedures for the operation and parking of motor vehicles that shall include that students are licensed drivers.

The Board shall not be responsible for motor vehicles that are lost, stolen, or damaged.

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STUDENTS

po5516

STUDENT HAZING

ADOPTED Apr 12, 2016 · REVISED Mar 9, 2021

5516 - **STUDENT HAZING**

Hazing activities of any type are inconsistent with and disruptive to the educational process and prohibited at any time in school facilities, on school property, and/or off school property if the misconduct is connected to activities or incidents that have occurred on school property. No administrator, faculty member, or other Governing Board employee shall encourage, permit, authorize, condone, or tolerate any hazing activities. No student shall plan, encourage, or engage in any hazing.

Hazing is defined as any action or situation that endangers the mental or physical health or safety of a student at a school for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a school. "Hazing" includes, but is not limited to, pressuring, coercing, or forcing a student into violating State or Federal law, any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student; or any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, faculty members, and other employees of the Board shall be alert particularly to possible situations, circumstances, or events that might include hazing. Administrators, staff members, and volunteers shall not intentionally remain ignorant of hazing or potential hazing activities. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the Superintendent in accordance with procedures set forth herein. Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with law.

Procedure for Reporting

The Board designates the principal as the person responsible for receiving all complaints of hazing. Any student or student's parent/guardian who believes s/he has been or is the victim of harassment should immediately report the situation to the school principal. Complaints against the principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board Chair.

All school employees are required to report alleged violations of this policy and alleged acts of hazing to the principal or as described above. School employees must report the alleged violations and acts to the principal within twenty-four (24) hours.

All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the principal or as described above.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Discipline for Hazing

Students found to have engaged in acts of hazing as defined herein shall be subject to disciplinary action in accordance with the Student Code of Conduct.

Reports to Law Enforcement (Grades 9 through 12)

An alleged act of hazing involving any student in grades 9-12 shall be reported to the local law enforcement agency if the alleged act meets the following criteria:

A. a person who commits an act of hazing upon another person who is a member of or an applicant to any type of student organization, if the person knew or should have known the act would result in serious bodily injury or death of such other person and the act results in the serious bodily injury or death of such other person; or

B. a person who commits an act of hazing upon another person who is a member of or applicant to any type of student organization, if the person knew or should have known the act would create a potential risk of physical injury or death to such other person and the act creates a potential risk of physical injury or death of such other person.

Referral of Victims and Perpetrators of Hazing to a Certified School Counselor

Individual(s) who are alleged victims or perpetrators of hazing shall be referred to a certified school counselor whose responsibility it will be to address any counseling needs of the victim or perpetrator deemed necessary by the certified school counselor which may include, but is not limited to, counseling and support to address the needs of the victim and perpetrator, interventions to address the behavior of students who perpetrated the hazing, and interventions which include assistance and support for victims of hazing.

Authority Reporting of Hazing Incidents

Hazing incidents shall be reported in each school's safety and discipline report required under F.S. 1006.09. The report shall include the number of hazing incidents reported, the number of incidents referred to a local law enforcement agency, the number of incidents that result in disciplinary action taken by the school, and the number of incidents that do not result in either referral to a local law enforcement agency or disciplinary action taken by the school.

Notice

The Superintendent shall distribute this policy to all students and Board employees, and shall incorporate it into building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

Revised 3/9/21

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F.S. 1001.43
F.S. 1006.09
F.S. 1006.135

STUDENTS

po5517

ANTI-HARASSMENT

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

5517 - **ANTI-HARASSMENT**

I. **General Policy Statement**

It is the policy of the CCCSA to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all CCCSA operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Superintendent will vigorously enforce its prohibition against discriminatory harassment on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes"; hereinafter referred to as unlawful harassment), and encourages those within the CCCSA community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Superintendent will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Superintendent will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

II. **Other Violations of the Anti-Harassment Policy**

The Superintendent will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

III. **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged harassment.

CCCSA community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on CCCSA property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the CCCSA community at school-related events/activities (whether on or off CCCSA property).

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

A. Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race (including anti-Semitism), color, national origin, religion, or

disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. This unlawful harassment may include, but not be limited to, the following:

1. teasing;
2. threats;
3. intimidation;
4. stalking;
5. cyberstalking;
6. cyberbullying;
7. gaslighting
8. physical violence;
9. theft;
10. sexual, religious, or racial harassment;
11. public humiliation; or
12. destruction of property.

B. "Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or a school employee that:

1. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
2. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. has the effect of substantially disrupting the orderly operation of a school.

C. Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

3. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 – *Nondiscrimination on the Basis of Sex in Education Programs or Activities* is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

2. Unwanted physical and/or sexual contact.

3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

4. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the

unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

5. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work or educational environment, that may reasonably embarrass or offend individuals.

6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

7. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.

8. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

9. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.

10. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.

11. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

12. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

13. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

14. Inappropriate boundary invasions by a CCCSA employee or other adult member of the CCCSA community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based and gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment, or such that it creates a hostile or abusive employment or educational environment.

Any teacher, administrator, coach, or other CCCSA who engages in sexual conduct with a student may also be guilty of a crime. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to CCCSA employees or other adult members of the CCCSA community.

D. Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

E. Race/Color Harassment (Including Anti-Semitism)

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

F. Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or

nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

G. National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

H. Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

I. Pregnancy Harassment

Prohibited pregnancy harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's pregnancy and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's pregnancy and condition of pregnancy.

IV. **Reports and Complaints of Harassing Conduct**

Members of the CCCSA community and Third Parties, which includes all staff, are encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor, or other CCCSA official so that the Superintendent may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other CCCSA official who receives such a report shall file it with the CCCSA's Anti-Harassment Compliance Officer within two (2) days of receiving the report of harassment.

Members of the CCCSA community and Third Parties who believe they have been unlawfully harassed by another member of the CCCSA community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs unless the Complainant makes the complaint maliciously or with knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – *Bullying and Harassment*, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on sex, race (including anti-Semitism), color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or while the matter is being addressed pursuant to Policy 2266, the Principal shall suspend Policy 5517.01 investigation to await the Compliance Officer's written report or the determination or responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 5517 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

A. Compliance Officers

The Board designates the following individuals to serve as the CCCSA's " Compliance Officers" (also known as "Civil Rights Coordinators"); for the CCCSA. They are hereinafter referred to as the "COs".

The COs shall also serve as the System's ADA Coordinator and Title IX Coordinators.

Kristie Belesiotis
Human Resources Manager
3519 Oasis Blvd.
Cape Coral, Florida 33914
239-424-6100 X7456
OasisHR@capecoral.gov

B. ADA Coordinator and Title IX Coordinators

The Board designates the following individuals to serve as the CCCSA's ADA Coordinators and Title IX Coordinators.

Kristie Belesiotis (ADA Coordinator)
Human Resources Manager
239-424-6100x 7456
3519 Oasis Blvd.
Cape Coral, FL 33914
OasisHR@capecoral.gov

C. Title IX Coordinators

The Board designates the following individuals to serve as the CCCSA's Title IX Coordinators.

Kristie Belesiotis
Human Resources Manager
239-424-6100 x 7456
3519 Oasis Blvd.
Cape Coral, FL 33914
OasisHR@capecoral.gov

D. Publication Required

The names, titles, and contact information of these individuals will be published annually on the CCCSA's website.

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the CCCSA community, and Third Parties who seek support or advice when informing another individual about "unwelcome" conduct or to intercede informally on behalf of the student.

E. Duties and Responsibilities

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the School CCCSA community, and Third Parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers within two (2) days. Thereafter, the Compliance Officer or designee must contact the Complainant, if over age eighteen (18) or the Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Superintendent's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the CCCSA community or a visitor to the CCCSA or to receive complaints which are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the CCCSA community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare, after consultation with Superintendent, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the CCCSA community must report incidents of unlawful harassment which are reported to them to a Compliance Officer within five (5) days of learning of the incident.

V. **Investigation and Complaint Procedure**

Except for Sexual Harassment that is covered by Policy 2266 - *Nondiscrimination on the Basis of Sex in Education Program or Activities*, any student who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights (OCR), the Florida Commission on Human Relations (FCHR), and/or the Equal Employment Opportunity Commission (EEOC).

A. Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the CCCSA community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students, other members of the CCCSA community, or Third Parties who believe that they have been unlawfully harassed or retaliated against may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a CCCSA employee, any other adult member of the CCCSA community, or a Third Party and a student will be formally investigated. However, all complaints of harassment involving a CCCSA employee, any other adult member of the CCCSA community, or a Third Party against a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as

possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the allegedly inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A complainant may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) to the Superintendent or other CCCSA-level employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to the Compliance Officers who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The CCCSA's informal complaint procedure is designed to provide employees, other members of the CCCSA community, or Third Parties who believe they are being unlawfully harassed by another individual with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

1. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

2. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.

3. If both parties agree, the Compliance Officers may arrange and facilitate a meeting or mediation between the Complainant and Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officers or designees are directed to attempt to resolve all informal complaints within fifteen (15)days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers or designee in accordance with the Board's records retention policy. (See Policy 8310 and Policy 8320.)

B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of an employee, other member of the CCCSA community, or Third Party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

The Complainant may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other CCCSA official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other CCCSA official, at the student's school/the Compliance Officer, Superintendent, or other CCCSA official, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer within two (2) days.

Throughout the course of the process, as described herein, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant as to whether s/he agrees to any action deemed appropriate. If the Complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent and/or Board Attorney.

Within two (2) days of receiving a formal complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Within two (2) business days of receiving a formal complaint, the Compliance Officer will inform the Respondent, that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of any relevant policies and/or administrative procedures and the Board's anti-harassment policy shall be provided to the Respondent at that time.
The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subject to offensive conduct/harassment. The principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) days of receiving the formal complaint. The investigation will include:

1. interviews with the Complainant;

2. interviews with the Respondent;

3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

4. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer/designee shall consult with the Superintendent. A written report shall then be prepared and delivered to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a written decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

The Superintendent reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the CCCSA community or Third Party alleging the unlawful harassment pursues the complaint. The Superintendent also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Superintendent.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

VI. Privacy/Confidentiality

The CCCSA will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

During the course of a formal investigation, the Compliance Officer or designee will instruct all members of the CCCSA community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the Family Educational Rights and Privacy Act will be maintained in a manner consistent with the provisions of the Federal and State laws.

VII. Sanctions and Monitoring

The Superintendent shall vigorously enforce the Board's prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment/retaliation and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Superintendent may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Superintendent becomes aware that a prior remedial action has been taken against a member of the CCCSA community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

VIII. Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies. Actions that could be construed as retaliation may result in disciplinary action, up to and including the discharge of the employee or the suspension/expulsion of a student involved in the retaliatory behavior.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

IX. **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board policy.

If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officers or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

X. Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy 8141 to report alleged misconduct by certificated employees of the CCCSA that affects the health, safety, or welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy 8141.

XI. Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the CCCSA community related to the implementation of this policy and shall provide training for CCCSA students and staff where appropriate. All training, as well as all information provided regarding this policy and harassment in general, will be age and content-appropriate.

XII. Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by CCCSA personnel;

D. any written documentation of actions taken by CCCSA personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

O. copies of the Board policy and/or procedures/guidelines used by the CCCSA to conduct the investigation, and any documents used by the CCCSA at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

P. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and

Q. documentation of any training provided to CCCSA personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all CCCSA personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the CCCSA's records retention schedule.

Revised 8/14/18
Revised 10/8/19
Revised 3/9/21
Revised 6/8/21
Technical Correction 11/12/24

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Legal
F.S. 110.1221
F.S. 784.049
F.S. 1000.05
F.S. 1006.07
20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as the Individuals with Disabilities Act)
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973
29 U.S.C. 6101, The Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
20 U.S.C. 1681 et seq.
42 U.S.C. 1983

STUDENTS

po5517.01

BULLYING AND HARASSMENT

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

5517.01 - **BULLYING AND HARASSMENT**

The Governing Board is committed to providing an educational setting and workplace that is safe, secure, and free from bullying and harassment for all students and employees.

The Board will not tolerate unlawful bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited:

A. during any education program or activity conducted by the Authority;

B. during any school-related or school-sponsored program or activity, on a school bus of the Authority, or at an Authority school bus stop;

C. through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of the Authority; meaning regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or

D. 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 Authority or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by the Authority or school or substantially disrupts the education process or orderly operation of a school. This paragraph does not require a school to staff or monitor any nonschool-related activity, function, or program.

This policy has been developed and reviewed in consultation with Authority students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies as prescribed in F.S. 1006.147 and in conformity with the Florida Department of Education (FLDOE) Revised Model Policy (April 2016).

Pursuant to State law, Authority students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies shall

be involved in the review of this policy every three (3) years.

The Superintendent shall develop a comprehensive plan intended to prevent bullying and harassment and to cultivate the school climate so as to appropriately identify, report, investigate, and respond to situations of bullying and harassment as they may occur on school grounds, at school-sponsored events, and through school computer networks. Implementation of the plan by each principal will be ongoing throughout the school year and will be integrated with the school curriculum, the bullying and prevention program, Authority disciplinary policies, and violence prevention efforts.

Definitions

"Bullying" includes "cyberbullying" and means systematically and chronically inflicting physical hurt or psychological distress on one (1) or more students or employees. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that creates an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interferes with the individual's school performance or participation; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. physical violence;

G. theft;

H. sexual, religious, or racial harassment;

I. public or private humiliation; or

J. destruction of property; and

K. social exclusion.

"Cyberbullying" means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a

wire, radio, electromagnetic system, photo-electronic system, or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one (1) person or the posting of material on an electronic medium that may be accessed by one (1) or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

"Cyberstalking" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

"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:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or

C. has the effect of substantially disrupting the orderly operation of a school.

"Bullying" and **"harassment"** also encompass:

A. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying of harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.

B. Perpetuation of conduct listed in the definition of bullying and/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:

1. incitement or coercion;

2. 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 Authority school system; or

3. acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

"Harassment" also means electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistant (PDA), or wireless hand-held device) that a student(s) or a group of students exhibits toward another particular student(s) and the behavior both causes mental and physical harm to the other student and creates an intimidating, threatening, or abusive educational environment for the other student(s).

Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person's consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Sexual cyberharassment may be a form of sexual harassment.

"Within the scope of the Authority" means regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity.

Expected Behavior

The Authority expects students to conduct themselves in keeping with 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.

Such behavior is essential in maintaining an environment that provides each student the opportunity to obtain a high-quality education in a uniform, safe, secure, efficient, and high-quality system of education.

The standards for student behavior shall be set cooperatively through interaction among students, parents/guardians, staff, and community member, producing an atmosphere that encourages students to grow in self-discipline. The development of such an atmosphere requires respect for self and others, as well as for Authority and community property on the part of students, staff, and community members. School administrators, faculty, staff, and volunteers serve as role models for students and are expected to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying.

Students are expected to conform to reasonable standards of socially acceptable behavior; respect the person, property, and rights of others; obey constituted authority; and respond to those who hold that authority.

The Authority shall provide for appropriate recognition and positive reinforcement for good conduct, self-discipline, good citizenship, and academic success.

Consequences

Consequences and appropriate remedial action for students who commit acts of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Student Code of Conduct.

Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment shall include discipline in accordance with Authority policies and administrative procedures. Egregious acts of harassment by certified educators may result in a sanction against an educator's State-issued certificate. (See the *Principles of Professional Conduct of the Education Profession in Florida* F.A.C. 6A-10.081)

Consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of bullying or harassment or 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 appropriate law enforcement officials.

Procedure for Reporting

The Board designates the principal as the person responsible for receiving all alleged acts of bullying. Any student or student's parent/guardian who believes s/he has been or is the victim of bullying or harassment should immediately report the situation to the school principal. Complaints against the principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board Chair.

All school employees are required to report alleged violations of this policy and alleged acts of bullying and harassment to the principal or as described above. The alleged violations and acts must be reported by school employees to the principal within twenty-four (24) hours.

All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the principal or as described above.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The principal shall establish and prominently publicize to students, staff, volunteers, and parents the procedure for reporting bullying and how such a report will be acted upon. A victim of bullying and/or harassment, anyone who witnessed the act, and anyone who has credible information that an act of bullying and/or harassment has taken place may file a report.

Procedure for Investigation

The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. All complaints about bullying and/or harassment that may violate this policy shall be promptly investigated by an individual, designated by the principal, who is trained in investigative procedures. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately and shall be confidential. The investigator may not be the accused perpetrator or victim. At no time shall the accused perpetrator and victim be interviewed together. The investigator shall collect and evaluate the facts including, but not limited to, the following:

A. a description of the incident, the nature of the behavior, and the context in which the incident occurred;

B. how often the conduct occurred;

C. whether there were past incidents or past continuing patterns of behavior;

D. the relationship between the parties involved;

E. the characteristics of the parties involved;

F. the identity of the alleged perpetrator, including whether the individual was in a position of power over the individual allegedly subjected to bullying or harassment;

G. the number of alleged bullies/harassers;

H. the age of the alleged bully/harasser;

I. where the bullying and/or harassment occurred;

J. whether there have been other incidents in the school involving the same or other students;

K. whether the conduct adversely affected the student's education or educational environment;

L. the date, time, and method in which the parent(s) of all parties involved were contacted.

In accordance with State law, Authority staff may monitor as part of any bullying or harassment investigation any nonschool-related activity, function, or program.

If, during an investigation of reported acts of bullying and/or harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively "protected classes"), the Principal will report the act of bullying and/or harassment to one (1) of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - *Anti-Harassment*.

Sexual Harassment covered by Policy 2266 - *Nondiscrimination on the Basis of Sex in Education Programs or Activities* is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Upon the completion of the investigation to determine whether or not a particular action or incident constitutes a violation of the policy, the designated individual who has conducted the investigation shall make a determination based on all the facts and surrounding circumstances and shall include:

A. a recommendation of remedial steps necessary to stop the bullying and/or harassing behavior; and

B. a written report to the principal.

A maximum of ten (10) days should be the limit for the completion of the investigative procedural steps and submission of the incident report. While ten (10) days is the expectation for completion of the investigative procedural steps, more time may be needed based on the nature of the investigation and the circumstances affecting that investigation. The investigator shall document in his/her report the reasons for needing additional time beyond ten (10) days. The highest level of confidentiality possible shall be provided regarding the submission of a complaint or a report of bullying and/or harassment and for the investigative procedures that are employed.

The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated pursuant to this policy.

Scope

The investigator will provide a report on the results of the investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the Authority's authority. Computers without web filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated. If the action is within the scope of the Authority, Authority procedures for investigating bullying and/or harassment shall be followed. If the action is outside the scope of the Authority, and believed to be a criminal act, the action shall be referred to the appropriate law enforcement agency. If the action is outside the scope of the Authority and believed not a criminal act, the principal shall inform parents/guardians of all minor parties.

Parent Notification

The principal shall report the occurrence of an incident of bullying as defined by Authority policy to the parent/guardian of all students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone, e-mail, personal conference or in writing by first class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). The notice shall advise the individuals involved of their respective due process rights including the right to appeal any resulting determination or action to the State Board of Education.

If the bullying incident results in the perpetrator being charged with a crime, the principal shall inform by first class mail or by telephone the parent/guardian of the identified victim(s) involved in the bullying incident about the Unsafe Schools Choice Option (the Elementary and Secondary Education Act, as amended that states, in pertinent part, as follows:

> "....a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or 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."

Upon the completion of the investigation and if criminal charges are to be pursued against the perpetrator, the appropriate law enforcement agencies shall be notified by telephone and/or in writing.

Counseling Referral

The Authority shall provide a referral procedure for intervening when bullying or harassment is suspected or when a bullying incident is reported. The procedure will include:

A. a process by which the teacher or parent may request informal consultation with school staff (e.g., school counselor, school psychologist, school social worker etc.) to determine the severity of concern and appropriate steps to address the concern;

B. a referral process to provide professional assistance or services that may includes a process by which school personnel or parent/guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services(parent/guardian involvement is required at this point); or

   If a formal discipline report or formal complaint is made, the principal must refer the student(s) to the school intervention team for determination of counseling support and interventions (parent/guardian is required at this point).

C. a school-based action to address intervention and assistance as determined appropriate by the intervention team that includes:

   1. counseling and support to address the needs of the victim(s) of bullying or harassment;

   2. interventions to address the behavior of students who bully and harass others (e.g., empathy training, anger management, etc.);

   3. interventions which include assistance and support for parents, as may be deemed necessary or appropriate.

Data Report

The Authority will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data as prescribed. If a bullying (including cyberbullying) and/or harassment incident occurs it will be reported in SESIR, coded appropriately using the relevant incident code and the related element code. Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System. In a separate section, the Authority shall include each alleged incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding such incidents.

The Authority will provide bullying incident, discipline, and referral data to the Florida Department of Education (FLDOE) in the format requested, through Surveys 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents as well as any bullying-related incidents that have as a basis sex, race, or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race, or disability) noted in their student record.

Training and Instruction

Students, parents, teachers, school administrators, counseling staff, and school volunteers shall be provided training and instruction, at least annually, on the Authority's policy and administrative procedures regarding bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as information about how to effectively identify and respond to bullying in schools. Instruction regarding bullying, harassment, and the Authority's violence prevention and school safety efforts shall be integrated into Authority curriculum at the appropriate grade levels. The training and instruction shall include recognizing behaviors that lead to bullying and harassment and taking appropriate preventative action based on those observations. The programs of training and instruction authorized by the Authority shall include, but not be limited to, Safe Schools software.

Victim's Parent Reporting

The principal shall report the occurrence of an incident of bullying as defined herein to the parent/guardian of students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone and in writing by first-class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). According to the level of infraction, the victim's parents will be notified by telephone and/or in writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident.

Policy Publication

At the beginning of each school year, the Superintendent shall, in writing, inform school staff, parents/guardians/other persons responsible for the welfare of a student of the Authority's student safety and violence prevention policy.

The Authority shall provide notice to students and staff of this policy in the Student Code of Conduct, employee handbooks, and via the Authority's official website. The Superintendent will also provide such notification to all Authority contractors.

Each principal shall implement a process for discussing, at least annually, the Authority policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages will be displayed, as appropriate, at each school and at Authority facilities.

Immunity

A school employee, school volunteer, students, parent/guardian, or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in Authority

policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

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. Such immunity from liability shall not apply to any school employee, school volunteer, student, parent/guardian, or other person determined to have made an intentionally false report about harassment, intimidation, and/or bullying.

Privacy/Confidentiality

The Authority will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

Nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry under this policy is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. Suspected retaliation should be reported in the same manner as aggressive behavior and/or bullying.

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Revised 11/18/22
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Legal
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F.S. 1002.20
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STUDENTS

po5517.02

SEXUAL VIOLENCE

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

5517.02 - **SEXUAL VIOLENCE**

The Governing Board does not discriminate on the basis of race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes") in its education programs and activities. The Board is committed to maintaining an education and work environment that is free from all forms of unlawful harassment, including sexual harassment.

Sexual harassment, including sexual violence, interferes with students' rights to receive an education free from discrimination, and, in the case of sexual violence, is a crime. Pursuant to its Title IX obligations, the Board is committed to eliminating sexual violence in all forms and will take appropriate action against any individual found responsible for violating this policy. To further its commitment against sexual violence, the Board provides reporting options, an investigative and disciplinary process, and other related services as appropriate.

This policy applies to all student complaints, whether filed by a student, his/her parent, an employee, or third party on the student's behalf. It applies to all Authority operations, programs, and activities, as well as to unlawful conduct occurring on school property or during a Board-sponsored activity. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment.

Definitions

Sexual Harassment

As detailed further in Policy 5517, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Examples include, but are not limited to:

A. unwelcome sexual propositions, invitations, solicitations, and flirtations;

B. unwanted physical and/or sexual contact;

C. threats or insinuations implying that a person's conditions of education may be adversely affected by not submitting to sexual advances;

D. unwelcome sexual verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; unwelcome sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;

E. sexually suggestive objects, pictures, videotapes, audio recordings or literature;

F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;

H. speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;

I. inappropriate boundary invasions into a student's personal space and personal life; and

J. verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual Violence

Sexual violence, as used in this policy, refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the student’s age, intellectual or other disability, or use of drugs or alcohol).

Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sexual harassment and, in turn, sex discrimination prohibited by Title IX.

Harassing conduct creates a hostile environment when it interferes with or limits a student’s ability to participate in or benefit from the school’s program. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment.

Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the CCCCSA. They are hereinafter referred to as the "Compliance Officers".

Kristie Belesiotis
Human Resources Manager
239-424-6100 X7456
3519 Oasis Blvd.
Cape Coral, Florida 33914
OasisHR@capecoral.gov

The names, titles, and contact information of these individuals will be published annually on the Authority's website.

The Compliance Officers are available during regular school/work hours to discuss Title IX questions, sexual violence concerns, and to assist students, other members of the Authority community, and third parties. Compliance Officers shall accept sexual violence complaints directly from any members of the Authority community or a visitor to the Authority, as well as those initially filed within a school building administrator. Upon receiving a complaint, the Compliance Officer or designee will discuss confidentiality issues with the complainant (and his/her parent, if the complainant is a minor), and open an investigation as described below.

Complaint Procedures

Reporting

Board employees are required, to report sexual violence promptly to an administrator, supervisor, or other school official. Students, parents, community members, and third parties are strongly encouraged, to report sexual violence promptly to a teacher, administrator, supervisor, or other school official. Reports can be made orally or in writing and should be as specific as possible. The person making the report shall identify the alleged victim, perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s). The Authority, however, will investigate and address all reports to the extent possible.

A student has a right to file criminal and/or Title IX complaints simultaneously. A student does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to sexual violence or any other Title IX concerns may also be filed with the U.S. Department of Education's Office for Civil Rights.

Any teacher, administrator, supervisor, or other school employee or official who receives such a complaint shall file it with the Authority's Compliance Officer within two (2) school

days, and shall comply with his/her mandatory reporting responsibilities pursuant to State law. The Compliance Officer will oversee the Authority's investigation and response to any Title IX-related complaints, but s/he may delegate the investigative process to another individual ("designee"). The Board reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy.

Confidentiality

The Authority respects students' privacy and will only disclose information regarding alleged sexual violence to individuals who are responsible for handling the school's response, the student's parents (if the student is a minor or is considered a dependent under Section 152 of the Internal Revenue Code), or as otherwise required by law. During the investigative process, the Compliance Officer/designee will instruct all interviewees about the importance of maintaining confidentiality. Interviewees will be directed not to disclose any information that s/he learns or that s/he provides during the course of the investigation to third parties.

Students or their parents sometimes ask that the students' names not be disclosed to the alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. Upon such a request, the Compliance Officer/designee will inform the student and his/her parent that honoring the request may limit the Authority's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The official will also explain that Title IX includes protections against retaliation and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

Should the student or his/her parents continue to request complete confidentiality, the Compliance Officer/designee will balance the student's privacy request with the Authority's obligation to provide a safe and non-discriminatory environment for all students. Should the official determine that the Authority may honor the student's or parent's request and remain in compliance with its Federal and State obligations, the Authority may limit its investigation and/or formal action against the alleged perpetrator. The Authority will, however, take other actions to address sexual violence. This may include increased monitoring and security, offering schedule changes, and conducting climate surveys.

If the Compliance Officer/designee determines that the Authority must disclose the student's identity to an alleged perpetrator, s/he will inform the student and his/her parents prior to disclosure. The Authority will then afford interim protection measures to the student as appropriate.

Investigation

The Authority is committed to investigating all sexual violence complaints in an adequate, reliable, impartial, and prompt manner. The investigation will seek to determine whether

the conduct occurred, and if so, what actions the school will take to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects.

The investigation may include:

A. interviewing the complainant, perpetrator, and any witnesses;

B. reviewing law enforcement investigation documents;

C. reviewing student and personnel files;

D. gathering and examining other relevant documents or evidence; and

E. providing a disciplinary hearing as needed.

The Authority affords both parties a balanced and fair process. Specifically, the complainant has the same rights throughout the proceeding as the alleged perpetrator. Both parties, for example, will have an equal opportunity to present relevant witnesses and other evidence at a disciplinary hearing. Likewise, the Authority's appeal process is available to both parties. The Authority, however, does not require complainants to be present for the hearing or appeal. Further, the Authority will not permit parties to personally question or cross-examine each other directly.

In resolving a complaint, the Authority uses a preponderance of the evidence standard, determining whether it is more likely that not that sexual violence occurred.

Timeline

The Compliance Officer/designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) school days after receipt of a report of sexual violence to advise s/he/them of the Board's intent to investigate the alleged misconduct. The Compliance Officer/designee will also inform the alleged perpetrator of the opportunity to submit a written response to the complaint within five (5) business days. The Authority's investigation, including a disciplinary hearing process (but not appeal), may take up to sixty (60) calendar days to complete. This timeframe may be extended on a case-by-case basis, depending on the complexity and severity of the matter, criminal investigation requirements, and school breaks. During this period, the Authority will provide the complainant with periodic updates on the status of the investigation.

Interim Measures

During the investigation, the Authority will take interim steps to facilitate the complainant's equal access to its education programs. These steps may include, but are not limited to: (1) notifying the complainant of his/her options to avoid contact with the alleged perpetrator;

(2) allowing the complainant to change his/her academic, extra-curricular, transportation, dining, and working situation as appropriate; and (3) informing complainant of other available resources, such as counseling, legal assistance, and victim advocacy. Specific interim measures will be considered and offered on a case-by-case basis.

Notice

Upon completing its investigation, the Authority will notify both parties in writing about the outcome of the complaint and any appeal. Specifically, the Authority will notify the complainant: (1) as to whether the investigation substantiated the allegations; (2) of individual remedies offered to the complainant; (3) of sanctions imposed on the perpetrator that directly relate to the complainant; and (4) other steps the Authority has taken to eliminate the hostile environment and prevent recurrence. The alleged perpetrator will be notified of the investigation's result and disciplinary consequence to him/her, if any. The Authority will not notify the alleged perpetrator about the individual remedies afforded to the complainant. All aforementioned notifications will comply with Federal and State privacy laws, including the Family Education Rights and Privacy Act (FERPA).

Remedies

The Authority will provide a prompt and equitable resolution. If the investigation substantiates the complaint, the Authority will take steps to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects. In addition to imposing disciplinary consequences on the perpetrator, the Authority will consider the following individual and global remedies, on a case-by-case basis:

A. providing medical, counseling, and academic support services to the complainant and/or perpetrator;

B. re-arranging schedules at the complainant's request;

C. affording the complainant extra time to complete or retake classes without academic penalty;

D. reviewing any disciplinary proceedings against the complainant;

E. training or retraining employees/students;

F. developing materials on sexual violence;

G. conducting sexual violence prevention programs; and

H. conducting climate checks.

The Authority will not offer mediation in cases involving sexual violence. Disciplinary consequences against offenders may include suspension, expulsion, termination, and any other sanctions the Board deems appropriate. Any discipline meted out to offenders will comply with special education and Section 504 laws and regulations.

Appeals Process

Both complainants and perpetrators may appeal the outcome of the investigation. Any appeal opportunities afforded to the alleged perpetrator are also afforded to the complainant. Any party wishing to appeal the outcome of the investigation must submit a written appeal to the Board within ten (10) school days after receipt of the written notice of the outcome of the investigation. The Board shall, within twenty (20) work days, conduct a hearing concerning the appeal. The Board shall provide a written decision to the appealing individual within ten (10) work days following completion of the hearing.

Retaliation

Federal law strictly prohibits retaliation against a complainant or witness. The Authority will inform the complainant of this prohibition and direct him/her to report retaliation, whether by students or school officials, to the Compliance Officer. Upon learning of retaliation, school officials will take strong responsive action as appropriate.

Training

All staff will be trained so they know to report harassment to appropriate school officials. This training will include practical information about how to identify and report sexual harassment, including sexual violence. The training will be provided to any employees likely to witness or receive complaints involving sexual harassment and/or sexual violence, including teachers, school law enforcement unit employees or school resource officers, school administrators, school counselors, and health personnel. Further, school administrators responsible for investigating allegations of sexual harassment and sexual violence will be trained how to conduct such investigations and respond properly to such charges.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to: written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

A. dated written determinations to the parties;

B. dated written descriptions of verbal notifications to the parties;

C. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

D. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the Authority's records retention schedule.

Revised 10/8/19
Revised 11/12/24

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Legal
20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
34 C.F.R. Part 106
Dear Colleague Letter on Sexual Violence (Office for Civil Rights, 2011)
OCR's Revised Sexual Harassment Guidance (2001)

STUDENTS

po5517.03

DATING VIOLENCE AND ABUSE

ADOPTED Apr 12, 2016 · REVISED Oct 8, 2019

5517.03 - **DATING VIOLENCE AND ABUSE**

The Governing Board strictly prohibits any act of dating violence and abuse committed by one student against another on school property, during a school-sponsored activity, or during school-sponsored transportation.

Dating Violence and Abuse Defined

For purposes of this policy, dating violence and abuse shall be defined as emotional, verbal, sexual, or physical abuse of a student who is in a current or was in a past dating relationship by the other person in that dating relationship. Abuse may include insults, coercion, social sabotage, sexual harassment, stalking, threats, and/or acts of mental abuse such as gaslighting, physical, or sexual abuse. It may also be a pattern of demeaning, coercive, abusive actions that amount to emotional or psychological abuse. Dating violence and abuse may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, as well as harassment through a third party.

Reporting Acts of Dating Violence and Abuse

Any student who is the victim of an act of dating violence and abuse, or has cause to believe that s/he is in immediate danger of becoming the victim of an act of dating violence and abuse, should report the matter to the Principal or to any member of the school staff.

Any Board employee who receives a report of an act of dating violence and abuse, who directly observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse shall report such abuse, observations, or suspicions to the Principal.

Any resident of the community or other member of the school community, including students, parents, volunteers, and visitors, who observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse is strongly encouraged to report the matter to the Principal or other District administrator or official. These reports can be made either in person or anonymously.

Investigating Reports of Dating Violence and Abuse

Upon receiving a report of alleged dating violence and abuse, the Principal shall conduct an investigation of the allegation promptly. As part of the investigation, the Principal shall contact the parent(s) of the alleged victim and/or the parent(s) of the alleged perpetrator, if they are under the age of eighteen (18), to inform them of the report.

The investigation of the report should include interviews of the alleged victim, the individual accused of perpetrating the dating violence and abusive behavior, and any other person who may have witnessed the alleged act or who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

The Board reserves the right to investigate a report of dating violence and abuse regardless of whether the student who is allegedly the victim of the dating violence and abuse wants to pursue the matter.

Consequences

At the conclusion of the investigation, the Principal will determine if the allegation of dating violence and abuse was substantiated. If the Principal determines that a student has committed an act of dating violence and abuse, that violation of this policy shall result in disciplinary action in accordance with the Student Code of Conduct, which may include suspension, assignment to another school or program, or recommendation for expulsion. All disciplinary action shall be taken in accordance with State law and applicable Board policy. (See Policy 5500 and Policy 5600) When imposing discipline, the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved, shall be considered.

Suspensions for acts of teen violence and abuse may be appealed in accordance with the procedures set forth in the Student Code of Conduct. (See Policy 5500)

Further, the Department of Children and Families shall be notified if the student who is found to have perpetrated the act of dating violence and abuse is eighteen (18) years of age or older and the student who was the victim of the act of dating violence and abuse is a minor.

In those cases where teen dating violence and abuse is not substantiated, the Principal may consider whether the alleged conduct nevertheless warrants disciplinary action in accordance with the Student Code of Conduct or other Board policies.

Support and Reasonable Accommodations

If requested during or after the investigation, the Principal shall make reasonable accommodations for the student who is allegedly experiencing dating violence and abuse including, but not limited to the following:

A. Stay Away Contract, that is, a contract with the alleged perpetrator to stay away from the victim while on school grounds, on school transportation, and during school-sponsored programs and events;

B. Class schedule changes;

C. Protection that will enable safe egress/regress from school, as well as movement within the school; and

D. Referrals for outside support or counseling.

Students should provide the Principal with a copy of an order of protection that has been issued by the court. The Principal shall then contact the student whose behavior is to be regulated by that order of protection and initiate a Stay Away Contract that is consistent with the terms of that order and provides penalties for known violations of the contract. Further, the Principal shall notify law enforcement immediately if s/he knows or has reason to believe that a criminal or civil restraining order has been violated.

The School Resource Officer shall respond immediately to a report of a violation of a criminal or civil restraining order.

Other Violations of the Dating Violence and Abuse Policy

The Superintendent will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging dating violence and abuse, or who has participated as a witness in an investigation of such an allegation.

B. Filing a malicious or knowingly false report or complaint of dating violence and abuse.

C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of dating violence and abuse, when responsibility for reporting and investigating allegations of dating violence and abuse comprises part of one's supervisory duties.

Privacy/Confidentiality

The Authority will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board’s legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy

and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of dating violence and abuse. The Superintendent shall require that the Authority's comprehensive health curriculum in grades 7-12 include a component about dating violence and abuse that is age appropriate and includes the content required by State law.

Further, the Superintendent shall provide appropriate training to all members of the Authority staff related to dating violence and abuse, and the implementation of this policy.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel to include;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 10/8/19

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Legal
F.S. 1003.42
F.S. 1006.148

STUDENTS

po5520

DISRUPTIONS OF SCHOOLS AND SCHOOL-SPONSORED ACTIVITIES

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

5520 - **DISRUPTIONS OF SCHOOLS AND SCHOOL-SPONSORED ACTIVITIES**

Students have a right to receive an education at school and participate in various school-sponsored activities. The Governing Board, having the responsibility for providing an educational program for the students of this Authority, shall have the authority to preserve order for the proper functioning of its programs.

The Board recognizes that students have constitutionally guaranteed rights of, among other things, free speech, peaceful assembly, and freedom of expression. However, the substantial disruption of the educational program at the Authority's schools and at school-sponsored activities or the infringement of the rights of others will not be permitted as set forth in the Code of Student Conduct.

Revised 11/18/22

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Legal
F.S. 877.13
F.S. 1001.43

STUDENTS

po5530

DRUG PREVENTION

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

5530 - **DRUG PREVENTION**

The Governing Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the whole school community.

As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by educational, rather than punitive, means.

For purposes of this policy, "drugs" shall mean:

A. all dangerous controlled substances as so designated and prohibited by Florida statute;

B. all chemicals which release toxic vapors;

C. all alcoholic beverages;

D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;

E. anabolic steroids;

F. any substance that is a "look-alike" to any of the above.

G. Fentanyl

The Board prohibits the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia as the term is defined by law, or the misuse of a product containing a substance that can provide an intoxicating or mood-altering effect on school grounds, on school vehicles, and/or at any school-sponsored event.

It further establishes a drug-free zone within 1,000 feet of any facility used by the Authority for educational purposes.

The Superintendent shall prepare procedures for the identification, amelioration, and regulation of drug use in the schools. Such procedures shall:

A. emphasize the prevention of drug use;

B. provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:

1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;

2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;

3. assists students to develop skills to make responsible decisions about substance abuse and other important health issues;

4. promotes positive emotional health, self-esteem, and respect for one's body;

5. meets the minimal objectives as stated in the essential performance objectives for health education as established by the State Department of Education;

C. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;

D. provide standards of conduct that are applicable to all students and which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;

E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;

The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.

F. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents to the appropriate programs;

G. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;

H. require the notification to parents and students that compliance with the standards of conduct is mandatory;

I. provide a biennial review of the Authority's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;

J. establish means for dealing with students suspected of drug use or suspected of possessing or distributing drugs in school and ensure that the Authority's policy and administrative procedures on Search and Seizure Policy 5771, *Suspension and Expulsion* Policy 5610 and AP 5610, and *Permanent Exclusion* Policy 5610.01 are complied with fully.

Revised 3/10/26

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Legal
F.S. 683.3343
F.S. 1001.43
F.S. 1006.07
Public Law 101 - Drug-Free Schools and Communities Act of 1986
20 U.S.C. 3171 et seq.
20 U.S.C. 3224A

STUDENTS

po5540

THE SCHOOLS AND INVESTIGATIONS INVOLVING STUDENTS

ADOPTED Apr 12, 2016 · REVISED Feb 9, 2021

5540 - **THE SCHOOLS AND INVESTIGATIONS INVOLVING STUDENTS**

The Governing Board recognizes that all employees and agents of the Board have an affirmative duty to cooperate with law enforcement agencies and the Department of Children and Families and comply with investigations relating to child abuse, abandonment, and neglect, or an alleged unlawful sexual offense involving a child. As provided herein, building administrators may also assist authorities in their investigations of other violations of law in which students are alleged to be involved.

When State and Federal law enforcement authorities, including the U.S. Immigration and Customs Enforcement (ICE), or officials from the Department of Children and Families arrive at the school and wish to interview a student or investigate an alleged violation of law, they must contact the building administrator indicating the nature of their investigation and expressing their desire to question a student or students.

Investigation of Child Abuse/Neglect by the Department of Children and Families

Every employee and agent of the Board who, in connection with his/her position, knows or has reasonable cause to suspect child abuse, abandonment, or neglect must immediately report that knowledge or suspicion online at https://www.dcf.state.fl.us/service-programs/abuse-hotline/report-online.shtml or by calling the abuse hotline at 1-800-962-2873, or TDD (Telephone Device for the Deaf): 1 800 453-5145. If the situation constitutes an emergency, the employee should call 911 first and then call the abuse hotline number. (also see Board Policy 8462)

An official of the Department of Children and Families or law enforcement agency on its behalf may interview a student on school property during school hours in order to investigate a claim of child abuse/neglect involving such student or a member of the student's family. If neither the student nor a member of his/her family is the subject of the child abuse/neglect investigation, such agency shall be encouraged to contact the student during non-school hours and investigate the matter off school property, if at all possible.

The building administrator shall attempt to contact the parent prior to questioning, unless directed not to do so by the investigator. The building administrator must not attempt to

contact the parent without first advising the investigator of his/her intent to do so.

The building administrator or designated guidance counselor shall request to remain in the room during questioning of the student. However, it is up to the investigator whether to allow a school staff member who is known by the child to be present during the initial interview, and will only make such allowance if:

A. the investigator believes that the school staff member could enhance the success of the interview by his/her presence; and

B. the child requests or consents to the presence of the school staff member at the interview.

Investigations of Child Abuse/Neglect by Law Enforcement Agencies

A law enforcement agency may interview a student on school property during school hours in order to investigate a claim of child abuse/neglect involving such student or a member of the student's family. If neither the student nor a member of his/her family is the subject of the child abuse/neglect investigation, such agency shall be encouraged to contact the student during non-school hours and investigate the matter off school property, if at all possible.

Investigations of Violations of Law by Law Enforcement Agencies

Law enforcement agencies investigating complaints other than under the Child Protection Act should contact a student during non-school hours and investigate alleged violations of the law off school property if at all possible. An investigation can take place immediately on school property during school hours at the request of the building administrator if the alleged violation of law took place on school property, involves other situations affecting school safety or in emergency situations.

If a student is to be questioned as a witness or victim in an alleged violation of law, the building administrator shall remain in the room during the questioning, unless compelling reasons for exclusion are provided by the law enforcement agency. Although, in such circumstances, the principal is lawfully acting in loco parentis, the parent should be informed.

Before the student(s) is (are) questioned as a suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall remain in the room during the questioning unless compelling reasons for exclusion are provided by the law enforcement agency. In the event prior contact was not successful, the parent shall be notified subsequent to the questioning.

Notification and Release of Records

Attempts to notify the parents regarding investigations of child abuse/neglect and other law enforcement investigations shall be documented.

When an authorized law enforcement officer or the Department of Children and Family Services removes a student, the building administrator shall also notify the parent(s) and the Superintendent. No school official may release personally identifiable student information in education records to the police or the Department of Children and Family Services without prior written permission of the parent, a lawfully-issued subpoena, a court order or a health or safety emergency. (See Board Policy 8330).

Revised 8/14/18
Revised 2/9/21

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Legal
Fla. Const. Art. I, Sect. 9
F.S. 1006.061

STUDENTS

po5600

STUDENT DISCIPLINE

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

5600 - **STUDENT DISCIPLINE**

The Governing Board acknowledges that conduct is closely related to learning -- an effective instructional program requires an orderly school environment and the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions.

All school personnel shall be informed and responsible for all Board administrative procedures concerning discipline. All school personnel shall become involved in the discipline process anywhere on campus or at school functions off campus. A good faith effort shall be made by the principal to employ parental assistance or other alternative measures prior to suspension.

Students are under the control and direction of the principal and under the immediate control and direction of the teacher or other member of the instructional staff or bus driver to whom such responsibility may be assigned by the principal:

A. when they are being transported to or from school at public expense;

B. when they are attending school;

C. when they are engaged in a school-sponsored activity, and on the school premises; and

D. during a reasonable time before and after a student is on the premises for attendance at school or for authorized participation in a school-sponsored activity, and only when on the premises. A "reasonable time" means thirty (30) minutes before or after the school day or school-sponsored activity is scheduled or actually begins or ends, whichever period is longer.

The Board shall also require each student of this Authority to:

A. conform to reasonable standards of socially-acceptable behavior;

B. respect the person and property of others;

C. preserve the degree of order necessary to the educational program in which they are engaged;

D. respect the rights of others.

The Board will not tolerate any form of violence, disruptive, or inappropriate behavior, nor excessive truancy that it defines as more than fifteen (15) unexcused absences within a ninety (90) calendar day period. In addition to disciplinary action specified in the parent/student handbooks, the Superintendent shall develop strategies that will help prevent students from demonstrating any of these unacceptable behaviors.

Each school principal shall fully support the authority of their teachers and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting. The principal or designee must give full consideration to the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision regarding student referral for discipline.

A. If the disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive behavior continues, the principal must refer the case to the school's child study team to schedule a meeting with the parent to identify potential remedies.

B. If an initial meeting with the student's parent does not resolve the behavioral issues, the child study team must implement the following:

1. Frequent attempts by the school, including the student's teacher and a school administrator, at communicating with the student's family. The attempts may be made in writing or by telephone, but must be documented.

2. A student evaluation for alternative education programs.

3. Behavior contracts.

The child study team may, but is not required to, implement other interventions, including referral to other agencies for family services or a recommendation for filing a petition for a child in need of services pursuant to F.S. 984.15

The Superintendent shall promulgate administrative procedures for student conduct which carry out the purposes of this policy and:

A. are not arbitrary but bear a reasonable relationship to the need to maintain a school environment conducive to learning;

B. do not discriminate among students;

C. do not demean students;

D. do not tend to violate any individual rights constitutionally guaranteed to students.

The Superintendent shall designate sanctions for the infractions of rules, excluding corporal punishment, which shall:

A. relate in kind and degree to the infraction;

B. help the student learn to take responsibility for his/her actions;

C. be directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

The Superintendent shall publish to all students and their parents the rules of this Authority regarding student conduct and the sanctions.

The Superintendent shall inform the Board periodically of the methods of discipline imposed by the Authority and the incidence of student misconduct in such degree of specificity as shall be required by the Board.

Principals have the authority to assign discipline to students, subject to the Board policy, the administrative procedures of the Superintendent, and to the student's due process right to notice, hearing, and appeal.

Teachers, school bus drivers, and other employees of this Board having authority over students shall have the authority to take such means as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this Board and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.

Revised 3/10/26

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Legal
F.S. 1001.43
F.S. 1002.20
F.S. 1003.31
F.S. 1003.32
F.S. 1006.07
F.S. 1006.08

F.S. 1006.09
F.S. 1006.10

STUDENTS

po5605

SUSPENSION/EXPULSION OF DISABLED STUDENTS

ADOPTED Apr 12, 2016

5605 - **SUSPENSION/EXPULSION OF DISABLED STUDENTS**

In matters relating to the disciplining of disabled students, the Governing Board shall abide by Federal and State laws regarding suspension and expulsion.

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Legal
F.S. 1006.07
F.S. 1006.09
F.A.C. 6A-1.0404(3)
F.A.C. 6A-6.03311
Section 504, 1973 Rehab. Act
34 C.F.R. 300.520 et seq.
U.S. Supreme Court, Honig v Doe, 56 USLW 4091

STUDENTS

po5610

REMOVAL, OUT-OF-SCHOOL SUSPENSION, AND EXPULSION OF STUDENTS

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

5610 - **REMOVAL, OUT-OF-SCHOOL SUSPENSION, AND EXPULSION OF STUDENTS**

The Governing Board recognizes that exclusion from the educational program of the schools, whether by emergency removal, suspension, or expulsion, is the most severe sanction that can be imposed on a student in the Authority, and one that cannot fairly be imposed without due process.

No student is to be removed, suspended, expelled, or excluded from an activity, program, or a school unless his/her behavior represents misconduct as specified in the student/parent handbook approved by the Board. The handbook shall also specify the procedures to be followed by school officials. In determining whether a student is to be suspended or expelled, Authority administrators shall use a preponderance of evidence standard. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, the procedures set forth in Policy 5605 shall apply to students identified as disabled under the IDEA and/or Section 504 of the Rehabilitation Act of 1973.

REMOVAL FROM CLASS

A. Removal

A teacher has the authority to refer a disruptive student to the Principal's office to maintain effective discipline in the classroom and may recommend an appropriate consequence consistent with the Student Code of Conduct. Disruptive behavior will include, but not be limited to, the following:

1. assault on staff or students,

2. threat(s) or violence,

3. willful disregard of a teacher’s directions, interfering with the class or activity,

4. malicious vandalism,

5. possession of weapons of any type,

6. continuing use of profane language or obscene gestures, and

7. instigation of violence or mass disobedience to legitimate directions.

After determining that the student has violated the Student Code of Conduct, the Principal shall respond either by employing the teacher's recommended consequence, or by imposing a more serious disciplinary action, if the student's overall behavioral history warrants it.

If the Principal determines that disciplinary action other than that recommended by the teacher is appropriate, the Principal should consult with the teacher before taking disciplinary action. If the Principal deviates in any way from the teacher's recommendation, the Principal must provide the reasons for any such deviation in writing to the teacher.

If the Principal determines that the student has not violated the Student Code of Conduct, the Principal may not impose any discipline.

The Principal shall notify the teacher of any decision regarding discipline, or lack thereof, and interventions provided to a student to address the behavior.

The teacher may request a conference with the Principal and the student's parent(s)/guardian(s) prior to the student being returned to his/her classroom. A disruptive student will not normally be returned to the classroom where he/she exhibited the disruptive behavior before such conference occurs.

B. Removal

Pursuant to F.S. 1003.32, a teacher may remove a student from his/her class whose behavior the teacher determines interferes 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.

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 the Placement Review Committee must render decisions within five (5) working days of the removal of the student from the classroom.

In accordance with State law, each school shall establish a Placement Review Committee(s) to determine if a student is to be returned to a teacher's class after that student has been removed by the teacher and the teacher has withheld consent for that student to be returned to the teacher's class. Committee membership shall be as set forth in State law. The Placement Review Committee(s) will be selected during preschool planning.

A teacher, who removed a student from his/her class and who has withheld consent for the return of that student to his/her class, shall not serve on the committee when the committee makes its decision regarding the return of the student.

OUT-OF-SCHOOL SUSPENSION FROM SCHOOL OR FROM RIDING SCHOOL BUS

When a student's actions are so disruptive to himself/herself or to the school as to violate law, Board policies, or school rules, the student may be suspended by the Principal. A student who is suspended shall not be allowed to attend his/her regular classes or school-sponsored activities for a prescribed number of days not to exceed ten (10). The principal or designated representative may refer the student during the period of the suspension to in-school suspension, a center for special counseling, or shall remand the student to the custody of his/her parent or guardian.

"Suspension", also referred to as "out-of-school suspension", means the temporary removal of a student from all classes of instruction on school grounds and all other school-sponsored activities, except as authorized by the principal, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student's parent, with specific homework assignments to complete.

"Serious breach of conduct" includes, but is not limited to, willful disobedience, open defiance of authority of a member of the staff, actual or threatened violence against persons or property, or any other act that substantially disrupts the orderly conduct of the school.

The principal may suspend a student from school for a period not to exceed ten (10) school days. With advance approval from the Superintendent, the student may be suspended for more than three (3) days but not to exceed ten (10) days. Before suspending a student, except in emergencies or disruptive conditions that require immediate suspension or in the case of a serious breach of conduct, the Principal shall make a good faith effort to employ parental assistance or alternative methods of dealing with the student and shall document such efforts.

In no case shall a teacher suspend a student from school or class, nor shall a bus driver suspend a student from riding a school bus. A student may not be suspended for unexcused tardiness, lateness, absence, or truancy.

Before a suspension, the student will receive oral and written notice of the charges and an explanation of the evidence against him/her. The Principal will hold an informal hearing to give the student an opportunity to explain his/her side of the story. The hearing will be held on the day of the alleged infraction, unless it would be impossible or unreasonably difficult to do so.

The Principal will make a good faith effort to contact the student's parent or guardian by telephone immediately after making the decision to suspend.

The Principal will send formal written notice to the student's parent or guardian by U.S. Mail, or other method agreed to by the parent, informing of the length of the suspension and the reasons for it. The Principal will also report each suspension to the Superintendent in writing within twenty-four (24) hours of the time the student is informed of the suspension.

Except in the event of emergencies, all out-of-school suspensions shall begin at the end of the school day of the infraction, unless the parents or guardians have been notified and are able to pick up the student at school. The school will provide homework assignments for the student to complete.

In cases of extremely disruptive or dangerous behavior persons or groups involved may be immediately suspended and ejected from the school campus without the necessity of a prior hearing. In such instances, each student shall be afforded an informal hearing before the principal prior to the expiration of the third day of suspension.

A student shall be given the opportunity to make up schoolwork and course requirements missed while absent due to out-of-school suspension. The student shall have a reasonable amount of time to complete the school work missed (number of days suspended plus one (1) day) and shall do so on his/her own initiative.

When The School Board of Lee County action on a recommendation for the expulsion of a student is pending, the superintendent may extend the suspension assigned by the principal beyond ten (10) school days if such suspension expires before the next regular or special meeting of The School Board of Lee County.

In the case of students with disabilities, suspensions shall be pursuant to the procedures outlined in the *Student Code of Conduct*.

Appeal

The School Board of Lee County designates the Superintendent as its representative at all hearings regarding the appeal of a suspension.

The notice to the parent will include an explanation of the right of the student or parent to appeal to the Superintendent, the right to be represented at the appeal, and the right to

request the hearing be held in executive session if before The School Board of Lee County.

Delayed Admission

The Board authorizes the superintendent to delay the admission of a student who has been suspended by another public or private school for an act that would have been grounds for suspension according to the Board-adopted *Student Code of Conduct* for a period equal to that of the suspension.

EXPULSION

A principal may recommend to the Superintendent the expulsion of a student who has committed a serious breach of conduct. A recommendation of expulsion will include a detailed report on the student's actions and alternative measures taken before the recommendation.

"Expulsion" means the removal of the right and obligation of a student to attend a public school for a period of time and under conditions set by the Board not to exceed the remainder of the term or school year and one (1) additional year of attendance.

"Serious breach of conduct" includes, but is not limited to, willful disobedience, open defiance of authority of a member of the staff, violence against persons or property, or any other act that substantially disrupts the orderly conduct of the school.

A student and his/her parent or guardian will be given written notice of the principal's recommendation and the reasons therefore and an opportunity to meet with the Superintendent to answer the charges.

When the superintendent makes a recommendation for expulsion to The School Board of Lee County, written notice shall be given to the student and his/her parent or guardian of the recommendation setting forth the charges against the student, with a summary of the factual, legal, and policy grounds for the recommendation, and advising the student and his/her parent or guardian of their right of due process.

The student and parent or representative will have the opportunity to meet with the superintendent to challenge the proposed action or to otherwise explain the student's actions. The written notice will state the time and place to appear, which must not be earlier than three (3) school days no later than five (5) school days after the notice is given, unless the Superintendent grants an extension upon request of the student or parent.

Within one (1) school day of the meeting, the Superintendent will notify the parents, guardians, or custodians of the student and Fiscal Officer of The School Board of Lee County whether s/he intends to recommend to The School Board of Lee County that the student be expelled. The notice will include the reasons for recommendation and the right of the student, parent, guardian, or custodian to appeal to The School Board of Lee County,

the right to be represented at the appeal, and the right to request the hearing be held in a public meeting if before The School Board of Lee County.

When making a determination whether or not a student will be expelled or permanently excluded under this policy, the Superintendent shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - *Information Management* (i.e., "Litigation Hold")) created and/or received as part of an investigation.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

All students who are recommended for expulsion shall undergo screening to determine if they may be a student with a disability and due the procedural rights and safeguards afforded such students.

A parent or adult student may make a written request for a hearing within ten (10) days from receipt of the Superintendent's notice.

Expulsion Hearing

The hearing may be conducted by the entire The School Board of Lee County or by an individual appointed by the Board to serve as hearing officer.

All parties will be given reasonable notice of the hearing of not less than fourteen (14) days; however, the fourteen (14) day requirements may be waived by the Board or hearing officer without the consent of the parties.

Failure to timely request a hearing or failure to appear at a hearing after notice of the date and time of the hearing shall be deemed to be a waiver of any hearing on the matter. However, upon presentation of good and sufficient reasons for non-appearance, the presiding officer may direct that the hearing be re-scheduled.

Hearings will be conducted in accordance with Florida statutes and the Uniform Rules of Procedure. Reasonable flexibility in method or order of presentation shall be permitted. No parent or adult student shall be prohibited from presenting reasonable matters because of insubstantial procedural irregularities. A parent or adult student may be represented at the hearing by an adult, whether as legal counsel or qualified representative. Expulsion hearings are exempt from the public meetings law; however, the parent may elect to have the hearing held as a public meeting.

Final Order

The School Board of Lee County will enter a written final order, including findings of fact, if any, and conclusions of law separately stated. The final order will include a ruling on each

exception, if any, in accordance with Florida statutes.

The final order will be served on all parties.

Appeal

A party may seek judicial review of the final order in accordance with F.S. 120.68.

Application Requirements for Earned Return of Expelled and/or Students Whose Expulsion is Held in Abeyance

Students expelled from school and eligible for earned return may apply for re admission in accordance with The School Board of Lee County policies.

Denial of Admission

A student seeking to enroll in an Authority school who has been expelled for an act that would have been grounds for expulsion according to the Authority-adopted *Student Code of Conduct* by an in-state or out-of-state public district school board or private school, or lab school may be denied admission to the Authority's school for a period equal to that of that expulsion.

Prior to making a recommendation regarding admission or denial thereof, the Superintendent may offer the student an opportunity for a hearing to review the circumstances of the expulsion and any other factors the Superintendent determines to be relevant.

The Superintendent may recommend that The School Board of Lee County honor the final order of expulsion from the student's previous district of attendance and deny admission to the student, or that the Board waive the final order of expulsion and admit the student.

Acting upon the recommendation of the Superintendent, The School Board of Lee County may deny the admission of a student who has been expelled by any in-state or out-of-state public district school board or private school for a period equal to that of the expulsion for an act that would have been grounds for expulsion according to the Board-adopted *Student Code of Conduct*. A final order of expulsion shall be recorded in the records of the Authority, and the student and his/her parents shall be advised of the final order of expulsion.

However, The School Board of Lee County may, with or without the Superintendent's recommendation, waive the expulsion, admit the student, and direct that s/he be placed in an appropriate educational program.

A copy of this policy is to be made accessible to students and parents in the Authority's online policy manual, and shall be provided in hard copy to students and parents upon

request. Key provisions of this policy should also be included in the *Student Code of Conduct*.

Revised 11/8/16
Revised 8/14/18
Revised 3/9/21
Revised 5/7/24
Revised 9/16/25

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Legal
F.S. 120.569
F.S. 120.57
F.S. 1002.20
F.S. 1003.02
F.S. 1003.32
F.S. 1006.07
F.S. 1006.08
F.S. 1006.09
F.A.C. Chapter 28-106
18 U.S.C. Section 921

STUDENTS

po5610.01

EMERGENCY REMOVAL OF STUDENTS

ADOPTED Apr 12, 2016 · REVISED Jun 8, 2021

5610.01 - **EMERGENCY REMOVAL OF STUDENTS**

If a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either in a classroom or elsewhere on school premises, then the Director, principal, or assistant principal may remove the student from curricular activities or from the school premises. A teacher may remove the student from curricular activities under the teacher's supervision, but not from the premises. If the student's behavior involves unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, employees must disclose such information in accordance with Policy 8406 - *Reports of Suspicious Activity and Potential Threats to Schools*.

If the student conduct complained of involves sexual harassment, the District shall comply with the requirements specified in Policy 2266 - *Nondiscrimination on the Basis of Sex in Education Programs or Activities*.

If a teacher makes an emergency removal, the teacher will notify a building administrator of the circumstances surrounding the removal in writing, as soon as practicable. No prior notice or hearing is required for any removal under this policy. In all cases of normal disciplinary procedures where a student is removed from a curricular activity for less than one (1) school day and is not subject to further suspension or expulsion, the following due process requirements do not apply.

If the emergency removal exceeds one (1) school day, then a due process hearing will be held within three (3) school days after the removal is ordered. Written notice of the hearing and the reason for the removal and any intended disciplinary action will be given to the student as soon as practicable prior to the hearing. If the student is subject to out-of-school suspension, the student will have the opportunity to appear at an informal hearing before the principal, assistant principal, Director, or designee and has the right to challenge the reasons for the intended suspension or otherwise explain his/her actions. Within one (1) school day of the decision to suspend, written notification will be given to the parent(s)/guardian(s) or custodian of the student and to the Director. This notice will include the reasons for the suspension, the right of the student or parent(s)/guardian(s) to appeal to the Director or his/her designee and the student's right to be represented in all appeal proceedings. If it is probable that the student may be subject to expulsion, the

hearing will take place within three (3) school days and will be held in accordance with the procedures outlined in the Policy 5611 - *Due Process Rights*.

If the Director or principal reinstates a student prior to the hearing for emergency removal, the teacher may request written reasons for the reinstatement. The teacher cannot refuse to reinstate the student.

In an emergency removal, a student can be kept from class until the matter of the misconduct is disposed of either by reinstatement, suspension, or expulsion.

Revised 5/14/19
Revised 6/8/21

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F.S. 1006.07
F.S. 1006.09

STUDENTS

po5610.02

IN-SCHOOL DISCIPLINE

ADOPTED Nov 8, 2016 · REVISED Oct 8, 2019

5610.02 - **IN-SCHOOL DISCIPLINE**

It is the purpose of this policy to allow for an alternative to out-of-school suspension.

In-school discipline includes detention, in-school restriction, and/or in-school suspension, which is the temporary removal of a student from his/her regular class(es) and assigning the student to a location in the building under the supervision of Governing Board personnel for a period not to exceed ten (10) school days.

Students assigned to in-school suspension will be given credit for all classroom assignments completed provided the student submits the assignments upon return to his/her class.

In-school discipline will be at the discretion of the Principal for offenses found in the Student Code of Conduct/Student Discipline Code.

The Superintendent is to establish administrative procedures for the proper operation of such programs. As long as the in-school disciplinary alternatives are served entirely in the school setting, they will not require any notice, hearing, or appeal rights.

Revised 10/8/19

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F.S. 1006.07

STUDENTS

po5610.03

DETENTION OF STUDENTS

ADOPTED Apr 12, 2016

5610.03 - **DETENTION OF STUDENTS**

A student may be detained up to one (1) hour after school is dismissed. An effort shall be made to notify one of the student's parents prior to the detention. Transportation of students following detention is the responsibility of the parent.

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STUDENTS

po5610.04

SUSPENSION OF BUS RIDING/TRANSPORTATION PRIVILEGES

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

5610.04 - **SUSPENSION OF BUS RIDING/TRANSPORTATION PRIVILEGES**

Students on a bus or other authorized Governing Board transportation vehicles are under the authority of and directly responsible to the bus/vehicle driver. The driver has the authority to enforce the established regulations for bus/vehicle conduct. Disorderly conduct or refusal to submit to the authority of the driver will be sufficient reason for refusing transportation service to any student.

A student may be suspended from school bus/vehicle riding privileges for all or part of a school year for any violation of established regulations for bus conduct and/or for conduct occurring on the bus/vehicle in violation of the Student Code of Conduct/Student Discipline Code. The Principal may suspend a student from riding the school bus for a period not to exceed ten (10) school days.

Before a suspension from bus/vehicle riding privileges is imposed, the Superintendent or other designated Authority personnel will provide a student with notice of an intended suspension. Disciplinary suspension periods will be commensurate with the infraction(s) committed as determined by the Principal for a suspension of ten (10) days or less, the Superintendent for a suspension longer than ten (10) days.

Any additional procedures regarding conduct on school buses/vehicles, as well as general information about the school transportation program will be made available to all parents and students and posted in a central location.

Re-adopted 11/8/16
Revised 8/14/18

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F.S. 1006.07
F.S. 1006.10
F.A.C. 6A-3.0171

STUDENTS

po5610.05

PROHIBITION FROM EXTRA-CURRICULAR ACTIVITIES

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

5610.05 - **PROHIBITION FROM EXTRA-CURRICULAR ACTIVITIES**

Participation in interscholastic and intrascholastic extra-curricular activities is a privilege and not a right. Therefore, the Governing Board authorizes the Superintendent, principals, and assistant principals and other authorized personnel employed by the Authority to supervise or coach a student activity program, to prohibit a student from participating in extra-curricular activities of the Authority if the student fails to meet eligibility standards or for offenses or violations of the Student Code of Conduct for a period not to exceed the remainder of the school year in which the offense or violation of the Student Code of Conduct took place.

In addition, student athletes are further subject to the Athletic Code of Conduct and may be prohibited from participating in all or part of any interscholastic sport for violations therein.

The Code of Student Conduct shall, at a minimum, contain the following provisions:

A. A student not currently suspended from interscholastic or intrascholastic extra-curricular activities, or suspended or expelled from school, pursuant to Board policy and Florida law, is eligible to participate in interscholastic and intrascholastic extra-curricular activities.

B. A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets the criteria in Policy 2431.01 - *Participation by Transfer Students*.

C. A student's eligibility to participate in any interscholastic or intrascholastic extra-curricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to F.S. 1006.20.

Students who participate in interscholastic and intrascholastic extra-curricular activities for, but are not enrolled in, a public school part of the Authority, are subject to Board's Code of Student Conduct for the limited purpose of establishing and maintaining the student's eligibility to participate at the school.

Students prohibited from participation in all or part of any extra-curricular activity are not entitled to further notice, hearing, or appeal rights.

This policy shall be posted in a central location in each school building and will be available to students upon request.

Revised 8/14/18

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Legal
F.S. 1006.07
F.S. 1006.08
F.S. 1006.09
F.S. 1006.15
F.S. 1006.18
F.S. 1006.195
F.S. 1006.20

STUDENTS

po5611

DUE PROCESS RIGHTS

ADOPTED Nov 8, 2016 · REVISED Sep 16, 2025

5611 - **DUE PROCESS RIGHTS**

The Authority recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the Authority's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Authority establishes the following regulations which Authority administrators shall use when dealing with students:

A. Students subject to suspension:

Prior to a suspension, a student will receive oral and written notice of the charges and an explanation of the evidence against him/her. The written notice to the student's parent or guardian will be sent by U.S. Mail, or other method agreed to by the parent, informing them of the length of the suspension and the reasons for it. The Principal will hold an informal hearing to give the student an opportunity to explain his/her side of the story. An appeal may be addressed to the principal, whose decision will be final.

B. Students subject to expulsion:

A student and his/her parent or guardian will be given written notice of the principal's recommendation and the reasons therefore, and an opportunity to meet with a representative of the Superintendent to answer the charges.

The student and/or his/her parent or guardian shall also be provided a brief description of the student's rights and of the hearing procedure. The School Board of Lee County shall act on any recommendation for an expulsion.

In determining whether disciplinary action set forth in this policy is to be implemented, District administrators shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - *Information Management* (i.e., "Litigation Hold")) created and/or received as part of an investigation.

The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the Authority's records retention schedule.

This statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

Revised 3/9/21
Revised 9/16/25

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F.S. 1001.51
F.S. 1002.20
F.S. 1006.07
F.S. 1006.09

STUDENTS

po5630

CORPORAL PUNISHMENT AND USE OF REASONABLE FORCE AND RESTRAINT

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

5630 - **CORPORAL PUNISHMENT AND USE OF REASONABLE FORCE AND RESTRAINT**

Corporal Punishment

A teacher or other member of the staff shall assume such authority for the control of students who are assigned to them by the principal or designee and shall keep good order in the classroom.

The use of corporal punishment is prohibited. Alternative disciplinary procedures, which may include timeout, peer review, or other forms of positive reinforcement, should be used to bring about appropriate student classroom behavior.

Instructional staff, as well as support staff, within the scope of their employment, may use and apply reasonable force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

Furthermore, administrators, instructional staff members, and support staff members shall not be criminally or civilly liable for any action carried out in conformity with State Board rule and/or Board policies regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority granted by this policy.

Technical Correction 11/12/24
Revised 3/10/26

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Legal
F.S. 1002.20
F.S. 1003.01
F.S. 1003.02
F.S. 1003.32
F.S. 1006.09
F.S. 1006.11

STUDENTS

po5630.01

SECLUSION AND RESTRAINT OF STUDENTS WITH DISABILITIES

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

5630.01 - **SECLUSION AND RESTRAINT OF STUDENTS WITH DISABILITIES**

It is the policy of the Governing Board to prohibit the use of seclusion, to prohibit the use of mechanical restraint by school personnel, and to limit the use of restraint in the education and discipline of students with disabilities to circumstances in which the strategy can be used safely in a manner that is in the best interests of the student with a disability and as defined in this policy and Florida law. All terms not defined herein shall have the definitions used in F.S. 1003.573.

Prohibition on Use of Seclusion

CCCCSA personnel are prohibited from using seclusion. Seclusion is defined as the involuntary confinement of a student in a room or area alone and preventing the student from leaving the room or area. The term does not include a time-out used as a behavior management technique intended to calm a student.

Definitions

Physical restraint means the use of manual restraint techniques that involve significant physical force applied by a teacher or other staff member to restrict the movement of all or part of a student's body. The term does not include briefly holding a student in order to calm or comfort the student or physically escorting a student to a safe location.

Mechanical restraint means the use of a device that restricts a student's freedom of movement. The term does not include the use of devices prescribed or recommended by physical or behavioral health professionals when used for indicated purposes.

Use of Mechanical Restraints (School Personnel Prohibited)

School personnel are prohibited from using mechanical restraint. Only school resource officers, school safety officers, school guardians, and school security guards as defined in F.S. 1006.12 ("Authorized Individual") are permitted to use mechanical restraint in the exercise of their powers and duties to restrict students in grades 6 through 12.

Mechanical restraint does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professional and are used for the specific and approved purposes for which such devices were designed, such as:

A. adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;

B. vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;

C. restraints for medical immobilization; and

D. orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Use of Physical Restraints

Authorized school personnel may use physical restraint only when all positive behavior interventions and supports have been exhausted. Physical restraint may be used only when there is an imminent risk of serious injury and must be discontinued as soon as the threat posed by the dangerous behavior has dissipated.

Physical restraint is an emergency intervention sometimes used in schools when students are exhibiting disruptive or dangerous behavior. Physical restraint is not to be used for student discipline or as an instructional tool for the development of pro-social behavior. Rather, it is one method to prevent students from harming themselves or others.

In determining whether a student with a disability who is being physical should be moved from the area where the need was first noted or the restraint was first applied, the supervising staff member shall consider the potential for injury to the student with a disability, the educational and emotional well-being of the restrained student and other students with disabilities who would observe the application of the restraint, and any requirements of a BIP or IEP established for a student with a disability.

If physical is utilized in compliance with this policy on a student with a disability whose primary mode of communication is sign language, the student with a disability shall be permitted to have his/her hands free of restraint for brief periods unless the supervising staff member determines that such freedom is likely to result in harm to the student or others.

Physical restraint shall not be used if there is a medical contraindication to its use identified for the student with a disability, and shall only be applied and supervised by a staff

member who has been trained in the safe application and supervision of the specific means of restraint applied.

Requirements Applicable to Mechanical and Physical Restraints

A student with a disability shall not be subjected to physical or mechanical restraint except as specifically authorized in this policy. Restraint of any kind shall not be used in any instance in which the sole justification is to punish the student for a violation of a directive from a staff member, violation of student conduct rule, the student's use of vulgar or profane language, a verbal threat, or a display of disrespect for another person. A verbal threat shall not be considered as sufficient justification for the use of physical or mechanical restraint unless a student with a disability has immediate access to the means of acting on the threat.

A mechanical or physical restraint that restricts the breathing of a student with a disability is prohibited. A restraint shall not be implemented with the intention of using physical pain to achieve control of the behavior or punish misconduct of a student with a disability, and a restraint of any kind shall never be applied in a manner that restricts the blood flow or respiration of a student with a disability. Failure of a student with a disability to complain or object to a restraint or the successful use of a restraint with another student with a disability shall not justify the use of a restraint. Restraint techniques may not be used that place a student in a facedown position with the student's hands restrained behind the student's back. The degree of force used for physical restraint shall only be the degree necessary to protect the student or others from risk of serious injury.

Physical (by school personnel/authorized individual) or mechanical (by an authorized individual) restraint may be used on a student with a disability if an emergency requires the use of the restraint. As used here, emergency means circumstances in which the individual applying the restraint reasonably believes that the application of a restraint on the student with a disability is necessary in response to a physical risk of harm to the student with a disability or others.

A student with a disability shall be released from physical or mechanical restraint immediately upon a determination by the supervising staff member or authorized individual administering or overseeing the use of restraint that the circumstances permitting the use of restraint in this policy no longer exist.

The School Board of Lee County in their Code of Student Conduct shall promulgate procedures on the use of positive behavior interventions and supports.

Crisis Intervention Plan

Upon the second time a student is restrained during a semester, the school shall develop a Crisis Intervention Plan (CIP) for the student. The CIP shall be developed by a team

comprised of the student's parent or guardian, school personnel, and applicable physical and behavioral health professionals and must include:

A. specific positive behavior interventions and supports to use in response to dangerous behaviors that create a threat of imminent risk of serious injury;

B. known physical and behavioral health concerns that will limit the use of restraint for the student; and,

C. a timetable for the review and, if necessary, revision of the crisis intervention plan.

The school must provide a copy of the CIP to the student's parent or guardian.

Mandatory Training for Authorized Staff

No employee of the Board, or person in a school facility, shall be permitted to use physical or mechanical restraint until the person has received sufficient training in the use of the strategy or procedure to allow the person to utilize the measure safely and in compliance with any IEP or BIP established for a student with a disability. Only school resource officers, school safety officers, school guardians, or school security guards as defined in F.S. 1006.12 are authorized to use mechanical restraint on students grades 6 through 12.

Only authorized personnel may use physical restraint. Personnel authorized to use physical restraint are ESE teachers, behavior assistants, and school administrators who have been trained on the use of restraint.

The School Board of Lee County shall provide training that includes:

A. the use of positive behavior interventions and supports;

B. risk assessment procedures to identify when restraint may be used;

C. examples of when positive behavior interventions and support techniques have failed to reduce the imminent risk of serious injury;

D. examples of safe and appropriate restraint techniques and how to use these techniques with multiple staff members working as a team;

E. instruction in the District's documentation and reporting requirements;

F. procedures to identify and deal with possible medical emergencies arising during the use of restraint; and

G. cardiopulmonary resuscitation.

The School Board of Lee County shall publish the procedures for the training required under this subsection. in the District's special policies and procedures manual.

Documentation and Reporting

A school shall prepare an incident report within twenty-four (24) hours after a student with a disability is released from restraint. If the student's release occurs on a day before the school closes for the weekend, a holiday, or other reason, the incident report must be completed by the end of the school day on the day the school reopens.

The following must be included in the incident report:

A. The name of the student with a disability who was restrained;

B. The age, grade, ethnicity, and disability of the student restrained;

C. The date and time of the event and the duration of the restraint;

D. The location at which the restraint occurred;

E. A description of the type of restraint used in terms established by the Department of Education;

F. The name of the person using or assisting in the restraint of the student with a disability and the date the person was last trained in the use of positive behavior intervention and supports;

G. The name of any nonstudent who was present to witness the restraint; and

H. A description of the incident, including:

1. The context in which the restraint occurred;

2. The behavior of the student with disabilities leading up to and precipitating the decision to use restraint, including an indication as to why there was an imminent risk of serious injury to the student or others;

3. The positive behavior interventions and supports used to prevent and de-escalate the behavior;

4. What occurred with the student immediately after the termination of the restraint;

5. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint, documented according to District policies;

6. Evidence of steps taken to notify the parent or guardian of the student with a disability; and,

7. The date the crisis intervention plan was last reviewed and whether changes were recommended.

A school shall notify the parent or guardian of a student with a disability each time restraint is used. Such notification must be in writing and provided before the end of the school day on which the restraint occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or e-mail, or both, and these efforts must be documented. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that s/he was notified of his/her child's.

A school shall also provide the parent or guardian with the completed incident report in writing by mail within three (3) school days after a student with a disability was restrained. The school shall obtain, and keep in its records, the parent's or guardian's acknowledgment that s/he received a copy of the incident report.

Monitoring

The School Board of Lee County shall monitor the use of restraint on students with disabilities.

Disciplinary Action for a Violation of This Policy

In addition to any penalty prescribed by law, the Superintendent is directed by this policy to see that a Board employee who intentionally, knowingly, or recklessly violates this policy is subject to correction or disciplinary action as necessary to prevent a reoccurrence of the violation. A Board employee engages in conduct intentionally if, when s/he engages in the conduct, it is his/her conscious objective to do so. A Board employee engages in conduct knowingly if, when s/he engages in the conduct, s/he is aware of a high probability of a violation of this policy. A Board employee engages in conduct recklessly if s/he engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of harm that might result to a student with a disability and the disregard involves a substantial deviation from acceptable standards of conduct established by this policy.

Discipline of a staff member for violation of this policy shall take into account the degree to which the violation risked serious bodily injury to a student with a disability and the staff member's history of compliance with this policy and other Board policies.

Retaliation for Fully Implementing or Reporting Violations

No Board employee shall be permitted to retaliate against a person for reporting or objecting to actions in violation of this policy or providing information regarding a violation of this policy.

Revised 12/14/21
Revised 11/18/22

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Legal
F.S. 1003.32
F.S. 1003.573
F.S. 1006.11
F.S. 1012.75

STUDENTS

po5710

STUDENT AND PARENT COMPLAINTS

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

5710 - **STUDENT AND PARENT COMPLAINTS**

The Governing Board recognizes that students and parents have the right to request redress of certain grievances. Further, the Board believes that respect for lawful procedures is an important part of the educational process.

For purposes of this policy, a student or parent complaint shall be any such complaint that arises out of actions, procedures, and policies of this Board or its employees or the lack of such policy or procedure.

Except as otherwise specified in other policies of the Board and the section below, complaints will be addressed as set forth in Board Policy 9130.

Parent Complaints Regarding Concerns with the Implementation of F.S. 1001.42 (8)(c) at Their Child's School

Any parent with a concern regarding the implementation of the provisions of F.S. 1001.42 (8)(c) at their child's school may file a written complaint with the school's Principal.

A. The written complaint can be provided in a format chosen by the parent.

B. The written complaint must be delivered to the Principal of their child's school via hand delivery, U.S. Mail, or e-mail.

C. Upon receipt of the written complaint, the Principal will review the concerns and communicate with those involved. The Principal, after reviewing the concerns and communicating with those involved, may meet with the parent (in-person or electronically) to try to resolve the complaint informally. This process must be completed within seven (7) calendar days of receipt of the parent's written complaint.

D. If the parent notifies the Principal of their child's school that their written complaint remains unresolved, the Principal shall notify the Superintendent. The Authority must, within thirty (30) days after such notification from the parent, either resolve the complaint to the parent's satisfaction or provide a written statement of the reasons for not resolving the concern.

If a concern is not resolved by the Authority, a parent may seek to pursue those remedies available under F.S. 1001.42 (8)(c)7.b.(I-II).

This policy shall be published on each school's website to notify parents of the process herein. Parents shall also be notified of the process herein through BoardDocs posted on the Authority's website.

Revised 11/18/22
Revised 5/7/24

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Legal
F.S. 1001.42
F.S. 1002.20
F.S. 1012.796

STUDENTS

po5722

SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS

ADOPTED Apr 12, 2016 · REVISED Dec 14, 2021

5722 - **SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS**

The School Board sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, "school-sponsored student media" shall include both student publications and productions. School-sponsored student media does not include student expression related to classes that are not directly associated with student publications/productions. The term "publication" shall include distribution, transmission, and dissemination of a student publication regardless of its medium. "Student publications" shall include any written materials (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing), as well as material in electronic or on-line form (including, but not limited to, apps and services (as defined in Bylaw 0100, webpages/sites, web logs ('Blogs"), video or audio clips, (postings of social media (as defined in Bylaw 0100), and newsletters of announcements transmitted by e-mail, text, wireless broadcast, or other similar distribution/dissemination).

The "term performance" shall include the presentation and broadcast of a student production. "Student productions" shall include vocal, musical, and/or theatrical performance, impromptu dramatic presentation, or any electronic media (including, but not listed to, radio and television programs, videoblogs ("vlogs"), podcast, social media (as defined in Bylaw 0100), and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology) and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). The Board expressly prohibits the use of social media related to student productions.

Only District-approved social media (as defined in Bylaw 0100) may be used to host school-sponsored student media, in accordance with Policy 7544. School-sponsored student media must also comply with Policy 7540.02.

For purposes of this policy, "school community" is defined to include students, Board employees (i.e., administrators, and professional and classified staff), parent/family members and other individuals who are authorized or otherwise permitted by the Superintendent to view a performance or receive directly from the District a publication

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to minors (as that term is defined in Children's Internet Protection Action (CIPA)); speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board authorizes the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

Student expression relates to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions are nonpublic forums. As nonpublic forums, the content of such student expression can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of these student expressions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker.

While ordinarily nonpublic forum student expression may only be published/performed to members of the school community, the Superintendent may authorize specific nonpublic forum student expression to be published/performed outside the school community (i.e., to the general public). A teacher, student, or group of students who wish to have nonpublic forum student expression published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance. See Board Policy 9160 – *Public Attendance at School Events*.

All other school-sponsored student media including classroom and/or other curricular, co-curricular, or extra-curricular/club-related publications and/or productions, are nonpublic forums. As nonpublic forums, the content of these other student publications and productions can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of all school-sponsored student media except for those publications/productions listed above, prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker.

While ordinarily nonpublic forum school-sponsored student media may only be published/performed to members of the school community, the Superintendent may authorize specific nonpublic forum student media to be published/performed outside the

school community (i.e., to the general public). A student or group of students who wish to have his/her/their nonpublic forum student media published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.

While ordinarily school-sponsored student media may only be published/performed to members of the school community, the Superintendent may authorize specific student media to be published/performed outside the school community (i.e., to the general public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.

Staff will monitor comments posted to social media platforms/sites that have been approved under Policy 7544 for use as school-sponsored student media. Comments will be monitored to verify the age-appropriateness of the material, whether unprotected speech is involved, and whether there is compliance with posted rules for use of the forum and the platform/site's applicable terms of service. Comments that are not age-appropriate for the student-audience for the school-sponsored publication, constitute unprotected speech, and/or violate the posting rules for the use of the forum and/or the platform/site's applicable terms of service will be removed. The review of posted comments will be conducted in a viewpoint neutral manner, and consistent with State and Federal law.

Advertising is permitted in the following school-sponsored student publication/productions:

A. websites

B. school yearbooks

Any advertisements must be consistent with Policy 9700.01.

Advertisements submitted for publication or inclusion in a production shall be reviewed by the class/activity advisor, the principal, and/or the Superintendent for a determination that they are appropriate for juveniles. The Superintendent retains the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser (e.g., the advertisement encourages action that would endanger the health and safety of students).

Revised 12/14/21

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STUDENTS

po5730

EQUAL ACCESS FOR NONAUTHORITY-SPONSORED, STUDENT CLUBS AND ACTIVITIES

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

5730 - **EQUAL ACCESS FOR NONAUTHORITY-SPONSORED, STUDENT CLUBS AND ACTIVITIES**

The Governing Board will not permit the use of school facilities by nonAuthority-sponsored student clubs and activities or Authority-sponsored, noncurriculum-related clubs and activities during instructional hours. During noninstructional time, however, no group of students, regardless of the size of the group, will be denied an opportunity to meet on the basis of the religious, political, philosophical, or other content of the activity.

An application for permission for nonAuthority-sponsored student clubs and activities to meet on school premises shall be made to the Superintendent, who shall grant permission provided that s/he determines that:

A. the activity has been initiated by students;

B. attendance at the meeting is voluntary;

C. no agent or employee of the Authority will promote, lead, or participate in the meeting;

D. the meeting does not materially and substantially interfere with the orderly conduct of instructional activities in the school;

E. nonschool persons do not direct, conduct, control, or regularly attend the activity.

A student-initiated group granted permission to meet on school premises shall be provided the same rights and access and shall be subject to the same procedures that govern the meetings of student organizations sponsored by this Board, except as provided by this policy. Participation in a student-initiated meeting must be available to all students who wish to attend and cannot be denied on the basis of a student's protected characteristics as set forth in Policy 2260 - *Nondiscrimination and Access to Equal Educational Opportunity*.

The Board will not permit the organization of a fraternity, sorority, or secret society. The Superintendent may exclude nonstudents from directing, controlling, or attending any

meetings of students.

An instructional staff member may be assigned to attend a student-initiated meeting in a custodial capacity but shall not participate in the activity. No instructional staff member shall be compelled to attend a student-initiated meeting if the content of the speech at the meeting is contrary to his/her beliefs.

The Principal may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of students and staff members.

Unauthorized presence on school premises is strictly prohibited. All visitors desiring access to school premises must first receive permission from the principal, sign in and out at the school office, and wear a visitor's nametag while present on school premises. Persons desiring to meet with a teacher or student on school premises must arrange for an appointment through the principal. Visitors must further adhere to the requirements set forth in Policy 9150 - *School Visitors*.

Revised 9/16/25

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Legal
F.S. 1006.14
20 U.S.C. 4071 et seq., Equal Access Act of 1984
42 U.S.C. 12101, et seq., Americans with Disabilities Act of 1990
42 U.S.C. 2000e, Civil Rights Act of 1964

STUDENTS

po5751

PARENTAL-MARRIED STATUS OF STUDENTS

ADOPTED Apr 12, 2016

5751 - **PARENTAL-MARRIED STATUS OF STUDENTS**

No student, whether married or unmarried, who is otherwise eligible to attend school in the Authority shall be denied an educational program solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood.

These students and students who are parents shall receive the same educational instruction or its equivalent as other students.

The Governing Board reserves the right to require as a prerequisite for attendance in the regular classes of the schools and the co-curricular and extra-curricular programs of the schools that each pregnant student present to the principal her physician's written statement that such activity will not be injurious to her health nor jeopardize her pregnancy.

Students participating in teenage parent programs are exempt from minimum attendance requirements for absences related to pregnancy or parenting but are required to make up work missed due to absence.

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Legal
F.S. 1003.54

STUDENTS

po5771

SEARCH AND SEIZURE

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

5771 - **SEARCH AND SEIZURE**

The Governing Board recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Administrators are permitted to conduct a random search of any student's locker and its contents at any time, providing proper notice has been posted in the locker areas of each building.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

Administrators are authorized to arrange for the use of a breath test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not

necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs or devices may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection and is not to be used to search individual students unless a warrant has been obtained prior to the search.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Any search of a student’s personal belongings, including a purse, backpack, or bookbag, must be conducted discreetly to maintain the privacy of the student’s personal items within such belongings. Personal items that are not prohibited on school grounds must be immediately returned to the student’s personal belongings.

The principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

Revised 5/7/24

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Legal
F.S. 901.21
F.S. 933.07
F.S. 1006.09(9)
Fla. Const. Art. I, Sec. 2
U.S. Constitution, 4th Amendment

STUDENTS

po5772

WEAPONS AND OTHER DESTRUCTIVE DEVICES

ADOPTED Apr 12, 2016 · REVISED May 7, 2024

5772 - **WEAPONS AND OTHER DESTRUCTIVE DEVICES**

Pursuant to State law, the School Board prohibits students from openly carrying a handgun or carrying a concealed weapon or firearm, in a school safety zone, into any elementary or secondary school, into any administration building, as well as into any Board meeting, any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle.

Weapons and firearms as defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term "weapon" also means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

This policy shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The Superintendent is authorized to establish administrative procedures on weapons which require students to immediately report knowledge of weapons and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject the student to immediate suspension and potential expulsion from school.

Exceptions to the Authority's prohibition from openly carrying a handgun or carrying a concealed weapon or firearm in the school safety zone of any elementary or secondary school, into any administration building, as well as into any Board meeting, any setting that is under the control and supervision of the Authority t for the purpose of school activities approved and authorized by the Authority including, but not limited to, property leased, owned, or contracted for by the Authority, any school-sponsored event, or in a Authority vehicle include the following:

A. Police or other licensed law enforcement officers, may possess a firearm or weapon.

B. Items pre-approved by the building principal as part of a class or individual presentation or a theatrical prop used under adult supervision, if used for the purpose and in the manner approved, would be an exception to this policy. (Working firearms and any ammunition will never be approved as part of a presentation.)

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Legal
F.S. 790.001
F.S. 790.06
F.S. 790.115
F.S. 790.251
F.S. 1001.43(1)(a)
F.S. 1006.07
18 U.S.C. 922
20 U.S.C. 7151
Rule 7 of the Code of Student Conduct

STUDENTS

po5780

STUDENT/PARENT RIGHTS

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

5780 - **STUDENT/PARENT RIGHTS**

The Governing Board recognizes that students possess not only the right to an education but the rights of citizenship as well. Federal and State law prohibit the Board from adopting any policy or rule, or from entering into any agreement, that infringes upon or waives the rights of freedoms afforded to students by the United States Constitution.

In providing students the opportunity for an education to which they are entitled, the Authority shall attempt to offer nurture, counsel, and custodial care appropriate to their age and maturity. The Authority shall, at the same time, guarantee that no student is deprived of the basic right to equal treatment and equal access to the educational program, due process, a presumption of innocence, free expression and association, and the privacy of his/her own thoughts.

Attendant to the rights guaranteed to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the procedures and rules of the Authority.

The Board realizes that as students differ in age and maturity, so they differ in ability to handle both the rights of citizens and the concomitant responsibilities. The exercise of each right shall be granted, therefore, with due regard for the degree of responsibility possessed by the student and the student's need for the continuing guidance and control of those responsible for his/her education.

Since a student who has reached the age of majority possesses the full rights of an adult, s/he may authorize those school matters previously handled by his/her parents, but s/he also assumes the responsibility for his/her performance in school, attendance, and compliance with school rules.

All K-12 students in Florida are entitled to a uniform, safe, secure, efficient, and high-quality system of education, one that allows students the opportunity to obtain a high-quality education. Parents are responsible to ready their children for school; however, neither the State of Florida nor the Authority can be a guarantor of any individual student's success.

Parental Access at School

Each parent has the right to pick-up, visit, and meet with his/her student at school, without interference of or the need for consent from the other parent, unless the school has received a certified copy of an enforceable court order that provides to the contrary. The Principal may restrict the times, location, frequency, and length of parent visitations at school, based on legitimate pedagogical or scheduling reasons. The Authority will abide by enforceable "no contact orders" which have been provided to the school.

Educational Decisions

Both parents have an equal right to make decisions about the education and welfare of their student, unless the school has received a certified copy of an enforceable court order that specifies that one of the parents, or someone else, has the sole right to make educational and/or general welfare decisions for the student.

If the parents cannot agree on a significant decision about the student's education or on matters affecting the health, safety, or welfare of the student, the school will take action based on what it considers to be in the best interests of the child.

Parental Notice

Parents normally receive notice by U.S. Mail of the school's suspension of their student or intended placement of their student in a dropout prevention/academic intervention program. A parent may agree to receive such notices by an alternative method other than U.S. Mail. Such agreement may be made before the need for notice arises or at the time the notice becomes required.

Attendance

A. Termination of Enrollment

A student who attains the age of sixteen (16) years during the school year has the right to file a formal declaration of intent to terminate school enrollment if the declaration is signed by the parent. The parent has the right to be notified by the Authority of its receipt of the student's declaration of intent to terminate school enrollment. (see also Policy 5130 - *Withdrawal from School*)

B. Married or Pregnant

Students who become or have become married or who are pregnant and parenting have the right to attend school and receive the same or equivalent educational instruction as other students. (see also Policy 5751 - *Parental-Married Status of Students*)

C. Compulsory Attendance

Parents of students who have attained the age of six (6) years by February 1st of any school year but who have not attained the age of sixteen (16) years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program. (see also Policy 5112 - *Entrance Requirements* and Policy 5200 - *Attendance*)

D. Absence for Religious Purposes

A parent of a student may request and be granted permission for absence of the student from school for religious instruction or religious holidays. (see also Policy 5223 - *Absences for Religious Instruction* and Policy 5225 - *Absences for Religious Holidays*)

E. Dropout Prevention and Academic Intervention Programs

The parent of a student has the right to receive written notice by certified mail at least five (5) days before a student is initially enrolled in, or at least five (5) days before a student initially receives services under a dropout prevention and academic intervention program. The parent will be notified in writing and entitled to an administrative review of any action by school personnel relating to the student's placement. Thereafter, the parent must be notified annually. The notification must be in the parent's primary language or other mode of communication commonly used by the parent unless clearly not feasible pursuant to F.A.C. 6A-6.0908.

F. Absence for Treatment of Autism Spectrum Disorder

A parent of a student may request and be granted permission for absence of the student from school for an appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to Florida law for the treatment of autism spectrum disorder, including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

Health Issues

A. Notice of Health Care Services

At the beginning of the school year, the Authority will provide notice to parents of all health care services offered at their student's school and of the option to withhold consent to or decline any specific service. Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3, the Authority will provide the questionnaire or form to the parent and obtain the permission of the parent.

B. School-Entry Health Examinations

The parent of any student shall be exempt from the requirement of a health examination upon written request stating objections on religious grounds. (see also Policy 5112 *Entrance Requirements*)

C. Immunizations

The parent of any student shall be exempt from the school immunization requirements upon meeting any of the specified exemptions. (see also Policy 5320 - *Immunization and Health Examination* and Policy 5112 - *Entrance Requirements*)

D. Biological Experiments

Parents may request that their child be excused from performing surgery or dissection in biological science classes.

E. Reproductive Health and Disease Education

A public school student whose parent makes written request to the school principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS. (see also Policy 2417 *Comprehensive Health Education*)

F. Contraceptive Services to Students

Students may not be referred to or offered contraceptive services at school facilities without the parent's consent.

G. Career Education Courses Involving Hazardous Substances

High school students must be given plano safety glasses or devices in career education courses involving the use of hazardous substances likely to cause eye injury.

H. Substance Abuse Reports

The parent of a student must be timely notified of any verified report of a substance abuse violation by the student.

I. Short-Acting Bronchodilator Use

Asthmatic students whose parent and physician provide their approval to the Principal may carry a short-acting bronchodilator and components on their person while in school. The school Principal shall be provided a copy of the parent's and physician's approval. (see also Policy 5330.01 - *Epinephrine, Anaphylaxis, and Self-*

Administered Medication and/or Policy 5330.04 - *Administration of Short-Acting Bronchodilators and Components by Trained School Personnel*)

J. Epinephrine Use and Supply

A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, if the school has been provided with written parental and physician authorization.

The Authority shall be indemnified by the parent of a student who is authorized to carry an epinephrine auto-injector for any and all liability with respect to the student's use of an epinephrine auto injector pursuant to this policy.

The Authority and its employees and agents, including the physician who provides the standing protocol for school epinephrine auto injectors, are not liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:

1. unless the trained school personnel's action is willful and wanton;

2. notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the Authority is not liable; and

3. regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician's assistant, or advanced registered nurse practitioner.

(see also Policy 5330.01 - *Epinephrine, Anaphylaxis, and Self-Administered Medication*)

K. Diabetes Management

The Authority may not assign a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have trained diabetes personnel.

Diabetic students whose parent and physician provide their written authorization to the school Principal may carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school, participating in school sponsored activities, or in transit to or from school or school sponsored activities, to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education rule and F.S. 1002.20. The written

authorization shall identify the diabetic supplies and equipment that the student is authorized to carry and shall describe the activities the child is capable of performing without assistance, such as performing blood-glucose level checks and urine ketone testing, administering insulin through the insulin-delivery system used by the student, and treating hypoglycemia and hyperglycemia. An authorized health care practitioner as defined in F.S. 1002.20 may prescribe glucagon in the name of the CCCCSA or student's school for use in accordance with F.S. 1002.20, and a licensed pharmacist may dispense glucagon pursuant to a prescription issued in the name of the Authority or student's school in accordance with F.S. 1002.20. Undesignated glucagon that is able to be administered as ordered in a student's diabetes medical management plan or health care practitioner's orders shall be made available at the student's school.

A school nurse or trained school personnel shall administer glucagon to students only if they have completed training and believe in good faith that the student is experiencing a hypoglycemic emergency. "Hypoglycemic emergency" is a medical condition characterized by dangerously low blood glucose levels, often below 70 mg/dL. Immediately after undesignated glucagon has been administered to a student, an employee at the student's school shall call for emergency assistance, notify the school nurse, and notify the student's parent.

Schools may acquire and maintain a supply of undesignated glucagon for the purpose of treating a student with diabetes experiencing hypoglycemic emergency. Undesignated glucagon must be stored in a secure location on the school's premises that is immediately accessible to a school nurse or other school personnel trained to administer glucagon pursuant to F.S. 1002.20. Undesignated glucagon must be stored in accordance with the manufacturer's instructions. If the Authority or any school in the Authority, acquires undesignated glucagon for the treatment of a hypoglycemic emergency, consistent with this paragraph, the Superintendent shall develop administrative procedures consisting of a protocol developed by a physician licensed under F.S. Chapters 458 or 459 that includes, at a minimum, guidance for the administration of undesignated glucagon for a student with diabetes who experiences a hypoglycemic emergency, including situations when a student’s prescribed glucagon is unavailable or expired.

Schools may acquire and stock a supply of glucagon from a wholesale distributor as defined in F.S. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in F.S. 499.003107 for glucagon at fair market, free, or reduced prices pursuant to a prescription issued in accordance with F.S. 1002.20.

Schools may accept donated or transferred glucagon if it is new, unexpired, manufacturer-sealed, not subject to recall, unadulterated, and in compliance with relevant regulations adopted by the United States Food and Drug

Administration (FDA). The Authority may also obtain monetary donations or apply for grants to purchase glucagon.

Schools may request a prescription for glucagon from a county health department.

The Authority and its employees and volunteers shall be indemnified by the parent of a student who is authorized to carry diabetic supplies or equipment for any and all liability with respect to the student's use of such supplies and equipment pursuant to this policy.

(see also Policy 5330.01 - *Epinephrine, Anaphylaxis, and Self-Administered Medication*)

L. Use of Prescribed Pancreatic Enzyme Supplements

A student who has experienced or is at risk for pancreatic insufficiency or who has been diagnosed as having cystic fibrosis may carry and self-administer a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, IF the school has been provided with written authorization from the student's parent and prescribing practitioner.

The Authority and its employees and volunteers shall be indemnified by the parent of a student who is authorized to use prescribed pancreatic enzyme supplements for any and all liability with respect to the student's use of the supplements under this policy.

(see also Policy 5330.01 - *Epinephrine, Anaphylaxis, and Self-Administered Medication*)

M. Involuntary Examinations of Students

Before a Principal contacts a law enforcement officer for possible removal of a student from school for involuntary examination, the Principal must verify that the school has used de-escalation strategies and initiated outreach to a mobile response team, unless the Principal reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others.

The Principal shall make a reasonable attempt to notify a parent of a student before the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463. Reasonable attempt to notify means the exercise of reasonable diligence and care by the Principal to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a

minimum, the Principal must take the following actions:

1. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact, including, but not limited to, telephone calls, text messages, e-mails, and voicemail messages, following the decision to initiate an involuntary examination of the student;

2. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.

The Principal who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with Federal and State law.

The Principal may delay the required notification for no more than twenty-four (24) hours after a student is removed if:

1. the Principal deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect. (see also Policy 2410 - *School Health Services*); or

2. the Principal reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

(see also Policy 2410 - *School Health Services*)

N. Sun-protective Measures in School

A student may possess and use a topical sunscreen product while on school property or at a school-sponsored event or activity without a physician’s note or prescription if the product is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.

O. Face Covering and Quarantine Mandates in Response to COVID-19

1. require a student to wear a face mask, a face shield, or any other facial covering that fits over the mouth or nose. However, a parent, at the parent's sole discretion, may allow his/her child to wear a face mask, a face shield, or any other facial covering that fits over the mouth or nose;

   This prohibition does not apply to safety equipment required as part of a

course of study consistent with occupational or laboratory safety requirements. See Policy 8450.01, *Protective Facial Coverings During Pandemic/Epidemic Events*.

2. prohibit a student from attending school or school-sponsored activities, prohibit a student being on school property, or subject a student to restrictions or disparate treatment, based on an exposure to COVID-19, so long as the student remains asymptomatic and has not received a positive test for COVID-19.

P. Medication to Relieve Headaches

A student may possess and use a medication to relieve headaches while on school property or at a school-sponsored event/activity without a physician's note or prescription if the medication is regulated by the United States Food and Drug Administration for over-the-counter use to treat headaches.

Q. Emergency Opioid Antagonist Use and Supply

Schools shall purchase a supply of an emergency opioid antagonist approved by the FDA from a wholesale distributor as defined in F.S. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in F.S. 499.003 for an FDA-approved emergency opioid antagonist at fair-market, free, or reduced prices for use in the event that a student has an opioid overdose. The FDA-approved emergency opioid antagonist must be maintained in a secure location on the school's premises.

R. Anaphylaxis Policy

Each school serving students in kindergarten through grade 8 shall provide training to an adequate number of school personnel and contracted personnel on the prevention and response to allergic reactions, including anaphylaxis. This training or other training which meets the requirements of F.S.1002.20 may be used as part of the training required under F.A.C. 6A-6.0251.

In determining what constitutes an adequate number of school personnel and contracted personnel identified for training, each school shall consider the following:

1. the number of students with an Individualized Healthcare Plan at the school;

2. the number of students who have experienced or are at risk of experiencing an allergic reaction, including anaphylaxis;

3. the accessibility of healthcare personnel at the school; and

4. the number of trained persons needed to ensure coverage of areas where there is a higher probability of student exposure to allergens, such as the cafeteria and playgrounds.

The training provided at each school must include, at a minimum, the following:

1. recognition of the signs and symptoms of an anaphylactic reaction; and

2. administration of a United States Food and Drug Administration-approved epinephrine delivery device that contains a pre-measured, appropriate weight-based dose in accordance with F.S. 1006.062.

Discipline

A. Suspension

A student may be suspended only as provided by policy of the Authority. A good-faith effort must be made to immediately inform the parent by telephone of the student's suspension and the reason. Each suspension and the reason must be reported in writing within twenty-four (24) hours to the parent by United States mail or other method agreed to by the parent. A good-faith effort must be made to use parental assistance before suspension unless the situation requires immediate suspension. (see also Policy 5610 - *Removal, Out-of-School Suspension, and Expulsion of Students*)

A student with a disability may only be recommended for suspension or expulsion in accordance with State Board of Education rules.

B. Expulsion

Public school students and their parents have the right to written notice of a recommendation of expulsion, including the charges against the student and a statement of the right of the student to due process. (see also Policy 5610 - *Removal, Out-of-School Suspension, and Expulsion of Students*)

Safety

Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender, both at school and during school transportation.

New Worlds Scholarships

The parent of a student in kindergarten through grade 5 may seek a scholarship in accordance with State law.

By September 30th of each year, the Authority will notify the parent of each eligible student of the process to request and receive a scholarship, subject to available funds, when providing results from the standardized coordinated screening and progress monitoring pursuant to F.S. 1008.25.

Request to Transfer to In-Field Classroom Teacher

A parent whose student is assigned an out-of-field teacher may request that their child be transferred to an in-field classroom teacher within the school and grade in which the student is currently enrolled. Although parents do not have a right to choose a specific classroom teacher, parents may request that their child be transferred.

Request to Transfer to Different Classroom Teacher

Although parents do not have a right to choose a specific classroom teacher, parents may request that their child be transferred to a different classroom teacher. As part of the request, the parent must state with specificity the grounds supporting the request. Requests must be in writing.

All requests for a student to be transferred to another classroom teacher shall be considered by the Principal or his/her designee. Within two (2) weeks of receiving a written request, the Principal shall notify the parent in writing as to whether the request is approved or denied.

Nondiscrimination

All education programs, activities, and opportunities offered by the Authority are available without discrimination on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), color, ethnicity, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (collectively, "protected classes"). (see also Policy 2260 - *Nondiscrimination and Access to Equal Educational Opportunity* and Policy 2260.01 - *Section 504/ADA Prohibition Against Discrimination Based on Disability*)

Exceptional Students

Parents may enroll their eligible child in gifted or special education. (See also Policy 2460 - *Exceptional Student Education*)

A. Notice and Due Process

Parents of students with disabilities and parents of students in residential care

facilities are entitled to notice and due process. (see also Policy 2460 - *Exceptional Student Education*)

B. Graduation

Students with disabilities are provided the opportunity to meet the graduation requirements for a standard high school diploma. (see also Policy 2623 - *Student Assessment*)

C. Meetings with Authority Personnel

Parents of students with disabilities, or eligible students with disabilities, may be accompanied by another person of their choice at any meeting with Authority personnel.

Authority personnel will not object to the attendance of such adult or discourage or attempt to discourage through any action, statement, or other means, parents or an eligible student, from inviting another person of their choice to attend any meeting. Parents, eligible students, or other individuals invited to attend such meetings by parents or eligible students on school grounds shall sign in at the front office of such school as a guest.

Parents, or eligible students, and Authority personnel shall sign Form 5780 F1 at the meeting's conclusion which states whether or not any Authority personnel have prohibited, discouraged, or attempted to discourage the parents, or eligible student from inviting a person of their choice to the meeting pertaining to their child's, or their own, educational environment, placement, or discipline.

Blind Students

Students who are blind have the right to an individualized written education program and appropriate instructional materials to attain literacy.

Limited English Proficient Students

Limited English proficient students have the right to receive English for Speakers of Other Languages (ESOL) instruction designed to develop the student's mastery of listening, speaking, reading, and writing in English as rapidly as possible. The students' parents have the right of parental involvement in the ESOL program.

Students with Deficiencies in Reading and Mathematics

The parent of any K-3 student who exhibits a substantial deficiency in reading or the characteristics of dyslexia pursuant to F.S. 1008.25, and the parent of any K-4 student who exhibits a substantial deficiency in mathematics or the characteristics of dyscalculia

pursuant to F.S. 1008.25, shall be immediately notified in writing of the student's deficiency with sufficient specificity to tailor interventions and consulted in the development of a plan to address the specific deficiency, as described in F.S. 1008.25 and Policy 5410.01 - *Promotion, Acceleration, Placement, and Retention*.

Pledge of Allegiance

A student will be excused from reciting the pledge of allegiance or the Declaration of Independence upon written request by the student's parent, in accordance with State law. See also Policy 8800, *Religious/Patriotic Ceremonies and Observances*.

Student Records

A. Each parent has an equal right of access, right to waive access, right to challenge and hearing and right of privacy in the education records of their student who is a minor or a dependent adult pursuant to law, unless the school has received a certified copy of an enforceable court order that provides to the contrary. (see also Policy 8330 - *Student Records*)

B. A student is not required to provide their social security number as a condition for enrollment or graduation. (see also Policy 8330 *Student Records*)

C. The school will not collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student, parent, or siblings.

Student Report Cards

Students and their parents have the right to receive student report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance.

Student Progress Reports

Parents shall be informed at regular intervals of the academic progress and other needed information regarding their child, including ways they can help their child to succeed in school. (see also Policy 5420 - *Reporting Student Progress*)

Student Accountability and School Improvement Rating Reports

Parents of public school students are entitled to an easy-to-read report card about the school's grade designation or, if applicable, school's improvement rating, and the school's accountability report, including the school financial report.

High School Athletics

A. Eligibility

A student is eligible in the school in which s/he first enrolls each school year, the school in which the student makes himself/ herself a candidate for an athletic team by engaging in practice before enrolling, or the school to which the student has transferred with approval of the Board, in accordance with State law. (see also Policy 2431 - *Interscholastic Athletics*)

B. Medical Evaluation

Students must satisfactorily pass a medical evaluation each year before participating in athletics, unless the parent objects in writing based on religious tenets or practices, in accordance with State law. (see also Policy 2431 - *Interscholastic Athletics*)

C. Electrocardiogram

Beginning in the 2026-2027 school year and thereafter, and applicable under State law, students must receive an electrocardiogram before participating in athletics, unless the parent objects in writing based on religious tenets or practices or secures a certificate of medical exception or the Authority is unable to obtain a public or private partnership for the provisions of an electrocardiogram pursuant to F.S. 1006.165. (see also Policy 2431 - *Interscholastic Athletics*)

Extra-Curricular Activities

A. Eligibility

Students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities. (see also Policy 2430 - *Authority-Sponsored Clubs and Activities*)

B. Home Education Students

Home education students, including those in a full-time virtual instruction program under F.S. 1002.45, who meet specified academic and conduct requirements, are eligible to participate in extra curricular activities at the public school to which the student would be assigned or could choose to attend according to Board policies, or may develop an agreement to participate at a private school.

C. Charter School Students

Charter school students, including full-time virtual charter school students, who meet specified academic and conduct requirements, are eligible to participate in extra curricular activities at the school to which the student would be assigned or

could choose to attend according to Board policies, unless such activity is provided by the student's charter school.

D. Florida Virtual School Full-Time Students

Florida Virtual School full-time students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the public school to which the student would be assigned or could choose to attend according to Board policies. (see also Policy 2430 - *Authority-Sponsored Clubs and Activities*)

Instructional Materials

A. Core Courses

Each student is entitled to adequate instructional materials in the core courses of mathematics, language arts, social studies, science, reading, and literature.

B. Curricular Objectives

The parent of each student has the right to receive effective communication from the School Principal as to the manner in which instructional materials are used to implement the school's curricular objectives.

C. Sale of Instructional Materials

Upon request of the parent of a student, the Principal will sell to the parent any instructional materials used in the school.

D. Dual Enrollment Students

Instructional materials purchased by the Authority or a Florida College System institution board of trustees on behalf of dual enrollment students is available to the dual enrollment students free of charge.

E. Parents have the ability to access their child's instructional materials and may object to the use of a specific instructional material or contest the adoption of instructional material (See Policy 2520, *Selection and Adoption of Instructional Materials*).

ACCEL Options

Parents may request student participation in Academically Challenging Curriculum to Enhance Learning (ACCEL) options, including whole-grade promotion, midyear promotion or subject-matter acceleration. If the parent selects one of these ACCEL options and the student meets eligibility and procedural requirements in the student progression plan, the student will have the opportunity to participate in the ACCEL option.

Parental Input and Meetings

A. Meetings with Authority Personnel

Parents may be accompanied by another adult of their choice at a meeting with Authority personnel.

B. Authority Educational Facilities Program

Parents and other members of the public have the right to receive proper public notice and opportunity for public comment regarding the Authority's educational facilities work program, in accordance with State law.

C. Parent-Teacher Associations and Organizations

Parents have the right to participate in parent-teacher associations and organizations that are sanctioned by the Board or by the Florida Department of Education.

Transportation

A. Transportation to School

Students are provided transportation to school in accordance with the provisions of State law. (see also Policy 8600 *Transportation*)

B. Hazardous Walking Conditions

Students in grades K-6 are provided transportation if they are subjected to hazardous walking conditions, in accordance with State law.

C. Parental Consent

Each parent of a public school student must be notified in writing and give written consent before the student may be transported in a privately owned motor vehicle to a school function in accordance with State law. (see also Policy 8660 *Transporting Students by Private Vehicles*)

Orderly, Disciplined Classrooms

Students will be in orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students. (see also Policy 5600 - *Student Discipline*)

Safe Schools

Parents of CCCSA students will be timely notified pursuant to procedures adopted by the Superintendent of threats and the following unlawful acts or significant emergencies that occur on school grounds, during school transportation, or during school-sponsored activities:

A. Weapons possession or use when there is intended harm toward another person;

B. Murder, homicide, or manslaughter;

C. Sex offenses, including rape, sexual assault or sexual misconduct with a student by school personnel;

D. Natural emergencies, including hurricanes, tornadoes, and severe storms.

E. Exposure as a result of a manmade emergency.

Parents of CCCSA students have a right to access school safety and discipline incidents as reported pursuant to F.S. 1006.07 (9).

Parental Notification of Arrests of Employees

Notwithstanding F.S. 1012.31(3)(a)1 and 1012.796(4), within twenty-four (24) hours after a law enforcement agency provides the Superintendent with written notification pursuant to F.S. 1012.797 that an Authority employee has been arrested for a felony or a misdemeanor involving as offense listed in F.S. 435.04(2), the abuse of a minor child or the sale or possession of a controlled substance, the Principal shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.

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F.S. 39.201
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F.S. 394.463
F.S. 435.04(2)
F.S. 1000.05
F.S. 1002.20
F.S. 1002.22
F.S. 1002.385
F.S. 1002.39
F.S. 1002.394
F.S. 1002.395
F.S. 1002.40
F.S. 1002.41
F.S. 1002.411
F.S. 1002.43
F.S. 1003.01(13)
F.S. 1003.02
F.S. 1003.21
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F.S. 1006.062(7)
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F.S. 1006.13
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F.S. 1006.165
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F.S. 1006.28
F.S. 1006.40
F.S. 1007.271
F.S. 1008.22
F.S. 1008.25
F.S. 1008.386

F.S. 1012.42
F.S. 1012.797
F.S. Chapter 1014
F.A.C. 6A-6.0521
F.A.C. 6A-6.053
F.A.C. 6A-6.0533

STUDENTS

po5780.01

PARENTS' BILL OF RIGHTS

ADOPTED Sep 14, 2021

5780.01 - **PARENTS' BILL OF RIGHTS**

As required by F.S. 1014.01 through 1014.06, the Board adopts this policy titled, Parents' Bill of Rights.

For purposes of this policy, parent means a person who has legal custody of a minor child, as a natural or adoptive parent, or a legal guardian.

Pursuant to F.S. 1014.01 through 1014.06, parental rights include, but are not limited to, the following:

A. Educational Choice

To apply to enroll their minor child in public school, private school, religious school, home education or other options that are available.

B. School Records

To access and review all school records pertaining to their minor child.

C. Health Care Decisions

To make health care decisions for their minor child, unless otherwise prohibited by law.

D. Medical Records

To access and review all medical records of their minor child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released.

E. Biometric Scans

To give their prior written consentbefore a school employee makes, stores or shares any biometric scan of their minor child.

F. Record of blood or DNA

To give their consent in writing before a school employee creates, stores or shares any record of their minor child's blood or deoxyribonucleic acid (DNA), except as required by general law or authorized pursuant to a court order.

G. Video/Voice Recordings

To give their consent in writing before a school employee makes a video or voice recording of their minor child, unless the recording is used solely for the following:

1. A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;

2. A purpose related to a legitimate academic or extra-curricular activity;

3. A purpose related to regular classroom instruction;

4. Security or surveillance of buildings or grounds; or

5. A photo identification card.

(See also Policy 2461 - *Recording of IEP Team Meetings*, Policy 7440.01 - *Video Survellience*)

H. Criminal Offenses

To be notified promptly if a school employee suspects that a criminal offense has been committed against their minor child, unless the incident has first been reported to law enforcement or the Department of Children and Families and notifying the parent would impede the investigation.

The parental rights listed above do not prohibit or impede child welfare activities when performed by a court of competent jurisdiction, law enforcement officer or employees of a government agency.

This policy does not authorize a parent of a minor child to engage in conduct that is unlawful or to abuse or neglect their minor child in violation of general law. (See Policy 8462 - *Student Abuse, Abandonment, and Neglect*)

Any employee of the district may be subject to disciplinary action if the employee encourages, coerces, or attempts to encourage or coerce, a minor child to withhold information from the minor child's parent.

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F.S. 1002.20

F.S. 1014.02

F.S. 1014.04

STUDENTS

po5820

STUDENT GOVERNMENT

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

5820 - **STUDENT GOVERNMENT**

The Governing Board acknowledges the importance of offering students the opportunity to participate in self-government within the establishment of the schools.

Students shall have the right to organize, conduct meetings, elect officers, and representatives for the purpose of:

A. giving students practical experience in organizing, planning, and affecting outcomes;

B. developing student leadership;

C. providing a learning experience in democratic decision making;

D. offering another avenue toward the realization of the goals of this Authority.

The Principal shall appoint a member of the faculty to serve as advisor to student government activities.

Revised 8/14/18

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F.S. 1001.43

STUDENTS

po5830

STUDENT FUND-RAISING

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

5830 - **STUDENT FUND-RAISING**

The Governing Board acknowledges that the solicitation of funds from students by students must be limited since compulsory attendance laws make the student a captive donor and since such solicitation may disrupt the program of the schools.

For purposes of this policy "student fund-raising" shall include student solicitation and collection of money for any purpose including collection of money in exchange for tickets, papers, or any other goods or services.

The Board will permit student fund-raising in school, on school property, or at any school-sponsored event only when the profit therefrom is to be used for school purposes or for an activity connected with the schools. Contracts with vendors shall limit the percentage that private companies may earn from school-based fund raising involving students to fifty percent (50%) of the total profit.

Further, student fund raising by approved school organizations may be permitted in school if approved by the Superintendent.

For any fund-raisers by student clubs and organizations, parent groups, or booster clubs that involves the sale to students of food items and/or beverages that will be consumed on campus, the food and/or beverages items to be sold shall comply with the current USDA *Nutrition Standards for the National School Lunch and School Breakfast Programs,* and the USDA *Smart Snacks in Schools* and regulations, F.A.C. 5P-1.003, and applicable State law, unless the Principal grants an exception to this requirement pursuant to F.A.C. 5P-1.003. If approved, fund-raisers that involve the sale of food items or beverages to students on campus must be consistent with regulations established in Policy 8550, Competitive Foods, whether those food items and beverages are compliant with, or an exception to, the current USDA *Dietary Guidelines for Americans* and the USDA *Smart Snacks in Schools* regulations.

If an exception is granted to the requirement that food items and beverages available for sale to students on campus between one (1) hour after the last lunch period and thirty (30) minutes after the end of the school day are compliant with the current USDA *Dietary Guidelines for Americans* and the USDA *Smart Snacks in Schools* regulations, the Principal

shall also comply with all requirements set forth in F.A.C. 5P 1.003, including the maintenance of required records.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with specific approval.

All crowdfunding activities are subject to AP 6605.

Door-to-door solicitation by students is prohibited.

School-wide and classroom incentives are permitted with the approval of the Principal. Incentives for individual students may be permitted if they have educational value.

Student fund-raising by approved school organizations off school grounds may be permitted under the administrative procedures of the Superintendent.

Fund-raising by students on behalf of school-related organizations may be permitted on school grounds in accordance with the Superintendent's administrative procedures. These fund raisers shall comply with the provisions of Policy 9211, Parent Organizations, Booster Clubs, and Other Fund-Raising Activities.

These administrative procedures should:

A. specify the times and places in which funds may be collected;

B. describe permitted methods of solicitation which do not place undue pressure on students;

C. limit the kind and amount of advertising for solicitation.

Advisors, whether staff members or volunteers, for approved school organizations shall not accept any form of compensation from vendors that might influence their selection on a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser. Furthermore, advisors, whether staff members or volunteers, for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fundraising activity or a product that will be sold as a fund-raiser.

In addition, advisors, whether staff members or volunteers, for approved school organizations who make the selection of a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fund-raising activity or a product that will be sold as a fund-raiser.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an advisor of an approved school organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Fiscal Officer at his/her earliest opportunity.

Revised 8/14/18

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Legal
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43
F.S. 1010.01
F.S. 1010.20
F.S. 1011.07
F.A.C. 5P-1.003, Responsibilities for the School Food Service Program
F.A.C. 6A-1.001, District Financial Records
F.A.C. 6A-1.087, School Board Responsible for Internal Funds
F.A.C. 6A-1.091, Purchases from Internal Funds
7 C.F.R. Part 210
7 C.F.R. Part 220
42 U.S.C. 1779
Chapter 8, Financial and Program Cost Accounting and Property for Florida Schools, 2014

STUDENTS

po5840

STUDENT GROUPS

ADOPTED Apr 12, 2016

5840 - **STUDENT GROUPS**

It is the policy of the Governing Board that student groups be recognized as authorized school organizations only if they are approved by the school administration, sponsored by school-approved personnel, composed of members of the current student body, hold the majority of their meetings at school, and have established aims which are educational in nature.

Membership or participation in the organization or operation of any fraternity, sorority, or other secret group as described by law is prohibited throughout the Authority. In particular, the Board shall not tolerate any type of gang or gang-related activity to occur on Authority property or while students are under the auspices of the Board.

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F.S. 1006.14

STUDENTS

po5850

SCHOOL SOCIAL EVENTS

ADOPTED Apr 12, 2016

5850 - **SCHOOL SOCIAL EVENTS**

The Governing Board recognizes the value of student social events in enhancing and enriching the school experience for the children of this community.

The Board will make school facilities available and provide appropriate staff for the conduct of those social events within the school facilities that have been approved by the Superintendent and for those social events which take place outside school facilities, which have been approved by the Superintendent.

As voluntary participants in school social events, students shall be held responsible for compliance with rules set forth for their conduct, and infractions of those rules will be subject to the same disciplinary measures as are applied during the regular school program.

Participation in school events is not a right and may be denied to any student who has demonstrated disregard for the rules of the school.

The Superintendent shall develop administrative procedures for the conduct of student social events that shall include the following:

A. the designation of a staff member who shall be the Board employee responsible for the event;

B. the provision of adequate chaperonage, adult supervision, or police protection as required by the circumstances of the event.

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F.S. 1006.15

STUDENTS

po5855

STUDENT ATTENDANCE AT SCHOOL EVENTS

ADOPTED Apr 12, 2016

5855 - **STUDENT ATTENDANCE AT SCHOOL EVENTS**

The Governing Board encourages students to attend as many school events held after school as possible, without interfering with their school work and home activities. Enthusiastic spectators help to build school spirit and encourage those students who are participating in the event.

However, in order to attempt to provide that students attending as nonparticipants are properly safe-guarded, the Board recommends that all elementary and pre-high school students be accompanied by a parent or adult chaperone when they arrive at the event and throughout its duration. The Board will not be responsible for students if they attend without an adult chaperone.

The Board will continue to provide adequate supervision for all students who are participants in Authority-sponsored events.

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F.S. 1001.43
F.S. 1002.20

STUDENTS

po5860

SAFETY PATROL

ADOPTED Apr 12, 2016

5860 - **SAFETY PATROL**

The Governing Board recognizes the value of a student safety patrol as an essential part of the school program to instruct the students of this Authority in good safety habits and to provide opportunities for leadership training.

The Board authorizes the formation of a school safety patrol of students who shall serve without recompense.

All students eligible may apply for service on the safety patrol.

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F.S. 1001.43
F.S. 1006.07

STUDENTS

po5880

PUBLIC PERFORMANCES BY STUDENTS

ADOPTED Apr 12, 2016

5880 - **PUBLIC PERFORMANCES BY STUDENTS**

The Governing Board recognizes the value to students of sharing their talents and skills with the community through participation and performances in public events.

All requests for public performances by students require the approval of the Superintendent.

The Superintendent shall develop administrative procedures to implement this policy that include the requirement that parental permission is sought and received before students participate and that the interests of our students are to be protected and guarded against exploitation.

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F.S. 1001.43
F.S. 1002.20
F.S. 1006.15

FINANCES

po6100

UNIFORM RECORDS AND ACCOUNTS

ADOPTED Apr 12, 2016 · REVISED Mar 9, 2021

6100 - **UNIFORM RECORDS AND ACCOUNTS**

The Authority and the Superintendent shall provide for keeping or having kept accurate records of all financial transactions and the making of all needed or required reports in the proper form as required by law (Federal and State), Administrative Rules of the State Board, and additional records and reports as approved by the Governing Board. Sound business principles and procedures are to be observed. Additionally, the Board and Superintendent shall establish and maintain internal controls designed to:

A. prevent and detect fraud, waste, and abuse as defined in F.S. 11.45(1);

B. promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices;

C. support economical and efficient operations;

D. ensure reliability of financial records and reports; and

E. safeguard assets.

Method of Accounting

The Authority's system of accounting shall comply with all requirements of the Governmental Accounting Standards Board statements. In accordance with GASB, the Authority will report its General Fund Balance on monthly statements reported to The School Board of Lee County, and in the annual financial statements and independent auditors report to the Auditor General for the State of Florida.

Audits

General funds shall be audited at least annually by an independent CPA firm. These audits shall be based on generally accepted auditing standards, Federal and State laws and regulations Authority policies, and City of Cape Coral policies.

Further, internal funds shall be audited at least annually by an independent auditor.

Revised 3/9/21

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F.S. 1001.42
F.S. 1001.51
F.S. 1010.01

FINANCES

po6105

AUTHORIZATION TO USE FACSIMILE SIGNATURES

ADOPTED Apr 12, 2016

6105 - **AUTHORIZATION TO USE FACSIMILE SIGNATURES**

The Governing Board authorizes the Board Chair and/or Superintendent to prepare and utilize a facsimile signature, in lieu of their manual signature, in accordance with State law, and to affix such facsimile signature, after filing with the Department of State his/her manual signature certified by him/her under oath, to the following:

A. any public security or instrument of conveyance, provided that at least one (1) signature required or permitted to be placed thereon shall be manually subscribed;

B. any official order, proclamation or resolution; provided, however, that this shall not apply to the signing of legislative bills or veto messages.

As set forth in State law, a facsimile signature is defined to include the reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer.

The individuals specified above may affix their facsimile signature to such instruments, orders, proclamations, or resolutions so long as they continue to act as such officers/employees.

All checks are entered in to the city's general accounting system so that all numbers can be accounted for.

The actual facsimile signature(s) should be maintained under the care, custody, and control of the Information and Technology Division under the direction of the city's accounting department.

The individuals holding the positions specified in this policy may affix their manual or facsimile signature to the instruments, orders, proclamations, resolutions, and other documents identified herein so long as they continue to act as such officers/employees.

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F.S. 116.34 (Uniform Facsimile Signature of Public Officials Act)

F.S. 1001.32(2)
F.S. 1001.41(1)
F.S. 1001.43(10)

FINANCES

po6107

AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS, TO USE ELECTRONIC SIGNATURE, AND MAKE ELECTRONIC FUND TRANSFERS

ADOPTED Mar 9, 2021

6107 - **AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS, TO USE ELECTRONIC SIGNATURE, AND MAKE ELECTRONIC FUND TRANSFERS**

Electronic Records and Electronic Signatures

Unless a provision of law specifically prohibits the use of an electronic record for the specified purpose, the Governing Board hereby authorizes the acceptance and distribution of electronic records and electronic signatures to and from CCCCSA staff and other persons, as well as between CCCCSA staff members. Additionally, the Board further authorizes CCCCSA staff to create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. The Superintendent shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records to comply with the mandates of State and Federal agencies or programs, including Medicaid.

All CCCCSA staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all CCCCSA staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

The Superintendent shall consult with the State of Florida's Department of Management Services (Department) regarding the CCCCSA's authorized acceptance and distribution of electronic records and electronic signatures. The Department may specify the following:

A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature

must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.

C. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

D. Any other required attributes for electronic records which are specified for nonelectronic records or reasonably necessary under the circumstances.

Electronic Fund Transfers

The Board authorizes electronic fund transfers (EFTs) for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provision of F.S. Chapter 668. Upon the recommendation of the Superintendent, the Board shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium.

Upon the recommendation of the Superintendent, the Board shall then approve written agreements with financial institutions with whom EFTs will be made.

Such agreements shall set forth internal controls required by State law and State Board Rule that will provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

A. the official title of the bank account(s) subject to the agreement and each type of transaction approved, such as deposits, disbursements or transfers, shall be specified;

B. the manual signatures of the Board Chairman, Superintendent, and the employees authorized to initiate EFTs shall be contained therein;

C. a requirement that the CCCCSA maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;

D. a requirement that, when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the funds;

E. a requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgments, or canceled warrants, shall be provided so that it may be kept in the official files of the CCCCSA, which shall be maintained in a manner which facilitates easy review and validation of transactions.

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F.S. 668.01 et seq.
F.S. 668.50
F.S. 1010.11
F.A.C. 6A-1.0012
15 U.S.C. 7001 et seq.

FINANCES

po6110

GRANT FUNDS

ADOPTED Apr 12, 2016 · REVISED Jun 14, 2022

6110 - **GRANT FUNDS**

It is the objective of the Governing Board to provide equal educational opportunities for all students within the Authority. Government agencies, as well as foundations, businesses, and individuals, periodically offer to the Authority both human and material resources that would be of benefit to the students in this school system. Therefore, it is the intent of the Board to revise and evaluate grant proposals and applications, for their potential to enhance the educational opportunities, the educational environment, and the physical and mental growth for each student.

The Board regards available grant funds provided to the Authority as a public trust. It forbids the use of public monies for partisan political activities and any use that would not be in accordance Federal regulations and guidelines.

No Federal funds received by the Authority shall be used to:

A. develop or distribute materials or operate programs or courses of instruction directed at youths that are designed to promote or encourage sexual activity whether homosexual or heterosexual;

B. distribute or aid in the distribution by any organization of legally obscene materials to minors on school grounds;

C. provide sex education or HIV-prevention education in schools unless that instruction is age-appropriate and includes the health benefits of abstinence; or

D. operate a program of contraceptive distribution in schools.

The Superintendent shall review grant opportunities and authorize development of proposals.

Grant Proposal Development

For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

A. Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.

B. The Superintendent may identify a project director prior to proposal submission.

C. The Superintendent shall promptly present the following proposals to the Board for approval:

    1. government-funded proposals, exceeding $25,000;

    2. multi-school or Authority-wide proposals.

D. The Superintendent may accept private funded or foundation grants for individual schools, subject to notification to the Board.

Grant Administration

A. The administration of grants will adhere to all applicable Federal, State, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as Authority policies and procedures.

B. The Superintendent and/or Board Chairman are authorized to sign related documents for submittal of grant proposals.

C. Written amendments requiring signature shall be promptly presented to the Superintendent for approval and the forwarded to The School Board of Lee County.

D. Employee positions established through the use of grant funding shall terminate if and when the related grant funding ceases.

E. Program reports including but not limited to audit, site visits, and final reports shall be provided to The School Board of Lee County's Grants Department for review.

F. The Principal(s) will confirm closure of all grants to the Superintendent.

G. All Federal funds received by the Authority will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. Each draw of Federal monies shall be aligned with the Authority's payment process (whether reimbursement, cash advance, or a combination). If funds are permitted to be drawn in advance, all draws will be equal in magnitude as closely as administratively feasible, to the magnitude of the related program expenditures. When restricted, such monies will be used to supplement programs and funding and not to supplant or replace existing programming or current funding.

Revised 8/14/18
Revised 6/14/22

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34 C.F.R. 75.707
34 C.F.R. 76.563
34 C.F.R. 76.565
34 C.F.R. 76.707
2 C.F.R. 200.56
2 C.F.R. 200.71
2 C.F.R. 200.77
2 C.F.R. 200.80
2 C.F.R. 200.112
2 C.F.R. 200.302
2 C.F.R. 200.307
2 C.F.R. 200.309
2 C.F.R. 200.310
2 C.F.R. 200.313
2 C.F.R. 200.318
2 C.F.R. 200.319
2 C.F.R. 200.320
2 C.F.R. 200.343(b)&(e)
Compliance Supplement for Single Audits of State and Local Governments
F.S. 1001.42
F.S. 1001.51

FINANCES

po6111

INTERNAL CONTROLS

ADOPTED Aug 14, 2018

6111 - **INTERNAL CONTROLS**

The Superintendent shall establish and maintain effective internal controls over Federal awards that provide reasonable assurance that the Authority is managing all awards in compliance with applicable statutes, regulations, and the terms and conditions of the awards. The Authority will have a process that provides reasonable assurance regarding the achievement of the following objectives:

A. effectiveness and efficiency of operations

B. reliability of reporting for internal and external use

C. compliance with applicable laws and regulations

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect on a Federal award, as well as any other Federal statutes and regulations that are identified in the compliance supplement. Finally, the District's internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The Authority shall:

A. comply with Federal statutes, regulations, and the terms and conditions of the Federal awards;

B. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of the award;

C. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and

D. take reasonable measures to safeguard protected "personally identifiable information" (PII) and other information the awarding agency or pass-through entity designated as sensitive or the District considers sensitive consistent with applicable Federal, State, local, and tribal laws and District policies regarding privacy and obligations of confidentiality

PII is defined at 2 C.F.R. 200.79 as "information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual".

However, the definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

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2 C.F.R. 200.61-61
2 C.F.R. 200.79
2 C.F.R. 200.303

FINANCES

po6112

CASH MANAGEMENT OF GRANTS

ADOPTED Aug 14, 2018

6112 - **CASH MANAGEMENT OF GRANTS**

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The Authority's payments methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the Florida Department of Education (FLDOE) (pass-through entity) and disbursement by the Authority, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The Authority shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The District shall request grant funds payments in accordance with the provisions of the grant. Additionally, the Authority's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the Authority uses a cash advance payment method, the following standards shall apply:

A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.

B. The Authority shall make timely payment to contractors in accordance with contract provisions.

C. To the extent available, the Authority shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract

settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.

D. The Authority shall account for the receipt, obligation, and expenditure of funds.

E. Advance payments will be deposited and maintained in insured accounts whenever possible.

F. Advance payments will be maintained in interest bearing accounts unless the following apply:

    1. The Authority receives less than $120,000 in Federal awards per year.

    2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of $500 per year on Federal cash balances.

    3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

    4. A foreign government or banking system prohibits or precludes interest bearing accounts.

G. Pursuant to Federal law and regulations, the Authority may retain interest earned in an amount up to $500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or Agency information if the payment originated from Automatic Standard Application for Payment (ASAP), National Science Foundation (NSF), or another Federal agency payment system.

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2 C.F.R. 200.305

FINANCES

po6114

COST PRINCIPLES - SPENDING FEDERAL FUNDS

ADOPTED Aug 14, 2018 · REVISED Jun 14, 2022

6114 - **COST PRINCIPLES - SPENDING FEDERAL FUNDS**

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives, and the specific terms and conditions of the grant award.

Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

   To determine whether a cost is reasonable, consideration shall be given to:

   1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the CCCSA or the proper and efficient performance of the Federal award;

   2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;

   3. market prices for comparable goods or services for the geographic area;

   4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and

   5. whether the cost represents any significant deviation from the established practices or Board of Education policy which may unjustifiably increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the CCCSA can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;

2. the cost is identified in the approved budget or application;

3. there is an educational benefit associated with the cost;

4. the cost aligns with identified needs based on results and findings from a needs assessment;

5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.

This standard is met if the cost:

1. is incurred specifically for the Federal award;

2. benefits both the Federal award and other work of the CCCSA and can be distributed in proportions that may be approximated using reasonable methods; and

3. is necessary to the overall operation of the CCCSA and is assignable to the Federal award in accordance with cost principles mentioned here.

B. Conform to any limitations or exclusions set forth in the cost principles in Part 200 or in the terms and conditions of the Federal award, including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment.

C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the CCCSA.

D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.

E. Be determined in accordance with generally accepted accounting principles.

F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relating to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

G. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.

H. Be adequately documented:

1. in the case of personal services, the Director shall implement a system for CCCSA personnel to account for time and efforts expended on grant-funded programs to assure that only permissible personnel expenses are allocated;

2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

I. Be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or state pass-through entity may be required to carry forward unobligated balances to subsequent budget periods, unless waived.

Selected Items of Cost

The CCCSA shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, CCCSA staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, CCCSA, and program-specific rules, including the terms and

conditions of the award, may deem a cost as unallowable and CCCSA personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

A. Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.

B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of $5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.

C. Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity.

D. All Federally-funded contracts in excess of $2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.

E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR 200.436 and 2 CFR 200.465.

F. When approved as a direct cost by the Federal awarding agency or pass-through entity, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.

G. If the CCCSA is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

Cost Compliance

The Director shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

Determining Whether a Cost is Direct or Indirect:

A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

   These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.).

B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

   These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

   Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the CCCSA, the governing body of the CCCSA, compensation of the Director, compensation of the chief executive officer of any component of the CCCSA, and operation of the immediate offices of these officers.

   The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

   1. Administrative or clerical services are integral to a project or activity.

   2. Individuals involved can be specifically identified with the project or activity.

   3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.

   4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as

any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Florida Department of Education (FLDOE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Timely Obligation of Funds

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment.

The term "financial obligations" is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following table illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

A. Acquisition of property - on the date which the CCCSA makes a binding written commitment to acquire the property.

B. Personal services by an employee of the CCCSA - when the services are performed.

C. Personal services by a contractor who is not an employee of the CCCSA - on the date which the CCCSA makes a binding written commitment to obtain the services.

D. Performance of work other than personal services - on the date when the CCCSA makes a binding written commitment to obtain the work.

E. Public utility services - when the CCCSA receives the services.

F. Travel - when the travel is taken.

G. Rental of property - when the CCCSA uses the property.

H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

Period of Performance

All financial obligations must occur during the period of performance. Period of performance means the total estimated time interval between the start of an initial Federal award when the CCCSA is permitted to carry out the work authorized by the grant and the planned end date. The period of performance may include one or more funded portions or budget periods. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period, unless an agreement exists with the awarding agency or the pass-through entity (e.g., FLDOE)to reimburse for pre-approval expenses.

For both State-administered and direct grants, regardless of the period of availability, the CCCSA shall liquidate all financial obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the CCCSA shall closely monitor grant spending throughout the grant cycle.

Revised 6/8/21
Revised 6/14/22

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Legal
2 C.F.R. 200.344(b)
2 C.F.R. 200.403
2 C.F.R. 200.404
2 C.F.R. 200.405
2 C.F.R. 200.406
2 C.F.R. 200.413(a)-(c)
2 C.F.R. 200.430(a)
2 C.F.R. 200.431(a)
2 C.F.R 200.458
34 C.F.R. 75.703
34 C.F.R. 76.707
34 C.F.R. 76.708(a)

FINANCES

po6116

TIME AND EFFORT REPORTING

ADOPTED Aug 14, 2018

6116 - **TIME AND EFFORT REPORTING**

As a recipient of Federal funds, the Authority shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally sponsored projects. This process is intended to verify that compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 C.F.R. 200.431 Compensation—fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

A. is reasonable for the services rendered, conforms to the Authority's established written policy, and is consistently applied to both Federal and non-Federal activities; and

B. follows an appointment made in accordance with the Authority's written policies and meets the requirements of Federal statute, where applicable.

Time and Effort Reports

The reports:

A. are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;

B. are incorporated into the official records of the Authority;

C. reasonably reflect the total activity for which the employee is compensated by the Authority, not exceeding 100% of the compensated activities;

D. encompass both Federally assisted and other activities compensated by the Authority on an integrated basis;

E. comply with the Authority's established accounting policies and practices;

F. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The Authority will also follow any time and effort requirements imposed by the pass-through entity to the extent that they are more restrictive than the Federal requirements. The payroll office is responsible for the distribution, collection, and retention of all employee effort reports. Individually reported data will be made available only to authorized auditors.

Reconciliations

Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the Authority to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the Authority and entered into the Authority's records in a timely manner.

The Authority's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

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Legal
2 C.F.R. 200.430
2 C.F.R. 200.431

FINANCES

po6140

PUBLIC DEPOSITORY

ADOPTED Apr 12, 2016

6140 - **PUBLIC DEPOSITORY**

Pursuant to the City of Cape Coral policies, all public funds shall be deposited in a qualified public depository, unless exempt under the laws of the State.

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Legal
F.S. 136.01
F.S. 1011.18
F.A.C. 6A-1.0012

FINANCES

po6144

INVESTMENTS

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

6144 - **INVESTMENTS**

I. **PURPOSE**

The purpose of this policy is to set forth the investment objectives and parameters for the management of public funds of the Authority. The Authority follows the City of Cape Coral's Investment Policy for Surplus Funds under ordinance 23-22 (adopted March 16th 2022); Attachment C: Charter School Authority Investment Policy. These policies are designed to enable the prudent management of public funds, the availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices.

II. **SCOPE**

In accordance with F.S. 218.415, this investment policy applies to all cash and investments held or controlled by the Authority with the exception of pension funds, trust funds, and funds related to the issuance of debt where there are other existing policies or indentures in effect for such funds. Funds held by State agencies (e.g., Department of Education) are not subject to the provisions of this policy.

III. **INVESTMENT OBJECTIVES**

A. Safety of Principal

The foremost objective of this investment program is the safety of the principal of those funds within the portfolios. Investment transactions shall seek to keep capital losses at a minimum, whether they are from securities defaults or erosion of market value. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

B. Maintenance of Liquidity

The portfolios shall be managed in such a manner that funds are available to meet reasonably anticipated cash flow requirements in an orderly manner.

Periodical cash flow analyses will be completed in order to ensure that the portfolios are positioned to provide sufficient liquidity.

C. Return on Investment

Investment portfolios shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

IV. DELEGATION OF AUTHORITY

The responsibility for providing oversight and direction in regard to the management of the investment program resides with the Charter School Superintendent (Superintendent). The daily management responsibility for all funds in the investment program and investment transactions is delegated to the City of Cape Coral's Financial Services Director (Financial Services Director). The Financial Services Director shall maintain written procedures for the operation of the investment portfolio and a system of internal accounting and administrative controls to regulate the activities of employees. The Authority may employ an Investment Advisor to assist in managing some of the Authority's portfolios. Such Investment Advisor must be registered under the Investment Advisors Act of 1940.

V. STANDARDS OF PRUDENCE

The standard of prudence to be used by investment officials shall be the “Prudent Person” standard and shall be applied in the context of managing the overall investment program. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for individual security’s credit risk or market price changes, provided deviations from expectation are reported to the City Manager in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy. The “Prudent Person” rule states the following:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

While the standard of prudence to be used by investment officials who are officers or employees is the “Prudent Person” standard, any person or firm hired or retained to invest, monitor, or advise concerning these assets shall be held to the higher standard of “Prudent Expert”. The standard shall be that in investing and reinvesting moneys and in acquiring, retaining, managing, and disposing of investments of these funds, the Investment Advisor shall exercise: the judgment, care, skill, prudence, and diligence under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the funds, so as to minimize the risk, considering the probable income as well as the probable safety of their capital.

VI. ETHICS AND CONFLICTS OF INTEREST

Employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Also, employees involved in the investment process shall disclose to the Superintendent and the Governing Board any material financial interests in financial institutions that conduct business with the Charter School, and they shall further disclose any material personal financial/investment positions that could be related to the performance of the Authority's investment program.

VII. INTERNAL CONTROLS AND INVESTMENT PROCEDURES

The Financial Services Director shall establish a system of internal controls and operational procedures that are in writing and made a part of the Charter School’s operational procedures. The internal controls should be designed to prevent losses of funds, which might arise from fraud, employee error, and misrepresentation by third parties, or imprudent actions by employees. The written procedures should include reference to safekeeping, repurchase agreements, the separation of transaction authority from accounting and recordkeeping, wire transfer agreements, banking service contracts and collateralization. No person may engage in an investment transaction except as authorized under the terms of this policy. Independent auditors as a normal part of the annual financial audit to the Authority shall conduct a review of the system of internal controls to ensure compliance with policies and procedures.

VIII. CONTINUING EDUCATION

The City of Cape Coral Financial Services Director, Deputy Financial Services Director, and other appropriate staff shall annually complete 8 hours of continuing education in subjects or courses of study related to investment practices and products in accordance with F.S. 218.415.

IX. AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS

Authorized Authority staff shall only purchase securities from financial institutions, which are qualified as public depositories by the Chief Financial Officer of the State of Florida; institutions designated as “Primary Dealers” by the Federal Reserve Bank of New York, direct issuers of commercial paper and bankers’ acceptances or approved non-primary securities dealers.

The Authority's Investment Advisor(s) shall utilize and maintain its own list of approved primary and non-primary dealers.

All approved non-primary securities dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule) must provide the following information prior to executing investment trades with the Authority:

A. Annual financial statement, as well as most recent quarterly statement.

B. Regulatory history, through either the Office of the Comptroller of the Currency for dealer banks, or the FINRA for securities firms.

C. Statement of any pending lawsuits materially affecting the firm’s business.

Authorized Charter School staff shall only enter into repurchase agreements with financial institutions that are State qualified public depositories and primary dealers as designated by the Federal Reserve Bank of New York.

X. MATURITY AND LIQUIDITY REQUIREMENTS

To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash flow requirements. Investments of current operating funds shall have maturities of no longer than twenty-four (24) months.

XI. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS

After the Financial Services Director, or designee, or the Investment Advisor, has determined the approximate maturity date based on cash flow needs and market conditions and has analyzed and selected one (1) or more optimal types of investments, a minimum of three (3) qualified banks and/or approved broker/dealers must be contacted and asked to provide bids/offers on securities unless multiple bids are not feasible or appropriate based on market conditions. Bids will be held in confidence until the bid best deemed to meet the investment objectives is determined and selected.

However, if obtaining bids/offers are not feasible and appropriate, securities may be purchased utilizing the comparison to current market price method on an exception

basis. Acceptable current market price providers include, but are not limited to:

A. Telerate Information System

B. Bloomberg Information Systems

C. Wall Street Journal or a comparable nationally recognized financial publication providing daily market pricing.

D. Daily market pricing provided by the City's custodian or their correspondent institutions.

The Financial Services Director, the Deputy Financial Services Director, and/or the Investment Advisor shall utilize the competitive bid process to select the securities to be purchased or sold. Selection by comparison to a current market price, as indicated above, shall only be utilized when, in judgment of the Financial Services Director, the Deputy Financial Services Director, and/or the Investment Advisor, competitive bidding would inhibit the selection process.

Examples of when this method may be used include:

A. When time constraints due to unusual circumstances preclude the use of the competitive bidding process.

B. When no active market exists for the issue being traded due to the age or depth of the issue.

C. When a security is unique to a single dealer, for example, a private placement.

D. When the transaction involves new issues or issues in the "when issued" market.

E. Overnight sweep repurchase agreements will not be bid, but may be placed with the City's depository bank relating to the demand account for which the repurchase agreement was purchased.

XII. **AUTHORIZED INVESTMENTS AND PORTFOLIO COMPOSITION**

Investments should be made subject to the cash flow needs and such cash flows are subject to revisions as market conditions and the Authority's needs change. However, when the invested funds are needed in whole or in part for the purpose originally intended or for more optimal investments, the Financial Services Director or Deputy Financial Services Director may sell the investment at the then-prevailing market price and place the proceeds into the proper account at the Authority's custodian.

The following are the investment requirements and allocation limits on security types, issuers, and maturities as established by the Authority. The Financial Services Director or the Deputy Financial Services Director shall have the option to further restrict investment percentages from time to time based on market conditions, risk, and diversification investment strategies. The percentage allocation requirements for investment types and issuers are calculated based on the original cost of each investment. Investments not listed in this policy are prohibited.

A. The Florida PRIME

1. Investment Authorization

   The City may invest in the Florida PRIME. Any investment with the Florida PRIME will be evaluated with the same criteria as Money Market Mutual Funds, detailed in section J.

2. Portfolio Composition

   A maximum of seventy-five percent (75%) of available funds may be invested in the Florida PRIME.

3. Rating Requirements

   The Florida PRIME shall be rated "AAAm" by Standard & Poor's or the equivalent by another rating agency.

4. Due Diligence Requirements

   A thorough investigation of the Florida PRIME is required prior to investing, and on a continual basis. There shall be a questionnaire developed by the Investment Advisor that will contain a list of due diligence considerations that deal with the major aspects of any investment pool/fund. A current prospectus or equivalent documentation, including an Investment Policy, Financial Statements, and Portfolio Holdings must be obtained.

B. United States Government Securities

1. Purchase Authorization

   The City may invest in negotiable direct obligations, or obligations the principal and interest of which are unconditionally guaranteed by the United States Government. Such securities will include, but not be limited to the following:

Cash Management Bills
Treasury Securities – State and Local Government Series ("SLGS")
Treasury Bills
Treasury Notes
Treasury Bonds
Treasury Strips

2. Portfolio Composition

A maximum of 100% of available funds may be invested in the United States Government Securities.

3. Maturity Limitations

The maximum length to maturity of any direct investment.

C. United States Government Agencies

1. Purchase Authorization

The City may invest in bonds, debentures, notes or callables issued or guaranteed by United States Government agencies, provided such obligations are backed by the full faith and credit of the United States Government. Such securities will include, but not be limited to the following:

Government National Mortgage Association
Direct obligations and mortgage pass through securities United States
Export – Import Bank
-Direct obligations or fully guaranteed certificates of beneficial ownership
Farmer Home Administration
-Certificates of beneficial ownership
Federal Financing Bank
-Discount notes, notes and bonds
Federal Housing Administration Debentures
General Services Administration
United States Maritime Administration Guaranteed
-Title XI Financing
New Communities Debentures
-United States Government guaranteed debentures
United States Public Housing Notes and Bonds
-United States Government guaranteed public housing notes and bonds

United States Department of Housing and Urban Development
-Project notes and local authority bonds

2. Portfolio Composition

A maximum of fifty percent (50%) of available funds may be invested in United States Government agencies.

3. Limits on Individual Issuers

A maximum of twenty-five percent (25%) of available funds may be invested in individual United States Government agencies.

4. Maturity Limitations

The maximum length to maturity for an investment in any United States Government agency security is two (2) years from the date of purchase.

D. Federal Instrumentalities (United States Government sponsored agencies)

1. Purchase Authorization

The City may invest in bonds, debentures, notes or callables issued or guaranteed by United States Government sponsored agencies (Federal Instrumentalities) which are non-full faith and credit agencies limited to the following:

Federal Farm Credit Bank (FFCB)
Federal Home Loan Bank or its district banks (FHLB)
Federal National Mortgage Association (FNMA)
Federal Agricultural Mortgage Corporation (Farmer Mac)
Federal Home Loan Mortgage Corporation (Freddie-Macs) including
Federal - Home Loan Mortgage
Corporation participation certificates

2. Portfolio Composition

A maximum of seventy-five percent (75%) of available funds may be invested in Federal Instrumentalities.

3. Limits on Individual Issuers

A maximum of twenty-five percent (25%) of available funds may be invested in any one (1) issuer.

4. Maturity Limitations

The maximum length to maturity for an investment in any Federal Instrumentality security is two (2) years from the date of purchase.

E. Commercial Paper

1. Purchase Authorization

The City may invest in commercial paper of any company organized and operating in the United States that is rated, at the time of purchase, “Prime-1” by Moody’s and “A-1” by Standard & Poor’s (prime commercial paper). If the commercial paper is backed by a letter of credit (“LOC”), the long-term debt of the LOC provider must be rated “A” or better by at least two nationally recognized rating agencies.

2. Portfolio Composition

A maximum of twenty-five percent (25%) of available funds may be directly invested in prime commercial paper.

3. Limits on Individual Issuers

A maximum of fifteen percent (15%) of available funds may be invested with any one (1) issuer.

4. Maturity Limitations

The maximum length to maturity for prime commercial paper shall be 270 days from the date of purchase.

F. Bankers’ Acceptances

1. Purchase Authorization

The City may invest in Bankers’ Acceptances issued by a domestic bank or a federally chartered domestic office of a foreign bank, which is eligible for purchase by the Federal Reserve System, at the time of purchase, the short-term paper is rated, at a minimum, “P-1” by Moody's Investors Services and “A-1” Standard & Poor's.

2. Portfolio Composition

A maximum of twenty-five percent (25%) of available funds may be directly invested in Bankers' Acceptances.

3. Limits on Individual Issuers

A maximum of fifteen percent (15%) of available funds may be invested with any one (1) issuer.

4. Maturity Limitations

The maximum length to maturity for Bankers' Acceptances shall be 180 days from the date of purchase.

G. Registered Investment Companies (Mutual Funds)

1. Investment Authorization

The City may invest in shares in open-end, no-load provided such funds are registered under the Federal Investment Company Act of 1940 and operated in accordance with 17 C.F.R. § 270.2a-7.
In addition, the Financial Services Director may invest in other types of mutual funds provided such funds are registered under the Federal Investment Company Act of 1940, invested exclusively in the securities specifically permitted under this investment policy, and are similarly diversified.

2. Portfolio Composition

A maximum of 100% of available funds may be invested in mutual funds.

3. Rating Requirements

The mutual funds shall be rated "AAAm" by Standard & Poor's or the equivalent by another rating agency.

4. Due Diligence Requirements

A thorough review of any investment mutual fund is required prior to investing, and on a continual basis. There shall be a questionnaire developed by the Financial Services Director that will contain a list of questions that covers the major aspects of any investment pool/fund.

H. Intergovernmental Investment Pools

1. Investment Authorization

   The City may invest in intergovernmental investment pools that are authorized pursuant to the Florida Inter-local Cooperation Act, as provided in Section 163.01, Florida Statutes and provided that said funds contain no derivatives.

2. Portfolio Composition

   A maximum of seventy-five percent (75%) of available funds may be invested in intergovernmental investment pools.

3. Rating Requirements

   The investment pool shall be rated "AAAm" by Standard & Poor's or the equivalent by another rating agency.

4. Due Diligence Requirements

   A thorough review of any investment pool/fund is required prior to investing, and on a continual basis. There shall be a questionnaire developed by the Financial Services Director that will contain a list of questions that covers the major aspects of any investment pool/fund.

XIII. DERIVATIVES AND REVERSE REPURCHASE AGREEMENTS

Investment in any derivative products or the use of reverse repurchase agreements requires specific Board approval prior to their use. If the Board approves the use of derivative products, the City of Cape Coral Financial Services Director shall develop sufficient understanding of the derivative products and have the expertise to manage them.

A "derivative" is defined as a financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets or indices or asset values. If the Board approves the use of reverse repurchase agreements or other forms of leverage, the investment shall be limited to transactions in which the proceeds are intended to provide liquidity and for which the City of Cape Coral Financial Services Director has sufficient resources and expertise to manage them.

XIV. PERFORMANCE MEASUREMENTS

In order to assist in the evaluation of the portfolio's performance, the Authority will use performance benchmarks for the short-term portfolio. The use of benchmarks will allow the Authority to measure its returns against other investors in the same markets.

For the short-term portfolio (less than twenty-four (24) months maturity), an appropriate benchmark will have a duration and asset mix that approximates the portfolio and will be utilized as a benchmark, such as the S&P Rated GIP Index, to be compared to the portfolio's net book value rate of return.

XV. **REPORTING**

The Financial Services Director shall provide the Authority Superintendent with annual investment reports which shall then be distributed to the Board. Schedules in the annual report should include the following:

A. A listing of individual securities held at the end of the reporting period.

B. Percentage of available funds represented by each investment type.

C. Coupon, discount or earning rate.

D. Average life or duration and final maturity of all investments.

E. Par value and market value.

On an annual basis, the Financial Services Director shall provide to the Authority Superintendent a written report on all invested funds which shall then be distributed to the Board. The annual report shall provide all, but not limited to, the following: a complete list of all invested funds, name or type of security in which the funds are invested, the amount invested, the maturity date, income earned, the book value, the market value and the yield on each investment.

The annual report will show performance on both a book value and total rate of return basis and will compare the results to the above-stated performance benchmarks. All investments shall be reported at fair value per GASB standards. The audited annual financial statement meets this requirement. This report shall be available to the public.

XVI. **THIRD-PARTY CUSTODIAL AGREEMENTS**

Securities, with the exception of certificates of deposits, shall be held with a third party custodian; and all securities purchased by, and all collateral obtained by the Authority should be properly designated as an asset of the Authority. The securities must be held in an account separate and apart from the assets of the financial institution. A third party custodian is defined as any bank depository chartered by the Federal Government, the State of Florida, or any other state or territory of the United States which has a branch or principal place of business in the State of Florida as defined in F.S. 658.12, or by a national association organized and existing

under the laws of the United States which is authorized to accept and execute trusts and which is doing business in the State of Florida. Certificates of deposits will be placed in the provider's safekeeping department for the term of the deposit.

The custodian shall accept transaction instructions only from those persons who have been duly authorized by the Financial Services Director and which authorization has been provided, in writing, to the custodian. Only a duly authorized person shall be permitted to in whole or in part withdraw securities from the custodian.

The custodian shall provide the Financial Services Director with safekeeping receipts that provide detailed information on the securities held by the custodian. Security transactions between a broker/dealer and the custodian involving the purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction. Securities held as collateral shall be held free and clear of any liens.

Revised 5/13/25

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Legal
F.S. 163.01
F.S. 215.472
F.S. 218.415
F.S. Chapter 280
F.S. 280.02
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43
F.S. 1011.18
F.A.C. 6A-1.0012

FINANCES

po6145

BORROWING

ADOPTED Apr 12, 2016

6145 - **BORROWING**

Upon the initiative of the Governing Board, the City of Cape Coral shall prepare the data and applications regarding the borrowing of revenue anticipation notes, tax anticipation notes, and other such debt instruments. Once prepared, a recommendation shall be made to the Board and the Cape Coral city council for approval.

Funds shall be borrowed from the responsible organization offering the most favorable terms, as approved by the Board.

Repayment of any borrowing will be classified as debt service to the City of Cape Coral.

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F.S. 1011.12
F.S. 1011.13

FINANCES

po6151

BAD CHECKS

ADOPTED Apr 12, 2016

6151 - **BAD CHECKS**

Purpose

To establish policy and procedures for handling and recording dishonored checks.

Policy

This policy is to be used for checks made payable to the Authority or any of its member schools which have been dishonored by the financial institution from which they were written.

Overview

A. Checks are to be made payable to either the Authority or any of its member schools:

    1. Oasis Charter Elementary School

    2. Christa McAuliffe Charter Elementary School

    3. Oasis Charter Middle School

    4. Cape Coral Charter High School

B. Checks are written by parents, guardians, and other sponsors for many purposes including but not limited to the school lunch program, donations, book fairs, extra-curricular activities, clubs, and field trips.

C. Some of these purposes may be associated with Authority budgetary funds and others associated with school internal funds which have separate bank accounts. In no case, should a single check be accepted which is applicable to both budgetary funds and school internal funds.

D. Checks should always include the student's name in the memo section and the purpose (e.g., Johnny Smith, school lunch).

E. Checks should be restrictively stamped (restrictive endorsement) as soon as is practical by the cash custodian, lunchroom attendant or school secretary.

F. Deposit of checks and other currency to the appropriate bank account should occur as soon as possible after receipt and be taken to the bank or vault by an approved armored car service in accordance with the City of Cape Coral cash handling guidelines.

G. Generally checks are processed through the depository bank and/or through the payer's bank without incident; however, in some cases, checks presented are dishonored by the depository bank for the following reasons:

    1. non-sufficient funds

    2. closed account

    3. payment stopped

    4. incomplete or inaccurate check document

The following procedures reflect the steps for handling, recording and possible write-off of dishonored checks. These procedures are managed by the Authority's bookkeeper with oversight by the City of Cape Coral Financial Services Department.

General Procedures

A. The depository bank will initiate notification of the dishonored check. This notification can be in the following ways:

    1. A posting on the bank's online transaction summary. This is next day notification, the Authority's bookkeeper monitors all transactions on a daily basis.

        a. For the general account, an image of the dishonored item should be printed from the online system.

        b. For school internal funds, the bookkeeper must wait for the final mailed notification and image from the bank.

    2. A mailed notification is sent to the City of Cape Coral cashier's office which includes an image copy of the dishonored item (for budgetary funds only). In this case, the cashier will record the returned item and forward a copy to the Authority's bookkeeper for processing.

3. For school internal funds, a mailed notification which includes an image of the dishonored item is sent directly from the bank to the Authority's bookkeeper.

B. Once the Authority's bookkeeper is aware of the dishonored check, the maker of the check should be notified by mail within two (2) business days. Samples of the first notification form letter (Appendix A & B) are included in this policy for both budgetary and school internal funds. A copy of the letter should be retained in file.

C. In no case, should the enrolled student be approached regarding a dishonored check.

D. In addition to the amount of the dishonored check, a service charge will be applied to all returned checks as follows in accordance with F.S. 68.065:

1. $25.00 for face value that does not exceed $50.00

2. $30.00 for face value from $50.01 to $300.00

3. $40.00 for face value from $300.01 to $800.00

4. five percent (5%) of the face value for checks over $800.00

E. The Superintendent maintains logs of returned checks and notifies the school secretary to stop check writing privileges for the maker of the check until/unless the issue is resolved.

F. Checks will no longer be accepted at the schools for repeat offenders or for those that do not respond to the notification letters.

G. Any account balance in the school lunch program or a school internal fund must be debited for the amount of the dishonored check as follows:

1. For a school lunch deposit that has been dishonored, the Superintendent must notify the school secretary and the lunchroom attendant by E-Mail with the name of the student account and amount to be debited from the lunchroom point of service system. This will reduce the amount of credit in the student account if any.

2. For a school internal fund, the Superintendent must notify the school secretary who will in turn notify the internal fund sponsor, teacher, or staff member. The school secretary will debit the revenue on the fund tracking form and forward a copy to the Superintendent for recording the transaction in the ledger.

H. The Superintendent prepares a journal entry to record the dishonored check as follows:

    1. debit to accounts receivable

    2. credit to cash

I. The journal entry is processed to record the transactions as follows:

    1. For budgetary funds, the journal entry is recorded in the Infisys System according to procedures set forth in the Journal Entry Procedures Manual.

    2. For school internal funds, the journal entry is recorded in the School Internal Funds General Ledger according to the procedures set forth in the School Internal Funds Procedures Manual.

Subsequent Actions

A. After thirty (30) days from the first notification letter, if no repayment is received, a second letter will be sent to the maker of the check. Samples of the second notification letters (Appendix C & D) are included in this policy. A copy of each letter sent should be retained in file.

B. If letters are returned by the post office, an attempt to contact the maker of the check by phone or confirmation of the address through school or other public records may be attempted.

C. At the end of each month, the Superintendent will evaluate any outstanding dishonored checks for write off or referral to a private collection agent using the following criteria:

    After sixty (60) days from the date of the first notification letter dishonored checks will be handled in the following manner:

    1. If the collective amount of all dishonored checks written by this maker is less than $25.00 the check(s) will be written off as uncollectible without additional Governing Board approval. (e.g., one (1) check for $15.00, or two (2) checks of $10.00 each).

    2. If the collective amount of all dishonored checks written by this maker is greater than or equal to $25.00, the checks will be turned over to a private collection agent for further action. (e.g., one (1) check of $30.00, or two (2) checks of $15.00 each).

3. If the efforts of the collection agency are unsuccessful after a 365 day period, the item will be brought before the Board requesting write-off approval or further action as deemed by the Board.

4. Check writing privileges for this person are permanently suspended at the schools.

D. The Superintendent will record the following accounting entries for the write off and/or referral to collection agent.

1. Debit to revenue account where originally applied.

2. Credit to Accounts Receivable.

Payment of Dishonored Checks

A. The maker of a dishonored check can make restitution in the following ways:

1. For Budgetary Funds:

a. Payment can be made to the City of Cape Coral cashier's office by cash, cashier's check, credit card, or money order.

b. The cashier notifies the Superintendent of the repayment and deposits the funds into the Authority's general bank account.

2. For School Internal Funds:

a. Payment can be made to the Superintendent by cash, cashier's check, or money order. Credit cards are not accepted.

b. The Superintendent provides the school secretary with the repayment funds (including service fee) and records the credit entry on the internal funds tracking form and prepares the funds for deposit.

c. The secretary provides the tracking form to the Superintendent who prepares the journal entry and records it in the School Internal Funds General Ledger.

B. The Superintendent records the repayment on a journal entry and enters it into the appropriate system. The accounting entries to record the repayment are:

1. Debit to Cash for the amount of the check plus service fee

2. Credit to Accounts Receivable for the amount of the check

3. Credit to Revenue Account 3495 (Other Misc Local Sources) for the service fee

See Also

Appendix A - Sample Initial Dishonored Check Letter – Budgetary Funds

Appendix B - Sample Initial Dishonored Check Letter – School Internal Funds

Appendix C - Sample Final Dishonored Check Letter – Budgetary Funds

Appendix D- Sample Final Dishonored Check Letter – School Internal Funds

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F.S. 832.10

FINANCES

po6152

STUDENT FEES, FINES, AND CHARGES

ADOPTED Apr 12, 2016 · REVISED Dec 14, 2021

6152 - **STUDENT FEES, FINES, AND CHARGES**

The Governing Board will provide the necessary textbooks and/or electronic textbooks required by the course of study free of charge for its students. The Board may need to levy certain charges to students to facilitate the utilization of other appropriate materials for curricular as well as co-curricular and extra-curricular, noncredit activities. Such charges would be made on expendable items such as magazines, workbook materials, paperback selections, and laboratory supplies, and materials, for clubs, independent study or special projects, and Authority-sponsored trips. As set forth in Board Policy 6152.01 (*Waiver of School Fees*), the Board shall waive fees or fines assessed only for students whose parent(s) are unable to afford them and such fees and fines are barriers to the educational program.

Fees

For the purposes of this policy, "school fees" or "fees" means any monetary charge collected by the Authority from a student or the parent(s) or guardian of a student as a prerequisite for the student's participation in any curricular or extra-curricular program of the Authority.

A. "School fees" include, but are not limited to, the following:

1. all charges for required workbooks and instructional materials

2. all charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment)

3. charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extra-curricular activity

4. charges or rental fees for uniforms or equipment related to varsity and intramural sports, or to fine arts programs

5. charges to participate in extra-curricular activities

6. charges for supplies required for a particular class or for gym uniforms

B. "School fees" do not include:

1. library fines and other charges made for the loss, misuse, or destruction of school property;

2. charges for the purchase of class rings, yearbooks, pictures, diploma covers, or similar items;

3. charges for optional travel undertaken by a school club or group of students outside of school hours;

4. charges for admission to school dances, athletic events, or other social events;

5. optional community service programs for which fees are charged (e.g., preschool before and after-school child care, recreation programs).

A charge shall not exceed the combined cost of the outside service provided or material used, freight and/or handling charges. Money received from resale of such material, if any, shall be remitted to the School Business Office with an accurate accounting of all transactions.

Fines

When school property, equipment, or supplies are damaged, lost, or taken by a student, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

The late return of borrowed books or materials from the school libraries will be subject to appropriate fines.

Any fees, fines, and/or other charges collected by members of the staff shall be remitted to the School Business Office within one (1) business day after collection.

For convenience to families, the Board may enter into an agreement with one or more credit card/online payment processing vendors to facilitate online payment of fees, fines, and charges. Parents/guardians or students may elect but are not required to make payments online. Vendors will comply with all Board policies and procedures related to confidentiality and security of information transmitted electronically. Payees will be notified of any processing or other nominal fees that may be charged for use of an online payment system before the transaction is completed.

Failure to pay fees and fines may result in the denial of participation in the graduation ceremony. In the event the above course of action does not result in the fee being

collected, the Board authorizes the Superintendent to take the student and/or his/her parents to Small Claims Court for collection.

Students Experiencing Homelessness - McKinney-Vento Act

No fine or fee shall be charged to a student identified as a student experiencing homelessness unless it is determined that the student has the ability to pay the fee or fine and that its imposition does not create a barrier to the student's ability to enroll, attend school, achieve academic success, or be identified as experiencing homelessness. Any dispute regarding a fine or a fee that is imposed shall not delay the student's enrollment or serve as a barrier to enrollment by delaying the transfer of student records to another school or school district if applicable.

Immediate enrollment notwithstanding fines or fees shall be extended to extra-curricular and co-curricular activities as well as to academic programming.

Students experiencing homelessness who are able to pay fees or fines and refuse to do so may be prohibited from participating in graduation ceremonies until paid. No such student shall be prevented from receiving his/her student records, including diploma if earned, and final transcripts.

Nothing in this policy restricts the right of access of a parent or student to school records or to receive copies of such records, as required by Federal and State laws.

Revised 12/14/21

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Legal
F.S. 1001.41
F.S. 1001.43
F.S. 1006.28
F.S. 1006.40

FINANCES

po6152.01

WAIVER OF SCHOOL FEES

ADOPTED Apr 12, 2016 · REVISED Dec 14, 2021

6152.01 - **WAIVER OF SCHOOL FEES**

The Authority shall waive fees assessed only for students whose parent(s) or guardian(s) are unable to afford them and such fees and fines are barriers to the educational program. The Superintendent may, as deemed necessary, establish additional procedures to supplement the procedures established in this policy regarding the requests for the waiver of fees.

Eligibility Standards

Students eligible for a waiver of school fees include, but are not limited to, the following:

A. Students who qualify for free lunches or breakfasts under the National Free Lunch Program.

B. Students who are experiencing homelessness pursuant to Policy 5111.01 - *Homeless Students*.

C. Students who are eligible to receive reduced price lunch or breakfast.

D. Students whose families have suffered very significant losses of income due to severe illness or injury in the family or unusual expenses including, but not limited to, fire, flood, or storm damage.

E. Other good and just reasons as determined by the Superintendent.

Procedures for Resolution of Disputes

A. A parent(s) or guardian who cannot pay school fees may write a letter requesting a waiver of fees to the Superintendent. The letter must contain the following:

1. name(s) of student(s)

2. name of parent(s) or guardian(s)

3. address of parent(s) or guardian(s)

4. phone number of parent(s) or guardian(s)

5. school where child(ren) attend(s)

6. reason for request for waiver of fees

The Superintendent shall have the authority to review the waiver request and request such further information, if any, as s/he deems necessary in order to make a decision on that request.

B. No fee shall be collected from any parent(s) or guardian who is seeking a fee waiver in accordance with the Authority's policy until the Authority has acted on the initial request or appeal (if any is made), and the parent(s) or guardian have been notified of the decision.

C. If the Superintendent denies a request for fee waiver, then a copy of the decision shall be mailed or provided in an appropriate method for those without a fixed residence or experiencing homelessness. The decision shall state the reason for the denial and shall include of the right to appeal, including the process and timelines for that action. The denial notice shall also include a statement indicating that reapplication may be made for a waiver any time during the school year, if circumstances change.

D. Students experiencing homelessness shall be immediately enrolled, scheduled for transportation, or otherwise registered for school programming regardless of outstanding fines or fees. The waiver review process shall be reviewed accordingly. If the imposition of a fine or fee is not a barrier to educational program access, the student may be assessed the fine or fee.

E. The decision of the Superintendent is final.

Nondiscrimination

The Board expects all staff members to exercise the utmost care to see that, as a result of their actions or comments, students cannot differentiate between those students whose parents are unable to purchase required instructional materials or pay required fees and those whose parents can.

Revised 12/14/21

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42 U.S.C. §11432(g)(1)
Child Nutrition Act of 1966, 80 Stat. 885, 42 U.S.C. 1771

National School Lunch Act, 60 Stat. 230 (1946), 42 U.S.C. 1751 (as amended)
F.S. 1006.06
F.S. 1009.26

FINANCES

po6210

FISCAL PLANNING

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

6210 - **FISCAL PLANNING**

The Governing Board shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the Authority and to plan for the financial needs of the educational program. The Board shall also maintain both short and long range projections of Authority financial requirements.

Pursuant to Florida statutes and Policy 6220, the Board shall develop, advertise, and then approve a budget for each fiscal year. The tentative proposed budget and the adopted budget of the Board shall be posted on the Authority's official website pursuant to F.S. 200.065(3).

Costs shall be contained, where possible, so that annual expenditures do not exceed the annual resources. Furthermore, the Board shall strive to maintain an unreserved fund balance in its operating funds equal to five percent (5%) of the annual resources.

As required by Florida statutes and Board Policy 8310 - *Public Records*, all records related to the annual budget shall be open to the public for inspection.

It is understood that the Authority's records and financial statements shall be audited by the Auditor General, State of Florida, or, in those years not audited by the State Auditor General, by a contracted certified public accounting firm. The auditor shall prepare and submit to the Board an annual review and opinion of said records.

The Superintendent shall develop and update as needed the administrative procedures necessary to provide for an equitable distribution of resources within the Authority and for the regular review of the fiscal budget.

Revised 9/16/25

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Legal
F.S. 11.45
F.S. 218.39
F.S. 1001.42

F.S. 1010.30
F.S. 1013.35

FINANCES

po6233

AUTHORITY BUDGET

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

6233 - **AUTHORITY BUDGET**

A. Preparation

The budget shall be prepared and administered in accordance with Florida statutes and in accordance with Policy 6220.

B. Implementation of Budget

Implementation of the official Authority budget shall give appropriations and reserves therein the force and effect of fixed appropriations and reserves, and the same shall not be altered, amended, or exceeded except as authorized.

Expenditures may exceed the amount budgeted by function or object, provided the Governing Board approves the expenditures and amends the budget no later than the annual due date established by the State Department of Education for submitting the Authority's annual financial report.

Pursuant to State law, if the Board finds and declares in a resolution adopted at a regular meeting of the Board that the funds received for any of the following categorical appropriations are urgently needed to maintain Board specified academic classroom instruction or improve school safety, the Board may consider and approve an amendment to the Authority operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. funds for student transportation;

2. funds for instructional materials;

If all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1st.

Funds available after March 1st may be used to purchase computers and

device hardware for student instruction that comply with the requirements of F.S. 1001.20(4)(a)1.b.

3. funds for the guaranteed allocation related to the exceptional education students as provided in F.S. 1011.62(1)(e)2;

4. funds for the supplemental academic instruction allocation as provided in F.S. 1011.62(1)(f);

5. funds for the Federally connected student supplement as provided in F.S. 1011.62(10); and

6. funds for the class size reduction as provided in F.S. 1001.685.

C. General Fund Ending Fund Balance

The Constitution of the State of Florida requires that the Authority operate under a balanced budget. The Board understands that there may be unforeseen circumstances that can result in increases or decreases in revenue and/or expenditures. These circumstances would thereby impact the financial stability of the CCCCSA.

As required by Florida statute, the Board shall maintain a General Fund ending fund balance not classified as restricted, committed, or nonspendable in the Authority's approved operating budget that is sufficient to address normal contingencies.

1. Any time the portion of the General Fund's ending fund balance not classified as restricted, committed, or nonspendable in the CCCCSA's approved operating budget is projected to fall below five percent (5%) of projected General Fund revenues during the current fiscal year, the Superintendent shall develop and submit to the Board for approval a plan to restore the ending fund balance to five percent (5%) of projected General Fund revenues.

2. The Superintendent shall provide written notification to the Board if, at any time, the portion of the general fund's ending fund balance not classified as restricted, committed, or nonspendable in the Authority's operating budget is projected to fall below projected revenues as prescribed by law.

   If the projected portion of the general fund’s ending fund balance not classified as restricted, committed, or nonspendable in the Authority's approved operating budget falls below three percent (3%) of projected general fund revenues for two (2) consecutive fiscal years, the Superintendent will reduce the Authority's administrative expenditures reported pursuant to F.S. 1010.215 in proportion to the reduction in the

general fund's ending balance or the reduction in student enrollment, whichever is greater.

3. The Superintendent shall submit to the Board for approval a plan to avoid a financial emergency as determined pursuant to F.S. 218.503.

D. Emergency Financial Plan

The Chief Financial Officer shall prepare and present to the Board for approval an emergency financial plan in accordance with F.S. 252.391 for major natural disasters that may impact the Board's jurisdiction, including, but not limited to, hurricanes, tornadoes, floods, and wildfires. The emergency financial plan must be based on the likely frequency of the disaster's occurrence and include a calculation of the costs for the natural disaster event and a determination of the financial resources available to the Board. If insufficient funds are available to address the disaster event, the emergency financial plan should identify strategies to close the gap between the disaster event costs and the Board's financial capacity. Such strategies may include rainy day funds, reprioritizing the Board's annual budget, and borrowing.

E. School-based Management

The Board encourages individual school centers to be the principal planning unit and to integrate planning and budgeting at the school level.

Revised 10/8/19
Revised 2/9/21
Revised 3/9/21
Revised 11/18/22
Revised 3/10/26

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Legal
F.S. 252.391
F.S. 1001.42
F.S. 1001.43
F.S. 1011.01
F.S. 1011.035
F.S. 1011.051
F.S. 1011.62

FINANCES

po6235

FUND BALANCE

ADOPTED Apr 12, 2016

6235 - **FUND BALANCE**

The Superintendent has the responsibility of administering the budget, once adopted by the Governing Board. The Superintendent shall monitor the fund balances and shall report the balances to the Board quarterly and at the end of each budget year. As required by State law and Board Policy 6233 – *Authority Budget*, the Board shall maintain a general fund ending fund balance that is sufficient to address normal contingencies.

Fund balances will be reported in the categories established by the Government Accounting Standards Board Statement. Upon the recommendation of the Superintendent, the Board will impose constraints on any funds placed in the committed and assigned classifications.

If, during the fiscal year, it appears to the Superintendent that the fund balance will be less than estimated, the Superintendent will bring forward for Board consideration recommendations that will protect the fund balances. Such recommendations shall be in accordance with requirements of the law.

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Legal
F.S. 1011.051
Constitution of the State of Florida
Government Accounting Standards Board Statement 54

FINANCES

po6320

PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

6320 - **PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES**

Any Governing Board employee who has purchasing authority shall consider first the interests of the Board in all purchases and seek to obtain the maximum value for each dollar expended; not solicit or accept any gifts or gratuities from present or potential suppliers which might influence or appear to influence purchasing decisions; and refrain from any private business or professional activity that might present a conflict of interest in making purchasing decisions on behalf of the Board.

No person, unless authorized to do so under this policy, may make any purchase or enter into any contract involving the use of school funds. The Board will not approve any expenditure for an unauthorized purchase or contract.

Purchases may be made through an online procurement system, an electronic auction service, or other efficient procurement tool.

Standards and Specifications

Before making any purchase of commodities or contractual services which the Superintendent is authorized by the Board to make or before recommending any purchase to the Board, the Superintendent shall, insofar as possible, propose standards and specifications. S/He shall see that the commodities or contractual services conform to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.

Pre-Purchasing Review of Available Purchasing Agreements and State Term Contracts for Nonacademic Commodities and Contractual Services

Before purchasing nonacademic commodities and contractual services, the Board authorizes the Superintendent to review the purchasing agreements and State term contracts available under F.S. 287.056 to determine whether it is in the Board's economic advantage to use the agreements and contracts.

Each bid specification for nonacademic commodities and contractual services must include a statement indicating that the purchasing agreements and State term contracts available under F.S. 287.056 have been reviewed. The Board may use the cooperative State purchasing programs managed through the regional consortium service organizations pursuant to F.S. 1001.451. This policy does not apply to services that are eligible for reimbursement under the Federal E-rate program administered by the Universal Service Administrative Company.

Competitive Solicitation Requirements for Commodities and Contractual Services Other Than Construction Contracting

Except as authorized by law or policy, competitive solicitations shall be requested from three (3) or more sources for the purchase of any authorized commodities or contractual services in an amount greater than $5,000.

The procurement of commodities or contractual services may not be divided so as to avoid this monetary threshold requirement. All procurement for commodities and contractual services greater than the threshold requirement is pursuant to the City of Cape Coral administrative procedures for procurement.

Contract

Each Board contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

A. keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;

B. provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - *Public Records*;

C. ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;

D. meet all requirements for retaining public record and, upon termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems;

E. the contractor shall furnish a copy of any public records request or request for records in any way relating to the Authority, immediately upon receipt to the

Authority's Director of Purchasing.

Contracts shall be approved and executed as follows:

A. Superintendent/Designee Authority

The Superintendent is authorized to approve and execute contracts on behalf of the Authority involving expenditure of public funds in an amount no greater than $100,000, so long as the obligation created does not exceed the applicable appropriation within the Authority budget and the contract is otherwise in compliance with applicable Authority procedures, policies, and law. For purposes of this policy, any group of contracts purchase orders to the same provider which are connected in terms of time, location and services such that a reasonable person would view them as a single contract shall be deemed to be a single contract. The Superintendent shall not divide the procurement of commodities or contractual services so as to avoid the monetary cap imposed by this policy. Designations of contracting authority by the Superintendent shall be in writing and shall specify the maximum obligation permitted up to $100,000.

B. Emergency Purchases

Notwithstanding the general limit on the Superintendent's authority to enter into contracts involving expenditure of public funds in an amount no greater than $100,000, the Superintendent is authorized to approve and execute contracts on behalf of the Authority involving expenditure of public funds in an amount greater than $100,000 when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the Authority requires emergency action.

C. Board Approval

Except as expressly provided herein, the Board shall approve and execute all contracts on behalf of the Authority involving expenditure of public funds in an amount greater than $100,000.

Purchase Order Approval

Contracts

The approval of a contract in accordance with this policy authorizes the Superintendent to approve and issue any purchase order required to fulfill the Authority's obligation under the approved contract without further action of the Board. The Superintendent shall inform the Board of the approval of all purchase orders greater than $100,000, as soon as reasonably possible by a written report issued to the Board at a public meeting. This section shall not be construed to require Board approval of purchase orders.

Revised 6/8/21
Revised 6/14/22
Revised 11/18/22

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Legal
F.S. 50.0311
F.S. 119.0701
F.S. 255.05
F.S. 255.0516
F.S. 255.0518
F.S. 282.0041
F.S. 287.056
F.S. 287.084
F.S. 287.087
F.S. 287.132
F.S. 287.133
F.S. 295.187
F.S. 1001.43
F.S. 1001.451
F.S. 1010.04
F.S. 1010.07(2)
F.S. 1010.48
F.A.C. 6A-1.012, Purchasing Policies
F.A.C. 5P-1.003, Responsibilities for the School Food Service Program

FINANCES

po6320.01

VENDOR PREFERENCE

ADOPTED Aug 20, 2024

6320.01 - **VENDOR PREFERENCE**

Responsibilities

The Superintendent shall be responsible for the procurement of supplies, materials, equipment, and services paid for from Governing Board funds.

Purchase Order Required for Other than Construction, Remodeling, and Renovation

Each purchase shall be based upon a request originating from the principal or department head where the product is used, except in extreme emergencies, when the Superintendent may grant permission for such purchases. Each emergency purchase shall be followed immediately with a purchase order. Each request, or agreement/contract, shall be properly financed, budgeted, and encumbered prior to the issuing of a purchase order. The payment of an unauthorized purchase shall be the sole responsibility of the person placing the order.

Personal Purchases and Commercial Services

No employee or school official of the Board shall be permitted to use bid prices or school prices or receive any preferential treatment in the making of personal purchases.

Bidding

It is the policy of the Board that the Superintendent shall be responsible for estimating needs for items in common use and making quantity purchases. All items, or group of related items that cost in excess of the amount defined in F.A.C. 6A-1.012(6), shall be purchased based on competitive bids, except as otherwise authorized by Florida statutes and/or Florida Administrative Code.

The Board shall give consideration to prices established by the State of Florida Department of Management Services, Division of Purchasing through its contracts and negotiated agreement price schedules. The Board shall also give consideration to prices established by cooperative agreements, educational consortiums, and other government agencies. The

Board is not required to request bids for purchases made from Federal General Services Administration contracts.

The Board will not request documentation of or consider a vendor's social, political, or ideological interests. Nor will the Board give preference to a vendor based on the vendor's social, political, or ideological interests.

Bidding and contracting for construction, remodeling, and renovation shall comply with all applicable provisions of the most recent version of the State Requirements for Educational Facilities (SREF).

Bid Protest

A. A bidder who wishes to file a bid protest, must file such notice and follow procedures prescribed by F.S. 120.57(3), for resolution. For bids solicited by the procurement department, the notice must be filed with the General Manager of Procurement. For bids solicited by the facilities department, the notice must be filed with the Chief Facilities Officer.

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 Board in an amount as defined by Florida statute. 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 Authority 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, s/he shall recover from the Authority 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 F.S. 120.57(3), shall constitute a waiver of proceedings under F.S. Chapter 120.

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F.S. 1001.43
F.S. 1010.04
F.S. 1013.45
F.A.C. 6A-1.012
F.A.C. 6A-2.0010

FINANCES

po6322

CONSTRUCTION CONTRACTING AND BIDDING

ADOPTED Feb 9, 2021 · REVISED Sep 16, 2025

6322 - **CONSTRUCTION CONTRACTING AND BIDDING**

The CCCCSA follows all financial and procurement policies and procedures for the construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities by licensed professionals pursuant to F.S. 287.055, The Consultants' Competitive Negotiation Act ("CCNA"). Please refer to the City of Cape Coral Procurement Policies/Procedural Manual all policies and procedures that apply to the Charter School Authority for construction contracting and bidding.

Revised 3/9/21
Revised 9/16/25

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Legal
F.S. 255.05
F.S. 255.0516
F.S. 255.0518
F.S. 255.065
F.S. 255.0991
F.S. 287.055
F.S. 1001.43
F.S. 1010.04
F.S. 1010.07(2)
F.S. 1010.48
F.S. 1013.385
F.S. 1013.45
F.S. 1013.46
F.S. 1013.47
Purchasing Policies, F.A.C. 6A-1.012
Educational Facilities, F.A.C. 6A-2.0010

FINANCES

po6325

PROCUREMENT - FEDERAL GRANTS/FUNDS

ADOPTED Feb 9, 2021 · REVISED Apr 14, 2026

6325 - **PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or CCCSA matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Governing Board policies, and administrative procedures.

The Superintendent shall have and use a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The CCCSA shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the CCCSA's documented general purchasing Policy 6320, AP 6320A, and AP 6325.

All Federally-funded contracts in excess of $2,000 related to construction, alteration, repairs, painting, decorating, etc. of public buildings or public works must comply with Davis-Bacon and Related Acts prevailing wage requirements.

The Authority will not request documentation of, consider or give a preference based on a vendor's social, political, or ideological interests.

The CCCSA shall take affirmative steps to assure that small and minority businesses, women's business enterprises, and labor surplus area firms are used when possible in accordance with 2 C.F.R. 200.321.

All CCCSA employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1129, Policy 3129, and Policy 4129 – *Conflict of Interest*.

The CCCSA will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most

economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the CCCSA may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

Competition

All procurement transactions for the acquisition of property or services required under a Federal award paid for from Federal funds or CCCSA matching funds shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgment. In order to promote objective contractor performance and eliminate unfair competitive advantage, the CCCSA shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

A. unreasonable requirements on firms in order for them to qualify to do business

B. unnecessary experience and excessive bonding requirements

C. noncompetitive pricing practices between firms or between affiliated companies

D. noncompetitive contracts to consultants that are on retainer contracts

E. organizational conflicts of interest

F. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement

G. any arbitrary action in the procurement process

Further, the CCCSA does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; or (2) the CCCSA is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the CCCSA uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The CCCSA allows vendors to apply for consideration to be placed on the list at any time.

The CCCSA shall require that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to provide maximum open and free competition. The CCCSA shall not preclude potential bidders from qualifying during the solicitation period.

Solicitation Language (Purchasing Procedures)

The CCCSA shall have written procurement procedures that require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The CCCSA shall have and use documented procedures, consistent with the standards described above, for the following methods of procurement:

A. Informal Procurement Methods

When the value of the procurement for property or services under a Federal award does not exceed the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are not required. The CCCSA may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

1. Micro-purchases

   Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed $15,000. To the maximum extent practicable, the CCCSA should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable based on research, experience, purchase history or other relevant information and maintains documents to support its conclusion. The CCCSA shall maintain evidence of this reasonableness in the records of all purchases made by this method.

2. Small Purchases

   Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold of $100,000. Small purchase procedures require that price or rate quotations shall be obtained from three (3) qualified sources.

   CCCSAs are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and it's documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations (FAR). When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

B. Formal Procurement Methods

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in 200.319 or non-competitive procurement. The formal methods of procurement are:

1. Sealed Bids

   Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to more than $100,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed $100,000.

In order for sealed bidding to be feasible, the following conditions shall be present:

a. a complete, adequate, and realistic specification or purchase description is available;

b. two (2) or more responsible bidders are willing and able to compete effectively for the business; and

c. the procurement lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.

b. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.

c. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.

d. A firm fixed-price contract award will be made in writing to the lowest responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.

e. The Board reserves the right to reject any or all bids for sound documented reason.

2. Proposals

Procurement by proposals is a method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.

b. Proposals shall be solicited from an adequate number of sources.

c. The CCCSA shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.

d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The CCCSA may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms are a potential source to perform the proposed effort.

3. Noncompetitive Procurement

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

a. micro-purchases

b. the item is available only from a single source

c. the public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation

d. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the CCCSA

e. after solicitation of a number of sources, competition is determined to be inadequate

Domestic Preference for Procurement

As appropriate and to the extent consistent with law, the CCCSA shall, to the extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards including all contracts and purchase orders for work or products under the Federal award.

Contract/Price Analysis

The CCCSA shall perform a cost or price analysis in connection with every procurement action in excess of $10,000 including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis are dependent on the facts surrounding the particular procurement situation; however, the CCCSA shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the CCCSA shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Time and Materials Contracts

The CCCSA uses a time and materials type contract only (1) after a determination that no other contract is suitable, and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the CCCSA is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the CCCSA sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the CCCSA shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Suspension and Debarment

The CCCSA will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the CCCSA and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision,

the CCCSA shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The CCCSA is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.

Suspension is an action taken by the CCCSA that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 C.F.R. Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)

The CCCSA shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over $25,000, the CCCSA shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

Maintenance of Procurement Records

The CCCSA shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection, or rejection, and the basis for the contract price (including a cost or price analysis).

Record Retention

The Authority must retain all Federal award records for three (3) years from the date of submission of the final financial report and five (5) fiscal years after completion of grant cycle or project, whichever is greater. For awards that are renewed quarterly or annually, the Authority must retain records for three (3) years from the date of submission of the quarterly or annual financial report, respectively, and five (5) fiscal years after completion of grant cycle or project, whichever is greater. Records to be retained include, but are not limited to, financial records, supporting documentation, and statistical records. Other records retention requirements shall be in accordance with 2 C.F.R. 200.334.

The Authority must collect, transmit, and store Federal award information in an open file, non-licensed, and machine-readable formats. The Authority may substitute electronic

versions of original paper records through duplication or other forms of electronic conversion, provided that the procedures are subject to periodic quality control reviews. Quality control reviews must ensure that electronic conversion procedures provide safeguards against the alteration of records and assurance that records remain in a format that is readable by a computer system.

Revised 6/8/21
Revised 6/14/22
Revised 8/20/24
Revised 4/14/26

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Legal
F.S. 287.057
2 C.F.R. 200.317-.326
2 C.F.R. 3485.220
Appendix II to Part 200
2 C.F.R. 200.520
7 C.F.R. 210.21
2 C.F.R. 200.334 - 200.336
General Records Schedule (GS1-SL State and Local Government Agencies)

FINANCES

po6330

ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, OR LAND SURVEYING SERVICES

ADOPTED Mar 9, 2021 · REVISED Sep 16, 2025

6330 - **ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, OR LAND SURVEYING SERVICES**

The City of Cape Coral Charter School Authority follows all City of Cape Coral financial and procurement policies and procedures regarding additions, remodeling, renovation, maintenance, or repairs to existing facilities by licensed professionals pursuant to F.S. 287.055, The Consultants' Competitive Negotiation Act ("CCNA").

Revised 9/16/25

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Legal
F.S. 287.055
F.S. 1001.43
F.S. 1013.46

FINANCES

po6423

USE OF CREDIT CARDS

ADOPTED Apr 12, 2016

6423 - **USE OF CREDIT CARDS**

The Governing Board recognizes the value of a credit card as an efficient method of payment and record keeping for certain expenses.

The Board, therefore, authorizes the use of Authority credit cards. The authorization, handling, and use of credit cards has been established to provide a convenient and efficient means to purchase goods and services from vendors. Credit cards, however, shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy. The Board affirms that credit cards shall only be used in connection with Board-approved or school-related activities and that only those types of expenses that are for the benefit of the Authority and serve a valid and proper public purpose shall be paid for by credit card. However, under no circumstances shall credit cards be used for personal purchases or the purchase of alcoholic beverages regardless of whether the purchase of such beverages is made in connection with a meal.

The Superintendent shall develop administrative procedures that specify those authorized to use credit cards, the types of expenses that can be paid by credit cards, and their proper supervision and use. Inappropriate or illegal use of the credit card and/or failure to strictly comply with the limitations and requirements set forth in the administrative procedures may result in a loss of credit card privileges, disciplinary action, up to and including termination, personal responsibility for any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase, and/or possible referral to law enforcement authorities for prosecution.

The Board directs the Superintendent to determine and specify those employees authorized to use Authority credit cards. The Superintendent shall be responsible for giving direction to and supervising such employees' use of Authority credit cards.

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FINANCES

po6440

COOPERATIVE PURCHASING

ADOPTED Aug 20, 2024

6440 - **COOPERATIVE PURCHASING**

The CCCSA recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent.

The CCCSA will enter into an interlocal agreement as provided in F.S. 163.01 for the purpose of establishing a Statewide or regional School District Consortium or a professional association of employers (as defined in F.S. 624.438) and maximizing the purchasing power for goods and services.

The Board authorizes the City of Cape Coral Procurement Department to negotiate such interlocal purchasing agreements for services, supplies, and equipment in accordance with State law, the policies of the CCCSA, and the dictates of sound purchasing procedures.

The interlocal purchasing agreement will be approved by the Board and the participating contracting body(ies) and will specify the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party and such other matters as may be deemed necessary to carry out the purposes of the agreement. Purchases under such an agreement are subject to all legal bidding requirements.

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F.S. 624.438
F.S. 1001.42(25)
F.S. 1001.43(2)
F.S. 1010.04
F.A.C. 6A-1.013

FINANCES

po6450

LOCAL PURCHASING

ADOPTED Apr 12, 2016 · REVISED Aug 20, 2024

6450 - **LOCAL PURCHASING**

The Governing Board recognizes its position as a major purchaser in this community, and while it is the intention of the Board to purchase materials and supplies of quality at the lowest possible cost through widespread competition, if all other considerations are equal, the Board prefers to purchase from businesses located in Lee County or southwest Florida counties "local businesses".

The Superintendent is authorized to approve purchases from local vendors when the amount of the purchase does not exceed the Superintendent's purchasing authority prescribed in Policy 6320 and does not exceed the applicable appropriation in the Authority budget.

Further, the Superintendent may recommend and the Board may approve the purchase of commodities or contractual services from local vendors for an amount that exceeds the Superintendent's spending authority established in Policy 6320 when the purchase is the result of a competitive solicitation conducted in accordance with law and State Board rule, and Policy 6320.

The Board will not request documentation of, consider or give preference to a vendor based on, the vendor's social, political, or ideological interests.

Revised 8/20/24

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F.A.C. 6A-1.012
F.A.C. 6A-1.091
F.S. 283.35
F.S. 287.084
F.S. 1001.43
F.S. 1010.04

FINANCES

po6460

VENDOR RELATIONS

ADOPTED Apr 12, 2016

6460 - **VENDOR RELATIONS**

The Governing Board shall not enter into a contract knowingly with any supplier of materials, supplies, and services to the Authority that any Board member or the Superintendent has any financial interest, direct or indirect, whatsoever. This prohibition shall not prevent any person from receiving royalties upon the sale of any educational material of which s/he is the author and which has been properly approved for use in the schools of the Authority.

Board members and school personnel shall not accept any form of compensation, payment, or thing of value from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, Board members and school personnel shall not accept any compensation, payment, or thing of value from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, pursuant to Policy 1113, Policy 3113, and Policy 4113, Board members or school personnel shall not enter into a contractual relationship with a vendor seeking to do business with the Authority, or a vendor with whom the Authority is doing business, whereby an individual Board member or member of the school staff receives compensation, payment, or thing of value for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts as defined in State law and Policy 1214, Policy 3214, and Policy 4214. In the event that a Board member or member of the school staff receives such compensation, payment or thing of value, albeit unsolicited, from a vendor, the Board member or school staff member shall notify the Superintendent, in writing, that s/he received such compensation, payment or thing of value and shall thereafter promptly return said compensation to the vendor at his/her earliest opportunity. If it is alleged that the Superintendent received such compensation, the Board member or staff member shall notify the Cape Coral city manager.

All sales persons, regardless of product, shall clear with the Superintendent's office before contacting any teachers, students, or other personnel of the Authority. Purchasing personnel shall not show any favoritism to any vendor. Each order shall be placed in accordance with policies of the Board on the basis of quality, price, and delivery with past service a factor if all other considerations are equal.

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F.S. 112.313
F.S. 1001.43

FINANCES

po6470

PAYMENT OF CLAIMS

ADOPTED Apr 12, 2016

6470 - **PAYMENT OF CLAIMS**

Payment of invoices shall be made by warrants or wire transfers. Authorization for such payments shall be deemed approved by the Governing Board if within amounts approved in the Board-adopted Authority budget or amendment thereto. In cases of expenditures exceeding approved purchasing limits, specific Board approval is required and shall be reflected in Board minutes. Approval of individual warrants themselves by the Board shall not be required.

Payments for supplies, equipment, and services will be made on invoices submitted by the vendors. Invoices will be checked and compared with receiving reports for accuracy in billing. The originator of the purchase order shall verify that acceptable goods were received or satisfactory services were rendered and the date of receipt.

All invoices for supplies, equipment, and services will be approved for payment by the Superintendent before settlement is made.

The finance department shall pay promptly all properly authorized accounts payable that are ready for payment. All warrants are to be signed by the Chair of the Board and the Superintendent. Facsimile signatures may be used.

All professional contract payments shall be governed by the respective contract.

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F.S. 217.735
F.S. 1001.43
F.S. 1011.10

FINANCES

po6480

EXPENDITURES

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

6480 - **EXPENDITURES**

Expenditures from Authority and all other funds available for the public school program shall be authorized by law and procedures prescribed by the Governing Board. The Board may permit expenditures to exceed the amount budgeted by function and object, provided the expenditure complies with F.S. 1011.09(4). Such an expenditure may be approved so long as the Board amends the budget and provides a full explanation of any amendments at the next scheduled Board meeting.

Furthermore, pursuant to State law, the Authority, or any person acting on behalf of the Authority, may not expend public funds (that is, any funds under the jurisdiction or control of the Authority) for a political advertisement or any other communication sent to electors concerning an issue, referendum, or amendment, including State questions, that is subject to a vote of the electors.

This statutory prohibition applies to a communication initiated by the Authority, irrespective of whether the communication is limited to factual information or advocates for the passage or defeat of an issue, referendum, or amendment.

However, F.S. 106.113(2) permits the Authority, and any person acting on behalf of the Authority, to:

A. report on official actions of the Board/Authority in an accurate, fair, and impartial manner;

B. post factual information on the Authority's website or in printed materials;

C. host and provide information at a public forum;

D. provide factual information in response to an inquiry; and,

E. provide information as otherwise authorized or required by law.

Accounts Payable

The payment of purchase orders, contracts, invoices, and utilities shall be made in accordance with the approved budget and pursuant to State statutes.

Payroll Procedures

A. No payment shall be made except to properly authorized and approved personnel and shall begin at the time employment is authorized.

B. Payments shall be based upon a Board-adopted salary schedule for each position.

C. Employees shall be paid on a bi-weekly basis.

D. Salary adjustments shall be paid on subsequent payroll periods. Persons terminating shall be paid their full salary or wage balance on the regular payroll period following their termination. An extreme exception must be approved by the Superintendent or his/her designated representative in writing.

E. Principals and supervisors shall be responsible for submitting accurate payroll records in accordance with established time schedules and procedures.

F. Employees shall be paid by direct deposit unless otherwise directed by the employee.

Overtime Payment

A. Authorization to work overtime must be by prior approval of the Superintendent.

B. Overtime compensation shall be paid as approved by the Superintendent.

If any financial conditions exist as set forth in Policy 6233, the Board will not make expenditures for travel outside of the Authority or for cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method, while the financial conditions exist.

Revised 2/9/21
Revised 11/18/22
Revised 8/15/23

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F.S. 1001.43
F.S. 1001.51
F.S. 1011.051

F.S. 1011.06
F.S. 1011.09
F.S. 1012.22
F.A.C. 6A-1.014

FINANCES

po6490

LEGAL SERVICES FOR EMPLOYEES, OFFICERS, AND PUBLIC OFFICIALS

ADOPTED Aug 15, 2023

6490 - **LEGAL SERVICES FOR EMPLOYEES, OFFICERS, AND PUBLIC OFFICIALS**

The Governing Board recognizes that there may be times when employees, officers and public officials of the Board may be subjected to civil or criminal actions. This policy shall govern payment for legal services.

Legal Services for Employees and Officers

In accordance with Florida law, the Board may provide legal services when officers and employees of the Board are charged with civil or criminal actions arising out of and in the course of the performance of their assigned duties and responsibilities.

In any case in which an officer or employee pleads guilty or nolo contendere or is found guilty of any such action, the officer or employee shall reimburse the Board for any legal services supplied by the Board.

If the Board elects not to provide legal services, the Board shall provide for reimbursement of reasonable expenses for legal services for officers and employees who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities upon successful defense by the employee or officer.

Judgments Against Employees and Officers

In accordance with Florida law, the Board may reimburse an officer or employee of the Board for any judgment which may be entered against him/her in a civil action arising out of and in the course of the performance of his or her assigned duties and responsibilities while serving a public purpose.

Board Members and Elected Superintendents

The Board recognizes that public officials are entitled to legal representation at public expense to defend themselves against litigation arising from the performance of their official duties while serving a public purpose.

Accordingly, Board members or the elected Superintendent may request that the Board reimburse them for reasonable attorney's fees incurred in defending themselves against litigation or other proceedings (where civil or criminal liability may be imposed) so long as their conduct arose out of or in connection with the performance of their official duties while serving a public purpose.

Within thirty (30) days from the conclusion of the litigation or other proceedings, the public official must submit a final invoice to the Board identifying all dates legal representation was provided, the time incurred on each date representation was provided, and the amount sought. Payment will only be made for legal representation directly related to defending the public official's conduct that arose out of or in connection with the performance of their official duties while serving a public purpose. No reimbursement will be provided for invoices submitted more than thirty (30) days from the date the litigation or other proceedings conclude.

The Board shall not pay for legal representation if the Board member pleads guilty or nolo contendere or is found guilty of any such action in connection with the litigation and/or other proceedings.

Judgments Against Board Members

Payment of judgments rendered against Board members shall be made in accordance with Florida law.

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F.S. 1001.43
F.S. 1012.26

FINANCES

po6520

PAYROLL DEDUCTIONS

ADOPTED Apr 12, 2016

6520 - **PAYROLL DEDUCTIONS**

The Authority shall make all legally required payroll deductions and such deductions do not require Governing Board approval.

To the extent permitted by law, voluntary payroll deductions will be approved by the Board and authorized, in writing, by the employee. All initial requests must be authorized by the Board as recommended by the Superintendent.

A. Payroll deductions shall be based on an amount divided into equal payments and shall continue for the duration of the payroll request.

B. The employee may cancel noncompulsory deductions on written notice meeting payroll requirements.

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F.S. 1012.31

FINANCES

po6521

TAX SHELTERED ANNUITY PLANS AND ACCOUNTS

ADOPTED Apr 12, 2016

6521 - **TAX SHELTERED ANNUITY PLANS AND ACCOUNTS**

Tax sheltered annuity plans and accounts for employees of the District shall be available and administered in accordance with procedures established by the City of Cape Coral human resources department.

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F.S. 1012.685

FINANCES

po6530

REEMPLOYMENT ASSISTANCE

ADOPTED Apr 12, 2016 · REVISED Jun 14, 2022

6530 - **REEMPLOYMENT ASSISTANCE**

The Governing Board recognizes that it has a responsibility to comply fully with statutes pertaining to the State of Florida's Reemployment Compensation Tax. Accordingly, the required quarterly reports shall be submitted to the Internal Revenue Service, Social Security Administration, and the State of Florida Department of Economic Opportunity to ensure said statutory compliance by the City of Cape Coral Human Resources Department.

When an employee applies for reemployment compensation, the City of Cape Coral human resources department may investigate and provide documentation to the Florida Department of Economic Opportunity that will enable the Department to approve or deny the benefit.

Revised 6/14/22

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F.S. 443.036
F.S. 443.191

FINANCES

po6540

EMPLOYMENT OF CONSULTANTS

ADOPTED Apr 12, 2016

6540 - **EMPLOYMENT OF CONSULTANTS**

The Governing Board shall allow the casual employment of personnel in a consulting capacity for assisting the Authority in administration, staff development, and instruction.

Such employment may include resource persons from specialized fields of education or from industry, business, agriculture, health, and other germane occupations.

Instructional staff members employed by the Authority may be employed as casual resource personnel, outside of their regular duties and assignments at the discretion of the Superintendent.

The Board shall be notified by the Superintendent of the employment of consultants.

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F.S. 1012.01

FINANCES

po6550

TRAVEL AND EXPENSES

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

6550 - **TRAVEL AND EXPENSES**

A. In-County Travel

Travel on official business performed within Lee County by the Superintendent, Authority employees, and authorized persons shall be reimbursed at the maximum rate allowed by F.S. Chapter 112.061; said mileage shall be determined by actual odometer reading, if travel performed by personal automobile.

B. Out-of-County Travel

In Advance

When approved in advance, expenses for out-of-county travel, employees, and authorized representatives of the Authority shall be paid at the rate allowed by the United States General Services Administration (GSA). Copies of receipts for lodging, transportation, tolls, registration fees, and parking must be attached to the traveler's request for reimbursement.

C. Prohibited Expenditures

Expenditures for travel outside the Authority or for cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method, are not permitted if any of the financial conditions outlined in F.S. 1011.051, and as set forth in Policy 6233 (Authority Budget), exist.

D. Travel Costs Paid or Reimbursed from Federal Funds

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the Authority's travel policy and administrative guidelines. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the Authority's travel

policy.

Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would 1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset the transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis.

To the extent that the Authority's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the administrator of general services, or by the president (or his/her designee), must apply to travel under Federal awards.

E. Participation in Virtual Trainings and Conferences

Participation in virtual trainings and conferences may be considered part of an employee's performance of their official duties when all of the following apply:

1. The main purpose of the virtual training or conference is in connection with the official business of the District and directly related to the performance of the statutory duties and responsibilities of the employee participating.

2. The virtual training or conference provides a direct educational or other benefit supporting the work and public purpose of the participating employee.

3. the duties and responsibilities of the participating employee are compatible with the objectives of the virtual training or conference.

Any employee seeking to participate in a virtual training or conference as part of their official duties must provide in advance to their immediate supervisor the following:

1. a copy of the agenda for the training or conference;

2. the date/times of the training or conference; and,

3. an itemized list detailing all anticipated expenses including, but not limited to, registration fees and costs for materials.

The employee's immediate supervisor shall notify the employee whether their attendance in the virtual training and/or conference is approved. Employees must

provide documentation evidencing that they attended and completed the virtual training and/or conference.

If a financial condition pursuant to F.S. 1011.051 does not exist, when approved in advance, expenses for participation in a virtual training or conference for an employee, the costs shall be reimbursed at the rate allowed by State law.

Revised 8/14/18
Revised 2/9/21
Revised 8/15/23

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Legal
F.S. 112.061
F.S. 1001.39
F.A.C. 6A-1.056
2 C.F.R. 200.474

FINANCES

po6605

CROWDFUNDING

ADOPTED Aug 14, 2018 · REVISED Feb 9, 2021

6605 - **CROWDFUNDING**

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the Authority – be it a specific classroom, grade level, department, school, or curricular or extra-curricular activity.

For purposes of this policy, "crowdfunding" is defined as the solicitation of resources from individuals and/or organizations to support identified activities or projects that enhance the educational program or a specific cause approved by the Authority. The solicitation is typically from a large number of individuals/organizations utilizing internet-based technologies.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent.

All approved crowdfunding activities shall protect the privacy of students, children, and young adults in accordance with Governing Board policies and CCCCCSA administrative guidelines and applicable State and Federal law, including FERPA and IDEIA.

Materials, supplies, equipment, and other proceeds of the crowdfunding activity shall become the property of the CCCCSA or school. Cash or equivalent payment to CCCCSA personnel is prohibited. All fiscal transactions shall comply with appropriate Board policies.

All crowdfunding activities are subject to AP 6605 and other applicable Board policies including, but not limited to, Policy 5830 – *Student Fund-Raising*.

Revised 2/9/21

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FINANCES

po6610

SCHOOL INTERNAL FUNDS

ADOPTED Apr 12, 2016 · REVISED Oct 8, 2019

6610 - **SCHOOL INTERNAL FUNDS**

The Governing Board Authority is responsible for the administration and control of internal funds of the School System. "School Internal funds" are those held by specific schools which are not part of the Board's regularly adopted budget. School internal funds shall be used to benefit activities authorized by the Board and administered by each individual school in accordance with policies of the Board, the Constitution of the State of Florida, Florida statutes, rules of the State Board of Education, and the Financial and Program Cost Accounting and Reporting for Florida Schools, as revised.

All funds handled by employees during normal working hours shall be included in, and become part of, the internal funds of the school unless accounted for in the District-level accounting system.

All organizations of the school or organizations operating in the name of the school, that obtain money from the public shall be accountable to the Board for receipt and expenditure of those funds.

Annual Audit

All school internal funds will be audited annually.

A. Uniform Records and Accounts

The principal of each school shall be responsible for the safe and proper handling of all monies collected and disbursed within the school and shall keep all accounts in accordance with State Board of Education and the Financial and Program Cost Accounting and Reporting for Florida Schools. A complete and accurate record of each and every transaction and a suitable classification (chart of accounts) of all receipts and expenditures shall be kept on approved forms.

B. Receipts of Monies Collected

All funds collected within the school or department for any purpose shall be deposited into the school internal funds checking account, together with such substantiating records as may be required.

C. Safekeeping of Monies, Certificates, and Bonds

All monies received shall be promptly deposited in a qualified public depository and provisions shall be made for the adequate safekeeping of all monies and other financial assets that may come into the possession of the school.

1. Funds shall be promptly deposited in the qualified public depository. Schools shall make deposits at least twice weekly.

2. All funds received shall be recorded, banked, and reconciled to the proper receipts and accounts.

D. Expenditures

All expenditures from school funds shall be made by check or by internal funds credit card. Invoices or other approved substantiating evidence shall be required for all payments from school funds. All checks shall have the facsimile signatures of the Superintendent and the Board Chair.

1. Overspending Limitations

   School expenditures from internal funds shall not exceed the cash balance of resources of that fund during any fiscal year without the written approval of the Superintendent or Board.

2. Regulations Concerning Expenditures

   a. Where expenditures require prior approval, the school should anticipate needs in time to permit processing and proper clearance of written authorization requests. Expenditures shall not be made until approved in writing by the principal.

   b. No school internal fund shall be obligated for any student or teacher expenditure not previously approved in writing by the principal. A principal shall be responsible for any expenditures made or approved by him/her which are not permissible under the laws and regulations of the State or policies of the Board.

   c. Competitive bidding is encouraged whenever practical. However, no purchase may be made by a school amounting to over $2,500.00, including series or group purchases, except through obtaining three (3) or more competitive bids based upon definite specifications in the same manner as used by the purchasing department, except that when advanced individual orders are taken from students, staff, or

patrons, competitive bids shall not be required. Items purchased "on consignment" need not be bid.

3. Expenditures Prohibited from Internal Funds

The following is a list of expenditures which cannot be made from internal funds.

a. Professional books and magazines, except school professional libraries and personal memberships in professional organizations when purchased through trust funds to which employees contribute.

b. Articles or services for the personal use of Board employees or other persons.

c. Equipment, supplies, and services for rooms and areas not used primarily for student body benefit, unless raised specifically through employees or other persons or authorized by a student organization.

d. Wages or supplements to any persons engaged in regular part-time or temporary employment except as provided by the Board.

e. Loans, credits, or accommodations to Board employees or other persons, including students except as provided in Policy 6550 - Travel and Per Diem.

4. Cooperative Activities Permitted

The general provisions for cooperative activities for which internal funds are permissible are as follows:

a. Outside groups. There shall be a definite written agreement between both parties.

b. The principal must approve cooperative activities.

c. Cooperative activities must be beneficial to students.

d. Collections for the Board or the Cape Coral Municipal Charter School Foundation.

e. Trust funds, drives, professional dues, etc.

f. Foundation funds (donations by outside organizations or persons for a definite educational purpose).

g. Flower and gift funds.

5. Promotion and Public Relations Funding

The Superintendent or designee and principals are authorized to expend funds from a designated internal account for the purpose of promoting the school/department and for public relations.

Funds derived from auxiliary enterprises and undesignated gifts shall be disbursed in accordance with rules of the Board for such purposes as are deemed to be for the benefit of the Authority. Funds from auxiliary enterprises are defined as profits from enterprise type activities of the Authority, excluding food service activities, which may include, but are not limited to, vending machines, school stores, and other internal account fund profits not specifically designated for student or school level purposes and from funds received from other agencies making purchases from warehouse inventories in excess of the actual costs to the Authority.

E. Fund Raising

School principals and Superintendent are to be made aware of, approve and oversee all fundraising activities and actions conducted on a school campus and approve all fund-raising activities in the name of the school. Any fund-raising activity conducted must comply with the following guidelines:

1. Each fund-raising activity shall be planned to finance a specified objective.

2. Each fund-raising activity shall have the approval of the organization sponsor and the principal.

3. The Superintendent acts as the custodian of all school property and may delegate responsibilities to the school principal. The principal shall control the fund-raising activities conducted in the name of the school and ensure that the purposes are worthwhile.

    a. Raffles and other activities of chance shall not be conducted by the school or on school property, including raffles conducted by charitable, nonprofit organizations leasing school property. Encouraging or permitting minors to participate in games of chance by playing or betting money or other valuable things is prohibited. Only a charitable, nonprofit organization exempt from Federal income taxation pursuant to the Internal Revenue Code may conduct raffles or drawings by chance in the name of the school if the organization complies with all applicable provisions of F.S. Chapter 496, and F.S. 849.0935, and the raffle is not conducted on school property.

b. Fund-raising activities for which students are charged an admission shall not be presented during school hours.

4. When any school organization or group is involved in a fund-raising activity or any function exposing the Board to extraordinary liability, approval must be obtained in advance from the Superintendent.

5. Collections for all school-sponsored fund-raising activities must be deposited in the internal fund, and all transactions in connection with the activity must be conducted in accordance with Board policy.

F. Fund Benefits

Funds collected for the benefit of a specific student organization shall be expended for the benefit of said organization unless otherwise designated in minutes of the organization. General fund monies collected from the student body as a whole shall be expended to benefit students directly.

G. Commissions or Profits

Funds from commissions such as school pictures, etc., may be credited to a specific fund or some designated account.

H. Student Travel

1. Advance Arrangements

When travel by students is necessary in the pursuance of an approved student activity, advance travel arrangements shall be made when possible. Advance arrangements shall include transportation, meals, registration or entrance fees, and lodging. Checks may be prepared in advance for the exact amount and payable to the corporation or proprietor providing the service. The faculty sponsor accompanying the students shall be the temporary custodian of the checks and responsible for obtaining an invoice for the exact amount of the check from the corporation or proprietor upon presentation of the check.

2. Advance to Sponsor

When advance arrangements for meals or lodging are impractical because service to be rendered is en route, or the student group is of such number to make prior knowledge of the exact number impossible, a school internal funds credit card shall be used to make the purchase.

I. Student Activity Funds

For purposes of this policy, a "student activity fund" may include, but not be limited to, co-curricular and approved extra-curricular activities. The balance in the account of a class that has graduated shall be transferred to the Principal's Discretionary Account or other appropriate account at the discretion of the principal.

Any remaining balance in the account of an inactive student organization shall be considered as belonging to the Principal's Discretionary Account or other appropriate account at the discretion of the principal and shall be closed at the end of the following fiscal year.

Departments may be structured similarly to classes and shall conduct financial activities subject to the principles already outlined.

The principal shall ensure that all student activity funds are managed, recorded, and deposited in accordance with law and sound fiscal practice.

Revised 10/8/19

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Legal
F.S. 1001.43
F.S. 1010.02
F.S. 1010.20
F.S. 1011.07
F.S. 1011.18
F.A.C. 6A-1.001
F.A.C. 6A-1.014
Financial and Program Cost Accounting and Reporting for Florida Schools, as revised

FINANCES

po6700

FAIR LABOR STANDARDS ACT (FLSA)

ADOPTED Apr 12, 2016

6700 - **FAIR LABOR STANDARDS ACT (FLSA)**

It is the Governing Board's policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and its implementing regulations. To that end, the Board shall pay at least the minimum wage required by the FLSA to all covered, non-exempt employees. Further, the Board recognizes the safe and efficient operation of the Authority may occasionally require covered, non-exempt employees to work more than forty (40) hours during a given work week. Work week is defined as the seven (7) day period of time beginning on Saturday at 12:00 a.m. and continuing to the following Friday at 11:59 p.m. Covered, non-exempt employees who work (i.e., perform work on behalf of or for the benefit of the Board) more than forty (40) hours in a given work week will receive premium pay (i.e., one and one-half (1 1/2) times the employee's regular hourly rate of pay) for all hours worked in excess of forty (40).

The Superintendent shall determine the necessity and availability of overtime work. Overtime may be authorized only by a supervisor and will be used primarily to address circumstances of an emergency or temporary nature. Non-exempt employees who work overtime without prior approval from the Superintendent or a supervisor may be subject to disciplinary action up to and including termination.

Exempt employees are individuals who are exempt from the FLSA minimum wage and overtime provisions. These employees include persons employed in bona fide executive, administrative, and professional positions, and certain computer employees. To qualify for the exemption, employees generally must meet certain tests regarding their job duties and be paid on salary basis at not less than $455 per week. The salary requirement does not apply to teachers. Exempt computer employees may be paid at least $455 on a salary basis or on an hourly basis at a rate not less than $27.63 an hour. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. Additionally, the predetermined amount cannot be reduced because of variation in the quality or quantity of the employee's work. Subject to the exceptions listed below, an exempt employee must receive the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked.

Notwithstanding the fact that exempt school employees continue to meet the salary basis requirements and are not disqualified from exemption even if the employee's pay is

reduced or the employee is placed on a leave without pay for absences for personal reasons or because of illness or injury of less than one (1) work-day because accrued leave is not used for specific reasons, the Board reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:

A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability

B. the employee is absent from work for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness

C. to offset amounts employees receive as jury or witness fees, or for military pay

D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions

E. for penalties imposed in good faith for infractions of safety rules of major significance

The Board shall also not be required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

The Board recognizes that with limited legally permissible exceptions, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to the Superintendent. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made, and the Board will make a good faith commitment to avoid any recurrence of the error.

This policy shall be distributed to employees upon initial hire, and to all employees on an annual basis.

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29 U.S.C. 201 et seq.
29 C.F.R. Part 541

FINANCES

po6830

EXTERNAL AUDITS

ADOPTED Apr 12, 2016 · REVISED Nov 12, 2024

6830 - **EXTERNAL AUDITS**

The Governing Board/City of Cape Coral will prepare the following after the close of each fiscal year on June 30th:

A. Comprehensive Annual Financial Report ("CAFR"), which includes a letter of transmittal, management's discussion and analysis, basic financial statements, supplementary information, statistical section and a schedule of expenditures of Federal awards.

B. Financial statements and supplementary information of school internal funds.

The Board will contract with a firm of certified public accountants licensed to practice in Florida ("external auditors") to audit the financial statements. The audit examination shall be conducted in accordance with generally accepted auditing standards and shall include all funds over which the Board has direct or supervisory control. If an audit contains a significant deficiency or material weakness, the Board shall conduct an audit overview during a public meeting. The audit overview shall describe the corrective action to be taken and a timeline for completion of such action.

Revised 2/9/21
Technical Correction 11/12/24

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Legal
F.S. 11.45
F.S. 218.39
F.S. 1001.42
F.S. 1001.453
F.S. 1010.30
F.S. 1010.33

FINANCES

po6835

INTERNAL AUDITS OFFICE

ADOPTED Mar 9, 2021 · REVISED Apr 14, 2026

6835 - **INTERNAL AUDITS OFFICE**

The Chief Auditor shall report functionally to the Governing Board and administratively to the Superintendent. To enhance the objectivity and effectiveness of the function, reports, audit findings, and recommendations emanating from the Internal Audits Office (hereinafter referred to as the "Office"), are submitted to the Board, and the Superintendent at the same time.

Purpose of the Internal Audits Office

Internal auditing is an independent appraisal activity within the organization for review of the operations as a service to management. The objective of internal auditing is to assist the Superintendent and its administration, the committee, and the Board by reviewing and appraising the activities of the Authority, the integrity of its records, and the general effectiveness of its operations.

Internal Audits Office

The Office is responsible for providing the internal audits function at the direction of the City's auditor.

A. Objectives

1. Perform examinations of the financial records in accordance with generally accepted auditing standards.

2. Ascertain the reliability and adequacy of accounting and reporting systems and procedures.

3. Perform an independent appraisal of the adequacy and effectiveness of internal controls.

4. Assure compliance with the policies and procedures established by the Board and the administration, and with the State and Federal laws and regulations.

5. Improve the efficiency of the administration of the Authority's operations by providing recommendations in audit reports.

6. Ascertain the extent to which the assets of the school system are accounted for and safeguarded from loss through the audit process.

B. Responsibilities

1. Perform examinations of the financial records and supporting information for determining their accuracy and conformity with generally accepted accounting principles.

2. Perform investigative audits by applying various audit techniques and procedures for the purpose of detecting fraud or as a deterrent to fraud.

3. Review and evaluate the existence and effectiveness of adequate controls on existing electronic data processing systems or under development.

4. Undertake comprehensive and constructive examinations of functional units within the Authority, including plans and objectives, control methods, and use of human and other resources.

5. Keep the Superintendent, the committee, and the Board informed on audit plans and activities and assist them by providing analysis, pertinent comments, and recommendations concerning the activities reviewed.

6. Coordinate the internal auditing activities through the development of a yearly audit plan to be presented to the committee, the Board, and the Superintendent.

7. Keep abreast of new developments by attending the Board meetings and meetings of school system-wide committees.

8. Act as liaison between the Authority and external auditors (Federal, State, or independent), and monitor responses provided to auditing findings and recommendations made by them.

9. Bring to the attention of the Superintendent, the committee, and the Board material items of concern.

10. Participate in continuing professional learning to maintain required professional certifications.

11. Perform any other functions at the direction of the City's auditor.

C. Policies

1. Authority

a. The Office shall have full and unrestricted access to all records and personnel in the Authority who can provide information on the function under review.

b. The Office shall have direct communication and free access to the Superintendent and staff, members of the committee, and Board members to discuss audit findings.

c. The Office shall be accountable as a whole to the Board through its committee to ensure an unrestricted audit coverage and appropriate action in response to audit findings.

d. The Office shall be free of organizational pressures that limit its objectivity in selecting areas to be examined and evaluating those areas.

e. The Office shall have adequate support from Authority officials to discharge its duties.

2. Professional Standards

a. The Office staff shall comply with professional and the Authority's standards of conduct.

b. Internal auditing activities shall be performed with proficiency and due professional care.

3. Personnel

a. The Office shall be adequately staffed and the staff shall possess adequate technical proficiency and educational background and skills in human relations and communication.

b. The auditors shall maintain their technical competence through continuing education.

c. The committee shall provide recommendations to the Board on the person to fill the position. Any recommendations and reasons to remove or transfer the Chief Auditor shall be brought before the committee, who will then transmit it to the Board.

D. Procedures

The Chief Auditor will submit to the committee, the Superintendent, and the Board for their review and input a comprehensive proposed Audit Plan for the coming fiscal year. The Audit Plan shall identify the scheduled examinations and their overall audit scope, both in financial and nonfinancial areas, as well as available auditing resources. Audit reviews, as requested by the Superintendent, the Board, and the committee, will be included to the degree feasible in the Audit Plan. Said Audit Plan shall be presented to the Board for final approval.

1. Scope of Auditing Activities

The scope of the internal auditing activities encompasses the examination and evaluation of the adequacy and effectiveness of the internal controls, risk management processes, structures for internal controls and the quality of performance in carrying out assigned responsibilities to achieve the Authority's goals and objectives.

a. The Office shall review the reliability and integrity of financial and operational information and the means used to identify, measure, classify, and report such information.

b. The Office shall review the systems established to ensure compliance with those policies, plans, procedures, laws, and regulations that could have a significant impact on operations and reports, and shall determine whether the Authority is in compliance.

c. The Office shall review the means of safeguarding assets and verify the existence of those assets.

d. The Office shall appraise the economy and efficiency with which resources are utilized.

e. The Office shall review business and financial operations and controls to determine whether results are consistent with established objectives and goals and whether the operations or programs are carried out as planned.

f. The Office shall review and evaluate the existence and effectiveness of electronic data processing systems in existence or under development, resources permitting.

g. The Office shall review specific operations at the request of the Board, the Superintendent, or the committee as appropriate.

2. Performance of Auditing Activities and Communication of Results

The Chief Auditor will make an annual report to the committee, the Board, and the Superintendent on the results of auditing activities vs. the approved Audit Plan. Said report shall summarize the audit services for the year and major variances explained. Periodic reports will be made to the committee. This report shall include the progress made in executing the Audit Plan and any major findings and recommendations not implemented.

The Office will issue an internal audit report at the conclusion of the performance of an audit and review.

a. The audit report shall be objective, clear, concise, constructive, and timely.

b. The audit report will present the purpose, scope, result of the audit, and applicable recommendations.

c. The responses from the Authority officials to the audit findings and recommendations will be included in the audit report.

d. Periodic progress reports will be made to determine corrective actions taken to prevent the deficiencies again. The committee may request periodic reports from audited schools, departments, offices, etc., regarding said corrective actions.

Pursuant to F.S. 119.0713, work papers, notes, and preliminary or draft audit reports shall be held confidential and exempt from public records disclosure until the audit is completed and submission of the final draft of the report to the Board.

E. Independence

All internal audit activities shall remain free of influence by any element in the Authority, including matters of audit scope, procedures, frequency, timing, or report content.

Revised 4/14/26

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F.S. 1001.42(12)(l)

PROPERTY

po7100

FACILITIES PLANNING

ADOPTED Apr 12, 2016 · REVISED Jun 8, 2021

7100 - **FACILITIES PLANNING**

The Governing Board recognizes that careful, prudent planning is essential to the efficient operation of the schools and that planning must be grounded on accurate data.

In planning for the enlargement or modification of its facilities, the Board shall consider not only the number of children whose educational needs must be met, but also the physical requirements of the program it deems best suited to meet those needs.

Revised 6/8/21

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Legal
F.S. 553.73
F.S. 1013.37
F.S. 1013.385
F.A.C. 6A-2.0010
Section 114, Florida Building Code

PROPERTY

po7217

WEAPONS AND OTHER DESTRUCTIVE DEVICES

ADOPTED Apr 12, 2016 · REVISED Aug 20, 2024

7217 - **WEAPONS AND OTHER DESTRUCTIVE DEVICES**

The Governing Board prohibits any person except Police or other licensed law enforcement officers, from openly carrying a handgun or carrying a concealed weapon or firearm, in the school safety zone of any elementary or secondary school, into any administration building, as well as into any Board meeting, any setting that is under the control and supervision of the Authority for the purpose of school activities approved and authorized by the Authority including, but not limited to, property leased, owned, or contracted for by the Authority, any school-sponsored event, or in an Authority a vehicle.

In addition, the Board waives the vehicle exception as stated in F.S. 790.115 and prohibits keeping any weapon or firearm in a private vehicle on school property, even if the firearm stays in the vehicle, is securely encased and is not readily accessible for immediate use, except as authorized in support of school-sanctioned and supported activities including, but not limited to, property leased, owned, or contracted for by the System, a school-sponsored event, or in a System vehicle.

The Superintendent shall refer a visitor who violates this policy to law enforcement officials and may take any necessary steps to exclude the visitor from Authority property and Authority-sponsored events, regardless of whether such visitor possesses a valid concealed weapon license.

The term "weapon" and /or "destructive device" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting death, serious bodily injury, or property damage, as well as endangering the health and safety of persons. Weapons and destructive devices include, but are not limited to, firearms, guns of any type, bombs, explosive, explosive devices, poison gas, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, or any other category of weapon and/or destructive device as set forth in F.S. 790.001 and incorporated by reference herein.

Staff personnel shall report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the principal, appropriate supervisor and/or to appropriate law enforcement agency, regardless of whether such person possesses a valid concealed weapons license. Failure to report such knowledge may subject the staff member to discipline. The Superintendent may take any necessary steps to exclude the

person from System property and System-sponsored events as being in the best interests of the System and the safety of persons on its property.

Further, no one may exhibit a firearm or weapon on school property, on a school bus, at a school bus stop, or within 1,000 feet of a school, during school hours or during any school-sanctioned activity.

The Superintendent shall post notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report prohibiting an individual from openly carrying a handgun or carrying a concealed weapon or firearm in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities. Such notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and school campuses.

Revised 8/20/24

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Legal
18 U.S.C. 922, Gun-Free Schools Act of 1994
20 U.S.C. 8921
Rule 7 of the Code of Student Conduct
F.S. 790.001
F.S. 790.115
F.S. 790.25(5)
F.S. 790.251(7)(a)
F.S. 790.33
F.S. 1001.43(1)(a)
F.S. 1006.07

PROPERTY

po7230

GIFTS TO THE AUTHORITY

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

7230 - **GIFTS TO THE AUTHORITY**

The Governing Board is duly appreciative of public interest in and goodwill toward the schools manifested through gifts.

"Gifts" include, but are not necessarily limited to, the following:

A. Real property.

B. Tangible or intangible personal property.

C. Food or beverage.

D. Plants, flowers, or floral arrangements.

E. Donations.

F. Bequests.

G. Equipment.

H. Materials.

I. Funds.

J. Artwork.

K. Grants.

Pursuant to F.S. 1001.43, the Board has the authority to govern all public gifts and donations to schools and therefore reserves the right to specify the manner in which gifts are made, to define and identify the type of gift which it considers appropriate, and to reject those which it deems inappropriate or unsuitable. Gifts shall become the property of the Board and will be subject to use by the Authority as determined by the policies and administrative procedures applying to all properties, equipment, materials, and funds

owned by the Board. The title of system wide gifts to the CCCCSA shall be in the name of the Authority.

Any monetary gift or donation shall be properly receipted and processed in accordance with applicable Authority procedures.

Any proposed gift to the Board valued in excess of $500 must be approved by the Board. The Superintendent may accept for the Board gifts of lesser value.

The Superintendent is authorized to accept gifts or donations to the Authority, on behalf of the Board, of money, equipment, supplies, and materials. The Superintendent may accept the terms and conditions of any such gift or donation, as deemed appropriate, and shall have the discretion to accept or deny the gift or donation on the basis of those terms and conditions. Lists of such gifts or donations shall be compiled semi-annually.

The principal or director of a school or center is authorized to accept individual gifts or donations of money for field trips, student donations, and spontaneous donations of up to $499 for each such gift. Upon acceptance of all gifts, the Superintendent will be notified. If an individual gift or donation exceeds $500, its acceptance shall be in accordance with the paragraph above. If a donor does not specify how the gift or donation is to be used, the use shall then be at the discretion of the principal or director.

All Authority-wide gifts over $500 shall be acknowledged by the Board.

Permanent structures shall have utilitarian value in the operation of the school or be erected in memory of a person who has been associated with the school either as a student or employee, or an organization which has made some outstanding contribution to the school or Authority.

The Board shall not accept a gift of art unless the cost of installation, operation, and maintenance is consistent with the value of the gift to the school. This gift will require the approval of a committee approved by the Superintendent and shall include at least one (1) person trained in the field of art.

Articles of equipment donated to the schools by individuals, groups, or organizations may be accepted if they contribute to the operation of the school program. Donors shall be notified that the title of this gift shall be in the name of the Board.

Any equipment proposed to be purchased by a parent organization for use in the school or at an Authority-related event shall be submitted to the Board, prior to purchase, so it can determine if the Authority would incur any liability by its use. The Board is under no obligation to replace a gift or memorial if it is lost, stolen, destroyed, or becomes unserviceable. Any equipment donated to the Authority may not be repaired or maintained until it has been formally accepted. The Board reserves the right to not accept such liability and thus deny the use of the equipment by students or Authority employees.

Revised 8/14/18
Revised 5/13/25

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Legal
F.S. 112.312
F.S. 1001.32(2)
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43

PROPERTY

po7250

COMMEMORATION OF SCHOOL FACILITIES

ADOPTED Apr 12, 2016 · REVISED Mar 9, 2021

7250 - **COMMEMORATION OF SCHOOL FACILITIES**

From time-to-time, the Governing Board may wish to commemorate a school or Authority facility by means of a plaque or naming the facility after a person. Such commemoration should be reserved only for those individuals who have made a significant contribution to the enhancement of education generally or the Authority.

The Superintendent shall submit proposed name(s) for school(s) to the Board for final approval. Names for schools shall be considered in accordance with the following procedures:

A. If the school(s) is to be named by its location in the community, the name(s) proposed should be descriptive and of reasonable length.

B. If the school(s) is to be named for an individual, the name(s) proposed should be that of an outstanding civic or educational leader, living or deceased, of local, State, or National prominence and, if living, and also an elected official, shall have left public office for a period of time not less than five (5) years.

C. The name of a new or existing school(s) once adopted by the Board shall be considered permanent. However, should the Board subsequently initiate, or be called upon to consider, a name change of an existing previously named school(s), then in that event the Board shall allow a period of time of not less than eighteen (18) months from said date for community involvement, deliberation, discussion, and debate, prior to its taking action.

Revised 3/9/21

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PROPERTY

po7300

PROPERTY CUSTODIANSHIP

ADOPTED Apr 12, 2016

7300 - **PROPERTY CUSTODIANSHIP**

Responsibility of the Superintendent

A. All real and tangible personal property shall become the direct responsibility of the Superintendent, including its care, custody, safekeeping, and accounting of all property.

B. The Superintendent shall cause to be established such procedures and measures necessary to provide accurate information in regard to the nature, condition, location, and value of all major school property, to safeguard tangible school property against undue damage, loss depreciation; to attempt to recover and restore to useful service any tangible school property which may be lost, stolen, or damaged; and to do all other things necessary to insure the proper maintenance and safekeeping of school property.

C. The Superintendent shall place in operation procedures that include those services and activities which ensure that students may attend school without sanitation or physical hazards and provide for necessary heat, lights, water, power, and other supplies and utilities necessary for the operation of the schools.

D. The Superintendent shall place into operation procedures for preserving and keeping the building, grounds, and equipment in a satisfactory state of maintenance, and which include repairs, replacements, renovations, and adjustments.

Responsibility of the Principal

The Principal of each school shall be the custodian of all property located at and charged to the school.

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Legal
F. S. 1001.42
F.S. 1001.51

PROPERTY

po7310

DISPOSITION OF SURPLUS PROPERTY

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

7310 - **DISPOSITION OF SURPLUS PROPERTY**

The Governing Board requires the Superintendent to review the property of the Authority periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy.

A. Instructional Material

The Authority shall review instructional materials (i.e. textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum

2. information that may not be current

3. worn beyond salvage

B. Equipment

The Authority shall inspect the equipment used in the instructional program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment no longer readily available

2. repair records indicate equipment has no usable life remaining

3. obsolete and/or no longer contributing to the educational program

4. some potential for sale at a school auction

5. creates a safety or environmental hazard

C. Disposition

The Superintendent is authorized to dispose of obsolete instructional and other property by selling it to the highest bidder, by donation to appropriate parties, or by proper waste removal. Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal procedures.

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the Authority shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made in accordance with disposition instructions of the Federal awarding agency.

Except as provided in Section 200.312, Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of $5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share $500 or ten percent (10%) of the proceeds, whichever is less, for its selling and handling expenses.

The Authority may transfer title to the property to the Federal government or to an eligible third party provided that, in such cases, the Authority shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

Revised 8/14/18

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Legal
F.S. 274.05
F.S. 274.06
F.S. 274.07
F.S. 1012.33
F.S. 1013.28
F.A.C. 69I-73-005
2 C.F.R. 200.312
2 C.F.R. 200.313

PROPERTY

po7320

ACQUISITION, REMOVAL, DISPOSAL, SALE, OR EXCHANGE OF MAJOR TANGIBLE PROPERTY

ADOPTED Apr 12, 2016 · REVISED Mar 9, 2021

7320 - **ACQUISITION, REMOVAL, DISPOSAL, SALE, OR EXCHANGE OF MAJOR TANGIBLE PROPERTY**

Acquisition

All property shall be acquired through proper purchasing procedures either through the Authority or internal funds, or through donations from outside sources. All property, however, including vehicular equipment shall be in the name of the Authority and under its full control. All property acquired from sources other than Authority funds, such as PTA donations, shall be reported promptly, in accordance with procedures established for property accountability.

Removal of Property

Property shall not be taken from any school building or premises for private use. Property may be lent to employees, outside agencies, or organizations only with the prior written approval of the principal or supervisor.

Disposal, Sale, or Exchange

The Board believes that the efficient administration of the Authority requires disposition of any major tangible personal-property no longer necessary for the educational programs or the operation of the Authority.

Property that is not suitable for school use shall be disposed of in accordance with State statutes.

School Memorials and Gifts

A. No individual, group, or organization shall be permitted to erect an honor roll, memorial, or structure of any kind upon school grounds except by approval of the Superintendent and Board. Memorials shall be limited to a plaque and/or appropriately displayed portrait in the media center, office, etc. Also, a simple landscape project would be acceptable (i.e., planting of a tree, small flower garden),

provided there is little or no maintenance and is consistent with the Board's master plan.

B. Permanent structures shall have utilitarian value in the operation of the school or be erected in memory of a person who has been associated with the school either as a student or employee, or an organization that has made some outstanding contribution to the school or the Authority.

C. The Board shall not accept a gift of art unless the cost of installation, operation, and maintenance is consistent with the value of the gift to the school.

D. Articles of equipment donated to the schools by individuals, groups, or organizations may be accepted if they contribute to the operation of the school program. Donors shall be notified that the title of this gift shall be in the name of the Board.

Revised 3/9/21

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Legal
F.S. 287.14
F.S. 287.16
F.S. 1001.42
F.S. 1010.04

PROPERTY

po7410

MAINTENANCE

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

7410 - **MAINTENANCE**

The Governing Board recognizes that the fixed assets of the Authority represent a significant investment of this community and their maintenance is of prime concern to the Board. The Board is committed to adequately providing for the maintenance of its educational plant and ancillary facilities, including safe access ways from neighborhoods to schools.

The Board directs the conduct of a continuous program of inspection, maintenance, and rehabilitation for the preservation of all school buildings and equipment. Wherever possible and feasible, maintenance shall be preventive.

The Superintendent shall develop, then periodically revise, a maintenance program for implementation by the custodial and maintenance staff.

When revising the maintenance program, the staff will evaluate maintenance-related job techniques with a specific focus on evaluation of:

A. methods;

B. job techniques; and

C. efficiency outcomes that recognize the importance of cost effectiveness, efficiency measurements, and productivity analysis.

The Superintendent shall develop for implementation by the custodial and maintenance staff such procedures as may be necessary for the ongoing maintenance of the physical plant and for the expeditious repair of those conditions which threaten the safety of the occupants or the integrity of the plant.

Revised 8/14/18

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Legal
F.S. 1001.51

PROPERTY

po7421

RESTROOMS AND CHANGING FACILITIES

ADOPTED Aug 20, 2024

7421 - **RESTROOMS AND CHANGING FACILITIES**

The Governing Board is dedicated to providing appropriate restrooms and changing facilities for students and employees.

Definitions

For purposes of this policy, the following definitions apply:

“Changing facility” means a room in which two (2) or more persons may be in a state of undress in the presence of others, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room.

“Female” means a person belonging, at birth, to the biological sex which has the specific reproductive role of producing eggs.

“Male” means a person belonging, at birth, to the biological sex which has the specific reproductive role of producing sperm.

“Restroom” means a room that includes one or more water closets. This term does not include a unisex restroom.

“Sex” means the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person’s sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.

“Unisex changing facility” means a room intended for a single occupant or a family in which one or more persons may be in a state of undress, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room that is enclosed by floor-to-ceiling walls and accessed by a full door with a secure lock that prevents another individual from entering while the changing facility is in use.

“Unisex restroom” means a room that includes one or more water closets and that is intended for a single occupant or a family, is enclosed by floor-to-ceiling walls, and is

accessed by a full door with a secure lock that prevents another individual from entering while the room is in use.

"Water closet" means a toilet or urinal.

Restrooms and Changing Facilities

For restrooms, the CCCSA maintains a number of restrooms designated for exclusive use by females and males. Every school in the CCCSA has separate restrooms for females and males. The CCCSA also offers unisex restrooms at its schools.

For changing facilities, the CCCSA maintains a number of changing facilities designated for exclusive use by females and males.

Access to Restrooms and Changing Facilities

A person may only enter a restroom or changing facility designated for the opposite sex under the following circumstances:

A. To accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, an elderly person as defined in F.S. 825.101, or a person with a disability as defined in F.S. 760.22 or a developmental disability as defined in F.S. 393.063.

B. For law enforcement or governmental regulatory purposes.

C. For the purpose of rendering emergency medical assistance or to intervene in any other emergency situation where the health or safety of another person is at risk.

D. For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use.

E. If the appropriate designated restroom or changing facility is out of order or under repair and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.

Violations of this Policy (Students)

For K-12 facilities, any student who willfully enters, for a purpose other than those listed in (A) through (E) above, a restroom or changing facility designated for the opposite sex on the premises of a CCCSA K-12 facility and refuses to depart when asked to do so by any instructional personnel, administrative personnel, or a safe-school officer is subject to discipline in accordance with the Student Code of Conduct.

For postsecondary facilities, any student who willfully enters, for a purpose other than those listed in (A) through (E) above, a restroom or changing facility designated for the opposite sex on the premises of a CCCSA postsecondary facility and refuse to depart when asked to do so by any administrative personnel, a faculty member, security personnel, or law enforcement personnel are subject to discipline in accordance with the Student Code of Conduct.

Violations of this Policy (Employees)

For K-12 facilities, instructional personnel or administrative personnel (as defined in F.S. 1012.01(2) and (3)) who willfully enter, for a purpose other than those listed in (A) through (E) above, a restroom or changing facility designated for the opposite sex on the premises of a CCCSA K-12 facility and refuse to depart when asked to do so by any instructional personnel, administrative personnel, or a safe-school officer are subject to discipline up to and including termination of employment. Such actions are further subject to discipline pursuant to F.S. 1012.795.

For postsecondary facilities, instructional personnel or administrative personnel who willfully enter, for a purpose other than those listed in (A) through (E) above, a restroom or changing facility designated for the opposite sex on the premises of a CCCSA postsecondary facility and refuse to depart when asked to do so by any administrative personnel, a faculty member, security personnel, or law enforcement personnel are subject to discipline up to and including termination of employment.

Violations of this Policy (Excluding Students, Administrative Personnel, and Instructional Personnel)

Any person who willfully enters, for a purpose other than those listed in (A) through (E) above, a restroom or changing facility designated for the opposite sex on the premises of a CCCSA facility and refuses to depart when asked to do so by any instructional personnel, administrative personnel, a faculty member, a safe-school officer, security personnel, or law enforcement personnel commits the offense of trespass as provided in F.S. 810.08.

This paragraph does not apply to CCCSA students or CCCSA administrative and instructional personnel.

Exceptions to Policy

This policy does not apply to an individual who is or has been under treatment by a physician who, in his or her good faith clinical judgment, performs procedures upon or provides therapies to a minor born with a medically verifiable genetic disorder of sexual development, including any of the following:

A. external biological sex characteristics that are unresolvably ambiguous.

B. a disorder of sexual development in which the physician has determined through genetic or biochemical testing that the patient does not have a normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female, as applicable.

Compliance Reporting

The CCCCSA shall submit documentation to the State Board of Education regarding compliance with F.S. 553.865 within one (1) year after being established or, if the CCCSA facility or career center was established before July 1, 2023, no later than April 1, 2024.

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Legal
F.S. 553.865
F.S. 1000.05
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43
F.A.C. 6A-10.086

PROPERTY

po7430

RISK REDUCTION PROGRAM

ADOPTED Apr 12, 2016

7430 - **RISK REDUCTION PROGRAM**

The Governing Board believes that the employees and students of the Authority, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the Board will provide reasonable and adequate protection to the lives, safety, and health of its employees and students, in compliance with Federal and State laws and regulations.

The Superintendent shall be responsible for the maintenance of standards in the facilities to prevent accidents and to minimize their consequences. S/He shall designate an employee who shall conduct periodic audits of health and safety conditions within the facilities of the Authority and take appropriate action on any violations thereof to the Superintendent.

The Superintendent shall ascertain that the employees and students of the Authority are aware of their rights to an environment free of recognized hazards, that they are properly trained in safety methods.

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Legal
F.S. 1013.12

PROPERTY

po7430.01

ENVIRONMENTAL HEALTH PROGRAM

ADOPTED Apr 12, 2016 · REVISED Mar 9, 2021

7430.01 - **ENVIRONMENTAL HEALTH PROGRAM**

The Superintendent shall direct the development, implementation, and enforcement of an environmental health program, compliant with applicable laws, regulations, and Governing Board policies designed to prevent injury and illness to employees, students, and the general public, and damage to property or the environment arising from the Authority's operations.

Inspections of all buildings including educational facilities, ancillary plants, and auxiliary facilities for casualty safety, and sanitation shall be conducted at least once during each fiscal year by the local fire official (for fire safety). Conditions that may affect environmental health and safety or impair operation of the plant will be reported, with recommendations for corrective action. If unsafe or unsanitary conditions are reported, the building site administrator will withdraw from use the educational or ancillary plant, or portion thereof, until the conditions are corrected or removed.

Each school cafeteria must post in a visible location and on the school website the school's semiannual sanitation certificate and a copy of its most recent sanitation inspection report.

Under the direction of the fire official appointed by the Board, fire-safety inspections of each educational and ancillary plant located on property owned or leased by the Board, or other educational facilities operated by the Board, shall be made no sooner than one (1) year after issuance of a certificate of occupancy and annually thereafter. Such inspections shall be made by persons properly certified by the Division of State Fire Marshal to conduct fire-safety inspections in public educational and ancillary plants.

Pursuant to State law, a copy of the fire safety inspection report shall be submitted within ten (10) business days after the date of the inspection to the appropriate authority providing fire protection services to the school facility.

Revised 5/14/19
Revised 3/9/21

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Legal

F.S. 1001.41

F.S. 1001.42

F.S. 1013.12

F.A.C. Chapter 69A-58

PROPERTY

po7434

SMOKING AND TOBACCO-FREE ENVIRONMENT

ADOPTED Apr 12, 2016 · REVISED Dec 14, 2021

7434 - **SMOKING AND TOBACCO-FREE ENVIRONMENT**

The Governing Board recognizes that the use of tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is committed to providing students, staff, and visitors with a smoking and tobacco-free environment on school property and at off-campus, school-sponsored events.

The Board also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, staff, and visitors.

The Board recognizes that adult staff and visitors serve as role models for students. The Board embraces its obligation to promote positive role models in schools and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke or aerosol and other tobacco use for the students, staff, and visitors.

Definitions

A. "Any time" means twenty-four (24) hours a day, seven (7) days a week, 365 days a year.

B. "Electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. "Electronic smoking device" includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or similar devices. "Electronic smoking device" also includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.

C. "School property" means all facilities and property, including land, whether owned, rented, or leased by the Board, and also includes all vehicles owned, leased, rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors.

D. “Tobacco product” means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes; electronic smoking devices; cigars; little cigars; and other kinds and forms of tobacco.

General Statement of Policy

A. Students are prohibited from possessing, using, consuming, displaying, or selling any tobacco products, tobacco-related devices, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored event.

B. Administrators, staff, or visitors are prohibited from using, consuming, displaying, activating, or selling any tobacco products, tobacco-related devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored events. This includes products or paraphernalia displaying tobacco industry brands.

C. It is a violation of this policy for administrators or staff to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/or training facilities. It is also a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the Board.

D. It is a violation of this policy for any person to promote tobacco products on the school property or at off-campus, school-sponsored events via the display of images of tobacco products on gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other material.

Exceptions

It is not a violation of this policy:

A. for a staff member or approved visitor to include tobacco products, tobacco-related devices, imitation tobacco products, or lighters in an instructional or work-related activity in Authority school buildings, if the activity does not include smoking, chewing, or otherwise ingesting the product; or

B. for a person to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco

dependence product, or for other medical purposes, and if the product is being marketed and sold solely for such an approved purpose.

Opportunities for Cessation Programs

Administrators shall consult with the local public health department or other appropriate health and allied community-based organizations to provide students, staff, and administrators with information and access to support systems, programs, and services to encourage them to abstain from the use of tobacco products.

Administrators shall identify and offer evidence-based programs and services for staff members who use tobacco products to support them in complying with this policy.

Enforcement

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the entire school community. All individuals on school premises, including students, staff, administrators, and visitors, are responsible for adhering to and enforcing this policy. Members of the school community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

Visitors observed violating this policy will be asked to comply with this tobacco-free policy.

If a visitor fails to comply with the request, this policy violation may be referred to the building principal or other available Authority supervisory personnel. The supervisor will decide on further action that may include a directive that the visitor leave school property and forfeit any fee charged for admission to a school-sponsored event.

Dissemination of Policy

Notice of this policy will be provided through:

A. appropriate "No Tobacco" signage posted in the Authority on school buildings, building entrances, vehicles, vehicular entrances to school grounds, and indoor and outdoor athletic facilities;

B. written notice to students and parents/guardians in student handbooks and orientations;

C. written notice in staff handbooks, in orientations and employee or staff trainings, and when offering employment;

D. reminder announcements of this policy at school and Authority events, as appropriate.

Program Evaluation

This smoking and tobacco-free policy shall be assessed by the Authority or its designated evaluator at regular intervals, but at least once a year, to determine whether policies, policy enforcement, communication, education, staff training, and cessation programs are effective. Policies and programs shall be updated and revised accordingly.

Revised 3/9/21
Revised 12/14/21

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Legal
F.S. 381.84
F.S. 386.202
F.S. 386.204
F.S. 386.212
20 U.S.C. 6081 et seq.
20 U.S.C. 7182

PROPERTY

po7440

CAMPUS SECURITY

ADOPTED Apr 12, 2016 · REVISED May 14, 2019

7440 - **CAMPUS SECURITY**

The Authority buildings, facilities, and property are significant financial investments that must be protected.

The Superintendent shall develop and supervise a program for the security of the school buildings, school grounds, and school equipment pursuant to statute and rules of the State. Such a program may include but is not limited to:

A. securing entries;

B. checkpoint construction;

C. lighting specifically designed for entry point security;

D. video surveillance equipment and security cameras;

E. automatic locks and locking devices;

F. electronic security systems;

G. fencing designed to prevent intruder entry into a building.

Every effort shall be made to apprehend those who knowingly cause serious physical harm to Authority property and to require such persons to rectify the damage or pay a fee to cover repairs. A reward may be offered for apprehending such persons.

Appropriate authorities may be contacted in the case of serious offenses.

The Superintendent is authorized to install metal detectors and other security devices which would assist in the detection of guns and dangerous weapons in school buildings and/or on Authority property.

Revised 5/14/19

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Legal
F.S. 1001.51

PROPERTY

po7440.01

VIDEO SURVEILLANCE AND ELECTRONIC MONITORING

ADOPTED Feb 9, 2021 · REVISED Dec 14, 2021

7440.01 - **VIDEO SURVEILLANCE AND ELECTRONIC MONITORING**

The Governing Board authorizes the use of video surveillance and electronic monitoring equipment at various school sites throughout the CCCCSA and on school buses. The video surveillance/electronic monitoring equipment shall be used to protect Board property and assets from theft and vandalism, through deterrence and video documentation. The system is not designed nor intended to protect individuals from being victims of violent or property crimes, nor to detect other potentially illegal and undesirable activities that may occur, although information may be used as evidence in such cases.

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline. Video surveillance/electronic monitoring systems serve to complement other means being employed in the CCCCSA to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a video surveillance/electronic monitoring system does not replace the need for the ongoing vigilance of designated school staff to monitor and supervise the school building; rather, the video surveillance/electronic monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The principal is responsible for verifying that due diligence is observed in maintaining general campus security.

The Superintendent is responsible for determining where to install and operate fixed-location video surveillance/electronic monitoring equipment in the CCCCS. The determination of where and when to use video surveillance/electronic monitoring equipment will be made in a nondiscriminatory manner. Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action.

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the Authority system's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring equipment may be used as evidence in any disciplinary proceedings, administrative proceeding or criminal proceeding, subject to Board policy and regulations. Further, such recordings may become

a part of a student's education record or staff member's personnel file. The Board will not use video surveillance/electronic monitoring equipment to obtain information for the purpose of routine staff appraisal/evaluation or monitoring. However, prerecorded lessons or observations of on-line or virtual learning sessions may be included as part of an employee's evaluation in accordance with an applicable collective bargaining agreement or Memorandum of Understanding approved by the Board.

Ordinarily, video surveillance/electronic monitoring equipment will not be used to make an audio recording of conversation occurring on school grounds or property where individuals have a reasonable expectation of privacy; however, notice shall be given to all individuals present on the grounds of a school site or on a school bus that their conversations may be recorded through the video surveillance/electronic monitoring equipment and, as a result, individuals on the grounds of a school site or on a school bus should not have an expectation that their conversations will remain private.

Under Florida law, parents have the right to give their consent in writing before a school employee makes a video or voice recording of their minor child, unless the recording is used solely for the following:

A. a safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;

B. a purpose related to a legitimate academic or extra-curricular activity;

C. a purpose related to regular classroom instruction;

D. security or surveillance of buildings or grounds; or

E. a photo identification card.

(See also Policy 2461 - *Recording of IEP Team Meetings*)

Recordings of students will be treated as confidential. Consequently, because the Board is bound by Florida's Public Records Act and the Family Educational Rights and Privacy Act (FERPA), copies of video recordings containing personally identifiable information about students shall not be released except to school officials with legitimate educational interests. Parents or guardians of minor students, and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any other students whose images appear on the recording). Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any students whose images

appear on the recordings). Otherwise, such confidential recordings shall only be released as authorized under or required by State and Federal laws.

Video surveillance/electronic monitoring recordings may be retained beyond the retention period required by law if they are going to be utilized for training purposes or as required by law pursuant to Policy 8315 - *Information Management* and AP 8315 - *Litigation Hold Procedure*. This policy does not address or cover instances where school officials record a specific event (e.g., a play, music performance, athletic contest, graduation, or Board meeting) or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional, and/or research purposes is permitted and is not addressed by this policy.

Video surveillance is to be implemented in accordance with this policy and the related administrative procedures. The Board will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of this policy.

Periodically, the Superintendent shall conduct a review to verify that this policy and its implementing procedures are being adhered to and report to the Board on the use of video surveillance/electronic monitoring equipment in the Authority.

Revised 6/8/21
Revised 12/14/21

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Legal
F.S. 1014.04
F.A.C. 1B-24.003(1)(a)
Title I of the Electronic Communication Privacy Act of 1986
18 U.S.C. 2510
18 U.S.C. 2511
18 U.S.C. 2512
18 U.S.C. 2513
18 U.S.C. 2515
18 U.S.C. 2516
18 U.S.C. 2517
18 U.S.C. 2518
18 U.S.C. 2519
18 U.S.C. 2520
18 U.S.C. 2521
20 U.S.C. 1232g
34 C.F.R. 99.1-99.67

PROPERTY

po7440.02

VANDALISM, DAMAGE, LOSS, AND MALICIOUS MISCHIEF

ADOPTED Apr 12, 2016

7440.02 - **VANDALISM, DAMAGE, LOSS, AND MALICIOUS MISCHIEF**

The principal or administrator shall report any damage, loss, vandalism, or malicious mischief immediately to the Superintendent and to the proper law enforcement agency giving all available information.

By Students

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 Authority department head, or in extreme circumstances the Superintendent and/or Governing 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.

A civil action against the student's parent(s) or legal guardian may be instituted by the 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.

By Persons Other Than Students

In case of willful or negligent damage of property belonging to the Board, whether real or personal, the user shall be responsible for the payment or replacement of such damage in accordance with the true value as established by the Superintendent.

By Organizations Under Use Permits

An organization granted a permit for the use of property belonging to the Board shall be responsible for any undue damage to the buildings, equipment, or grounds beyond that

which would be considered normal wear and tear and shall repay any such damage in accordance with the true value as established by the Superintendent. Failure to comply with such payment shall cause the individual, group, or organization to lose eligibility for further use of Board-owned property and such legal action as the Board deems proper to recover the amount of damages.

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Legal
F.S. 1013.22

PROPERTY

po7440.03

SMALL UNMANNED AIRCRAFT SYSTEMS

ADOPTED Mar 9, 2021 · REVISED Sep 16, 2025

7440.03 - **SMALL UNMANNED AIRCRAFT SYSTEMS**

The Governing Board prohibits the operation of small unmanned aircraft systems (sUAS) at any time on a property that is owned or leased or contracted for by the Board by any individual who is not authorized to do so by the Superintendent or the drone is operated by law enforcement. Small unmanned aircraft systems are commonly known as drones.

Pursuant to the Florida High School Athletic Association's (FHSAA) administrative policies, the Board also prohibits the operation of an sUAS at any FHSAA event conducted on property owned or leased or contracted for by the Board. Authority officials may deny admission or entry to anyone attempting to use an sUAS until the event has been completed.

To be authorized to operate an sUAS on property owned or leased or contracted for by the Board, a staff member or administrator, law enforcement, or other individual (agent) under contract with the Board must have a remote pilot certificate issued by the Federal Aviation Administration (FAA). Further, the sUAS must be registered with the FAA and properly marked in accordance with 14 C.F.R. Part 107.

A staff member, administrator, law enforcement, or agent of the Board who is authorized to operate an sUAS on property owned or leased or contracted for by the Board, must also comply with all rules set forth in 14 C.F.R. Part 107. (See AP 7440.03)

Failure to adhere by all rules set forth in 14 C.F.R. Part 107 and AP 7440.03 may result in loss of authorization to operate an sUAS on property owned or leased or contracted for by the Board, referral to local law enforcement, and/or further disciplinary action, up to and including termination for an employee and expulsion for a student. Further, violations of the provisions of F.S. 330.41 may result in a second-degree misdemeanor up to a third-degree felony.

Revised 9/16/25

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PROPERTY

po7450

PROPERTY INVENTORY

ADOPTED Apr 12, 2016 · REVISED Jun 8, 2021

7450 - **PROPERTY INVENTORY**

The Governing Board recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

A complete inventory of all Authority-owned tangible personal property shall be conducted annually and submitted to the Board. A complete inventory shall also be conducted when there is a custodian change at a school or department location. A principal or department head shall obtain a police report for any Authority-owned tangible personal property that is found missing or stolen from the location's inventory.

For purposes of this policy "tangible personal property" shall mean any tangible personal property, of a nonconsumable nature, with a life expectancy of one (1) year or more which has a capitalized value equal to or greater than the value defined in statute.

The Director of Purchasing shall develop a property records manual that describes the processes necessary to implement the intent of this policy.

Equipment acquired under a Federal award will vest upon acquisition to the Authority, subject to the following conditions:

A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.

B. The equipment shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.

C. The equipment may only be used and disposed of in accordance with the provisions of the Federal awarding agency or the pass-through entity and Policy 7310 and AP 7310.

D. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the Federal Award Identification Number (FAIN)), title entity, acquisition date, cost of the equipment, percentage of Federal participation in the

project costs for the award under which the equipment was acquired, the location, use, and condition of the equipment, and ultimate disposition data, including date of disposal and sale price of the equipment.

E. A physical inventory of the property must be taken and results reconciled with property records at least once every two (2) years.

F. A control system shall be developed to provide adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft shall be investigated.

G. Adequate maintenance procedures shall be implemented to keep the property in good condition.

H. Proper sales procedures shall be established to ensure the highest possible return, in the event the Board is authorized or required to sell the equipment/property.

I. When original or replacement equipment acquired under a Federal award is no longer needed for the original project/program or for activities currently or previously supported by a Federal awarding agency, and except as otherwise provided by Federal statutes, regulations, or Federal awarding agency disposition instructions, the Board shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment shall be made in accordance with the provisions of C.F.R. 200.313.

Revised 8/14/18
Revised 6/8/21

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Legal
F.S. 274.02
F.S. 1001.43
2 C.F.R. 200.313

PROPERTY

po7455

ACCOUNTING SYSTEM FOR CAPITAL ASSETS

ADOPTED Apr 12, 2016 · REVISED Jun 8, 2021

7455 - **ACCOUNTING SYSTEM FOR CAPITAL ASSETS**

The Governing Board shall maintain a capital asset accounting system. The capital asset system shall maintain sufficient information to permit the following:

A. the preparation of year-end financial statements in accordance with generally accepted accounting principles;

B. control and accountability.

Capital assets are defined as those tangible assets of the Authority (including leased fixed assets) with a useful life in excess of one (1) year and an initial cost equal to or exceeding the amount defined in F.A.C. 69I-73.002.

Fixed assets shall be recorded at actual, or if not determinable, estimated purchase price or fair market value at the time of acquisition.

The Director shall develop administrative procedures to ensure proper purchase, transfer, and disposal of capital assets.

Revised 6/8/21

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Legal
F.S. 274.02
F.S. 1001.43
F.A.C. 69I-73.002

PROPERTY

po7510

USE OF AUTHORITY FACILITIES

ADOPTED Apr 12, 2016

7510 - **USE OF AUTHORITY FACILITIES**

The Governing Board believes that the grounds and facilities of the Authority should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program of the schools and is harmonious with the purposes of the Authority.

The Board will permit the use of Authority grounds and facilities when such permission has been requested in writing by a responsible organization or a group of citizens and has been approved by the Superintendent.

The Superintendent shall develop administrative procedures for the granting of permission to use Authority facilities including a schedule of fees that, together with the costs used to determine such fees.

A. Each user may be required to present evidence of the purchase of organizational liability insurance to the limit prescribed by the Authority's administrative procedures.

B. Use of school equipment in conjunction with the use of school facilities must be requested specifically in writing, and may be granted by the procedure by which permission to use facilities is granted. The users of school equipment must accept liability for any damage or loss to such equipment that occurs while it is in their use. Where rules so specify, no item of equipment may be used except by a qualified operator.

C. Users shall be liable financially for damage to the facilities and for proper chaperonage.

No liability shall attach to the Authority, or any of its employees and officers, specifically as a consequence of permitting access to these facilities.

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F.S. 1013.10

PROPERTY

po7530

LENDING OF BOARD-OWNED EQUIPMENT

ADOPTED Apr 12, 2016

7530 - **LENDING OF BOARD-OWNED EQUIPMENT**

The Governing Board believes that Board-owned equipment is a valuable resource that may be loaned for community use under certain conditions only, provided that such use does not infringe on the original and necessary purpose of the equipment or interfere with the educational program of the Authority.

The Board may lend specific items of equipment on the written request of the user and approval.

The user of Authority-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return. The use of Board-owned equipment off school property is subject to the same rules and conditions of use that are in effect when the equipment is used on school property.

Authority equipment may be removed from Authority property by students or staff members only when such equipment is necessary to accomplish tasks arising from their school or job responsibilities. The consent of the Superintendent is required for such removal.

Individuals authorized to use Board-owned equipment off school property may not allow anyone else to use the equipment (e.g., spouses, children, relatives, friends, etc., may not use Board-owned equipment, which is sanctioned for use by a specific person).

A Board employee may use Authority-owned technology for school use off of school property. Technology devices owned by the Board may contain personally identifiable information about Authority students and/or staff. Federal and State laws prohibiting disclosure of such personally identifiable information apply to electronic records stored on technology devices. Board employees are advised to exercise caution when transferring personally identifiable information onto disks, flash drives, and other technology devices. A Board employee who loses or misuses student or staff personally identifiable information will be subject to disciplinary action as determined by the Board.

Personal use of Authority equipment or facilities by staff or students will be in accordance with the Superintendent's administrative procedures.

Removal of Authority equipment from Authority property for personal use is prohibited by staff or students.

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Legal
F.S. 1001.43
F.S. 1001.51

PROPERTY

po7530.01

WIRELESS COMMUNICATION ALLOWANCE AND STAFF USE OF WIRELESS COMMUNICATIONS DEVICES

ADOPTED Apr 12, 2016 · REVISED Aug 20, 2024

7530.01 - **WIRELESS COMMUNICATION ALLOWANCE AND STAFF USE OF WIRELESS COMMUNICATIONS DEVICES**

Eligibility for Wireless Communication Allowance

Wireless communication devices ("WCDs") (i.e. cellular and wireless telephones), enable communication whenever a situation arises necessitating immediate contact, regardless of the person's location at the time. Therefore, the Superintendent shall designate appropriate staff members as being required to utilize a WCD as a condition of employment.

Staff members who are required to have a WCD as a condition of their employment shall receive a monthly wireless communication allowance ("allowance"), up to an amount approved annually by the Governing Board to compensate them for the costs associated with acquiring and utilizing a WCD for business purposes.

Amount of the Allowance

The allowance is not intended to compensate the employee's dollar-for-dollar cost for wireless service.

The allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, or benefits based on a percentage of salary, etc.

No allowance will be paid when the employee is on an unpaid leave status, or is on an extended paid leave during which timely, business-essential communications are not likely to be necessary.

Allowance is Considered Taxable Income

Staff members who receive an allowance are not required to submit a log documenting their business-related use of the WCD; however, they will be informed that the allowance is

considered additional compensation for income tax purposes (i.e. the allowance will be paid through the Authority's payroll system as taxable income and appropriate payroll taxes on the amount of the allowance will be withheld from the employee's paycheck, and the amount of the allowance paid during the calendar year will be included in the wages line on the staff members' year-end W-2 statements). For determination of individual taxability, employees should check with their tax advisor.

Employee's Responsibilities

The employee is responsible for choosing his/her WCD, the voice, and/or data plan, and the wireless service provider. Since the WCD is the property of the employee, the WCD may be used for personal calls (see below concerning the making of personal calls during work time) and be combined or enhanced with other personal plans (i.e. the employee may also, at his/her own expense, add extra services or equipment features, as desired). The employee is responsible for paying all monthly service charges in full and on time. The Board does not accept any liability for claims, charges, or disputes between the service provider and the staff member. Because the employee is personally responsible for the WCD, any replacement for loss or damage will be at the expense of the employee. Such replacement or repair must be completed promptly and the Superintendent must be notified if the employee will not be available by their WCD for a period of time.

Employees should contact the carrier through which they purchased their WCD and purchase their wireless service for support.

Changing or Ending a Wireless Service Contract Early

If prior to the end of a wireless service contract, a personal decision by the employee results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a wireless service contract, the employee's misconduct, or misuse of the WCD, results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a wireless service contract, the Board determines to reduce or cancel (unrelated to employee misconduct) the employee's monthly allowance, the Board will bear the cost of any fees associated with the change or cancellation. For example, if the employee is reassigned and/or his/her duties are changed, and the WCD is no longer needed for business purposes, if the employee does not want to retain the current contract, changes or cancellation fees will be reimbursed by the Board.

When selecting the duration of his/her wireless service contract, the employee should take into consideration the length of his/her Board-approved employment contract and not select a duration of the wireless service contract that exceeds the employment contract. If the employee is nonrenewed or voluntarily resigns while the wireless service contract is

still in effect, the Board will not be responsible for any fees associated with the employee's decision to subsequently change or cancel the contract.

Once the allowance is given to the employee to purchase a device, the WCD remains the employee's property. However, upon termination, nonrenewal, or resignation, the Board will immediately discontinue the monthly allowance.

Safe Use of Wireless Communications Devices

Employee safety is a priority of the Board, and responsible use of WCDs includes safe use.

Employees whose job responsibilities include regular or occasional driving and who use a personal WCD for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving.

Use of WCDs While Driving

Employees shall comply with Policy 8625 related to WCD use while driving and the prohibitions therein. An employee who violates this prohibition is subject to disciplinary action, up to and including termination.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity, and availability of the data stored on their WCDs.

Wireless communications, including calls, text messages, instant messages, and e mails sent from WCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her personal WCD may constitute public records if the content of the message concerns Authority business, or an education record if the content includes personally identifiable information about a student. Wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – *Public Records*. Wireless communications that are student records should be maintained pursuant to Policy 8330 – *Student Records*. Finally, wireless communications and other electronically stored information (ESI) stored on the staff member's personal WCD may be subject to a Litigation Hold pursuant to Policy 8315 – *Information Management*. Staff are required to comply with Authority requests to produce copies of wireless communications in their possession that

are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

Except in emergency situations, employees are prohibited from using WCDs to capture, record or transmit the words (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal or Superintendent.

Privacy Issues

WCDs, including but not limited to those with cameras, may not be possessed, activated, or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include but are not limited to locker rooms, shower facilities, restrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a WCD is absolutely prohibited.

Personal Use of WCDs While at Work

During work hours personal communications made or received, regardless of whether on a WCD, or a regular telephone or network computer can interfere with employee productivity and distract others. Employees are expected to use discretion in using WCDs while at work for personal business. Employees are asked to limit personal communications to breaks and lunch periods, and to inform friends and family members of the Board's policy in this regard.

At no time may any WCD be utilized by an employee in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated.

Potential Disciplinary Action/Termination of the Allowance

Violation of this policy may result in disciplinary action up to and including termination of employment. Use of a WCD in any manner contrary to local, State or Federal laws will constitute misuse, and will result in immediate termination of the allowance.

Revised 8/14/18
Revised 3/9/21
Revised 8/20/24

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Legal

I.R.S. Notice 2011-72 (effective December 31, 2009)

F.S. 316.305

F.S. 316.306

PROPERTY

po7530.02

STAFF AND SCHOOL OFFICIALS USE OF WIRELESS COMMUNICATION DEVICES

ADOPTED Oct 8, 2019 · REVISED Mar 9, 2021

7530.02 - **STAFF AND SCHOOL OFFICIALS USE OF WIRELESS COMMUNICATION DEVICES**

Use of wireless communication devices ("WCD") (as defined in Bylaw 0100) has become pervasive in the workplace. Whether the WCD is Governing Board-owned and assigned to a specific employee or school official or personally-owned by the employee or school official (regardless of whether the Board pays the employee an allowance for his/her use of the device, the Board reimburses the employee or school official on a per use basis for their business-related use of his/her WCD, or the employee or school official receives no remuneration for his/her use of a personally-owned WCD, the employee or school official is responsible for using the device in a safe and appropriate manner and in accordance with this policy and its accompanying procedure, as well as other pertinent Board policies and procedures.

Conducting Authority Business Using a WCD

Employees and school officials are permitted to use a Board-owned and/or personally-owned WCD to make/receive calls, send/receive e-mails, send/receive texts, or send/receive instant messages that concern Authority business of any kind.

Employees and school officials are responsible for archiving such communication(s) in accordance with the System's requirements.

Safe and Appropriate Use of a WCD

Employees and school officials are responsible for operating Board-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees are prohibited from using a WCD while operating such vehicles or equipment. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving. Pursuant to Policy 8625, use of a WCD in a handheld manner in a designated school crossing, school zone, or work zone area as defined in F.S. 316.003 is prohibited.

All employees and school officials must comply with Policy 8625 – *Ban on Texting While Driving*.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees and school officials are subject to all applicable policies and procedures pertaining to protection of the security, integrity, and availability of the data stored on a WCD regardless of whether they are Board-owned and assigned to a specific employee or personally-owned by the employee.

WCD communications, including calls, text messages, instant messages, and e-mails sent or received may not be secure. Therefore, employees should use discretion when using a WCD to relay confidential information, particularly as it relates to students.

Additionally, WCD communications, including text messages, instant messages, and e-mails sent and/or received by a public employee or school official using a WCD may constitute public records.

Further, WCD communications about students, including text messages, instant messages, and e-mails sent and/or received by an Authority employee or school official using his/her WCD may constitute education records if the content includes personally identifiable information about a student.

Communications, including text messages, instant messages, and e-mails sent and/or received by an Authority employee or school official using his/her WCD, that are public records or student records are subject to retention and disclosure, upon request, in accordance with Policy 8310 - *Public Records*. Cellular/Wireless communications that are student records should be maintained pursuant to Policy 8330 - *Student Records*.

It is the responsibility of the Authority employee or school official who uses a WCD for Authority business-related use to archive all text messages, instant messages, and e-mails sent and/or received using his/her WCD in accordance with the Authority's requirements.

Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's or school official's WCD may be subject to a litigation hold pursuant to Policy 8315 - *Information Management*. Staff and school officials are required to comply with Authority requests to produce copies of cellular/wireless communications in their possession that are either public records or education records or that constitute ESI that is subject to a litigation hold.

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for informing the Superintendent or his/her designee of all public records, student records, and ESI subject to a Litigation Hold that is maintained on the employee's Board-owned WCD. The Authority's IT department/staff will then transfer the records/ESI to an alternative storage device.

If the employee utilized a personally-owned WCD for Authority-related communications, and the device contains public records, students records, and/or ESI subject to a litigation hold, the employee must transfer the records/ESI to the Authority's custody (e.g., server, alternative storage device) prior to the conclusion of his/her employment. The Authority's IT department/staff is available to assist in this process. Once all public records, student records, and ESI subject to a litigation hold are transferred to the Authority's custody, the employee is required to delete the records/ESI from his/her personally-owned WCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the Authority's custody and deleted from his/her personally-owned WCD.

If a WCD is lost, stolen, hacked, or otherwise subjected to unauthorized access, the employee or school official must immediately notify the Superintendent so a determination can be made as to whether any public records, students records, and/or ESI subject to a litigation hold has been compromised and/or lost. Pursuant to Policy 8305 - *Information Security* and its accompanying procedure, the Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the WCD was encrypted.

The Board prohibits employees and school officials from maintaining the following types of records and/or information on their WCDs:

A. social security numbers

B. driver's license numbers

C. credit and debit card information

D. financial account numbers

E. student personally identifiable information

F. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)

G. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)

It is suggested that employees and school officials lock and password protect their WCDs when not in use.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees and school officials are prohibited from using WCDs to capture, record, and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member, or other person in the school or while attending a school-related activity. Using a WCD to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

WCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where the use of a WCD is absolutely prohibited.

Potential Disciplinary Action

Violation of any provision of this policy may constitute just cause for disciplinary action up to and including termination.

Use of a WCD in any manner contrary to local, State, or Federal laws may also result in disciplinary action up to and including termination.

Revised 3/9/21

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Legal
F.S. Chapter 119
F.S. 316.305
F.S. 316.306
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43
F.S. 1002.221
F.A.C. 6A-10.081
Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 (2008)
Children's Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)
20 U.S.C. 1232g
34 C.F.R. Part 99

PROPERTY

po7540

COMPUTER TECHNOLOGY AND NETWORKS

ADOPTED Apr 12, 2016 · REVISED May 14, 2019

7540 - **COMPUTER TECHNOLOGY AND NETWORKS**

The Governing Board is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of Board operations.

However, the use of the Authority's network and technology resources by students is a privilege, not a right.

Students and their parents must sign and submit a Student Technology Acceptable Use and Safety form annually. (see also, Policy 7540.03)

Annually, the Superintendent or designee shall develop a written Comprehensive Technology Plan (CTP), recommend the CTP to the Board for approval, and, upon approval, implement the CTP.

The Superintendent shall develop and implement a written Comprehensive Technology Plan (CTP). Procedures for the proper acquisition of technology shall be set forth in the CTP. The CTP shall also provide guidance to staff and students about making safe, appropriate, and ethical use of the Authority's network(s), as well as inform both staff and students about disciplinary actions that will be taken if Authority technology and/or networks are abused in any way or used in an inappropriate, illegal, or unethical manner.

Annually, the Superintendent or designee shall develop a written Comprehensive Technology Plan (CTP), recommend the CTP to the Board for approval, and, upon approval, implement the CTP.

Annually, the Superintendent shall require the review of the implementation of the current CTP, update that plan as need be, and recommend the updated plan for approval by the Board. The CTP will address the need for Authority technology resources for all the Authority’s instructional, operational and business functions, including, but not limited to software licenses, infrastructure hardware and software, technical support, telecommunication devices, servers, data storage, and recovery systems (both internal and external).

Procedures for the proper acquisition of technology shall be set forth in the CTP. The CTP shall also provide guidance to staff and students about making safe, appropriate, and

ethical use of Authority technology resources, as well as inform both staff and students about disciplinary actions that will be taken if its technology resources are abused in any way or used in an inappropriate, illegal, or unethical manner. (see Policy 7540.03 and AP 7540.03 - *Student Technology Acceptable Use and Safety*, and Policy 7540.04 and AP 7540.04 - *Staff Technology Acceptable Use and Safety*)

This policy, along with the Student and Staff Technology Acceptable Use and Safety policies, and the Code of Student Conduct further govern students' and staff members' use of their wireless communication devices (see Policy 5136 and Policy 7530.02). Users have no right or expectation of privacy when using District technology resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the Authority's computer network and/or Internet connection).

Further, safeguards shall be established so that the Board's investment in both hardware and software is achieving the benefits of technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media to interact with others online; interacting with other individuals in chat rooms or on blogs; and, recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Authority policy, and learning appropriate responses if they are victims of cyberbullying.

The Board prohibits students from using Authority technology resources to access and/or use social media for other than instructional purposes.

Staff may use Authority-approved social media platforms/sites in accordance with Policy 7544. Authorized staff may use Authority technology resources to access and use Authority-approved social media platforms/sites to increase awareness of Authority programs and activities, as well as to promote achievements of staff and students, provided the Superintendent approves, in advance, such access and use. Use of Authority-approved social media platforms/sites for business-related purposes is subject to Florida's public records laws and, as set forth in Policy 7544, staff members are responsible for archiving their social media and complying with the Authority's record retention schedule. (see Policy 8310 *Public Records*)

Staff must comply with Policy 7544, Policy 7540.04, and Policy 7530.02 when using Authority technology resources or personally-owned WCDs to access and/or use social media for personal purposes.

However, personal access and use of social media, blogs, or chat rooms from the Authority's network is expressly prohibited and shall subject students and staff members to discipline in accordance with Board policy.

The Superintendent shall review the CTP and report any changes, amendments, or revisions to the Board annually.

Revised 8/14/18
Revised 5/14/19

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PROPERTY

po7540.01

TECHNOLOGY PRIVACY

ADOPTED Apr 12, 2016

7540.01 - **TECHNOLOGY PRIVACY**

The Governing Board recognizes its staff members' right to privacy in their personal lives. The Board has established this policy to inform staff members of the Board's position with respect to staff member privacy in the workplace and to protect the Board's interests.

All computers, telephone systems, electronic mail systems, and voice mail systems are the Authority's property and are to be used primarily for business purposes. The Authority retains the right to access and review all electronic and voice mail, computer files, data bases, and any other electronic transmissions contained in or used in conjunction with the Authority's computer system, telephone system, electronic mail system, and voice mail system. Staff members should have no expectation that any information contained on such systems is confidential or private.

Review of such information may be done by the Authority with or without the staff member's knowledge. If passwords for security are used they must be registered with the assigned site administrator and does not guarantee confidentiality, and the Authority retains the right to access information in spite of a password. A staff member's refusal to permit such access may be grounds for discipline up to and including discharge.

Computers, electronic mail, and voice mail are to be used for business purposes. Personal messages via Authority-owned technology should be limited in accordance with the Superintendent's regulations. Staff members are encouraged to keep their personal records and personal business at home. In addition, staff members shall be advised that computers, electronic mail, and voice mail are subject to the provisions of Florida's Sunshine Law.

Staff members are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

Review of computer files, electronic mail, and voice mail will only be done in the ordinary course of business. If a staff member's personal information is discovered, the contents of such discovery will not be reviewed by the Authority, except to the extent necessary to determine Authority's interests have been compromised. Any information discovered will be limited to those who have a specific need to know that information.

The administrators and supervisory staff members authorized by the Superintendent have the authority to search and access information electronically.

All computers and any information or software contained therein are property of the Authority. Staff members shall not remove or communicate any such information in any form for their personal use or for the use of others. In addition, staff members may not copy software on any Authority computer and may not bring software from outside sources for use on Authority equipment without the prior approval of the Superintendent. Such pre-approval will include a review of any copyright infringements or virus problems associated with such outside software.

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po7540.02

DIGITAL CONTENT AND ACCESSIBILITY

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

7540.02 - **DIGITAL CONTENT AND ACCESSIBILIT**Y

A. Creating Digital Content

The Governing Board authorizes staff members and students to create content (see Bylaw 0100, Definitions) for the Authority's website and Authority approved/affiliated apps and services (see Bylaw 0100, *Definitions*) ("digital content").

Authority-generated and school-related digital content must comply with all applicable Board policies, applicable State and Federal laws (e.g., copyright laws, Children's Internet Protection Act (CIPA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Americans with Disabilities Act (ADA), and Children's Online Privacy Protection Act (COPPA)), and reflect the professional image/brand of the Authority, its employees, and students. Authority-generated digital content must be consistent with the Board's Mission Statement is subject to prior review and approval of the Superintendent before being published on the Authority's website or Authority-approved/affiliated apps and services.

In accordance with Florida law, no prohibited application as identified by the Florida Department of Management Services (DMS) shall be installed or utilized on a Board-owned WCD. Upon notice of any changes to DMS's list of prohibited applications, Authority employees shall have fifteen (15) calendar days to remove such applications.

School related student-created content, for the Board's website or Authority approved/affiliated apps and services are subject to Policy 5722 - *School-Sponsored Student Publications and Productions*.

Creation os school-related content by students for the Board's website or Authority-approved/affiliated apps and services must be done under the supervision of an Authority staff member.

B. Purpose of Digital Content

The purpose of digital content, covered by this policy is to educate, inform, and

communicate. The following criteria shall guide the development of Authority general content:

1. Educate

   Digital content should be suitable for and usable by students and teachers to support the curriculum and the Board's objectives as listed in the Board's strategic plan.

2. Inform

   Digital content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

3. Communicate

   Digital content may communicate information about the plans, policies, and operations of the Authority to members of the public and other persons who may be affected by Authority matters.

The information published on the Board's website and Authority-approved/affiliated apps/services should reflect and support the Board's mission statement, educational philosophy, and the school improvement process.

When the digital content includes a photograph or personally identifiable information relating to a student, the Board will abide by the provisions of Policy 8330 - *Student Records*.

Under no circumstances are Authority-created digital content to be used for commercial purposes, advertising, political lobbying or to provide financial gains for any individual. Included in this prohibition is the fact no content contained on the Authority's website may:

1. include statements or other items that support or oppose a candidate for public office, the investigation, prosecution or recall of a public official, or passage of a tax levy or bond issue;

2. link to a website of another organization if the other website includes such a message; or

3. communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

Under no circumstances shall a staff member post on their personal web pages/websites or private digital accounts (i.e., non-Authority-approved/affiliated apps/services) student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the Board's website, or Authority approved/affiliated apps/services for the purpose of conveying information to students and/or parents.

If a staff member creates digital content, related to the staff member's class, it must be hosted on the Board's website or an Authority approved/affiliated app/service.

The Board's website, including school-specific websites, shall be generally open/available to the public unless specific digital content is unique to a specific child and/or includes student personally identifiable information, in which case the information must be password-protected or access to it must be otherwise restricted. When digital content involving students' personally identifiable information or information concerning coursework particular to a specific student's classes/assignments is password-protected/access is otherwise restricted, the student's parent(s)/guardian(s) will continue to have access to that digital content.

Digital content published on the Board's website should reflect an understanding that both internal and external audiences will be viewing the information.

The Board retains all proprietary rights related to the design of content, for its websites and any apps/services it operates and /or is affiliated with absent written agreement to the contrary.

Students who want their class work (i.e., work that is created in or for a class, or is part of a school-sponsored extra-curricular activity) to be displayed on the Board's website must have written parent permission and expressly license its display without cost to the Board.

Prior written parent permission is necessary for a student to be identified by name on the Board's website.

C. Accessibility of Web Content and Mobile Apps

The Authority is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the Authority's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The Authority is further committed to ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise

subjected to discrimination in any Authority programs, services, and activities delivered online, through the web or a mobile app as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the Authority's programs, services, and activities delivered in person or online.

This policy reflects the Board's commitment and intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, 34 C.F.R. Part 104, and Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. 12131 and 28 C.F.R. Part 35 in all respects. For purposes of this policy, "web content" means "information and sensory experience to be communicated to the user by means of a user agent, including code or markup that defines the content's structure, presentation, and interactions". Examples of web content include text, images, sounds, videos, controls, animations, and conventional electronic documents (e.g., content in the following electronic file formats: portable document formats ("PDF"), word processor file formats, presentation file formats, and spreadsheet file formats). Additionally, "mobile applications" ("mobile apps") means "software applications that are downloaded and designed to run on mobile devices, such as smartphones and tablets".

1. Technical Standards

   Web content and mobile apps that the Authority provides and/or makes available, directly or through contractual, licensing or other arrangements, shall comply with the World Wide Web Consortium’s Web Content Accessibility Guidelines (WCAG) 2.1, Level AA standards, unless the Board can demonstrate that such compliance would result in a fundamental alteration in the nature of its programs, services, or activities, or an undue financial and administrative burden.

   Notwithstanding the preceding, Federal regulations provide for the following content types to have limited exemption from the WCAG 2.1, Level AA requirements:

   a. Archived web content (provided all four (4) Federal criteria are met).

   b. Preexisting conventional electronic documents (with specific restrictions).

   c. Third party content that is not created pursuant to a contract between the Board and a third party.

   d. Password-protected documents pertaining to a specific student or account.

e. Preexisting social media posts.

Even when the preceding exceptions apply, the Authority, however, will still provide effective communication and reasonable modifications in accordance with the ADA.

In addition, documents currently used for accessing Authority programs, services, programs, and/or activities do not qualify for the above exceptions, regardless of creation date.

When a person with a disability cannot access Authority-generated or affiliated web content or mobile apps that meet WCAG 2.1, Level AA standards, the Authority will: (1) provide alternate means of access to the same information and functionality; (2) make reasonable modifications to policies, practices, or procedures; (3) ensure effective communication through appropriate auxiliary aids and services; and (4) respond to accommodation requests within ten (10) business days. Such accommodations may include: (a) alternative document formats (large print, Braille, audio); (b) telephone or in-person assistance for online services; or (c) email or mail delivery of information typically accessed online.

2. Digital Accessibility Coordinator

The Board designates its Superintendent/Web platform provider as the Authority's Digital Accessibility Coordinator. That individual(s) is responsible for coordinating and implementing this policy.

See Board Policy 2260.01 for the Section 504/ADA Compliance Coordinator(s)' contact information.

3. Third-Party Content

Links included on the Board's website(s) and Authority-approved/affiliated mobile apps that pertain to its programs, activities, and/or services must also meet the above criteria and comply with State and Federal law (e.g., copyright laws, CIPA, Section 504, ADA, and COPPA). The Authority's Digital Accessibility Coordinator(s) or designee(s) will vet online content available on the Board's website and through Authority-approved/affiliated mobile apps that are related to the Authority's programs, activities, and/or services for compliance with this criteria for all new content published on the Authority's website and mobile apps after adoption of this policy.

Content posted by third parties (e.g., members of the public) on Authority platforms is exempt from the WCAG 2.1, Level AA requirements. Those platforms, however, along with content posted by the Authority staff or contractors, must be

fully compliant.

Additionally, nothing herein shall prevent the Authority from including links on its website(s) and apps/services to:

a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites), or

b. websites, services, and/or apps that are developed and hosted by outside vendors or organizations that are not part of the Authority's program, benefits, or services.

The Board recognizes that such third-party websites may not contain age appropriate advertisements that are consistent with the requirements of Policy 9700.01, AP 9700B, and State and Federal law.

4. Regular Audits

The Authority, under the direction of the Digital Accessibility Coordinator(s) or their designees, will, at regular intervals, audit the Authority's digital content to ensure it meets the required technical standard.

If problems are identified through the audit, such problems will be documented, evaluated, and, if necessary, remediated within a reasonable period of time.

5. Reporting Concerns or Possible Violations

If a person accessing the Authority's web content and/or Authority-approved/affiliated mobile apps (e.g., a student, prospective student, employee, guest, or visitor) ("user") believes that specific web content and/or a mobile app has violated the WCAG 2.1, Level AA standards, the user may contact the Digital Accessibility Coordinator with any accessibility concerns. The individual may also file a formal complaint utilizing the procedures set out in Board Policy 2260 and Policy 2260.01 relating to Section 504 and Title II.

D. Instructional Use of Apps/Services

The Board authorizes the use of apps and services to supplement and enhance learning opportunities for students either in the classroom or for extended learning outside the classroom. Students are prohibited from accessing social media platforms through the use of Internet access provided by the Authority unless expressly directed by a teacher solely for educational purposes.

A teacher who elects to supplement and enhance student learning through the use of apps/services is responsible for verifying/certifying to

the Superintendent and/or Principal that the app/service has a FERPA compliant privacy policy, and it complies with all requirements of the Children's Online Privacy Protection Act (COPPA) and the Children's Internet Protection Act (CIPA) and Section 504 and the ADA.

The Board further requires the use of a Board-issued e-mail address in the login process for Authority-approved/affiliated apps/services.

E. Training

The Authority will provide periodic training for its employees who:

1. create web content, documents, or multimedia materials;

2. manage the Board's website and digital services;

3. select and contract with technology vendors; and

4. work on online communications.

This Policy and responsibilities associated with the specified staff members' roles related to implementation of this policy and ensuring the Authority's digital content is appropriate and accessible.

Such training shall be facilitated by qualified individuals with demonstrated knowledge, skill, and experience concerning the accessibility standards and ADA compliance.

F. One-Way Communication Using the Authority Website and/or Authority-approved/Affiliated Apps/Services

The Authority is authorized to use its website (s) and Authority-approved/affiliated apps/services to promote school activities and inform stakeholders and the general public about Authority news and operations. However, the use of TikTok or any successor platform is prohibited on Authority-owned devices, through Internet access provided by the Authority, or as a platform to communicate or promote any Authority school, school-sponsored club, extra-curricular organization, or athletic team.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via the Authority website(s) and/or Authority-approved/affiliated apps/services to be one-way communication, public comments are not solicited or desired, and the websites or apps/services is to be considered a nonpublic forum.

If the Authority uses an app/ service that does not allow the Authority to block or deactivate public comments (e.g., Facebook, which does not allow comments to be turned off, or Twitter, which does not permit users to disable private messages or mentions/replies), the Authority's use of that apps/service will be subject to Policy 7544 – Use of Social Media, unless the Authority is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the Authority will retain the comments in accordance with its adopted record retention schedule (see AP 8310A – *Requests for Public Records*), but it will not review or consider those comments.

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Revised 8/20/24
Revised 3/10/26
Revised 4/14/26

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Legal
F.S. 104.31(1)(a)
F.S. 110.233(2)
F.S. 110.233(4)
F.S. 112.313(6)
F.S. 1001.32(2)
F.S. 1001.42
H.R. 4577
P.L. 106-554, Children's Internet Protection Act of 2000
People Against Tax Revenue Mismanagement v. County of Leon, 583 So. 2d 1373 (Fla. 1991); Commission on Ethics: In Re: Patty Lynch, Case No. 2068EC (1994)

PROPERTY

po7540.03

STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY

ADOPTED Apr 12, 2016 · REVISED Aug 20, 2024

7540.03 - **STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning to incorporate the vast, diverse, and unique resources available through the Internet. The Governing Board provides technology resources (as defined in Bylaw 0100) to support the educational and professional needs of its students and staff. With respect to students, CCCSA technology resources afford them the opportunity to acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board provides students with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The CCCSA's computer network and Internet system do not serve as a public access service or a public forum and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of CCCSA technology resources by principles consistent with applicable local, State, and Federal laws, the CCCSA's educational mission and articulated expectations of student conduct as delineated in the Code of Student Conduct. This policy and its related administrative procedures and the Code of Student Conduct govern students' use of CCCSA technology resources and students' personal communication devices when they are connected to the CCCSA computer network, Internet connection, and/or online educational services/apps or when used while the student is on Board-owned property or at a Board-sponsored activity (see Policy 5136).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its technology resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using CCCSA technology resources (including, but not limited to, privacy in the content of their personal files, e-mails, and

records of their online activity when using the CCCSA's computer network and/or Internet connection).

First, the Board may not be able to technologically limit access, through its technology resources, to only those services and resources that have been authorized for the purpose of instruction, study, and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted procedures and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act (CIPA). At the discretion of the Board or the Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using CCCSA technology resources if such disabling will cease to protect against access to materials that are prohibited under the CIPA. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Superintendent or designee may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether the material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.

Parents are advised that a determined user may be able to gain access to services and/or resources on the Internet that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents may find inappropriate, offensive, objectionable, or controversial. Parents of minors are responsible for setting and conveying the standards that their children should follow when using the Internet.

The CCCSA shall provide an Internet Safety Program in accordance with State Board of Education Rule. Among other things, the Program:

A. limits access by students to only age-appropriate subject matter and materials on the Internet;

B. protects the safety and security of students when using e-mail, chat rooms, and other forms of direct electronic communications;

C. prohibits access by students to data or information, including so-called "hacking," and other unlawful online activities by students; and

D. prevents access to websites, web applications, or software that does not protect against the disclosure, use, or dissemination of students' personal information.

In addition, pursuant to Federal law, students shall receive education about the following:

A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications;

B. the dangers inherent with the online disclosure of personally identifiable information;

C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying, and other unlawful or inappropriate activities by students online; and,

D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors.

Staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the online activities of students while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of CCCSA technology resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media, including in chat rooms, and cyberbullying awareness and response. All users of CCCSA technology resources (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying procedures.

Students will be assigned a school e-mail account that they are required to utilize for all school-related electronic communications, including those to staff members, peers, and individuals and/or organizations outside the CCCSA, with whom they are communicating for school-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their school-assigned e-mail account when signing up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

Students are responsible for good behavior when using CCCSA technology resources i.e., behavior comparable to that expected of students when they are in classrooms, school hallways, and other school premises and school-sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Board does not approve any use of its technology resources that are not authorized by or conducted strictly in compliance with this policy and its accompanying procedures.

Students are prohibited from accessing social media platforms through the use of Internet access provided by the CCCSA unless expressly directed by a teacher solely for educational purposes. The use of the TikTok platform or any successor platform is prohibited on CCCCSA-owned devices, through Internet access provided by the CCCCSA, or as a platform to communicate or promote any CCCSA school, school-sponsored club, extracurricular organization, or athletic team.

Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of CCCSA technology resources that are not authorized by this policy and its accompanying procedures.

The Board designates the Superintendent and designee as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying procedures as they apply to students' use of CCCSA technology resources.

Revised 8/20/24

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Legal
F.S. 1001.43
F.S. 1001.51
F.S. 1003.02
P.L. 106-554, Children's Internet Protection Act of 2000
47 U.S.C. 254(h),(1), Communications Act of 1934, as amended
20 U.S.C. 6301 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended
20 U.S.C. 6777 (2003)

20 U.S.C. 9134 (2003)
18 U.S.C. 2256
18 U.S.C. 1460
18 U.S.C. 2246
47 C.F.R. 54.500
47 C.F.R. 54.501
47 C.F.R. 54.502
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PROPERTY

po7540.04

STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

7540.04 - **STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The School Authority provides technology and information resources (as defined by Bylaw 0100) to support the educational and professional needs of its staff and students. The Authority provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The Authority's computer network and Internet system do not serve as a public access service or a public forum and the Authority imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Authority regulates the use of Authority technology and information resources by principles consistent with applicable local, State, and Federal laws and the Authority's educational mission. This policy and its related administrative procedures and any applicable employment contracts govern the staff's use of the Authority's technology and information resources and staff's wireless communication devices when they are connected to the Authority's computer network, Internet connection, and/or online educational services/apps, or when used while the staff member is on Authority-owned property or at a Authority-sponsored activity (see Policy 7530.02).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its technology resources are not unlimited, the Authority has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using Authority technology and information resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the Authority's computer network and/or Internet connection).

Staff members are expected to utilize Authority technology and information resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Authority encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services will be guided by Authority Policy 2520 *Selection of and Adoption of Instructional Materials*.

The Internet is a global information and communication network that brings incredible education and information resources to our students. The Internet connects computers and users in the Authority with computers and users worldwide. Through the Internet, students and staff can access relevant information that will enhance their learning and the education process. Further, Authority technology resources provide students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.

Staff must follow the Authority's Internet Safety Plan which:

A. limits access by students to only age-appropriate subject matter and materials on the Internet;

B. protects the safety and security of students when using e-mail, chat rooms, and other forms of direct electronic communications;

C. prohibits access by students to data or information, including so-called "hacking," and other unlawful online activities by students; and

D. prevents access to websites, web applications, or software that does not protect against the disclosure, use, or dissemination of students' personal information.

The Authority may not be able to technologically limit access, through its technology resources, to only those services and resources that have been authorized for the purpose of instruction, study, and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Authority has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act (CIPA). At the discretion of the Authority or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Authority also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using the Authority technology resources if such disabling will cease to protect against access to materials that are prohibited under the CIPA. Any staff member who attempts to disable the technology protection measures without the express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

In accordance with Florida law, no prohibited application as identified by the Florida Department of Management Services (DMS) shall be installed or utilized on an Authority-owned WCD. Upon notice of any changes to DMS's list of prohibited applications, Authority employees shall have fifteen (15) calendar days to remove such applications.

The Superintendent or designee may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether the material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent or designee may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

Staff members will participate in professional learning programs in accordance with the provisions of law and this policy. Training shall include:

A. the safety and security of students while using e-mail, chat rooms, social media, and other forms of direct electronic communications;

B. the inherent danger of students disclosing personally identifiable information online;

C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying, and other unlawful or inappropriate activities by students or staff online; and

D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors.

Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above, and staff members will monitor students' online activities while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions or use of specific monitoring tools to review browser history and network, server, and computer logs.

The disclosure of personally identifiable information about students online is prohibited.

Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. The Authority expects that staff members will provide guidance and instruction to students in the appropriate use of the Authority technology resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media, including in chat rooms and cyberbullying awareness and response. All users of Authority technology resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying procedures.

Staff will be assigned a school email address that they are required to utilize for all school-related electronic communications, including those to students, parents and other constituents, fellow staff members, and vendors or individuals seeking to do business with the Authority.

With prior approval from the Superintendent or designee, staff may direct students who have been issued school-assigned email accounts to use those accounts when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the students for educational purposes under the teacher’s supervision.

Staff members are responsible for good behavior when using Authority technology and information resources - i.e., behavior comparable to that expected when they are in classrooms, school hallways, and other school premises and school-sponsored events. Communications on the Internet are often public in nature. The Authority does not approve any use of its technology and information resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying procedures

An employee's personal or private use of social media may have unintended consequences. While the Authority respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the Authority's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer. Postings to social

media should be done in a manner sensitive to the staff member's professional responsibilities.

General school rules for behavior and communication apply.

Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of Authority technology and information resources that are not authorized by this policy and its accompanying guidelines.

The Authority designates the Superintendent and the administrative team as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying procedures as they apply to staff members' use of Authority technology and information resources.

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parental consent (see Policy 8330). Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality laws or privacy laws related to the disclosure of confidential student or employee information may be disciplined.

Revised 5/14/19
Revised 8/20/24
Revised 4/14/26

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Legal
F.S. 112.22
F.S. 847.012
F.S. 1001.41
F.S. 1003.02
F.S. 1012.32
P.L. 106-554, Children's Internet Protection Act of 2000
47 U.S.C. 254(h),(1), Communications Act of 1934, as amended
20 U.S.C. 6301 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended
20 U.S.C. 6777 (2003)
20 U.S.C. 9134 (2003)
18 U.S.C. 2256
18 U.S.C. 1460
18 U.S.C. 2246
47 C.F.R. 54.500

47 C.F.R. 54.501
47 C.F.R. 54.502
47 C.F.R. 54.503
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PROPERTY

po7540.05

ELECTRONIC MAIL

ADOPTED Apr 12, 2016

7540.05 - **ELECTRONIC MAIL**

The Governing Board is committed to the effective use of electronic mail by all employees of the Authority in conduct of their official duties. The intent is to assist employees in using electronic messages. It is not meant to limit or discourage the use of electronic mail for conducting business. Rather, it is to establish a framework for the proper use of electronic mail as an official business tool.

As required by State law, the following statement shall be posted in a conspicuous location on the Authority's website:

> "Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail regarding official business to the Authority or any of its employees. Instead, contact the Authority or individual employee by phone or in writing."

The Authority complies with all Federal and State laws pertaining to electronic mail. State and Federal law exempts certain documents and information within documents from disclosure, no matter what their form. Before electronic mail is released pursuant to a public records request, all exempt information in it must be redacted.

The Board does not authorize the use of its proprietary computers and computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent from the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is not authorized by the Authority and is prohibited by Part III of Chapter 668 of State law. Similarly, e-mail that is relayed from any third party's mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network, and is prohibited by Part III of Chapter 668 of State law. Further, the Authority does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e- mail.

The Authority reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining

within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the Authority's network. The Authority's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of Authority rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender.

Further, the Board prohibits adults from knowingly distributing to minors any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format through e-mail sent, or caused to be sent, to or through the Authority's network. An adult who knowingly distributes any such material to a minor through e-mail sent, or caused to be sent, to or through the Authority's network also commits a felony under State law, and is subject to disciplinary action to and including termination.

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Legal
F.S. 119.011
F.S. 257.05
F.S. 668.60 et seq.
F.S. 668.701 et seq.
F.S. 847.012

PROPERTY

po7540.08

ARTIFICIAL INTELLIGENCE (AI)

ADOPTED Sep 16, 2025 · REVISED May 12, 2026

7540.08 - **ARTIFICIAL INTELLIGENCE (AI)**

The School Board acknowledges the positive impact and transformative potential of Artificial Intelligence (AI) in education and operations, emphasizing a balanced, people-centered approach. It supports the responsible and innovative use of AI in classrooms and professional settings, with the understanding that AI should enhance human interaction and instruction, not replace it, and all AI-driven decisions require human review.
The Superintendent is authorized to support the use of artificial intelligence technology when its use is consistent with the CCCCSA's mission, goals, and operational integrity. The Superintendent is responsible for overseeing and ensuring compliance of this policy.

Definitions

For purposes of this policy, the following definitions apply:

Artificial Intelligence (AI)

AI refers to systems or tools capable of performing tasks that typically require human intelligence, including, but not limited to, decision-making, problem-solving, and language understanding. AI is computer code that can resemble human intelligence to complete a given task (e.g., problem-solving, planning, etc.). It involves developing algorithms and systems that can perceive, reason, learn, and make decisions based on data made available to the AI tool.

Generative AI

A subset of AI that uses large language models (LLMs) and other advanced algorithms to create content, such as text, images, audio, or video, in response to user input.

Generative AI works by analyzing large datasets to learn patterns and features, which it then uses to generate new, original content. It uses complex algorithms, often based on neural networks, to make predictions based on the input data it has processed; thereby enabling it to create a wide range of outputs, from text and images to music and code, that mimic the style or characteristics of the data on which it was trained.

At its core, generative AI predicts the flows of language. Trained on massive amounts of text taken from publicly available internet sources to recognize the relationships that most commonly exist between individual units of meaning (including full or partial words, phrases, and sentences), LLMs can, with great frequency, generate replies to users' prompts that are contextually appropriate, linguistically facile, and factually correct.

Natural Language Processing (NLP)

A field of artificial intelligence that focuses on enabling computers to understand, interpret, and respond to human language in a meaningful way. Examples of NLP include, but are not limited to, Grammarly, GPT-Based APIs, Google Cloud Natural Language AI, Microsoft Azure Text Analytics, IBM Watson NLP, Amazon Comprehend, etc.

Large Language Model (LLM)

A sophisticated AI system trained on extensive text data to process and produce language; recognize patterns, grammar, and nuances. It can perform tasks like text generation, question answering, and language translation.

Algorithm

A set of rules or instructions guiding AI operations and decision-making.

Personally Identifiable Data/Personal Data

Refers to any information that can directly or indirectly identify an individual, including, but not limited to, names, addresses, student records, and health information.

Proprietary Information/Data

Refers to a broad category of non-public, sensitive, or confidential data belonging to the CCCCSA, its staff, or its operations. This information is considered the CCCCSA's. This information is generally protected from unauthorized disclosure or use.

Open AI ("Open-Source AI")

Definition: AI models where the developers openly share the model's architecture, underlying code, and often the "weights" (the learned parameters of the model), and sometimes the training data. Open AI models accessed publicly present a high risk of data release, as data input is often used for AI tool training and can be publicly available. Open AI models may require the CCCCSA to implement and manage its own wrapper or filtering layer. As a result, it is not recommended that Open AI tools/applications are used in CCCCSAs due to the high potential of violating Federal and State laws. Open-Source AI also produces less reliable content, because it is accessing a pool of data that is not universally verified as accurate.

Closed AI ("Closed-Source/Proprietary AI")

Definition: AI models where the developers obscure or protect the model's architecture, underlying code, training data, and weights. Users interact with the model via a restricted service. Closed AI may offer better, contractually-guaranteed data security (e.g., "enterprise" versions), but its "black box" nature still requires a formal audit and contract. Closed AI developers typically manage these filters internally. Closed-Source or Proprietary AI produces more reliable results because it is accessing data sources that are controlled and can be verified as accurate.

Any use of artificial intelligence technology in the CCCCSA's educational program or operations must be in accordance with State and Federal law as well as Board policies.

General Principles

A. Transparency

Users of AI tools must disclose when and how these tools have been employed in the creation of academic or professional work.

B. Ethical Use

CCCCSA employees who use AI technologies must do so in ways consistent with institutional values, privacy standards, Family Educational Rights and Privacy Act (FERPA), Individual with Disabilities Education Act (IDEA), copyright laws, and ethical principles, honesty, trustworthiness, and personal dignity of both employees and students.

C. Content Responsibility

CCCCSA employees who use AI technologies are responsible for the content created by that AI tool.

Evaluation and Approval

Before adopting any AI tool or system, the CCCCSA will conduct a comprehensive risk assessment — evaluating data sources (including use of student
Personally Identifiable Information), decision-making impacts on students, potential bias or disparate impact, and vendor compliance with privacy, security, and data retention laws — and ensure all contracts include clear legal, ethical, and technical safeguards aligned with FERPA, IDEA, COPPA, PPRA, Florida statutes, and CCCCSA policies. AI systems must be reviewed to ensure they are nondiscriminatory, fully accessible, and do not compromise the rights or individualized support of students, particularly those protected under Federal and State civil rights laws.

AI Tool Selection

The CCCCSA approves the use of Closed AI tools only, that have been carefully reviewed, evaluated and approved by the Principal, Superintendent for students and staff use.

Transparency

The CCCCSA is committed to transparency and accountability in AI use by informing teachers, students, and parents when AI influences decisions, clearly explaining how it works and what data it uses, assigning oversight to the Superintendent, and conducting regular audits to evaluate accuracy, fairness, and impact on equity and student rights. The CCCCSA will maintain a public AI Tool Inventory that lists every approved AI tool and includes a summary of its data-handling and privacy features. AI inventories will be published in each school's handbook.

Vendor Vetting & Contracts

All AI tools used by the CCCCSA must undergo a formal risk assessment by the IT/Legal department to review their Terms of Service and data handling practices to ensure compliance with all Federal and State privacy laws. The CCCCSA prohibits the input by any user of any student information, staff information, or confidential CCCCSA data into any AI tool that does not have a formal, vetted contract guaranteeing data privacy and non-use for training.

Employee Use of AI

Employees may integrate AI tools into their instruction at their discretion and should clearly define the parameters for AI usage in the classroom by students using CCCCSA-approved AI applications/tools.

When using AI to create instructional materials, assessments, or feedback, Employees must review and verify the accuracy and appropriateness of any AI-generated content.

Employees shall not input sensitive, confidential, personally identifiable, or proprietary information about students, colleagues, or institutional operations into AI systems that lack safeguards and policies to protect such data from being used in their training models, and if such information will be entered into an AI system, employees shall seek the approval of their Principal before doing so.

Using AI detection software to enforce academic integrity should be done in accordance with the knowledge that this software is not foolproof and that the disruptive nature of AI technologies in education can lead to considerable confusion regarding expectations for AI use. Employees should use AI-detection ethically and as the starting point of an inquiry into

a possible violation of academic integrity rather than as a definitive indication of student dishonesty. Employees must also disclose the use of AI software in course curricula.

Employees may use AI tools to enhance workflows, such as drafting communications, analyzing data, or developing reports, provided the outputs are verified for accuracy and compliance with State and Board policies. The use of AI tools for such purposes should be disclosed when disseminating AI output.

Student Use of AI

Students shall receive age appropriate instruction about responsible AI use, digital citizenship, privacy, and the risks/limitations of AI prior to using AI.

Students are expected to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI tools and they should ask their teacher(s) when they have questions and/or need assistance.

Students may use AI tools for academic purposes when specifically and clearly permitted by their teacher(s). The use of AI must be properly disclosed and cited in accordance with the established guidelines and not be employed to undermine authentic learning or learning objectives for the course or assignment.

If a student has any questions about whether they are permitted to use AI tools for a specific class assignment, they should ask their teacher(s).

Unauthorized use of AI tools will be considered a form of plagiarism, unauthorized collaboration, or misrepresentation of AI-generated content as original work and any student found using these tools without permission or in a prohibited manner will be disciplined in accordance with the Student Handbook or Policy 5500 – *Student Conduct* and Policy 5505 – *Academic Honesty*.

Academic Accessibility

AI tools can be utilized to assist students with disabilities in accessing and understanding written materials. For example, text-to-speech software can help students with specific learning disabilities, visual impairments, or other disabilities in reading texts, and AI-powered translation tools can help students with hearing impairments understand spoken language (e.g., create transcripts or provide closed-captioning for spoken material). Specific use of AI technologies beyond universal application for students with disabilities is best addressed in each student's Individualized Education Plan (IEP).

Employee Training

Employees will receive training annually to ensure adherence to this and other related policies, data privacy, student records, and allowable/approved AI tools in the CCCCSA.

Non-Academic Use of AI

Students and staff are prohibited in the use of AI from generating false or knowingly misleading representations of other students, staff, volunteers, or Board members that are reasonably interpreted as derogatory, threatening, or otherwise objectionable to a reasonable person, including by way of AI generated or manipulated visual or verbal depictions of any such individual, or the distribution of such depictions through any means, for example via social media, regardless of whether the distributor created the depictions themselves.

Enforcement

Violation of this policy may result in disciplinary consequences. Students may be disciplined for violations, up to and including suspension or expulsion. Staff may be disciplined for violations, up to and including suspension or termination of employment. The Superintendent will refer any illegal acts to law enforcement.

Questions or Concerns

Staff, parents, or members of the public who have questions or concerns regarding this policy or the use of AI in the CCCCSA should contact the Superintendent or Principal.

Revised 4/14/26
Revised 5/12/26

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PROPERTY

po7542

ACCESS TO TECHNOLOGY RESOURCES FROM PERSONAL COMMUNICATION DEVICES

ADOPTED Apr 12, 2016

7542 - **ACCESS TO TECHNOLOGY RESOURCES FROM PERSONAL COMMUNICATION DEVICES**

Authority Governing Board members, employees, students, parents and visitors, as well as contractors, vendors, and/or agents of the Authority may use their personal communication devices to wirelessly access the Authority's technology resources (guest or business networks, servers, printers, smart boards, etc.) while they are on-site at any Authority facility.

For purposes of this policy, a "personal communication device" (PCD) includes computers, tablets, (i.e. iPad-like devices), electronic readers or e-readers (i.e. Kindle-like devices), cell phones, smartphones, and/or other web-enabled devices of any type.

Access to the business/guest network shall require authentication.

Furthermore, if the user will access the Authority's technology resources (networks, servers, printers, smart boards, etc.) through a hard-wired connection, the user's PCD must first be checked by the Information Technology Department to determine that the device meets the established standards for equipment used to access the Authority's technology resources.

The Information Technology Department is charged with developing the necessary standards for connecting to the Authority's technology resources (e.g., servers, networks, printers, projectors, smart boards, etc.). Access to these standards for connecting to the Authority's technology resources using a personal communication device of any type shall be provided upon request for all to whom this policy applies.

The use of personal communication devices must be consistent with the established standards for appropriate use as defined in Policy 7540.03 - *Student Network and Internet Acceptable Use and Safety* and Policy 7540.04 - *Staff Network and Internet Acceptable Use and Safety*, and Policy 7530.02 – *Staff and School Officials Use of Wireless Communication Devices*. When an individual connects to and uses the Authority's technology resources, s/he must agree to abide by all applicable policies, administrative guidelines and laws (e.g., the user will be presented with a "splash screen" that will set forth the terms and

conditions under which s/he will be able to access the Authority's technology resource(s); the user will need to accept the stated terms and conditions before being provided with access to the specified technology resource(s).

In order to comply with the Children's Internet Protection Act ("CIPA"), the Board utilizes technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors. The Board also utilizes software and/or hardware to monitor online activity to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors.

Any user who violates the established standards and/or the Board policies identified above, or who accesses the Authority's technology resources without authorization may be denied access to the Authority's technology resources. If a contractor, vendor, or agent of the Authority commits the violation, the contract may be subject to cancellation. Further, disciplinary action may be taken if a student or employee commits the violation.

The owner of a PCD bears all responsibility and assumes all risk for loss, damage, or misuse of said property while it is on Board property. This provision applies, without limitation, to students, employees, contractors, vendors, agents, invitees, visitors, and trespassers.

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po7543

UTILIZATION OF THE AUTHORITY'S WEBSITE AND REMOTE ACCESS TO THE AUTHORITY'S NETWORK

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

7543 - **UTILIZATION OF THE AUTHORITY'S WEBSITE AND REMOTE ACCESS TO THE AUTHORITY'S NETWORK**

Access to the Authority's website (www.capecharterschools.org) is encouraged.

The following resources shall be available on the Authority's website:

A. the Authority's calendar of events

B. Annual Accountability Report

C. Governing Board agendas and minutes

The Board encourages employees, parents, students, and community members to check the Authority's website regularly for changes to these resources and for the addition of other resources. Some resources may require a user name and password, or a login procedure due to the personally identifiable nature of the information provided through that resource (e.g., the gradebook program and e-mail system). If a user name and password, or login procedure, is necessary to access a resource, information shall be provided on the website explaining who is eligible for a user name and password, how to obtain a user name and password, and detailed instructions concerning the login process.

Access to the Authority Network through Server

Board members, Authority employees, students, as well as contractors, vendors, and/or agents of the Authority, are permitted to use their personally-owned or Authority-owned computer or workstation and/or web-enabled devices of any type to remotely (i.e. away from Authority property and facilities) access the Authority's server and thereby connect to the Authority's Network. This policy is limited to remote access connections that are used to do work on behalf of or for the benefit of the Authority, including, but not limited to, reading or sending e-mail and reviewing Authority-provided intranet web resources and completing assigned coursework.

Each individual granted remote access privileges pursuant to this policy must adhere to the following standards and regulations:

A. his/her device computer/device must have, at the minimum, the anti-virus software specified in the Authority's standards for remote access and connection

B. the individual may only access the Network using his/her assigned user name and password

   The individual must not allow other persons, including family members, to use his/her user name and password to login into the Network. The user may not go beyond his/her authorized access.

C. his/her device may not be connected to any other network at the same time s/he is connected to the Network, with the exception of personal networks that are under the complete control of the user

D. the individual may not access non-Authority e-mail accounts (e.g. Hotmail, Gmail, Yahoo, AOL, and the like) or other external resources while connected to the Network

E. his/her device may not, at any time while the individual is using remote access to connect to the Network, be reconfigured for the purpose of split tunneling or dual homing

F. use of the Network is contingent upon the individual abiding by the terms and conditions of the Authority's Network and Internet Acceptable Use and Safety policy and procedures

   Users may be required to sign the applicable agreement form (Form 7540.03 F1 or Form 7540.04 F1) prior to being permitted to use remote access.

Additional standards and regulations for remotely accessing and connecting to the Authority network shall be developed and published in AP 7543 - *Standards and Regulations for Remote Access and Connection*.

Any user who violates this policy may be denied remote access and connection privileges.

Any employee who violates this policy may be disciplined, up to and including termination; any contractor, vendor, and/or agent who violates this policy may have his/her contract with the Authority terminated; and any student who violates this policy may be disciplined up to and including suspension or expulsion.

Revised 8/14/18

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PROPERTY

po7544

USE OF SOCIAL MEDIA

ADOPTED Aug 14, 2018 · REVISED Aug 20, 2024

7544 - **USE OF SOCIAL MEDIA**

Technology is a powerful tool to enhance education, communication, and learning.

The Governing Board authorizes the use of social media to promote community involvement and facilitate effective communication with students, parents/guardians, staff (including Authority-approved volunteers), and the general public. Social media is defined in Bylaw 0100.

The Superintendent is charged with designating the Authority-approved social media platforms/sites, consistent with the Florida Department of Management Service's (DMS) list of prohibited applications.

In designating Authority-approved social media platforms/sites, the Superintendent shall specify which platforms/sites are strictly prohibited for all uses and which ones may be appropriate for use at the Authority level, the building or department level, for extra-curricular activities, and at the individual level by employees for professional purposes.

Students are prohibited from accessing social media platforms through the use of Internet access provided by the Authority except when expressly directed by a teacher solely for educational purposes.

It is critical that students be taught how to use social media platforms safely and responsibly. Social media (as defined in Bylaw 0100) are a powerful and pervasive technology that affords students and employees the opportunity to communicate for school and work purposes, and to collaborate in the delivery of a comprehensive education. Federal law mandates that the Authority provide for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. See Board Policy 7540.03 – *Student Technology Acceptable Use and Safety*.

The Authority recognizes that employees may use social media for personal, as well as professional reasons. The Authority neither encourages nor discourages employees' use of social media for personal purposes. The Authority regulates employees' use of social media for purposes related to their Authority assignment to the same extent as it regulates any other form of employee communication in that regard.

The Authority uses approved social media platforms/sites as interactive forms of communication.

Each Authority-approved social media account/site must contain a statement that specifies its purpose(s) and limits those who access the social media account/site to use of the account/site only for that/those purpose(s), and in accordance with any specified procedures and applicable terms of service. Users are personally responsible for the content of their posts.

Social Media for Instructional and School-Sponsored Activities

Staff (including Authority-approved volunteers) may, with prior approval/authorization from the Principal use social media platforms/sites for classroom instruction or school-sponsored activities. However, the use of TikTok or any successor platform is prohibited on Authority-owned devices, through Internet access provided by the Authority, or as a platform to communicate or promote any Authority school, school-sponsored club, extra-curricular organization, or athletic team. When a staff member uses an Authority-approved social media platform/site for an educational purpose, it will be considered an educational activity and will not be considered a limited public forum. Students' use of Authority-approved social media platforms/sites must be consistent with the Student Code of Conduct, Policy 5722 – *School-Sponsored Student Publications and Productions*/AP 5722 - *School Publications/Productions*, Policy 7540.03/AP 7540.03 – *Student Technology Acceptable Use and Safety*, the instructor's directions/procedures, and the platform/site's applicable terms of service. Students are prohibited from posting or releasing personally identifiable information about students, employees and volunteers through Authority-approved social media, without appropriate consent.

Expected Standards of Conduct on Authority-Approved Social Media

Employees and Authority-approved volunteers who access Authority-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner. Students, parents, and members of the general public who access Authority-approved social media platforms are similarly expected to conduct themselves in a respectful, courteous, and civil manner.

Authority-approved social media sites must comply with DMS's current list of prohibited applications and shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with Authority operations; or interferes with the rights of others. The Authority may exercise editorial control over the style and content of student speech on Authority-approved social media, if reasonably related to legitimate pedagogical concerns. Staff or students who post prohibited content shall be subject to appropriate disciplinary action.

The Authority is committed to protecting the privacy rights of students, parents/guardians, staff, volunteers, Board members, and other individuals on Authority-approved social media sites. Authority employees and volunteers are prohibited from posting or releasing confidential information about students, employees, volunteers, or Authority operations through social media, without appropriate consent (i.e., express written consent from the parent of a student, the affected employee or volunteer, or the Superintendent concerning Authority operations).

Retention of Public/Student Records

Authority communications that occur through the use of Authority-approved social media platforms/sites – including staff members'/volunteers' use of social media with school sponsored activities, and comments, replies, and messages received from the general public – may constitute public records or student records, and all such communications will be maintained (i.e., electronically archived) in accordance with the Board's adopted record retention schedule and all applicable State statutes. (See AP 8310A – *Requests for Public Records*).

If a staff member uses Authority-approved social media platforms/sites in the classroom for educational purposes (i.e., classroom instruction), the staff member must consult with the Principal concerning whether such use may result in the creation of public and/or education records that must be maintained (i.e., electronically archived) for a specific period of time.

Employees' Use of Personal Communication Devices at Work to Access Social Media for Personal Use

Employees are permitted to use personal communication devices to access social media for personal use during breaks and mealtimes.

Employees and Authority-approved volunteers are prohibited from posting or engaging in communication that violates State or Federal law, Board policies, or administrative procedures. If an employee/volunteer's communication interferes with his/her ability to effectively perform his/her job, or violates State or Federal law, Board policies, or administrative procedures, the Authority may impose disciplinary action and/or refer the matter to appropriate law enforcement authorities.

This policy and its corresponding administrative procedure will be reviewed and updated as necessary.

Revised 8/20/24

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Legal

F.S. 112.22
F.S. Chapter 119
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43
F.S. 1002.221
F.S. 1003.42
F.A.C. 6A-10.081
20 U.S.C. 1232g
34 C.F.R. Part 99
Protecting Children in the 21st Century Act,
Pub. L. No. 110-385, Title II, Stat. 4096 (2008)
Children's Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)

OPERATIONS

po8100

INTERLOCAL AGREEMENTS

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

8100 - **INTERLOCAL AGREEMENTS**

F.S. 187.201 provides that it is a goal of the State that Florida governments economically and efficiently provide the amount and quality of services required by the public. It is a policy of the State to encourage greater cooperation between, among, and within the levels of Florida government through the use of appropriate interlocal agreements and mutual participation for mutual benefit.

Local governments are permitted to make the most efficient use of their powers by cooperating with other localities on a basis of mutual advantage and thereby providing services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

Local governments must accomplish analyses of problems and opportunities for existing schools and schools anticipated in the future; analyses of opportunities to collocate future schools with other public facilitates, such as parks, libraries, and community centers; and analyses of the need for supporting public facilities for existing and future schools.

County and municipalities located within the geographic area of the Authority shall enter into an interlocal agreement with the Authority that jointly establishes the specific ways in which the plans and processes of the Governing Board and the local governments are to be coordinated.

An interlocal agreement may provide for one (1) or more parties to the agreement to administer or execute the agreement. The parties may provide for the mutual exchange of services without payment or any contribution other than services. The parties may also provide for the use or maintenance of facilities or equipment of another party on a cost-reimbursement basis.

School boards may enter into interlocal agreements for the transportation of students, for building rental, for maintenance and upkeep of school plants, for the use of school buses for public purposes, including, but not limited to providing for the needs of the transportation disadvantaged, and for other public purposes.

The interlocal agreement shall provide for reimbursement to the Authority, in full or in part, the proportionate share of the fixed and operating costs incurred that are attributable to the use of buses or attributable to the maintenance or other activities conducted by the Board.

The public agency receiving services from the Board shall indemnify and hold harmless the Board from any and all liability by virtue of the use of buses pursuant to an interlocal agreement.

An interlocal agreement entered into by the Authority for the development of only its own Authority schools, including provisions relating to the extension of infrastructure, may be used by charter schools.

Revised 11/18/22

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Legal
F.S. 163.01
F.S. 1002.3301
F.S. 1003.02
F.S. 1006.261

OPERATIONS

po8141

MANDATORY REPORTING OF MISCONDUCT

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

8141 - **MANDATORY REPORTING OF MISCONDUCT BY CERTIFICATED EMPLOYEES**

The Governing Board recognizes its responsibilities to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process.

For purposes of this policy, the term "employee(s)" all employees of the System and school officers as defined in F.S. 1012.01.

Reporting Misconduct

All Authority employees are required to report to the Superintendent alleged misconduct by Authority employees which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student.

If the alleged misconduct to be reported is regarding the Superintendent, the Authority employee shall report the alleged misconduct to the Board attorney. Failure to report such alleged misconduct shall result in appropriate disciplinary action (F.S. 1012.796(d)). The report shall be made in accordance with Policy 9130 *Public Complaints*.

The Superintendent shall investigate any allegation of misconduct by Authority employees which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, and shall report the alleged misconduct to the Department of Education as required in F.S. 1012.796, 1001.51(12, b), 1001.42(7, b), and must notify the Florida Department of Education of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated before the conclusion of the investigation.

The Superintendent shall report to law enforcement agencies with jurisdiction any misconduct that would result in disqualification from educator certification or employment as set forth in F.S. 1012.315.

Staff alleged to have committed such misconduct shall be reassigned or put on administrative leave pending the outcome of a misconduct investigation.

Parental Notification of Alleged Misconduct

Within thirty (30) days of the date on which the Authority learns of misconduct by instructional personnel, educational support personnel, and school administrators any employee of the District that affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, lewd conduct with a student, or any conduct that would result in disqualification from educator certification or employment as provided in F.S. 1012.315, the parent of a student who was subjected to or affected by such misconduct shall receive written notification informing the parent of the following:

A. the alleged misconduct, including which allegations have been substantiated, if any;

B. whether the Authority reported the misconduct to the FLDOE, if required by F.S. 1012.796;

C. the sanctions imposed by the Authority against the employee, if any; and

D. support the Authority will make available to the student subjected to or affected by the misconduct.

Parental notification shall be provided consistent with the provisions set forth in Policy 1590, Policy 3590, and Policy 4590, including the statutory requirement that school administrators, educational support personnel, and instructional staff members be provided ten (10) days notice before the disclosure of derogatory material.

Parental Notification of Arrests of Employees

Notwithstanding F.S. 1012.31(3)(a)1 and 1012.796(4), within twenty-four (24) hours after a law enforcement agency provides the Superintendent with written notification pursuant to F.S. 1012.797 that an Authority employee has been arrested for an offense listed in F.S. 435.04(2), felony or a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance, the Principal shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.

Filing a Complaint with the Department of Education

If it is alleged that an instructional staff member, educational support personnel, or administrator has committed a violation as provided in F.S. 1012.795, and defined by rule of the State Board of Education, the Superintendent shall file with the Department of Education a legally sufficient complaint within thirty (30) days after the date on which the subject matter of the complaint came to the attention of the Superintendent, regardless of whether the subject of the complaint is still an employee of the Authority. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided

in F.S. 1012.795 and defined by rule of the State Board of Education. The Superintendent shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the Department of Education to investigate complaints, regardless of the Authority's untimely filing, or failure to file, complaints and follow-up reports (F.S. 1012.796[e]).

Report of Resignation or Termination

If the Superintendent determines that a legally sufficient complaint of misconduct by an instructional staff member or an administrator who holds a certificate issued by the Florida Department of Education, or by any educational support personnel that affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated and the Superintendent must immediately report the misconduct to the Department of Education in the format prescribed by the Department even if the instructional staff member, educational support personnel or administrator resigns or is terminated before the conclusion of the Authority's investigation. The Department shall maintain each report of misconduct as a public record in the instructional personnel's certification files (F.S. 1012.796[d]).

Transmittal of False or Incorrect Report

The Superintendent shall not knowingly sign and transmit to any State official a report that the Superintendent knows to be false or incorrect.

The superintendent may not knowingly sign and transmit to any State official a report that the superintendent knows to be false or incorrect or knowingly fail to complete the investigation of any allegation of misconduct, that affects the health, safety, or welfare of a student, that would be a violation of F.S. 800.101 or that would be a disqualifying offense under F.S. 1012.315, or any allegation of sexual misconduct with a student. The superintendent may not knowingly fail to report the alleged misconduct to the Florida Department of Education as required in F.S. 1012.796, or knowingly fail to report misconduct to the law enforcement agencies with jurisdiction over the conduct pursuant to Board policy under F.S. 1001.42.

Pursuant to F.S. 1001.42(7), a Board member may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel, educational support personnel, or school administrators which affects the health, safety, or welfare of a student which the Board member knows to be false or incorrect.

Requirement of Disclosure of Employee Misconduct

The Board, Superintendent, or any other Authority employee, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel, educational support personnel, or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the

health, safety, or welfare of a student, and may not provide instructional or educational support personnel, or administrators with employment references or discuss the personnel's performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional or educational support personnel that affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced (F.S. 1001.42(6)).

Posting Requirements

Pursuant to F.S. 1006.061(2), this policy shall be posted in a prominent place at each school site and on each school's internet website, so that the policy and procedures for reporting alleged misconduct by instructional or educational support personnel or school administrators that affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional or educational support personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional or educational support personnel or school administrators is effectively communicated to all.

Liability

Employees who report misconduct which affects the health, safety, or welfare of a student may be entitled to certain statutory liability protections as set forth in F.S. 39.203 and 768.095.

Revised 8/14/18
Revised 10/8/19
Revised 2/9/21
Revised 12/14/21
Revised 11/18/22
Revised 4/14/26

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Legal
F.S. 39.203
F.S. 435.04(2)
F.S. 768.095
F.S. 1001.42(6)
F.S. 1001.42(7)(b)
F.S. 1001.51(12)(b)
F.S. 1006.061(2)
F.S. 1012.795
F.S. 1012.796
F.S. 1012.796(d)

F.S. 1012.796(e)
F.S. 1012.797

OPERATIONS

po8210

SCHOOL CALENDAR

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

8210 - **SCHOOL CALENDAR**

The Governing Board shall develop and approve the standard school year calendar. The calendar will then be submitted to The School Board of Lee County for final approval. The adopted school calendar may be found on the Authority website, as well as individual school websites.

Revised 8/14/18

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Legal
F.S. 1001.42
F.S. 1001.43
F.S. 1003.43

OPERATIONS

po8220

SCHOOL DAY

ADOPTED Apr 12, 2016

8220 - **SCHOOL DAY**

The Governing Board authorizes the school day to be arranged and scheduled by the administration. It will offer the maximum education for the time spent within the limitations of school facilities and the laws and regulations of the State.

The Superintendent shall annually establish the hours of the school day. The Superintendent may authorize exceptions from the regular school day.

The Superintendent may close the schools, delay the opening of school, or dismiss school early when such alteration in the regular session is required for the protection of the health and safety of students and staff members. S/He shall prepare administrative procedures for the proper and timely notification of concerned persons in the event of any emergency closing of the schools.

The Superintendent shall have the authority to determine which school-related activities may be conducted if the schools are closed for a period of time. S/He shall prepare appropriate procedures for communication to students, parents, and others regarding the scheduling and the conduct of such activities.

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Legal
F.S. 1001.42
F.S. 1001.43
F.S. 1001.51

OPERATIONS

po8280

NURSING MOTHERS

ADOPTED May 13, 2025

8280 - **NURSING MOTHERS**

The Governing Board supports employees who choose to express breast milk. When any employee has notified their supervisor of the employee's intent to express breast milk during the workday, the Principal shall make necessary arrangements to provide the following:

A. an appropriate location that is suitable for expressing breast milk;

   The location must be shielded from view and not accessible during usage by any other person. The location provided may not be a bathroom.

B. a reasonable amount of time to complete the activity based on an established schedule of frequency the employee requires. The employee is responsible for providing a schedule of frequency and for completing the process efficiently.

Additional requests from a covered employee for assistance in developing procedures for the employee's need to express breast milk under this policy should be addressed to a building administrator. Reasonable efforts will be made to facilitate full access to the benefits of this policy.

Any employee who opts to express breast milk is entitled to the benefits of this policy.

Any employee who has provided notice of the need to express breast milk at work and has complied with the responsibilities of doing so in this policy is eligible to do so for up to one (1) calendar year from the birth of the child.

No employee who requires break time to express breast milk consistent with this policy shall be subjected to retaliation or any form of adverse treatment for doing so.

Any employee who feels they have been denied adequate protections or feels they have been retaliated against or otherwise treated unfairly as a result of availing themselves of the rights described in this policy shall report such concerns to the Superintendent. Any such report shall specify the alleged deficiency and desired resolution so that the Superintendent may provide an appropriate resolution, within ten (10) calendar days of the report.

The benefits described in this policy shall be administered concurrently with other benefits, such as Family Medical Leave Act (FMLA) rights.

This policy does not apply to students. Any student who is expressing breast milk following the birth of a child should contact the Principal or the HR Manager to discuss arrangements to enable the student to do so.

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Legal
29 U.S.C. 207

OPERATIONS

po8300

CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN

ADOPTED Aug 14, 2018

8300 - **CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN**

The Continuity of Organizational Operations Plan (COOP) provides the District with the capability of conducting its essential operations under all threats and conditions with or without warning. Having a plan to recover from any type of disaster regardless of the severity and consequences of the emergency is critical to recovery of operations and can minimize the impact on the District's teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources.

Scope of the Continuity Plan

The primary objective of the COOP is to restore the District's critical operational functions and the learning environment as quickly as possible after a crisis or threat event has occurred. A COOP contains critical and sensitive information that is confidential and exempt from public disclosure.

Planning for the continuity of operations of a school system in the aftermath of a disaster is a complex task. The current changing threat environment and recent emergencies, including acts of nature, accidents, technological emergencies, and terrorist attacks and threats, have increased the need for viable continuity capabilities and plans that enable the District to resume and continue the essential functions in an all-hazards environment across a full spectrum of emergencies. Such conditions have increased the importance of having continuity plans in place that provide stability of essential functions across the various levels of public government and private enterprises.

The planning and development of continuity of an organizational operations plan, as well as the ongoing review and revision of such a plan, is important for the overall Authority and also for each school.

The Authority-wide plan describes how the Authority will respond as a total organization to a given emergency and describes the centralized resources and how they will be organized to implement command and control necessary to function during the life cycle of the event. Individual school and departmental plans contain the details related to the continuity plan for those specific sites and functional areas to prepare for an event,

communicate throughout the duration of an event, assess the impact of an event on essential functions in the unit, respond to the event, and detail what will be done to recover from the event.

Preparation for, response to, and recovery from a disaster affecting administrative, educational, and support functions of the Authority's operations requires the cooperative efforts of external organizations, in partnership with the functional areas supporting the business of the Authority. This includes local government agencies, law enforcement, emergency management, medical services, and vendors necessary to Authority operations. The COOP outlines and coordinates all efforts by the Authority in cooperation with other local and State agencies and businesses to restore the essential functions of the Authority to the larger local community post-disaster.

The Superintendent shall recommend the COOP for Board review and approval; however, the COOP shall be considered a confidential document not subject to release under State public records laws and accordingly no copies shall be provided for public review during the adoption process.

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OPERATIONS

po8305

INFORMATION SECURITY

ADOPTED Aug 14, 2018 · REVISED Sep 17, 2024

8305 - **INFORMATION SECURITY**

The Authority collects, classifies, and retains data/information from and about students, staff, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about and related to the business of the Authority. This information may be in hard copy or digital format, and may be stored in the Authority or offsite with a third-party provider.

Data/Information collected by the Authority shall be classified as

A. confidential,

B. controlled, or

C. published.

Data/Information will be considered controlled until identified otherwise.

Protecting Authority information resources (as defined in Bylaw 0100) is of paramount importance. Information security requires everyone's active participation to keep the Authority's data/information secure. This includes Governing Board members, staff members/employees, students, parents, contractors/vendors, and visitors who use Authority technology resources (as defined in Bylaw 0100) and information resources.

Individuals who are granted access to data/information collected and retained by the Authority must follow established procedures so that the information is protected and preserved. Board members, administrators, and all Authority staff members, as well as contractors, vendors, and their employees, granted access to data/information retained by the Authority are required to certify annually that they shall comply with the established information security protocols pertaining to Authority data/information. Further, all individuals granted access to confidential data/information retained by the Authority must certify annually that they will comply with the information security protocols pertaining to confidential data/information. Completing the appropriate section of the Staff Technology Acceptable Use and Safety form (Form 7540.04 F1) shall provide this certification.

All Board members, staff members/employees, students, contractors/vendors, and visitors who have access to Board-owned or managed data/information must maintain the security of that data/information and the Authority technology resources on which it is stored.

If an individual has any questions concerning whether this policy and/or its related administrative procedures apply to him/her or how they apply to him/her, the individual should contact the Authority's Technology Director or Information Technology Department/Office.

The Superintendent shall develop administrative procedures that set forth the internal controls necessary to provide for the collection, classification, retention, access, and security of Authority data/information.

Further, the Superintendent is authorized to develop procedures that would be implemented in the event of an unauthorized release or breach of data/information. These procedures shall comply with the Authority's legal requirements if such a breach of personally identifiable information occurs.

The Superintendent shall require the participation of staff members in appropriate training related to the internal controls pertaining to the data/information that they collect, to which they have access, and for which they would be responsible for the security protocols.

Third-party contractors/vendors who require access to confidential data/ information collected and retained by the Authority will be informed of relevant Board policies that govern access to and use of information resources, including the duty to safeguard the confidentiality of such data/information.

Failure to adhere to this policy and its related administrative procedures may put data/information collected and retain by the Authority at risk. Employees who violate this policy and/or the administrative procedures promulgated consistent with this policy may have disciplinary consequences imposed, up to and including termination of employment, and/or referral to law enforcement. Students who violate this policy and/or procedures will be subject to disciplinary action, up to and including expulsion, and/or referral to law enforcement. Contractors/vendors who violate this policy and/or procedures may face termination of their business relationships with and/or legal action by the Authority. Parents and visitors who violate this policy and/or procedures may be denied access to the Authority's technology resources.

In addition, the CCCSA shall take steps to ensure that terms of service privacy policies of contracted providers of online educational products that are offered to K-12 students comply State and Federal privacy laws, including the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, the Children's Online Privacy Protection Act (COPPA) F.S. 1002.22, and the Student Online Personal Information Protection Act, F.S. 1006.1494.

The Authority shall: (a) designate a person or persons to be responsible for the review and approval of all contracts for online educational services; and (b) establish procedures for notifying parents and eligible students if Personally Identifiable Information (PII) will be collected by the online educational service provider, how the information will be used, when and how it will be destroyed, and the terms of re-disclosure if any. For any online educational service that a student or parent is required to use, the Authority must provide notice on its website of the PII information that may be collected, how it will be used, when it will be destroyed, the terms of re-disclosure, if any, and a link to the service provider's terms of service and privacy policy if publicly available. See Policy 8330 - Student Records for a detailed description of "PII."

The Board specifically prohibits online educational service providers from sharing or selling a student's PII for commercial purposes, including but not limited to targeted advertising, without providing parents a mean to either consent or disapprove. The Authority shall notify contracted service providers when a student withdraws from the Authority so that the provider can delete the student's PII within the required ninety (90) days in accordance with State law and State Board of Education rules.

The Superintendent shall conduct a periodic assessment of risk related to the access to and security of the data/information collected and retained by the Authority, as well as the viability of the continuity of organizational operations plan developed pursuant to Policy 8300.

Revised 8/20/24
Revised 9/17/24

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Legal
F.A.C. 6A-1.09550

OPERATIONS

po8310

PUBLIC RECORDS

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

8310 - **PUBLIC RECORDS**

The Governing Board recognizes its responsibility to maintain the public records of this Authority and to make such records available for inspection and reproduction.

Exemptions from Public Records

"Public records" generally means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of the Board. Due to the growing number of exemptions set forth in Florida law, it is impracticable for the Board to provide an all-inclusive list of every document that may be exempt from the definition of "public records". However, "public records" do not typically include student records, examination and assessment instruments, medical records, documents containing genetic information, trial preparation records, and confidential law enforcement investigatory records, all of which are exempt from public disclosure. The determination of whether a particular document is exempt will be made upon receipt of a request for release of said document as a public record.

Personally identifiable information of a dependent child of a current or former officer or employee of the Authority, who is insured by a group insurance plan provided by the Authority, is also exempt from public records requirements as set forth in the State Constitution and State statutes. This exemption applies to all personally identifiable information held by the Authority.

Further, the home addresses, telephone numbers, dates of birth, and photographs of current or former human resource whose duties include hiring and firing employees, administration, or other personnel-related duties, as well as the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel, and the names and locations of schools and day care facilities attended by the children of such personnel, are exempt from F.S. 119.07(1) and Section 24(a), Article 1, of the State Constitution.

Any information held by the Board that would identify whether a person has been certified to serve as a school guardian is exempt from F.S. 119.07(1) and Section 24(a), Article 1, of

the State Constitution.

The identity of a school or postsecondary educational institution, the personally identifiable information of any Authority personnel, or any specific allegations of misconduct obtained or reported pursuant to an investigation of a testing impropriety conducted by the Department of Education are confidential and exempt from the constitutional public records provisions until the conclusion of the investigation or until such time as the investigation ceases to be active.

Pursuant to State law, a complaint of misconduct against an Authority employee, and all information obtained pursuant to an investigation by the Authority of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the Authority provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the Authority has either:

A. concluded the investigation with a finding not to proceed with disciplinary action or file charges, or

B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the Authority shall also file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - *Mandatory Reporting of Misconduct*.

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

A. by certified mail, return receipt requested, to his/her address of record; or

B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

Access to Public Records

Pursuant to State law, the Superintendent shall appoint a Records Management Liaison Officer (RMLO), who shall serve as the primary point of contact between the Authority and the Division of Library and Information Services of the Florida Department of State, which is the agency responsible for the State's records management program. The Superintendent may also appoint a Custodian of Records for the Authority who shall be responsible for implementing the requirements in State law and the State's records management program regarding the public records maintained by the Authority.

Any individual may inspect and request copies of public records of this Authority during the regular business hours of the office in which such records are maintained. The

Authority may not require requests for public records to be in writing, nor may the person requesting the information be required to disclose name, address, or phone number unless specifically required to do so by law. The Superintendent is authorized to grant or refuse access to the records of this Authority in accordance with the intent of this policy and applicable law.

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision of the custodian of public records.

An Authority employee who has custody of public records may designate another Authority employee to permit the inspection and copying of public records, but must disclose the identity of the designee to the person requesting to inspect or copy the public records.

No record in a personnel file that is confidential and exempt from inspection and copying pursuant to applicable law shall be disclosed except as provided by applicable law.

A custodian of public records and/or his/her designee must promptly acknowledge, in writing, requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees of the Authority whether such a record exists, and, if so, the location at which the record can be accessed. Upon determination that the requested record exists, it must be reviewed to determine whether it contains any information that would be statutorily exempt from public inspection or copying as provided by law. See Policy 8350 – *Confidentiality*.

Duplicated copies or certified copies of the Authority's public records shall be provided upon payment of the appropriate fee set forth in the Florida statutes. If the nature or volume of the public records requested will require extensive use of information technology resources or more than fifteen (15) minutes of clerical or supervisory assistance by Authority personnel, a special service charge attributable to the extensive use of the information technology resources and/or the labor cost of the personnel providing the service will be collected as permitted by State law.

In addition, the actual cost of duplication will be collected for copies of the Authority's public records in a form other than a duplicated copy. The special service charge will also be collected if the requested copies of the public records in a form other than duplicated copy will require extensive use of information technology resources or more than fifteen (15) minutes of clerical or supervisory assistance by Authority personnel as permitted by State law.

If the request for copies of a public record in any form could result in the collection of a special service charge, an estimate of the fee that will be due and payable shall be provided to the requestor. The duplication of the requested records will commence upon payment of the estimated fee by the requestor.

No public record may be removed from the office in which it is maintained, except by a Board employee in the course of the performance of his/her duties.

All Authority records will be maintained in accordance with general records schedules GS1-SL and GS7, as established by the Department of State.

Revised 12/14/21
Revised 9/16/25

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Legal
F.S. Chapter 119
F.S. 119.071(2)(k)
F.S. 257.36(5)(a)
F.S. 286.011
F.S. 1002.221
F.S. 1003.25(1)
F.A.C. 1B-24.001
F.A.C. 1B-24.003
F.A.C. 1B-26.0021
F.A.C. 1B-26.003
29 C.F.R. Part 1635
20 U.S.C. 1232g
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
Article I, Section 24, State Constitution

OPERATIONS

po8315

INFORMATION MANAGEMENT

ADOPTED Apr 12, 2016 · REVISED Oct 8, 2019

8315 - **INFORMATION MANAGEMENT**

The Governing Board recognizes its responsibility, in certain circumstances, to maintain information created, maintained or otherwise stored by the Authority outside the "Records Retention Schedule" in AP 8310A. In such situations, a litigation hold procedure will be utilized to identify and preserve information relevant to a specific matter. All paper documents and electronically stored information ("ESI") subject to a litigation hold shall be handled in accordance with the requirements of AP 8315. All information falling within a "Litigation Hold," which is under the control of the Authority, must be preserved in a readily accessible form and cannot be disposed of under the "Records Retention and Disposal" requirements of AP 8310E. Failure to comply with a litigation hold notice may result in disciplinary action, up to and including possible termination.

"Documents" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.

"ESI" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images, and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. It includes, but is not limited to, e-mails, e-mail attachments, instant messages, word processing files, spreadsheets, pictures, application program and data files, databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, TIFF files, PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voice mails, phone logs, faxes, internet histories, caches, cookies or logs of activity on computer systems that may have been used to process or store electronic data.

"Electronic media" includes, but is not limited to, hard drives (including portable hard disk drives "HDD's"), floppy drives, disaster recovery media, and storage media (including DVD's, CD's, floppy discs, Zip discs/drives, Jazz discs/drives, USB memory drives, jump disc/drives, flash discs/drives, keychain discs/drives, thumb discs/drives, smart cards, micro-film, backup tapes, cassette tapes, cartridges, etc.), accessed, used and/or stored on/in/through the following locations: networks and servers; laptop and desktop work computers; home and personal computers; other computer systems; backup computers or

servers; archives; wireless communication device as defined in Bylaw 0100pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media shall also include any item containing or maintaining ESI that is obtained by the Authority for Board member or employee usage or that an employee uses for such purpose (even if privately owned by the Board member or employee) from the date this policy is adopted into the future.

Initiation and Removal of a Litigation Hold

The Board or the Superintendent may initiate a litigation hold under this policy. If the Superintendent initiates a litigation hold, s/he or the Board's legal counsel will notify the Board of the reason the Litigation Hold was instituted and its scope. When implementing a Litigation Hold, the Board or Superintendent may utilize an Electronically Stored Information Team ("ESI Team"). The Board's legal counsel shall be involved in the implementation of the litigation hold procedure outlined in AP 8315.

A litigation hold shall remain in place until removed by the Board. A litigation hold may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated. Any information maintained under this policy shall fall back under the "Records Retention Schedule" in AP 8310A once the litigation hold is removed.

The Superintendent shall develop administrative procedures outlining the procedures to be followed by Board members and employees when initiating and implementing a litigation hold This policy and its related administrative procedures shall be posted and distributed in the manner described in AP 8315.

Revised 10/8/19

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Legal
Federal Rules of Civil Procedures 34, 37f

OPERATIONS

po8320

RECORDS MANAGEMENT

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

8320 - **RECORDS MANAGEMENT**

The Superintendent is the officer charged by law with the responsibility of maintaining the office having public records and is the custodian thereof.

The Division of Library and Information Services

The Division of Library and Information Services in the Department of State (Division) establishes standards for controlling, retaining, destroying, and preserving public records. The Superintendent must adhere to these standards.

Records Management Responsibilities

The Superintendent has the responsibility to comply with State statutes and designate a Records Management Liaison Officer (RMLO) for the Authority. The Records Management Liaison Officer functions as the primary point of contact between the Authority and the Division.

Records Retention Schedule

The Superintendent will comply with the applicable general records schedule(s) established by the Division. For any record series that is not covered by a general records schedule, the Superintendent will request from the Division a records retention schedule. Each records retention request is reviewed to determine the document value and thus establish a period of time for which the documents are to be retained. In addition, the records retention request is reviewed to determine whether the records merit further retention by the State in the Florida State Archives. Once approved by the Division, the records retention schedule becomes the submitting Authority's official retention schedule for the record. The Records Management Liaison Officer has the responsibility of maintaining existing records retention schedules and submitting new and updated requests to the Division.

Records Disposition/Destruction

The Superintendent shall develop administrative procedures regarding records disposition and destruction.

Report and Form Control Management Systems

The Superintendent shall also establish a reports and forms control management system. The designated Records Management Liaison Officer shall develop and operate the records and forms control management system. The Authority's report control management system shall have a procedure for reviewing and disseminating reports to appropriate Authority staff; and the form control management system shall have a functional and current forms listing.

Revised 8/15/23

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Legal
F.S. 119.011
F.S. 1002.22

OPERATIONS

po8325

RECEIPT OF LEGAL DOCUMENTS BY AUTHORITY EMPLOYEES

ADOPTED Apr 12, 2016

8325 - **RECEIPT OF LEGAL DOCUMENTS BY AUTHORITY EMPLOYEES**

Service of Process on the Governing Board

Pursuant to Florida law, in all suits against the Board, service of process shall be had on the Chair of the Board or, if s/he cannot be found, on the Superintendent as executive officer of the Board or, in the absence of the Chair and the Superintendent, on another member of the Board.

Service of Legal Documents on Board Employees

Authority employees may be served with legal documents arising out of the performance of their employment responsibilities directing them to appear with or without documents and testify at a deposition or hearing, or requesting them to produce student or employee records.

An employee served with legal documents in his/her official capacity as a Board employee shall immediately provide copies of those documents to his/her principal or site administrator.

The principal or site administrator shall immediately furnish copies of the documents to the Superintendent.

Confidential personnel or student records are exempt from disclosure except pursuant to, among other grounds, a lawfully issued subpoena or court order (see Policy 8330 and Policy 8310). Discovery seeking the disclosure of personal observation and opinion pertaining to student behavior, academic performance, or similar topics may call for the disclosure of personally identifiable student information, which is likewise confidential and exempt from disclosure.

The principal or a site administrator shall ensure that only the records specifically identified in the subpoena or order are released. In cases where, in responding to a subpoena or order, information is developed or summarized from any of the contents of a student's

educational record, a copy of that information and a statement of the purpose for which it was prepared shall be filed in the cumulative folder.

The principal or site administrator shall accompany the employee to the deposition or hearing if it is determined that his/her presence is in the best interest of the Board.

The Superintendent shall develop administrative procedures to implement this policy.

Actions/Litigation Against the Board

In actions/litigation against the Board, it is not unusual for Authority employees to be served with subpoenas and/or called as witnesses in their official capacities. Authority legal counsel and the Superintendent will assist Authority employees in these matters.

Independent Legal Counsel

This policy is not intended to prohibit Authority employees from seeking their own independent legal counsel regarding their contemplated actions.

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F.S. 1001.40

OPERATIONS

po8330

STUDENT RECORDS

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, the Governing Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Definitions

A. "Education records" means records that are directly related to a student and that are maintained by the Authority or a party acting for or on behalf of the Authority, as defined in 20 U.S.C. Section 1232g(a)(4).

B. "Eligible student" refers to students who are eighteen (18) years of age or older, or who are enrolled in a postsecondary institution, regardless of age.

C. "Online educational service" means computer software, mobile applications (apps), and web-based tools that students or parents are required to use and access through the internet and as part of a school activity or function. Examples include online services that students or parents use to access class readings, assignments, or videos, to view learning progression, or to complete assignments. This does not include online services that students or parents may use in their personal capacity or to online services that districts or schools may use to which students or parents do not have access, such as a district student information system.

D. "Parent" or "parents" includes parents or guardians of students who are or have been in attendance at a school or institution.

E. "Personally identifiable information" or "PII" means information that can be used to distinguish or trace a student's identity either directly or indirectly through linkages with other information, as defined in 34 CFR §99.3. PII includes, but is not limited to, direct identifiers (such as a student's or other family member's name), indirect identifiers (such as a student's date of birth, place of birth, or mother's maiden name), and other personal identifiers (such as a student's social security number or Florida Education Identifier (FLEID) number). PII also includes information that, alone or in combination, is linked or linkable to a specific student that would allow a

reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

F. "Student" means any individual who is or has been in attendance in an Authority school and regarding whom the Authority maintains education records.

G. "Therapeutic treatment plan" means a plan that identifies the mental health diagnosis, or condition, the therapy or intervention goal(s), the type of school-based mental health intervention, and the school-based mental health services provider responsible for providing the mental health intervention or therapy.

H. "Therapy progress notes" means notes maintained by a school-based mental health services provider that summarize the focus and progress toward treatment goals(s) of each therapy or intervention session.

I. "Third-party vendor" or "Third-party service provider" means any entity, whether public or private, that provides services to the Board through a contract or agreement. The term does not include the Florida Department of Education, the Department's contractors and subcontractors, school boards, and school districts.

Maintenance of Student Records

The Board is responsible for the records of all students who attend or have attended schools in this Authority. Only records mandated by the State or Federal government and necessary and relevant to the function of the Authority or specifically permitted by this Board shall be compiled by Authority employees.

Each school shall maintain a permanent cumulative record for each student enrolled in the school which shall contain the data as prescribed by Administrative Rule F.A.C. 6A-1.0955 and this policy. Each student's cumulative record shall include the following types of data:

A. Category A Records, Permanent Information

1. Student's full legal name.

2. Authenticated birthdate, place of birth, race, ethnicity, and sex.

3. Last known address of the student.

4. Name(s) of the student's parent(s) or guardian(s).

5. Name and location of last school attended.

6. Number of days present and absent, date enrolled, date withdrawn.

7. Courses taken and record of achievements, such as grades, credits, or certification of competence.

8. Date of graduation or date of program completion.

9. Records of requests for access to and disclosure of personally identifiable information from the student's educational records.

10. Threat management records, subject to the following:

    All reports of concerning behavior, concerning communications, or threats documented using the Florida Harm Prevention and Threat Management Instrument prescribed by F.A.C. 6A-1.0019 are Category A records and must be permanently maintained in the Florida School Safety and Threat Management Portal upon its availability. Threat management records include all corresponding documentation and any additional information required by the Florida Model for Harm Prevention and Threat Management related to the reporting, evaluation, intervention, and management of threat assessment evaluations and intervention services.

B. Category B Records, Temporary Information

1. Health information, family background data, standardized test scores, State-mandated achievement test scores, educational and vocational plans, honors and activities, work experience reports, and teacher/counselor comments.

2. Reports of student services or exceptional student staffing committees including all information required by F.S. 1001.42.

3. Correspondence from community agencies or private professionals.

4. Driver education certificate.

5. A list of schools attended.

6. Written agreements of corrections, deletions, or expunctions as a result of meetings or hearings to amend educational records.

7. Written requests to waive access to confidential records.

8. Written requests to restrict the release of directory information.

9. Court orders of relevance.

10. Records of major student disciplinary actions, suspension, and/or expulsion records.

11. Home language survey.

12. Student Limited English Proficiency (LEP) Plans.

13. Such other records of educational importance as the school shall deem necessary.

14. Records designated for retention by the Florida Department of State in General Records Schedule GS7 for *Public Schools Pre-K - 12, Adult and Vocational/Technical*.

Category A and B records shall be maintained in compliance with the approved Authority records retention schedule.

Individual exceptional student records shall be kept separate from regular cumulative records. These records shall be sent to each succeeding school the student attends in the Authority and shall be maintained in accordance with the approved Authority records retention plan.

Periodic review for elimination of outdated information in student records by the custodian or designees shall be made in accordance with F.S. 1001.52, and the approved Authority records retention plan. The custodian of the student records shall be responsible for maintaining the accuracy of information by purging student records in accordance with the General Records Schedule for Public Schools (GS-7). Explanations placed in the education record and the record of access shall be maintained for as long as the education record to which it pertains is maintained. This procedure must be implemented before records are released to any vocational-technical centers, community colleges, or institutions of higher learning in which the student seeks or intends to enroll.

Type Record	**Location**	**Custodian**	**Address**
Active and inactive student records as specified in the current Student Records Manual for the Authority	Last school attended	Principal of last school attended	As shown in local directory
Inactive student cumulative records (Category A) as specified in the	Central Authorit	Superintendent or	Records Management

current Student Records Manual for the Authority	y office	designee		Educational Services Facility
Individual exceptional student education records as specified in the current Student Records Manual for the Authority	Last school attended	Principal of last school attended		As shown in local directory
Individual student psychological records as specified in the current Student Records Manual for the Authority	Last school attended	Principal of last school attended		As shown in local directory

Limitations on Collection and Retention of Certain Information

The Authority shall not collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of a student. For purposes of this paragraph, the term “biometric information” means information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that are attributable to a single person, including fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty. Examples of biometric information include, but are not limited to, a fingerprint or hand scan, a retina or iris scan, a voice print, or a facial geometry scan.

The Authority shall not maintain any report or record relative to a student that includes a copy of a student's fingerprints.

The Superintendent or designee will be responsible for the privacy and security of records that are not under the supervision of the school principal.

Requests to Deviate from Students Legal Name

Parents who approve of their student being referred to by any name other than their legal name (such as a nickname) must fully complete the Authority's electronic or hard copy parental consent form

Access to Student Records

The rights of students and their parents with respect to education records created, maintained, or used by the Authority must be protected in accordance with FERPA, State

law, and the implementing regulations and rules issued pursuant thereto. Students and their parents have the right to access their education records, including the right to inspect and review those records, have the right to waive their access to their education records in certain circumstances, have the right to challenge the content of education records, have the right of privacy with respect to such records and reports, and receive annual notice of their rights with respect to education records.

In addition to students and their parents and eligible students, student records shall be available only to designated school officials and personnel, to such other persons as the parent or eligible student authorizes in writing, a court of competent jurisdiction or to other individuals or organizations as permitted by law. The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term “eligible student” refers to students who are eighteen (18) years of age or older, or who are enrolled in a postsecondary institution, regardless of age.

Schools may, without consent of parents, guardians, or eligible students, provide access to school officials to perform an administrative, supervisory, or instructional task, or to perform a service or benefit for the student or the student's family, and psychologists within the Authority providing they have a legitimate educational interest. Support employees may be designated by the principal for the purpose of doing clerical work and maintaining student records. However, such persons shall receive in-service training concerning the confidentiality of student records and work under the supervision and control of an administrative staff member.

Whenever a student has attained eighteen (18) years of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by the Authority, shall thereafter be required of and accorded to the eligible student only, unless the eligible student is a dependent of his/her parents as defined in Title 26 U.S.C. Section 152 of the Internal Revenue Code of 1954. The Authority may, in this instance, disclose personally identifiable information from the education records to the parents without the prior consent of the eligible student.

Whenever a student has enrolled in a postsecondary institution, regardless of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by the postsecondary institution shall thereafter be required of and accorded to the eligible student only. However, if the student is not eighteen (18) years of age, then the permission and consent required of and rights as to the student's records maintained by the Authority shall be retained by the parents.

The custodian of the student record shall permit the eligible student or the parents or guardians of the student who is or has been in attendance in the Authority to inspect and review the education records of the eligible student or student. Provisions for such inspection and review shall be made within a reasonable period of time of the request, but in no case shall be more than thirty (30) days after the request has been made.

The Authority presumes that the eligible student or either parent of the student has the right to inspect, review, and receive copies of the education records of the student or eligible student unless the Board, its staff, or the individual school has been provided a legally binding instrument or court order governing such matters as divorce, separation, or custody which provides to the contrary.

In instances where records are opened to parents, guardians, or eligible students, schools shall make available a member of the professional staff to interpret the record and shall provide copies, upon request, free of charge.

The copy rate will include actual reproduction costs and will not include the labor costs for retrieval.

School officials shall provide requesting parents, guardians, or eligible students an opportunity for a hearing to challenge the content of their child's or the eligible student's school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Parents, guardians, and eligible students may waive their right of access to confidential letters or statements of recommendations or evaluation. Such waiver shall be made in writing to the custodian of the records and shall be signed by the parent, guardian, or eligible student. Such waiver shall apply to recommendations or evaluation only if:

A. the parent, guardian, or eligible student is, upon request, notified of the names of all persons submitting confidential letters or statements; and

B. such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

The waiver of the right of access may be revoked in writing with respect to actions occurring after the revocation.

Court Request of Records

A. Student records may be disclosed to a court of competent jurisdiction provided that reasonable notification is given in advance to the parents and student. If the principal or his/her designee is unable to notify prior to the time for compliance set forth in the court order, s/he shall bring to the court's attention the provision of the Family Educational Rights and Privacy Act of 1974 and comply with the court's instruction.

B. Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not

attending an institution of postsecondary education or a dependent of such parent as defined in 26 U.S.C. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

The Superintendent may, in writing, authorize access to student records to representatives of the Federal, State, or local educational authorities.

Transcripts of a student's records may be released without written consent from the students' parents, guardians, or eligible student, to any vocational-technical center, community college, or any postsecondary institutions of higher learning in which the student seeks or intends to enroll. A copy of the records may be released to the student's parents, guardians, or eligible student upon request. This policy is also applicable in instances where such a request is in connection with a student's application for, or receipt of, financial aid.

Hearing Procedure to Correct Student Records

Whenever a parent, guardian, or eligible student believes the content of the student record is inaccurate, misleading, or in violation of their privacy, they may request in writing an informal meeting with the custodian of the record for the purpose of requesting the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained in the student record.

If the parties at the informal meeting agree to make deletions, to expunge material, or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing and signed by the parties, and the appropriate school officials shall take the necessary actions to implement the agreement. If an agreement is not reached, denial of the request and notification of the right to a formal hearing shall be made in writing to the parent, guardian, or eligible student with a copy to the Superintendent or designee.

Upon the request of a parent, guardian, or eligible student, a formal hearing shall be held. Such hearing shall be requested, in writing, within ten (10) days of the written notice of denial at the informal meeting, to the Superintendent or designee, who shall appoint a hearing officer who shall be any official of the school system with no direct interest in the outcome of the hearing. The hearing officer shall convene and conduct the hearing and shall render a decision in writing to all concerned parties within ten (10) days of the conclusion of the hearing. Such hearing shall be held within a reasonable period of time but in no case shall be held more than thirty (30) days from the date of the written request.

The parents, guardian, eligible student, and officials of the school shall be afforded a full and fair opportunity to present evidence relevant to the issues raised. The hearing shall be recorded and available to all parties. However, the record of such hearings are exempt from disclosure under F.S. Chapter 119.

If the decision of the hearing officer is that the records are not inaccurate, misleading, or otherwise in violation of privacy rights, the parent, guardian, or eligible student shall be allowed to comment in writing on the information in the education record and set forth any reasons for disagreeing with the decision. This written response shall be filed in the education records of the student.

Disclosure of Student Record Information

Notwithstanding any other provision in this policy, student education records shall not be disclosed to any person, public body, body politic, political subdivision, or agency of the Federal government except when authorized by State or Federal law or in response to a lawfully issued subpoena or court order. In accordance with State law, student education records are exempt from the provisions of F.S. Chapter 119.

A. Prior Written Consent

1. Prior written consent of the parent, guardian, or eligible student shall be obtained prior to disclosing personally identifiable student information other than directory information. The written consent shall include: signature of the parent, guardian, or eligible student; date; specification of records or information to be disclosed; purpose of the disclosure; and the party or class of parties to whom a disclosure is to be made.

2. Disclosures of personally identifiable student information will be made only on the condition that the party or parties to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the parent, guardian, or eligible student, as appropriate. Personally identifiable student information which is disclosed to an institution, agency, or organization may be used by its officers, employees, and agents, but only for the purpose for which the disclosure was made. The Authority presumes the parent, guardian, or eligible student has the authority to grant permission for disclosure of personally identifiable student information unless the Authority has been provided with evidence that there is a legally binding instrument or State law or court order governing such matters as divorce, separation, or custody which provides to the contrary.

B. Without Prior Written Consent

Personally identifiable information or records of a student may be released to the following persons or organizations without the prior written consent of the student or the student's parent or guardian:

1. Officials of schools, school systems, career centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a

copy of such records or reports shall be furnished to the parent or student upon request.

2. Other school officials, including teachers within the educational institution or agency, who have a legitimate educational interest in the information contained in the records.

3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or State or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable Federal statutes and regulations of the United States Department of Education, or in applicable State statutes and rules of the State Board of Education.

   The disclosed records must be used to audit or evaluate a Federal or State-supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (see Form 8330 F16)

   This written agreement must include:

   a. designation of the receiving individual or entity as an authorized representative;

   b. specification of the information to be disclosed;

   c. specification that the purpose of the disclosure is to carry out an audit or evaluation of a government-supported educational program or to enforce or comply with the program's legal requirements;

   d. a summary of the activity that includes a description of the methodology and an explanation of why personally identifiable information is necessary to accomplish the activity;

   e. a statement requiring the organization to destroy all personally identifiable information when it is no longer needed to carry out the audit or evaluation, along with a specific time period in which the information must be destroyed; and

   f. a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Under the audit exception, the Authority will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations.

Specifically, the Authority will verify, to the greatest extent practicable, that the personally identifiable information is used only for the audit, evaluation, or enforcement of a government-supported educational program. The Authority will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the Authority will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the Authority will verify that the information is destroyed when no longer needed for the audit, evaluation, or compliance activity.

4. Appropriate parties in connection with a student's application for or receipt of financial aid, if necessary to determine the eligibility for the aid; determine the amount of the aid; determine the conditions of the aid; and/or enforce the terms and conditions of the aid.

5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the studies are conducted in a manner that does not permit the personal identification of students and their parents by persons other than representatives of such organizations and if the information will be destroyed when no longer needed for the purpose of conducting such studies.

   In order to release information under this provision, the Authority will enter into a written agreement with the recipient organization that specifies the purpose of the study. (see Form 8330 F14)

   This written agreement must include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

   While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

6. Accrediting organizations, in order to carry out their accrediting functions.

7. School Readiness programs as provided in State law in order to carry out their assigned duties.

8. For use as evidence in student expulsion hearings conducted by an Authority school board under F.S. Chapter 120; however, public records of expulsion hearings shall not contain any personally identifiable information.

9. Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.

10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from F.S. 119.07 (1) and shall be protected in a way that does not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and the personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.

11. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

    Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. 152 (section 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, if the information is disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained under this paragraph to any person.

13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate

information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

14. Consistent with the Family Educational Rights and Privacy Act, the Department of Children and Families or a community-based care lead agency acting on behalf of the Department of Children and Families, as appropriate.

15. Parents of a dependent student as defined by the Internal Revenue Service Tax Code of 1986 and in this policy.

16. "Directory information" as specified in this policy.

17. If the Authority initiates legal action (a lawsuit) against a parent, or if the parent initiates legal action against the Authority. In such circumstances, the Authority may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the Authority to proceed with legal action as the plaintiff or to defend itself.

18. If the release is to the Attorney General of the United States or to his/her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in Sections 2331 and 2332 of Title 18, U.S. Code.

    Under this exception, school officials are not required to record (i.e., on an access log) the disclosure of information from a student's education record when the school makes pursuant to an ex parte order.

    Further, an educational institution that, in good faith, produces information from education records in compliance with an ex parte order shall not be liable to any person for that disclosure.

19. If the release is otherwise permitted under Federal law.

C. Record of Disclosures

Record of any requests or disclosures of personally identifiable student information shall be maintained except for disclosures to the parent, guardian, or eligible student; disclosure of directory information; or to any other school officials with a legitimate educational interest. The record of requests for disclosure shall include the following: the parties who have requested or obtained personally identifiable student information, the legitimate interests of the persons requesting or obtaining the information, and date parental/eligible student consent was obtained.

With regard to such disclosures, a "school official" is determined to be any employee of The School Board of Lee County, Florida, with direct responsibility for providing services to students. A "legitimate educational interest" is determined to mean responsibility for providing direct educational services to students which will include teaching, counseling, psychological services, or other services to students which require access to personally identifiable information and/or those specified in the law.

D. Disclosures - Health or Safety Emergencies

Disclosure of personally identifiable student information may be made by school officials in the event of a health or safety emergency. Such emergency situations shall be declared in writing to the Superintendent by a recognized legal official with authority to declare such emergency. The declaration of a health or safety emergency shall include the need for specific personally identifiable student information, the time requirements for the information, and the parties to whom the information is disclosed who are responsible for utilizing the information to deal with the emergency.

DIRECTORY INFORMATION

The Authority shall make available, upon request, certain information known as "directory information" without prior permission of the parents or the eligible student. The Authority shall charge fees for copies of designated directory information as provided in State law. Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The Board designates as student "directory information": a student's name; photograph; address; telephone number, if it is a listed number; e-mail address; date and place of birth; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; grade level; enrollment status; date of graduation or program completion; awards received; and most recent educational agency or institution attended. Designation of directory information shall occur at a regularly scheduled Board meeting. At the meeting, the Board shall consider whether designation of such information would put students at risk of becoming targets of marketing campaigns, the media, or criminal acts.

An annual written notice shall be given to inform parents, guardians, and eligible students of their rights of access, waiver of access, challenge and hearing, privacy, categories of personally identifiable student information designated as directory information data, and the location and availability of the Authority's policy on education records of students. Alternate methods of notice shall be made for parents, guardians, or eligible students unable to comprehend a written notice in English. Parents or eligible students may, by providing a written statement to the principal within two (2) weeks of the first day of the school year or entry into the school system request that all specific portions of directory information for that specific student not be released.

Directory information shall not be provided to any organization for profit-making purposes, unless the request is approved, in a nondiscriminatory manner, by the Superintendent.

In accordance with Federal law, the Authority shall release the names, addresses, Authority-assigned e-mail addresses (if available), and telephone listings of students in grades ten through twelve (10-12) to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. Such data shall not be released if the eligible student or student's parents submit a written request not to release such information. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces". The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer. A secondary school student or parent of the student may request that the student's name, address, Authority-assigned e-mail address (if available) and telephone listing not be released without parental consent.

Whenever parental consent is required for the inspection and/or release of a student's health or educational records or for the release of "directory information", either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The Authority may disclose "directory information" on former students without student or parental consent.

Transfer of Student Records

A. The transfer of records must be made immediately upon written request of an eligible student, a parent or a receiving school. The Principal must transfer a copy of all Category A and Category B information and must retain a copy of Category A information; however, student records which are required for audit purposes for programs listed in F.S. 1010.305, must be maintained in the Authority for the time

period indicated in F.A.C. 6A-1.0453.

The transfer of education records must not be delayed for nonpayment of a fee or fine assessed by the school.

B. The transfer of records of students who transfer from school to school must occur within five (5) school days of receipt of the request for records from the new school or district, or receipt of the identity of the new school and district of enrollment, whichever occurs first. Student records must include, if applicable, verified reports of serious or recurrent behavior patterns, including substantive and any threat assessment report, all corresponding documentation, and any other information required by the Florida-specific behavioral threat assessment instrument pursuant to F.S. 1001.212 which contains the evaluation, intervention, and management of the threat assessments evaluation and intervention services, and psychological evaluations, including therapeutic treatment plans and therapy progress notes created or maintained by Authority staff.

Non-threats as described in F.A.C. 6A-1.0955 must not be transferred with a student's educational record unless one of the conditions set forth in F.A.C. 6A-1.0955(6)(b)1. and 2. are met.

If applicable, the records to be transferred shall also include:

A. verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services; and

B. psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by Authority or charter school staff, as appropriate.

The records shall be transferred within five (5) school days of receipt of a written request from the principal of the receiving school, the parent, guardian, or eligible student.

While all reasonable efforts shall be made to collect for damaged or lost library books or textbooks, under no conditions shall the transfer of a student's cumulative record be delayed or denied for failure to pay any fine or fee assessed by the school. Progress reports to parents (report cards) may not be withheld for failure to pay any fine, fee, or an assessment for lost or damaged books.

The Superintendent shall prepare administrative procedures to ensure that students and parents are adequately informed each year regarding their rights to:

A. inspect and review the student's educational records;

B. request amendments if the parent believes the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights;

C. consent to disclosures of personally identifiable information contained in the student's educational records, except to those disclosures allowed by the law;

D. challenge Authority noncompliance with a parent's request to amend the records through a hearing;

E. file a complaint with the Department of Education;

F. obtain a copy of the Authority's policy and administrative procedures on student records.

The Superintendent shall also develop, and update as needed, procedures for:

A. the proper storage and retention of records including a list of the type and location of record;

B. informing Authority employees of the Federal and State laws concerning student records.

The Authority is authorized to use the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Authority specifically as a consequence of permitting access or furnishing student records in accordance with this policy and procedures.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation, or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be re-disclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

Additional Safeguards for Student Education Records

A. Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA

regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be re-disclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

B. Required use of online educational services by students and parents

In order to protect a student's PII from potential misuse and in order to protect students from data mining or targeting for marketing or other commercial purposes, the Board requires the review and approval of any online educational service that students or their parents are required to use as part of a school activity (1) regardless of whether there is a written agreement governing student use, (2) whether or not the online educational service is free, and (3) even if the use of the online educational service is unique to specific classes or courses. The following requirements also apply to online educational services:

1. The Superintendent is responsible for reviewing the online educational service's terms of service and privacy policy for compliance with State and Federal privacy laws, including FERPA and its implementing regulations, the Children's Online Privacy Protection Act (COPPA), 15 U.S.C. 6501-6506, and F.S. 1002.22;

2. The Superintendent is responsible for the review and approval of online educational services that will be required for students to use;

3. Parents and eligible students will be notified via email any time they are required to use an online educational service that collects student PII;

4. If student PII will be collected by the online educational service, parents and eligible students will be provided notification regarding the information that will be collected, how it will be used, when and how it will be destroyed, and the terms of re-disclosure;

5. The Board will not utilize any online educational service that will share or sell a student's PII for commercial purposes.

6. If a student is required to use an online educational service, the Board will include on its website a description of the student PII that may be collected, how it will be used, when it will be destroyed and the terms of re-disclosure.

The website will also include a link to the online educational service's terms of service and privacy policy, if publicly available.

C. Contracts or agreements with third-party vendors

1. All contracts or agreements executed by or on behalf of the Board with a third-party vendor or a third-party service provider must protect the privacy of education records and student PII contained therein. Any agreement that provides for the disclosure or use of student PII must:

    a. require compliance with FERPA, its implementing regulations, and F.S. 1002.22;

    b. where applicable, require compliance with COPPA, 15 U.S.C. 6501-6506, and its implementing regulations;

    c. ensure that only the student PII necessary for the service being provided will be disclosed to the third party;

    d. prohibit disclosure or re-disclosure of student PII unless one of the conditions set forth in F.A.C. 6A-1.0955(11)(b) has been met.

2. Contracts or agreements with a third-party vendor or third-party service provider may permit the disclosure of student PII to the third party only where one or more of the following conditions has been met:

    a. the disclosure is authorized by FERPA and 34 CFR §99.31;

    b. the disclosure is authorized by the Board's directory information provisions set forth in this policy and implemented in accordance with FERPA and 34 CFR §99.37; or

    c. the disclosure is authorized by written consent of an eligible student or parent. Consent must include, at a minimum, an explanation of who the student PII would be disclosed to, how it would be used, and whether re-disclosure is permitted. Any re-disclosure must meet the requirements of F.A.C. 6A-1.0955(11)(b) and this policy.

Request for Student Social Security Numbers at Enrollment

When a student enrolls in an Authority school, the Authority shall request that the student provide his/her social security number and shall indicate whether the student identification number assigned to the student is his/her social security number. A student satisfies this requirement by presenting his/her social security card or a copy of the card to a school

enrollment official. However, a student is not required to provide his/her social security number as a condition for enrollment or graduation.

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Legal
F.S. Chapter 119
F.S. 1001.41
F.S. 1001.52
F.S. 1002.22
F.S. 1002.221
F.S. 1002.222
F.S. 1003.25
F.A.C. 6A-1.0955
F.A.C. 6A-1.09550
20 U.S.C. 1232f (FERPA)
20 U.S.C. 1232g (FERPA)
20 U.S.C. 1232h (FERPA)
20 U.S.C. 1232i (FERPA)
20 U.S.C. 7908
26 U.S.C. 152
20 U.S.C. 1400 et seq., Individuals with Disabilities Act
Privacy Rights of Parents and Students - P.L. 90-247
2021 Solomon Amendment: Subtitle C- General Service Authorities and Correction of Military Records SEC. 521

OPERATIONS

po8340

LETTERS OF REFERENCE

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

8340 - **LETTERS OF REFERENCE**

Letters of Reference and Disclosure of Information Regarding Former or Current Employees

The Governing Board recognizes that a current or former employee's request to a Board member or Authority employee for a letter of reference is an opportunity to share information about the individual's performance with a prospective employer. A current or former employee shall have no expectation that a letter of reference will be written upon request. Such a decision shall be solely at the discretion of the individual being asked to provide the letter.

If a Board member or employee opts to prepare a letter of reference, they are expected to provide specific and truthful comments concerning the current or former employee's actual performance that can be substantiated by the individual's personal knowledge and/or the employee's personnel file.

In accordance with State law, a Board member or employee who provides a letter of reference while acting within the scope of his/her employment may be entitled to a qualified privilege for statements included in that letter of reference provided such statements were made in good faith, without malice, and in accordance with this policy.

The Board is immune from civil liability for (1) any disclosure of information about a former or current employee to a prospective employer of the former or current employee upon request of the prospective employer or of the former or current employee and (2) the consequences of such disclosure. The only exception to the Board's immunity from civil liability is if it is shown by clear and convincing evidence that the information disclosed by the School Board was knowingly false or violated any civil right of the former or current employee protected under F.S. Chapter 760.

Prohibition on Aiding and Abetting Sexual Abuse

All Board employees, contractors, or agents are prohibited from assisting a Board employee, contractor, or agent in obtaining a new job if s/he knows, or has probable cause to believe, that such Board employee, contractor or agent engaged in sexual misconduct

regarding a minor or student in violation of State or Federal law. "Assisting" does not include the routine transmission of administrative and personnel files.

The only exceptions to the paragraph above permitted are those authorized by the Every Student Succeeds Act (ESSA). In accordance with the ESSA, the requirements of the paragraph above shall not apply if the information giving rise to probable cause:

A. (1) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and

(2) has been properly reported to any other authorities as required by Federal, State, or local law, including Title IX and its regulations; and

B. (1) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the Board employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

(2) the Board employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

(3) the case or investigation remains open and there have been no charges filed against, or indictment of, the Board employee, contractor, or agent within four (4) years of the date on which the information was reported to a law enforcement agency.

Revised 8/14/18

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Legal
F.S. 768.095
F.S. 768.28
Art. X, Sec. 13, Fla. Constitution
Every Student Succeeds Act

OPERATIONS

po8350

CONFIDENTIALITY

ADOPTED Apr 12, 2016

8350 - **CONFIDENTIALITY**

State and Federal law requires that student education records, including health records, be confidential. (see Policy 8330) State law also exempts certain information and records from public disclosure (see Policy 8310). As such, the Governing Board is obligated to take appropriate steps to maintain certain information and records as confidential.

Pursuant to State law, any Authority employee who has custody of information and records for which there is a statutory exemption to the right of any person to inspect and copy a public record has the duty and obligation to assert the exemption and redact the confidential information from the record before producing the remainder of such record for inspection and copying. There shall be no redaction in the case where the entire record is confidential and exempt from disclosure.

Further, individuals who have access to student education records may not remove them from Board property without express permission from their building principal or supervisor. An individual authorized to remove student education records from school property is responsible for the safety and security of the records and for returning them to the Authority intact. Confidential information and records may not be disclosed except as authorized by Board policy and procedures.

A student's educational record and all personally identifiable information shall not be properly released except on the condition that the information being transferred will not be subsequently released to any other party without first obtaining the consent of the parent or adult/eligible student. The disclosed information may be used by the appropriate officials of the agency or institution to which the information was properly released, but only for the purpose for which the disclosure was made.

Released copies of educational records and personally identifiable information must be destroyed when no longer required by the person to whom the information was appropriately released. In order to comply with the above, all copies of the information being released should be marked as follows: "Information contained herein may not be released without written permission of the parent or eligible student. This information shall be destroyed when no longer needed."

Individuals who have access to confidential information and records while employed by the Board are reminded that their legal obligation to maintain such confidences extends beyond their term of employment in the Authority and they are prohibited from releasing, disclosing, or otherwise disseminating confidential information or records subsequent to leaving the Board's employ.

Confidential Information Received from Another Public Agency

In addition, when the Authority receives in trust from a public agency information identified as confidential (whether such information is confidential by Florida law, Common Law Privilege, Case Law, or Federal law), the Board will maintain the confidentiality of said information to the maximum extent permitted by the law.

In order to prohibit the unauthorized disclosure of information identified as confidential by the sending public agency, the Board may seek to obtain court protection by:

A. denying requests for release of such information absent subpoena or court order;

B. pursuing motions to quash or protective orders to prohibit unauthorized/unlawful disclosure of such information.

When possible, the Board will attempt to notify the sending public agency of the request for release of confidential information that it provided to the Authority before complying with the request.

Limited Use of Social Security Numbers and Other Statutorily Exempt Information

The Authority recognizes the need to safeguard privacy and restrict access to personally identifiable information contained in employee and student personnel records collected in the course of the Authority's business. Pursuant to State law, all social security numbers held by the Authority are confidential and exempt from F.S. 119.071 and Section 24(a), Article I of the State Constitution. This exemption applies to all social security numbers held by the Authority before, on, or after the effective date of this exemption. In addition, there are statutory exemptions for other personally identifiable information.

It is the policy of the Board that neither the Board nor its employees shall permit the release of the social security numbers or other statutorily exempt information of an employee, student, or other individual except in accordance with State and Federal law. Access to documents containing social security numbers shall be restricted to only those Authority employees who have a need to know such information.

Further, it is the policy of the Board that social security numbers shall only be collected in order to fulfill its responsibilities as prescribed by law. The Authority, upon the collection of an individual's social security number shall provide that person with a statement of the purpose or purposes for which the social security number is being collected and used.

Social security numbers shall not be used by the Authority for any purpose other than the purpose or purposes stated when the social security number was collected.

Pursuant to State law, when a student enrolls in an Authority school, the Authority shall request that the student provide his/her social security number and shall indicate whether the student identification number assigned to the student is his/her social security number. A student satisfies this requirement by presenting his/her social security card or a copy of the card to a school enrollment official. However, a student is not required to provide his/her social security number as a condition for enrollment or graduation. The Authority shall record the student's permanent record and shall indicate in that record if the number recorded is not a social security number.

Pursuant to State law, if a document containing social security numbers and/or other statutorily exempt information is to be released in compliance with a public records request, the social security numbers and/or the other statutorily exempt information shall be redacted before the document is provided to the requestor.

Social security numbers may be disclosed to another governmental entity or its agents or employees if disclosure is necessary for that agency to perform its duties and responsibilities. The Authority shall inform the receiving agency in writing of its obligation to maintain the confidential and exempt status of such information.

Limitations on Collection and Retention of Certain Information

The Authority shall not collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of a student. For purposes of this paragraph, the term "biometric information" means information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that are attributable to a single person, including fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty. Examples of biometric information include, but are not limited to, a fingerprint or hand scan, a retina or iris scan, a voice print, or a facial geometry scan.

No report or record relative to a student which includes a copy of a student's fingerprints will be maintained by the Authority. The Superintendent will be responsible for the privacy and security of records that are not under the supervision of the school principal.

Responsibility to Enforce This Policy and Consequences for Failing to Do So

As described above, the Board prohibits the release of social security numbers and other statutorily exempt, confidential information to unauthorized persons or entities.

Employees who intentionally display, disclose, transfer, or unlawfully use the social security number of any student, employee, or other individual, as well as any other statutorily exempt, confidential information, in violation of this policy shall be subject to discipline, up to and including termination.

Accordingly, the Superintendent shall provide all staff with access to this policy. In addition, the Superintendent shall take the steps necessary so that staff who have access to files and records that contain confidential information and/or social security numbers are made aware of their responsibility to see that such information is released only in accordance with Federal and State law and this policy, as well as the consequences if they fail in that regard.

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Legal
F.S. 119.07(1)d
F.S. 119.071(5)(a)2
F.S. 119.071(5)(a)3
F.S. 119.071(5)(a)4
F.S. 119.071(5)(a)5
F.S. 1002.222
F.S. 1008.386
20 U.S.C. 1232g

OPERATIONS

po8390

ANIMALS ON AUTHORITY PROPERTY

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

8390 - **ANIMALS ON AUTHORITY PROPERTY**

Introduction

The Governing Board recognizes that there are many occasions when animals are present on Authority property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and State law and this policy.

This policy shall apply to all animals on Authority property, including service animals.

Definitions

A. **"Animal"** shall be held to include every living dumb creature.

B. **"Service animal"**, pursuant to 28 C.F.R. 35.104 and F.S. 413.08, "means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors, reminding an individual with a mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort,

or companionship do not constitute work or tasks for the purposes of this definition."

The Americans with Disabilities Act (ADA) and State law has also defined a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use or a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (h) of the ADA.

F.S. 413.08 also defines "service animal" as "an animal that is trained to perform tasks for an individual with a disability. The tasks may include, but are not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks. A service animal is not a pet."

Non-Service Animals in Schools and Elsewhere on Authority Property

Animals permitted in schools and elsewhere on Authority property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), or those that serve as service animals as required by Federal and State law.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the Principal may permit non-service animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:

A. the staff member seeking approval to have an non-service animal in his/her classroom shall

    1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;

    2. take precautions deemed necessary to protect the health and safety of students and other staff;

    3. ensure that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and,

    4. keep the surrounding areas in a clean and sanitary condition at all times.

B. other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

Service Animals for Students

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be.

A service animal is the personal property of the student and/or parents. The Board does not assume responsibility for training, daily care, or healthcare of service animals. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on Board property or at Authority-sponsored events.

A service animal that meets the definition set forth in the ADA and State law and this policy shall be under the control of the student with a disability or, a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Board policy.

If the animal's trainer intends or is required to be on school grounds when students are present, the trainer will be treated as a volunteer subject to Board policy.

Removing and/or Excluding a Student's Service Animal

If a service animal demonstrates that it is not under the control of the student or its handler, the Principal is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.

Similarly, in instances when the service animal demonstrates that it is not housebroken, the Principal will be responsible for documenting such behavior and for determining that the service animal is to be removed and/or excluded from school property.

In instances when the service animal's behavior poses a direct threat to the health and safety of others, the Principal shall document such behavior and determine whether the service animal is to be removed and/or excluded from school property.

The Principal should notify the Superintendent when a service animal has been removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.

The Principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure set forth in Policy 2260 - *Nondiscrimination and Access to Equal Educational Opportunity*.

The procedures set forth in Policy 2260 - *Nondiscrimination and Access to Equal Educational Opportunity* do not interfere with the rights of a student and his/her parents or an eligible student to pursue a complaint of legally prohibited discrimination with the United States Department of Education's Office for Civil Rights, the Florida Civil Rights Commission, the Equal Employment Opportunity Commission, or the Department of Justice.

Eligibility of a Student's Service Animal for Transportation

A student with a disability shall be permitted to access Authority transportation with his/her service animal. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access Authority transportation.

When a service animal is going to ride on a school bus owned or leased by the Authority, the student and his/her parents, or eligible student, and the handler, if s/he is someone other than the student, shall meet with the Operations Manager, and the driver and bus assistant, if any, to discuss critical commands needed for daily interaction and emergency/evacuation and to determine whether the service animal should be secured on bus/vehicle with a tether or harness.

At the discretion of the Operations Manager, an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the animal's functions and how students should interact with the animal.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student.

While the bus is in motion, the service animal shall remain positioned on the floor, at the student's feet.

Situations that would cause cessation of transportation privileges for the service animal include:

A. the student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others; or

B. the service animal urinates or defecates on the bus.

The student and his/her parents shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the Superintendent.

Although transportation may be suspended for the service animal, it remains the Authority's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

Service Animals for Employees

In accordance with Policy 1122.01, Policy 3122.01, and Policy 4122.01 *Prohibition of Disability Discrimination in Employment*, the Authority shall provide a reasonable accommodation for a qualified individual with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the ADA-mandated interactive process.

Service Animals for Parents, Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the Authority's facilities where members of the public, as participants in services, programs, or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the Authority's facilities with their service animals should notify the Principal that their service animal will accompany them during their visit.

An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 Public Attendance at School Events.

Any trainer of a service animal, while engaged in the training of such an animal, has the same right of access to public schools and the same liabilities for damage as is provided for those persons who are accompanied by service animals.

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28 C.F.R. 35.104
28 C.F.R. 35.136
F.S. 381.0056
F.S. 413.08
F.S. 1001.41
F.S. 1006.22
Section 504 of the Rehabilitation Act of 1973 (Section 504)
The Americans with Disabilities Act (ADA)
The Individuals with Disabilities Education Act (IDEA)

OPERATIONS

po8400

ENVIRONMENTAL HEALTH AND SAFETY ISSUES

ADOPTED Apr 12, 2016

8400 - **ENVIRONMENTAL HEALTH AND SAFETY ISSUES**

The Governing Board recognizes its responsibility relative to student, employee, and visitor health and safety, and the need for development of a comprehensive program designed to provide a healthy, safe, and secure environment on Authority property and at Authority-sponsored activities. To achieve this, it is the intent of the Board that the Authority will avail itself of the most current, proven technologies in the fields of health, safety, and environmental sciences.

STUDENT, EMPLOYEE, AND VISITOR HEALTH AND SAFETY

The Authority shall develop and implement an environmental health and safety program that is positive, proactive, integrates responsibilities within the Authority, and promotes and incorporates the following:

A. Procedures describing a hazard identification and abatement program that requires the periodic inspection of Authority facilities, the implementation of immediate and programmed corrective actions when deemed necessary by such inspections, and the development of a system-wide hazard reporting procedure that enables employee/stakeholder participation. This program should also provide procedures for identifying and responding to hazards that are created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine whether or not appropriate requirements for environmental health and safety have been met.

B. Procedures that promote environmental health and safety awareness among employees, students, and stakeholders. These procedures shall include, but not be limited to, the establishment of school and Authority safety committees, and the establishment of a program of regular communication with students, employees, and stakeholders about pertinent safety and health issues through available mediums in the Authority.

C. Procedures directed toward the safety and health of students during transportation to and from school, at school, and during participation in school-related activities. These procedures shall include, but not be limited to, promoting bus safety for students, assessing the safety of school traffic patterns, operating school clinics,

administering medication and medical treatment, promoting laboratory and shop safety, promoting safety in sports and other outdoor activities, inspecting playground equipment and promoting safety on playgrounds, and assessing environmental exposure.

D. Procedures related to Authority employee health and safety issues that include, but are not limited to, provision of work areas free from recognized hazards and OSHA-related programs that are required by Federal and State law, such as, employee safety and health training and training in hazard recognition, and defining employer and employee responsibilities and expectations related to health and safety.

E. Procedures describing an accident reporting and investigation system that provides for identification of root causes, determination of remedial and programmed corrective actions, and provides communication about accidents to employees and stakeholders.

F. Procedures that detail plans for foreseeable emergencies and fire prevention.

PHASE-OUT/BANNED PRODUCTS

The Superintendent shall require that any chemicals, insecticides, or other materials that the Federal government is phasing out and/or banning by a certain date be immediately banned from use on Board property.

DIESEL EXHAUST AND SCHOOL BUS IDLING

Pursuant to the Florida Administrative Code, the Board prohibits the unnecessary idling of school buses in the vicinity of students. Further, in accordance with the Environmental Protection Agency's initiative to reduce pollution that is caused by school buses on school property, the Board will take the steps recommended to reduce the negative effect of diesel exhaust on indoor and outdoor air quality on school campuses. This effort shall include, but not be limited to, reinforcing smart driving practices.

The Superintendent shall develop the administrative procedures necessary to establish these practices in the Authority. (See AP 8615)

POLLUTION CONTROL AND PREVENTION

In an effort to comply with environmental policy and applicable regulations, the Authority shall develop and implement procedures designed to prevent air and water pollution, minimize or eliminate waste streams where possible, and identify possible sources of air and water pollution.

SEE ALSO THE FOLLOWING RELATED POLICIES:

Policy 7430 - *Risk Reduction Program*
Policy 8410 - *Crisis Event Intervention and Response*
Policy 8420 - *Emergency Evacuation of Schools*
Policy 8431 - *Preparedness of Toxic Hazard and Asbestos Hazard*
Policy 8442 - *Reporting Accidents*
Policy 8450 - *Control of Casual-Contact Communicable Diseases*
Policy 8453 - *Direct Contact of Communicable Diseases*
Policy 8453.01 - *Control of Blood-Borne Pathogens*

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F.A.C. 6A-3.0171(2)(f)
F.S. 381.0056
F.S. 403.021
F.S. 1006.07
F.S. 1006.22

OPERATIONS

po8405

SCHOOL SAFETY AND SECURITY

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

8405 - **SCHOOL SAFETY AND SECURITY**

The Governing Board is committed to maintaining a safe, secure, and drug-free environment in all of the Authority's schools.

School crime and violence are multifaceted problems that need to be addressed in a manner that utilizes all available resources in the community through a coordinated effort of Authority personnel, law enforcement agencies, first responders, and families. The Board further believes that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-related event or are on their way to and from school.

The Superintendent, in conjunction with the School Safety Specialist, shall develop a School Safety and Security Plan with input from representatives of the local law enforcement agencies; the local Fire Marshall(s) or his/her designee(s); representative(s) from emergency medical services;

A. members of the Board;

B. building administrators;

C. representative(s) from the local emergency management agency;

D. School Resource Officer(s);

E. security guards;

F. local mental health agencies.

Included within the Authority's School Safety and Security Plan shall be an Active Assailant Response Plan (AARP). The AARP shall include, at a minimum, procedures addressing the following:

A. security managements;

B. roles and responsibilities of Authority personnel;

C. roles and responsibilities of Safe-School Officers (Policy 8407 - *Safe-School Officers*);

D. information sharing;

E. training of Authority personnel and exercises/drills, including training standards;

F. identification of Safe Spaces and Command Posts;

G. response to the threat of an active assailant, including the following three (3) strategies: evading or evacuating, taking cover or hiding, and responding to or fighting back;

H. response to the presence of an active assailant on school grounds;

I. communication with law enforcement prior to and after law Enforcement arrives on school grounds;

J. responsibilities prior to law enforcement arrival;

K. responsibilities when law enforcement arrives on school grounds;

L. communication with the public; and

M. post-incident recovery.

The Authority will adopt its AARP annually by October 1.

Further, by October 1st of each year, the Superintendent of The School Board of Lee County shall certify to the Office of Safe Schools and document in the Florida Safe Schools Management Tool that all school personnel has received annual training on the procedures contained in the Authority's AARP.

School Safety Specialist

The Superintendent of The School Board of Lee County is responsible for designating a School Safety Specialist. The School Safety Specialist must be employed by The School Board of Lee County.

By August 1 of each year, the Authority will submit the School Safety Specialist's name, phone number, and email address to the Office of Safe Schools at SafeSchools@fldoe.org. The Authority will notify the Office of Safe Schools within one (1) school day whenever there is a change related to the contact information for the School Safety Specialist.

A. Responsibilities

The School Safety Specialist is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the Authority. The School Safety Specialist's responsibilities include, but are not limited to, the following:

1. reviewing at least annually Authority policies and procedures for compliance with Florida law and applicable rules, including the Authority's timely and accurate submission of school environmental safety incident reports to the Department pursuant to F.S. 1001.212;

2. providing necessary training and resources to students and staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security;

3. serving as the Authority liaison with local public safety agencies and national, State, and community agencies and organizations in matters of school safety and security;

4. conduct annually, on or before October 1 in collaboration with the appropriate public safety agencies, a school security risk management at each Authority school using the Florida Safe Schools management Tool developed by the Office of Safe Schools;

   The School District of Lee County will report to FLDOE by October 15th of each year that all public schools within the district have completed the management using the Florida Safe Schools management Tool. For purposes of this section, "public safety agencies" means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services.

   The School Board of Lee County will ensure the accuracy of current school listings within the Florida Safe Schools management Tool application, including school name, address, and MSID number. The Authority will report to the Office of Safe Schools via e-mail within five (5) school days of a school opening or closing, or when any other change occurs that impacts the accuracy of the Authority-provided information in the Florida Safe Schools Management Tool.

5. make unannounced inspection visits to all District schools, including charter schools;

   The inspection must be done using the form adopted by the OSS. Any violations discovered must be reported to the Superintendent or charter school principal.

6. presenting quarterly reports to the Board at a public meeting regarding the OSS inspection of Authority schools and during the first quarter of every school year, providing the Board with an annual report including the number of schools inspected by OSS the prior year and the number of those schools found to be in compliance;

7. providing a copy of any Florida School Safety Compliance Inspection Report prepared by OSS following an unannounced visit to the school principal or charter school administrator, as appropriate;

8. coordinating with appropriate public safety agencies, as defined in F.S. 365.171, that are designated as first responders to a school's campus to conduct a tour of such campus once every three (3) years and to provide recommendations related to school safety. Completion of such tours and any recommendations must be documented in each school's security risk management within the Florida Safe Schools management Tool;

   Any changes related to school safety, emergency issues, and recommendations provided by the public safety agencies will be considered as part of the recommendations by the School Safety Specialist to the Board.

9. providing, or arranging for the provision of, youth mental health awareness and assistance training to all school personnel as set forth in F.S. 1012.584;

   By July 1st of each year, The School Board of Lee County's Superintendent shall certify to the FLDOE, in a format determined by the FLDOE, that at least eighty percent (80%) of school personnel in elementary, middle, and high schools in the Authority (to include charter schools) have received the training required under this paragraph including.

   The training program shall include, but is not limited to, the following:

   a. an overview of mental illnesses and substance abuse disorders and the need to reduce the stigma of mental illness;

   b. information on the potential risk factors and warning signs of emotional disturbance, mental illness, or substance use disorders, including, but not limited to, depression, anxiety, psychosis, eating disorders, and self-injury, as well as common treatments for those conditions and how to assess those risks; and

   c. information on how to engage at-risk students with skills, resources, and knowledge required to assess the situation, and how to identify and encourage the student to use appropriate professional help and

other support strategies, including, but not limited to, peer, social, or self-help care.

10. coordinating with charter schools to address charter school safety requirements as set forth under Florida law and F.A.C. 6A-1.0018;

    The School Safety Specialist must coordinate with charter school personnel to allow input access to the Florida Safe Schools management Tool. Where input access is restricted to Authority personnel, the School Safety Specialist is responsible for gathering information from charter schools so that Florida Safe Schools Management Tool reporting requirements, including those for FortifyFL, threat management teams and active assailant response plans, include data from charter schools.

11. completing surveys provided by the Office of Safe Schools regarding Safe-School officer assignment;

12. investigating and responding to notices from the Office of Safe Schools containing suspected deficiencies at an Authority school and at or by a charter school.

B. Identification of and Corrections to Instances of Noncompliance with Florida Laws and Rules Relating to Safety

The School Safety Specialist is responsible for identifying and correcting instances of noncompliance with F.A.C. 6A-1.0018 or any other Florida laws or rules relating to safety at any Authority school. Such actions may include, but are not limited to, the following:

1. resolving deficiencies relating to Safe-School officer coverage by no later than the next school day;

2. notifying the Office of Safe Schools within twenty-four (24) hours at SafeSchools@fldoe.org of any deficiencies relating to Safe-School officer coverage and any instance of noncompliance that is determined to be an imminent threat to the health, safety, or welfare of students or staff. The notification must contain particularized facts beyond noncompliance with rules or Florida Statutes that explain the imminent threat;

3. notifying the Office of Safe Schools within three (3) days at SafeSchools@fldoe.org of any instance of noncompliance not corrected within sixty (60) days;

4. the School Safety Specialist shall identify any instances of noncompliance through their duties identified throughout this policy.

Additionally, if and when any employee of the Authority becomes aware of an instance of noncompliance at a school with a requirement of this policy or other State law or rules relating to student safety must notify the School Safety Specialist within twenty-four (24) hours, unless such noncompliance involves an imminent threat to the health, safety, or welfare of students or staff. In such instances, notice must be provided immediately.

C. Response to Notice of Suspected Deficiency from the Office of Safe Schools

The School Safety Specialist is responsible for notifying the Superintendent within twenty-four (24) hours of any notice of suspected deficiency the School Safety Specialist receives from the Office of Safe Schools.

Within one (1) school day after receipt of a Florida school safety compliance inspection report from the Office of Safe Schools that contains a noted deficiency, the School Safety Specialist must acknowledge receipt of the report in writing. The School Safety Specialist must provide the Office of Safe Schools written notice of how the noncompliance has been remediated within three (3) school days after receipt of the report.

When the notice of suspected deficiency concerns a failure to have a Safe-School officer established or assigned at each school facility, as required by F.S. 1006.12, the School Safety Specialist must respond in writing and verify to the Office of Safe Schools that the school(s) identified in the notice have a Safe-School officer on site by the next school day. In all other cases, the School Safety Specialist must respond in writing to the Office of Safe Schools within five (5) school days and verify that the Authority or school has corrected the suspected deficiency, or within that same time period, submit a written plan describing how the Authority will bring the identified school(s) into compliance. The plan must include an estimated date of completion and an explanation of alternate security measures designed to maintain a safe learning environment.

Recommendations of the School Safety Specialist

Based on the findings of the school security risk management, the School Safety Specialist's designee, the Superintendent will update the Board with identified strategies and activities that the Board should implement in order to address the findings and improve school safety and security. The Superintendent's report to the Board shall also include school safety recommendations made by public safety agencies. The Board will review the school security risk management findings and the recommendations of the Superintendent at a publicly noticed Board meeting to provide the public an opportunity to hear the Board members discuss and take action. The School Safety and Security Plan is, however, confidential and is not subject to review or release as a public record.

The Superintendent shall report the school security risk management finding and recommendations and the Board's action(s) to the Office of Safe Schools no later than thirty (30) days after the Board meeting and prior to November 1 of each year. The school principal shall submit a best practices management in the Florida Safe Schools Management Tool.

As a part of the School Safety and Security Plan, the Board shall verify that it has procedures in place for keeping schools safe and drug-free that include (see also, Form 8330 F15 entitled *Checklist of Policies and Guidelines Addressing No Child Left Behind Act of 2001*):

A. safety and security best practices;

B. appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

C. security procedures at school and while students are on the way to and from school;

D. prevention activities that are designed to maintain safe, disciplined, and drug-free environments;

E. a code of conduct or policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:

1. allows a teacher to communicate effectively to all students in the class;

2. allows all students in the class the opportunity to learn;

3. has consequences that are fair, and developmentally appropriate;

4. considers the student and the circumstances of the situation; and

5. is enforced accordingly.

Threat Management Coordinator

The Superintendent will designate a Threat Management Coordinator to oversee threat management at all Authority schools, in accordance with the requirements set forth in Florida law and State Board of Education rules. The CCCCSA Threat Management Coordinator is responsible for reporting quantitative data to the School District of Lee County's Threat Management Department who will in turn, report to the Office of Safe Schools.

Mental Health Coordinator

The School Board of Lee County shall identify a mental health coordinator for the Authority and the charter schools. The mental health coordinator shall serve as the Authority's primary point of contact regarding the Authority's coordination, communication, and implementation of student mental health policies, procedures, responsibilities, and reporting. The mental health coordinator is responsible for:

A. Coordinating with the Office of Safe Schools, established pursuant to F.S. 1001.212.

B. Maintaining records and reports regarding student mental health as it relates to school safety and the mental health assistance allocation under F.S. 1011.62(14).

C. Facilitating the implementation of Authority policies relating to the respective duties and responsibilities of the Authority, the Superintendent, and Authority Principals.

D. Coordinating with the School Safety Specialist on the staffing and training of threat management teams and facilitating referrals to mental health services, as appropriate, for students and their families.

E. Coordinating with the School Safety Specialist on the training and resources for students and Authority staff relating to youth mental health awareness and assistance.

F. Reviewing annually the Authority's policies and procedures related to student mental health for compliance with Florida law and alignment with current best practices and make recommendations, as needed, for amending such policies and procedures to the Superintendent and the Board.

Safety and Security Best Practices

The Superintendent shall develop administrative procedures for the prevention of violence on school grounds, including the management and intervention with individuals whose behavior poses a threat to the safety of the school community.

The Board shall adopt, in coordination with local law enforcement agencies and local governments, a family reunification plan to reunite students and employees with their families in the event that a school is closed or unexpectedly evacuated due to a natural or man-made disaster. The reunification plan must be reviewed annually and updated, as applicable.

Persistently Dangerous Schools

The Board has set forth the rules with regard to expected behavior in Policy 5500 - *Student Conduct* and has established the consequences for violating the policy on student conduct

in Policy 5600 - *Student Discipline*. The Board recognizes that not only Federal, but also State law requires that the Authority report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity, as well as those incidents that would be a Gun-Free Schools Act violation. It is further understood that the Florida Department of Education will then use the data for the offenses identified in the Department's Unsafe School Choice Option Policy to determine whether or not a school is considered "persistently dangerous".

Pursuant to the Board's stated intent to provide a safe school environment, school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceeds the threshold number established in State law, the Superintendent shall discuss this at the annual meeting for the purpose of reviewing the School Safety and Security Plan so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year and/or convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, the Superintendent shall offer parents and eligible students the opportunity to transfer to another school within the Authority that serves the same grades. If there is another school within the Authority serving the same grades, the transfer shall be completed in a timely manner. If there is not another school within the Authority that serves the same grades, then parents and eligible students will be advised that, although Federal and State law provides for an opportunity to transfer, they will be unable to do so.

In addition, the Superintendent shall discuss this at the annual meeting for the purpose of reviewing the School Safety and Security Plan so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year and/or convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

If a school in a neighboring Authority is identified as persistently dangerous and there is not another school or public school academy in that Authority, the Authority will admit students from that school in accordance with Board Policy 5113.

Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State laws, the parents or the eligible student shall be offered the opportunity to transfer to another school within the Authority that serves the same grades. If there is another school serving the same grades, the transfer shall be completed in a timely manner. If there is not another school serving the same grades, the parents or eligible student will be advised that, although they have the right to transfer, they will be unable to do so.

Threat Management Teams

The purpose of the threat Management team is to establish a process focusing on behaviors that pose a threat to school safety while serving as a preventative measure to identify needs and provide support to students. This process is also known as a care management. Threat management teams are responsible for the coordination of resources and management and intervention with individuals whose behavior may pose a threat to the safety of school staff or students.

All threat management teams shall use the operational process prescribed in the Florida Harm Prevention and Threat Management Model as required by F.S. 1001.212 and F.A.C. 6A-1.0019.

Each school-based threat management team must meet as often as needed to fulfill its duties of assessing and intervening with persons whose behavior may pose a threat to school staff or students, but no less than monthly. Threat management teams shall maintain documentation of their meetings, including meeting dates and times, team members in attendance, cases discussed, and actions taken.

A. Location and Membership

1. Threat management teams are located at each school in the District and composed of at least four (4) individuals (Core Four) with expertise in counseling, instruction, school administration, and law enforcement. The principal is responsible for appointing team members. All members of the threat management team must be involved in the threat management and threat management process and final decision-making. At least one (1) member of the threat management team must have a personal familiarity with the individual who is the subject of the threat management. If no member of the threat management team has such familiarity, an instructional personnel or administrative personnel who is personally familiar with the individual who is the subject of the threat management must consult with the threat management team for the purpose of assessing

the threat. The instructional or administrative personnel who provides such consultation shall not participate in the decision-making process.

a. The counseling team member must be a school-based mental health services provider who is able to access student mental health records. This must not be the school principal or equivalent.

b. The school administrator team member must not be the school principal, unless the principal is the only administrator at the school. If the Principal is the only administrator at the school, the Principal must notify the Authority's Threat Management Coordinators, who must in turn notify the Office of Safe Schools at FloridModel@fldoe.org.

c. The law enforcement team member must be a sworn law enforcement officer, as defined by F.S. 943.10, including a School Resource Officer, school-safety officer, or other active law enforcement officer. At a minimum, a law enforcement officer serving on a threat management team must have access to local Records Management System information, the Criminal Justice Information System, and the Florida Crime Information Center and National Crime Information Center databases. Officers serving on school-based threat management teams must also have clearance to review Criminal Justice Information and Criminal History Record Information.

2. The Board authorizes the Superintendent to create procedures for the purpose of:

a. identifying team participants by position and role;

b. designating the individuals (by position) who are responsible for gathering and investigating information; and

c. identifying the steps and procedures to be followed from initiation to conclusion of the threat management inquiry or investigation.

All reported threats, even those determined not to be a threat, must be documented by the threat management team. Documentation must include the evaluation process and any resultant action.

B. Sharing of Information

The CCCSA and other agencies and individuals that provide services to students experiencing, or at risk of, an emotional disturbance or a mental illness and any service or support provider contracting with such agencies may share with each

other records or information that are confidential or exempt from disclosure under F.S. Chapter 119 if the records or information are reasonably necessary to ensure access to appropriate services for the student or to ensure the safety of the student or others.

C. Immediate Mental Health or Substance Abuse Crisis

If an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat management team to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and school resource officers trained in crisis intervention shall provide emergency intervention and management, make recommendations, and refer the student for appropriate services. Onsite school personnel shall report all such situations and actions taken to the threat management team, which shall contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary follow-up actions. Upon the student's transfer to a different school, the threat management team shall verify that any intervention services provided to the student remain in place until the threat management team of the receiving school independently determines the need for intervention services.

D. Threat Management Report

The threat management team shall prepare a threat management report required by the Florida-specific behavioral threat management instrument developed pursuant to F.S. 1001.212 using the Florida Model Instrument. A threat management report, all corresponding documentation, and any other information required by the Florida-specific behavioral threat management instrument. Florida Model Instrument in the threat management portal is an education record.

E. Behavior Threat Management Instrument Training

All threat management team members must be trained on the Florida Model Instrument in accordance with Florida law.

F. Office of Safe Schools Reporting

The Threat Management Coordinator shall report quantitative data on its activities to the School District of Lee County, Threat Management Department, including all activities during the previous school year. The School District of Lee County's School Safety Specialist will report this information to the Office of Safe Schools.

Beginning in the 2022-2023 school year, the total number of threat managements conducted, disaggregated by the total number of non-threats, the total number of transient threats, the number of substantive threats, and the sex, race, and grade

level of all students assessed by the threat management team. The initial reporting period for the Florida Model Instrument will be from January 1-May 31, 2024, and information will be due by June 15, and annually thereafter for the preceding school year.

G. Threat Management Records

1. Transient or Substantive Threats

Threat management determined to be transient or substantive, as defined in F.A.C. 6A-1.0018, are Category B records and shall be maintained in a student's file as long as determined useful by a threat management team, pursuant to F.S. 1006.07 and F.A.C. 6A-1.0018.

2. Non-Threats

In order to protect students from stigma and unintended consequences, reported threats which are determined by a threat management team not to be a threat at all, meaning the threat does not rise to the level of transient or substantive, may be maintained by the threat management team, but must not be maintained in a student's file, unless one of the following conditions are met:

a. The parent of the student who was the subject of a non-threat finding requests that the record be retained in the student's file; or

b. The threat management team has made a determination that the non-threat finding must be retained in order to ensure the continued safety of the school community or to ensure the well-being of the student.

Such determination and reasoning for maintaining the record must be documented with the non-threat finding. Where such a determination is made, the threat management team must re-evaluate the decision on an annual basis to determine if the record is no longer useful. The student's age and length of time since the original management must be considered in those evaluations.

Referral to Mental Health Services

All school personnel who receive training pursuant to F.S. 1012.584 shall be notified of the mental health services that are available in the Authority.

School Environmental Safety Incident Reporting

The Superintendent is responsible for ensuring the accurate and timely reporting of incidents related to school safety and discipline in accordance with Florida law and rules promulgated by FLDOE. Parents of Authority students have a right to access school safety and discipline incidents as reported pursuant to F.S. 1006.07 (9) and will be timely notified of threats, unlawful acts, and significant emergencies pursuant to F.S. 1006.07 (4) and (7).

Student Crime Watch Program

The Board shall implement a Student Crime Watch Program to promote responsibility among students and improve school safety. Through a Board resolution, the Board will require each school principal to distribute information (including a reference to Policy 8406) at their respective schools notifying students and the community as to how they can anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.

Promotion of School Safety Awareness

In furtherance of Policy 8406 (*Reports of Suspicious Activity and Potential Threats to Schools*), the Board shall promote the use of the Florida Department of Education's mobile suspicious reporting tool ("FortifyFL") on the Authority's website, in newsletters, on school campuses, and in school publications. FortifyFL shall also be installed on all mobile devices issued to students and bookmarked on all computer devices issued to students.

Records Related to Compliance with F.A.C. 6A-1.0018

The Authority and all school staff will retain records demonstrating that the requirements of F.A.C. 6A-1.008 are met and provide such records to the Office of Safe Schools upon request.

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Revised 9/14/21
Revised 6/14/22
Revised 11/18/22
Revised 8/20/24
Revised 9/17/24
Revised 5/13/25
Revised 9/16/25
Revised 4/14/26

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Legal
F.S. 943.10

F.S. 1001.212
F.S. 1006.07
F.S. 1006.13
F.S. 1006.1493
Florida Safe Schools Assessment Tool
Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates (U.S. Secret Service and U.S. Department of Education)
F.A.C. 6A-1.0018
F.A.C. 6AER23-02
Ref-15897 Florida Harm Prevention and Threat Management Manual, Form OSS-001
Ref-15898 Florida Harm Prevention and Threat Management Instrument, Form OSS-002
Ref-15899 Comprehensive School Threat Assessment Guidelines, Form CSTAG-2022
Ref-15900 Model Behavioral Threat Assessment Policies and Best Practices for K-12 Schools, Form BTAP-2022

OPERATIONS

po8406

REPORTS OF SUSPICIOUS ACTIVITY AND POTENTIAL THREATS TO SCHOOLS

ADOPTED May 14, 2019 · REVISED May 13, 2025

8406 - **REPORTS OF SUSPICIOUS ACTIVITY AND POTENTIAL THREATS TO SCHOOLS**

It is vitally important that local public safety agencies and school officials be made aware of potential threats to schools as quickly as possible. All employees shall, and students and members of the community are strongly encouraged, to promptly make reports concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to local public safety agencies and/or school officials. The following is a non-exhaustive list of mechanisms to disclose such information by:

A. contacting local law enforcement agencies: Cape Coral Police Department

B. utilizing the Florida Department of Education's mobile suspicious reporting tool ("FortifyFL");

C. contacting the District's School Safety Specialist via-telephone at 239-334-1102;

D. calling 9-1-1.

In addition, employees must also report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to the Superintendent.

The identity of the reporting party and any other information received by school officials through the Florida Department of Education's mobile suspicious reporting tool is confidential and exempt under Florida's Public Records Act.

The Authority shall provide instruction on FortifyFL within the first five (5) days of school each year. The instruction must be age and developmentally appropriate and include the consequences of making a threat or false report involving school or school personnel's property, school transportation, or a school-sponsored activity. Instruction concerning consequences shall include disciplinary actions that may occur at school and possible criminal charges.

Annually, through procedures developed by the Superintendent, the Authority will make available a training for parents and guardians on the use of FortifyFL prior to the start of

each school year or at the time of a student's enrollment if during the school year. The training will include an explanation of the potential consequences for anyone making a threat or false report concerning school or school personnel's property, school transportation, or a school-sponsored activity, including disciplinary actions that may occur at school and possible criminal charges. Information provided during the training concerning criminal charges shall include a summary of F.S. 790.162, 790.163, 836.10 and 837.05, and the penalties for violating those statutes.

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Revised 5/13/25

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Legal
F.S. 119.07
F.S. 943.082
F.S. 1006.07
F.A.C. 6A-1.0018

OPERATIONS

po8407

SAFE-SCHOOL OFFICERS

ADOPTED May 14, 2019 · REVISED May 13, 2025

8407 - **SAFE-SCHOOL OFFICERS**

For the protection and safety of students, school personnel, visitors, and property, the Authority shall partner with local law enforcement agencies to establish or assign one or more Safe-School Officers at each school facility in the Authority, including charter schools.

A Safe-School officer shall be present, at a minimum, during the school day when the school facility is open for instruction as defined by the approved school calendar (See Policy 8210 - *School Calendar*).

Definitions

"Safe-School officer" means a school resource officer, a school-safety officer, a school guardian, or a school security guard, as identified in F.S. 1006.12.

"School facility" means a public K-12 school, including a charter school, with a Master School Identification Number (MSID) number as provided under F.A.C. 6A-1.0016, with the following exceptions:

A. Schools with separate MSID numbers that are located at the same physical location and are co-located with each other are a single school facility.

B. Schools that are located at separate physical locations and are not co-located, but share one MSID number are separate school facilities.

C. A school facility does not include:

1. schools without a physical location for instruction of students, such as virtual schools, virtual instruction programs, virtual course offerings, franchises of the Florida Virtual School and virtual charter schools;

2. settings where instruction is provided in a county jail or state prison, in a Department of Juvenile Justice facility or program, in a hospital, or while a student is homebound;

3. schools that provide only prekindergarten or adult education;

4. technical centers under F.S. 1004.91; and

5. private schools, regardless of whether or not their students receive State scholarship funds under F.S. Chapter 1002.

Training

Safe-School officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

School Resource Officers

The Board will enter into cooperative agreements with law enforcement agencies for the provision of school resource officers. School resource officers must be certified law enforcement officers as defined in F.S. 943.10(1) and employed by a law enforcement agency as defined in F.S. 943.10(4). School resource officers shall:

A. undergo criminal background checks, drug testing, and a psychological evaluation;

B. abide by Board policies and consult with and coordinate activities through school principals.

With respect to matters relating to employment, school resource officers shall be responsible to their law enforcement agency, subject to agreements between the Board and law enforcement agency. Activities conducted by school resource officers which are part of the regular instructional program of schools shall be under the direction of school principals.

The powers and duties of law enforcement officers shall continue throughout school resource officers' tenure.

Safe-School Officer Assignment Outside of the Regular School Day

The Superintendent, in consultation with the School Resource Officer, is responsible for developing procedures relating to the assignment of Safe-School officers outside of the regular school day, including during, before, and after school, summer school, during extra-curricular activities, and for school-sponsored events. In developing the procedures, the Superintendent must consider factors such as the number of persons present, the ratio of staff members to students, and other safety measures available.

Notification of Incidents Involving Safe-School Officer Discipline, Dismissal or Discharge of a Firearm Discipline and Firearm Discharge

A. Discharge of a Weapon

"Discharge" means to fire a gun or firearm.

The Superintendent must notice the Office of Safe Schools when a Safe-School officer assigned to any school facility in the District discharges a firearm in the exercise of Safe-School officer duties, other than for training purposes, as provided in F.S. 1006.12 (5). Notification must be made no later than seventy-two (72) hours of the incident by submitting Form SSON-2021 to SafeSchools@fldoe.org.

The Superintendent is also responsible for notifying the Cape Coral Police Department immediately after, but no later than seventy-two (72) hours after, a Safe-School Officer discharges their firearm in the exercise of their duties other than for training purposes.

B. Dismissal or Discipline

"Dismissal" means a Safe-School officer is permanently relieved of their position. Dismissal or termination is involuntary and initiated by the employer, including firings or other discharges for cause. "Discipline" means a Safe-School officer received a behavior-related official reprimand.

The Superintendent must notify the Office of Safe Schools when a Safe-School officer assigned to a school facility in the District has been disciplined for misconduct or has been dismissed from their duties as a Safe-School officer by their employer, including in cases where the officer is reassigned or moved to another school location, whether by a school district, charter school, law enforcement agency, or private security company, as provided F.S. 1006.12 (5). Notification must be made no later than seventy-two (72) hours of the dismissal or disciplinary action by submitting Form SSON-2021 to SafeSchools@fldoe.org.

C. The Superintendent must notify the Office of Safe Schools when there is an allegation of misconduct that results in a Safe-School officer being placed on administrative leave or reassigned pending completion of an investigation using the procedure set forth in F.A.C. 6A-1.0018 (18)(b)1. Within fifteen (15) days of completion of the investigation, updated information regarding the result of the investigation must be provided to the Office of Safe Schools.

The Superintendent is also responsible for notifying the Cape Coral Police Department immediately after, but no later than seventy-two (72) hours after, a Safe-School Officer is dismissed for misconduct or disciplined.

D. The Superintendent shall adopt and implement procedures to verify that charter schools, law enforcement agencies, and private security firms employing or contracting with Safe-School officers timely report discipline and dismissal of Safe-

School officers and any discharge of an officer's weapon outside of training activities, so that the District can meet the reporting requirements under Florida law.

Crisis Intervention Training

Each Safe-School Officer who is also a sworn law enforcement officer must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training must improve the officer's knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

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Revised 11/18/22
Revised 5/13/25

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Legal
F.S. 30.15
F.S. 943.10
F.S. 1004.91
F.S. 1006.12
F.A.C. 6A-1.0018

OPERATIONS

po8410

CRISIS EVENT INTERVENTION AND RESPONSE

ADOPTED Apr 12, 2016 · REVISED May 14, 2019

8410 - **CRISIS EVENT INTERVENTION AND RESPONSE**

The Governing Board is committed to maintaining a safe school environment for students, school personnel, and visitors In this regard, the Board has adopted policies related to conduct in the school setting as well as those that address the need for crisis intervention before, during, and following a critical incident event.

The Superintendent shall promulgate administrative procedures for responding to the need of an individual or group of individuals in the Authority who are experiencing stress as the result of a critical incident event or personal crisis that impacts the mental health of an individual or the educational environment.

The crisis response actions, on the part of counselors, may be limited to one school or may include a number of schools, requiring a more comprehensive counseling strategy coordinated by the Authority. The comprehensive counseling strategy may include community-counseling resources as well as Authority resources. At the school level, the school-based counselor coordinates the counseling response with the principal. When the event requires additional resources, the school-based counselor will coordinate activity with the Authority level resource teacher for guidance.

Each school will have a counseling plan that:

A. provides an effective intervention for students who may show warning signs that relate to violence or other troubling behaviors;

B. provides a process that screens all threats, when the threatening party is known and determines the level of concern and action required;

C. requires employees to report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, in accordance with Policy 8406;

D. is dynamic and interactive with other school counselors and community-based counselors to support the needs of students and staff during stressful events.

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F.S. 1001.43
F.S. 1006.07

OPERATIONS

po8410.01

CRITICAL INCIDENT RESPONSE

ADOPTED Apr 12, 2016 · REVISED Aug 20, 2024

8410.01 - **CRITICAL INCIDENT RESPONSE**

The Governing Board believes that the employees, and students of the Authority, as well as visitors, are entitled to function in a safe school environment. In this regard, the Board has adopted policies related to conduct in the school setting as well as those that address various critical incident event situations.

In each school cafeteria, there shall be a poster that is easily visible and prominently placed that contains step-by-step instructions on how to provide emergency first aid for choking on conscious individuals.

The Superintendent shall promulgate administrative procedures for responding to a critical incident event situation, which includes developing a prevention plan.

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Legal
F.S. 1001.42
F.S. 1003.02
F.S. 1006.07

OPERATIONS

po8415

EMERGENCY AND CRISIS MANAGEMENT

ADOPTED Apr 12, 2016 · REVISED Sep 16, 2025

8415 - **EMERGENCY AND CRISIS MANAGEMENT**

The Governing Board recognizes that the use of its facilities and transportation services can be invaluable to this community in a crisis or emergency. Therefore, in the event of a local or State emergency and upon the request of the local emergency management agency, the Authority shall participate in the emergency management effort by providing its facilities for use as emergency congregate shelters and by providing personnel necessary to access them or perform other duties related to the facilities as may be required pursuant to the county emergency management plan and program. Additionally, if needed, the Authority shall coordinate the use of its vehicles and transportation personnel with the local emergency management agency to facilitate an emergency evacuation or for other related purposes.

The Board authorizes the Superintendent to establish a crisis management team whose members shall be trained in various emergency procedures.

If a life-threatening emergency is anticipated in or near the Authority, crisis management team members, as well as the principals and other designated personnel of schools serving as emergency congregate shelters, shall make themselves available as needed. Unless otherwise designated, the principal of each school serving as a congregate shelter shall be the "shelter manager" and shall be responsible for all aspects of the operation of the emergency congregate shelter.

The Board recognizes that exempt and nonexempt employees who serve on the crisis management team and who staff the congregate shelters during a declared emergency will be providing services that exceed their contractual obligations by working on days and at times when other Authority employees are not required to be on duty. In addition to receiving their regular pay in accordance with the Board-adopted salary schedule for their position, the Board shall pay supplements to those employees who perform duties in direct support of the Authority's congregate sheltering operations on days when other Authority employees are not required to be on duty in accordance with the schedule for such emergency service that is adopted by the Board. Nonexempt staff members who receive such supplements shall also receive one and one-half (1 1/2) times the established rate in the Board-approved schedule for such emergency service for hours worked beyond forty (40) hours in a seven (7) day period. In any case, the pay received shall be considered extra compensation and shall not be part of the employee's base salary prospectively.

Following the use of Authority facilities as congregate shelters, the Superintendent shall calculate the amount spent during the period the facilities were used for congregate shelters that is above and beyond the usual and customary expenses to operate the facilities during that time period for the following:

A. utilities (e.g., power, water, and telephone),

B. generator usage (rental costs and/or fuel required),

C. shelter safety and security, and

D. costs related to use of buses and other vehicles, excluding operator costs.

The Superintendent is authorized to submit the itemized total expended by the Authority for extra compensation for exempt and nonexempt staff, as well as the additional amount expended for the operation of the Authority facilities used as congregate shelters, to the Federal Emergency Management Agency (FEMA) for reimbursement. The Board shall be informed of the amount of reimbursement requested from FEMA at the next regularly-scheduled Board meeting.

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Legal
F.S. 252.38
F.S. 252.385
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43
F.S. 1006.07
F.S. 1013.10
F.S. 1013.372

OPERATIONS

po8420

EMERGENCY MANAGEMENT, EMERGENCY PREPAREDNESS, AND EMERGENCY RESPONSE AGENCIES

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

8420 - **EMERGENCY MANAGEMENT, EMERGENCY PREPAREDNESS, AND EMERGENCY RESPONSE AGENCIES**

Emergency Management and Emergency Preparedness

The CCCSA recognizes that its responsibility for the safety of students and staff requires that it formulate and prescribe in consultation with appropriate public safety agencies emergency management and emergency preparedness procedures for all public schools in the CCCSA, including emergency notification procedures for life-threatening emergencies, including, but not limited, fires; natural disasters; bomb threats; weapon-use, hostage and active assailant situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure as a result of a manmade emergency and that such emergencies are best met by preparedness and planning. Such procedures shall meet the requirements of the State Board of Education rules.

Policies and procedures for emergency drills and fire drills shall be developed in consultation with the appropriate public safety agencies, including, at a minimum, law enforcement, fire service, and emergency management.

The active assailant situation training for each school must engage the participation of the School Safety Specialist, threat assessment team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to each school's campus.

Pursuant to Policy 8405 - *School Safety and Security*, the Superintendent (in conjunction with the School Safety Specialists) shall develop, and revise as necessary, a School Safety Plan to provide for the safety and welfare of the students and staff, as well as a system of emergency preparedness and accompanying procedures that provide for the following:

A. a listing of the commonly used alarm system response for specific types of emergencies and verification by each school that drills have been provided as

required by law and fire protection codes (such drills shall include accommodations conducted at exceptional student education centers);

B. the health and safety of students and staff are safeguarded;

C. embraces a collaborative effort with community emergency responders;

D. the time necessary for instructional purposes is not unduly diverted;

E. minimum disruption to the educational program occurs;

F. students are helped to learn self-reliance and trained to respond sensibly to emergency situations;

G. the system is supported by ongoing training that will include practical application and appropriate drills as required by F.S. 1001.42;

H. evacuation drills should represent actual emergencies, including, but not limited to firearm, natural disasters, and bomb threats;

I. emergency egress and relocation drills (including, but not necessarily limited to, fire drills) in accordance with the requirements of the Florida Fire Prevention Code, the Fire Code (NFPA 1), and the Life Safety Code (NFPA 101);

J. drills for active assailant and hostage situations shall be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as emergency drills and fire drills required by the Florida Fire Prevention Code, as adopted by the State Fire Marshall; and

Law enforcement officers responsible for responding to the school in the event of an active assailant emergency, as determined necessary by the CCPD in coordination with the CCCSA 's School Safety Specialists, must be physically present on campus and directly involved in the execution of active assailant drills. The CCCSA School Safety Specialists must notify law enforcement officers at least twenty-four (24) hours before conducting an active assailant emergency drills at which such law enforcement officers are expected to attend

K. floor plans of each school must be provided to all community emergency responders in support of evacuation procedure.

The Authority shall comply with the school safety requirements, which apply from thirty (30) minutes before the school start time until thirty (30) minutes after the end of the school day, in accordance with F.S. 1006.07(6)(f), including the following:

A. All gates or other access points that restrict ingress to or egress from the exclusive zone of a school campus shall remain closed and locked when students are on campus. "Exclusive zone" means the area within a gate or door allowing access to the interior perimeter of a school campus beyond a single point of entry. A gate or access point to the exclusive zone may only be open or unlocked, if one of the following conditions is met:

1. It is attended or actively staffed when students are on campus; or

2. The use complies with a shared use agreement pursuant to F.S. 1013.101; or

3. Another closed and locked gate or access point separates the open or unlocked gate from the areas occupied by students; or

4. the School Safety Specialist, or designee, has documented in the Florida Safe Schools Assessment Tool (FSSAT) portal maintained by the Office of Safe Schools (OSS) that the gate or other access point is not subject to this requirement based upon other safety measures at the school or based upon compliance with the Florida Fire Prevention Code. Documentation in the FSSAT must include a description of the other safety measures present and a photograph of the gate or access point not subject to this requirement. The office may conduct a compliance visit pursuant to F.S. 1001.212(14) to review if such determination is appropriate.

   This paragraph does not apply to the nonexclusive zone of a school campus. "Nonexclusive zone" means the area outside of the exclusive zone, but contained on school property. Nonexclusive zones may include, but are not limited to, such spaces as parking lots, athletic fields and stadiums, mechanical buildings, playgrounds, bus ramps, agricultural spaces, and other areas that do not give direct, unimpeded access to the exclusive zone.

B. All school classrooms and other instructional spaces must be locked to prevent ingress when occupied by students, except between class periods when students are moving between classrooms or other instructional spaces. All school classrooms and other instructional spaces with a permanently installed door lock may also use temporary door locks during an active assailant incident. The temporary door lock must be able to be engaged or removed without opening the door; must be easily removed in a single operation from the egress side of the door without the use of a key and from the ingress side of the door with the use of a key or other credential; may be installed at any height; must otherwise be in compliance with the Florida Fire Prevention Code; and must be integrated into the active assailant response plan. If a classroom or other instructional space door must be left unlocked or open for any reason other than between class periods when students are moving between classrooms or other instructional spaces, the door must be actively staffed by a person standing or seated at the door. All school classrooms and other

instructional spaces with a permanently installed door lock may also use temporary door locks during an active assailant incident. The temporary door lock must be able to be engaged or removed without opening the door; must be easily removed in a single operation from the egress side of the door without the use of a key and from the ingress side of the door with the use of a key or other credential; may be installed at any height; must otherwise be in compliance with the Florida Fire Prevention Code; and must be integrated into the active assailant response plan.

Instructional spaces for career and technical education that are designed as open areas, for which compliance with the requirements in paragraph B. above would affect the health and safety of students, may be exempted from compliance with that paragraph by the school safety specialist. To be exempt, the school safety specialist, or designee, must document in the Florida Safe Schools Assessment Tool portal maintained by the Office of Safe Schools that the instructional space is exempt from these requirements due to negative impacts to student health and safety and the presence of other safety measures at the school that prevent egress from the instructional space to hallways or other classrooms or instructional spaces.

Common areas on a school campus, including but not limited to, cafeterias, auditoriums and media centers, when used for instructional time or student testing, must meet the requirements of paragraph B. only when such areas are being used for instructional time or student testing.

As defined in F.S. 1012.01, staff members who knowingly violate school safety requirements shall be subject to progressive discipline plan administered by each principal.

C. For schools that do not have a secure exclusive zone, all campus access doors, gates, and other access points that allow ingress to or egress from a school building shall remain closed and locked at all times to prevent ingress, unless a person is actively entering or exiting the door, gate, or other access point or the School Safety Specialist, or designee, has documented in the Florida Safe Schools Assessment Tool portal maintained by the Office of Safe Schools that the open and unlocked door, gate, or other access point is not subject to this requirement based upon other safety measures at the school. The office may conduct a compliance visit pursuant to F.S. 1001.212(14) to review if such determination is appropriate. All campus access doors, gates, and other access points may be electronically or manually controlled by school personnel to allow access by authorized visitors, students, and school personnel.

D. All school classrooms and other instructional spaces must clearly and conspicuously mark the safest areas in each classroom or other instructional space where students must shelter in place during an emergency. Students must be notified of these safe areas within the first ten (10) days of the school year. If it is not feasible to clearly and conspicuously mark the safest areas in a classroom or other instructional space,

the School Safety Specialist, or designee, must document such determination in the Florida Safe Schools Assessment Tool portal maintained by the OSS, identifying where affected students must shelter in place. The OSS shall assist the School Safety Specialist with compliance during the inspection required under F.S. 1001.212(14)

Persons who are aware of a violation of the requirements must report the violation to the Principal. The Principal must report the violation to the School Safety Specialist no later than the next business day after receiving such report. If the person who violated this paragraph is the Principal or charter school administrator, the report must be made directly to the Chief Education Officer (CEO) or charter school governing board, as applicable.

Instructional and administrative personnel, as well as educational support employees and managers as defined in F.S. 1012.01, who knowingly violate school safety requirements shall be subject to the which may include, but is not limited to, verbal warning up to termination of employment. The seriousness of the employee's violation of a school safety requirement and any prior disciplinary offenses will be taken into consideration in determining the appropriate discipline to be implemented.

All threats to the safety of CCCSA facilities, students and staff shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness. Any aspect of the emergency preparedness plan and/or procedures that are included in the School Safety Plan shall remain confidential and exempt from public records disclosure in accordance with State law.

The Superintendent, as part of the development of the emergency preparedness plan and procedures, shall establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of school campuses.

Drills

Completion of emergency drills shall be documented at all school facilities in the CCCSA.

The CCCCSA shall maintain a record that is accessible at each school or by the OSS of all current school year and prior school year drills conducted, including the names of law enforcement personnel present for each active assailant emergency drill.

Alyssa's Alert/Mobile Panic Alert System

In accordance with the requirements of F.S. 1006.07, the Authority shall implement a mobile panic alert system. The Authority will select a system under contract with FLDOE or procure a different system. The Authority will maintain current listings of mobile panic alert systems implemented by all public schools, including charter schools, within the Authority. Such list shall include the school name, address, and MSID number, and vendor or

application implemented. The list will be provided to the Office of Safe Schools via email by August 1, 2022, and will be updated within five (5) school days of a school opening or closing, or when any other change occurs that impacts the accuracy of Authority-provided information.

The Authority's mobile panic alert system will include mobile devices placed throughout each school campus. In determining the number and placement of devices needed to afford all staff members the ability to silently and easily activate a panic alert in the event of an on-campus emergency, the Authority will consider using a combination of fixed panic alert buttons, mobile and desktop applications, landline phone capabilities, and wearable panic alerts (such as on a lanyard).

The Authority's policies and procedures related to Alyssa's Alert/Mobile Panic Alert Systems will be developed in consultation with the County 911 authority and local emergency management office to ensure that the system integrates with local public safety answering point (PSAP) infrastructure to transmit calls and mobile activations.

List of Primary Emergency Response Agencies

The primary emergency response agencies that are responsible for notifying the CCCSA for each type of emergency are as follows:

A. Fires:

City of Cape Coral Fire Department

B. Natural Disasters:

Emergency Operations Center, City of Cape Coral

C. Bomb Threats:

City of Cape Coral Police Department

D. Weapon-Use, Hostage, and Active Assailant/Shooter Situations:

City of Cape Coral Police Department

E. Hazardous Materials or Toxic Chemical Spills:

Department Risk Management, City of Cape Coral

F. Weather Emergencies, Including Hurricanes, Tornadoes, and Severe Storms:

Emergency Operations Center, City of Cape Coral

G. Exposure as a Result of a Manmade Emergency:

City of Cape Coral Police Department/Fire Department

Parents of CCCSA students will be timely notified pursuant to procedures adopted by the Superintendent of threats and the following unlawful acts and significant emergencies that occur on school grounds, during school transportation, or during school-sponsored activities:

A. weapons possession or use when there is intended harm toward another person, hostage, and active assailant situations;

B. murder, homicide, or manslaughter;

C. sex offenses, including rape, sexual assault, or sexual misconduct with a student by school personnel;

D. natural emergencies, including hurricanes, tornadoes, and severe storms.

E. exposure as a result of a manmade emergency.

The individual(s) responsible for contacting the primary emergency response agencies listed above are as follows:

A. Superintendent;

B. building administrators;

C. building maintenance.

The information in this section shall be part of the School Safety and Security Plan, and, therefore, confidential.

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Revised 11/18/22
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Revised 11/12/24
Revised 9/16/25
Revised 3/10/26
Revised 4/14/26

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Legal

Florida Fire Prevention Code (F.S. 633.202)

F.S. 1001.43

F.S. 1006.07

F.S. 1013.13

Fire Code (NFPA 1)

Life Safety Code (NFPA 101)

F.A.C. 6A-1.0018

OPERATIONS

po8420.01

EPIDEMICS AND PANDEMICS

ADOPTED Mar 9, 2021

8420.01 - **EPIDEMICS AND PANDEMICS**

Epidemics and pandemics, although related, are different. The Centers for Disease Control and Prevention (CDC) defines an epidemic as "an increase, often sudden, in the number of cases of a disease above what is normally expected in that population in that area," and a pandemic as "an epidemic that has spread over several countries or continents, usually affecting a large number of people." To address epidemics and pandemics, the Superintendent shall establish an Epidemic/Pandemic Response Team ("EPRT") to develop an Epidemic/Pandemic Plan in coordination with local government and law enforcement officials.

The Epidemic/Pandemic Plan should include:

A. a communication method for school schedule changes, busing changes, and school closures;

B. a designee responsible for communicating with the Florida Department of Education and other governmental entities;

C. an educational pandemic prevention program for staff and students;

D. provision for the business office to maintain continuity of operations during an epidemic or pandemic;

E. provision for distance-based learning for students (i.e., Internet instruction, community channel broadcast) to maintain continuity of education;

F. procedures for preventing the spread of infectious diseases during an epidemic or pandemic, including routine cleaning of school sites;

G. procedures for staff and student absences and extended leaves of absence due to an epidemic or pandemic;

H. procedures for isolation and possible transportation of students and staff who become ill at school due to an epidemic or pandemic;

I. a plan of communication regarding epidemic and pandemic status to students, parents, and staff;

J. a plan for operating the District with less staff due to an epidemic or pandemic;

K. a designee responsible for establishing timelines within the Epidemic/Pandemic Plan and ensuring that such timelines are met and implementation of the plan occurs;

L. other emergency procedures necessary for the District to deal with an epidemic or pandemic.

The Epidemic/Pandemic Plan should be reviewed annually by the EPRT and updated as appropriate.

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Legal
F.S. 1001.41
F.S. 1001.43
F.S. 1006.07

OPERATIONS

po8431

PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

8431 - **PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD**

The Governing Board is concerned for the safety of the students and staff members and will comply with all Federal and State statutes and regulations to protect them from hazards that may result from industrial accidents beyond the control of school officials or from the presence of asbestos materials used in previous construction.

TOXIC HAZARDS

These hazards exist in chemicals and other substances used in the school setting such as in laboratories, science classrooms, kitchens, and in the cleaning of rooms and equipment.

The Superintendent shall appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will:

A. identify potential sources of toxic hazard in cooperation with material suppliers who shall supply the THP Officer with Safety Data Sheets (SDSs);

B. ensure that all incoming materials, including portable containers, are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party;

C. maintain a current file of SDSs for every hazardous material present on Authority property;

D. conduct a training program for all Authority employees to include such topics as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment.

In fulfilling these responsibilities, the THP Officer may enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazards.

The Superintendent shall also ensure that, when conducting asbestos abatement projects, each asbestos contractor and asbestos consultant employed by the Authority is licensed and regulated by the Florida Department of Business and Professional Regulation.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that is the consequence of an accident or equipment failure or negligent or deliberate act beyond the control of the Board or its officers and employees.

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Revised 5/13/25

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Legal
F.S. 1013.12
40 C.F.R 763.92
Asbestos Hazard Emergency Response Act of 1986 (AHERA)
15 U.S.C. 2601
20 U.S.C. 4011 et seq.
20 U.S.C. 4014
20 U.S.C. 4022
Asbestos School Hazard Abatement Act of 1984
Asbestos School Hazard Abatement Reauthorization Act of 1990, 20 U.S.C. 4011

OPERATIONS

po8442

REPORTING ACCIDENTS

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

8442 - **REPORTING ACCIDENTS**

The Governing Board directs that all reasonable efforts be made to ensure a safe learning and working environment for the students and employees of the Authority.

To that end, and so that legitimate employee claims for workers' compensation be expedited, the Board requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a student, employee of the Board, or a visitor to the schools must be reported promptly and in writing to the Authority's business office. Injured persons shall be referred immediately to appropriate personnel for such medical attention as may be appropriate.

The injured employee, visitor, or the staff member responsible for an injured student shall complete a form that includes the date, time, and place of the incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any employee of the Board who suffers a job-related injury must report the injury and its circumstances to the principal or job supervisor, as appropriate, as soon as possible following the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action.

Revised 8/14/18

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Legal
F.S. 1006.07

OPERATIONS

po8450

CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES

ADOPTED Apr 12, 2016 · REVISED Dec 8, 2020

8450 - **CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES**

The Governing Board recognizes that control of the spread of communicable disease spread through casual contact is essential to the well-being of the school community and to the efficient Authority operation.

For purposes of this policy, "casual-contact communicable disease" shall include:

A. diphtheria,

B. scarlet fever and other strep infections,

C. whooping cough,

D. mumps,

E. measles,

F. rubella,

G. others designated by the Florida Department of Public Health.

In order to protect the health and safety of the students, Authority personnel, and the community at large, the Board shall follow all State statutes and Health Department regulations which pertain to immunization (see also Policy 5320) and other means for controlling communicable disease spread through normal interaction in the school setting.

If a student exhibits symptoms of a communicable disease, then the Principal will isolate the student in the building, contact the school nurse, and attempt to contact the parents. Isolation of a student means the separation of a student who is reasonably believed to be infected with a communicable disease from individuals who are not infected to prevent the possible spread of the disease. The Authority will follow directives from the Lee County Health Department regarding notification of that department when a student appears to have, or have been, exposed to a communicable disease, as well as directives from the

Lee County Health Department regarding whether or not the student should be excluded from school for a prescribed period of time.

The Superintendent shall develop administrative procedures for the control of communicable disease which shall include, but not be limited to, the following:

A. instruction of instructional staff members in the detection of these common diseases and measures for their prevention and control;

B. removal of students from Authority property to the care of a responsible adult;

C. preparation of standards for the readmission of students who have recovered from casual-contact communicable diseases;

D. filing of reports as required by statute and the State Department of Health.

Revised 12/8/20

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Legal
F.S. 381.00315
F.S. 1003.22

OPERATIONS

po8450.01

PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC EVENTS

ADOPTED Mar 9, 2021 · REVISED Jun 14, 2022

8450.01 - **PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC EVENTS**

During times of elevated communicable disease community spread (pandemic or epidemic), the Superintendent will issue periodic guidance through Governing Board plans/resolution(s) in alignment with applicable rules adopted by the Florida Departments of Health and Education, public health officials and/or in accordance with government edicts and including any Pandemic Plan developed by the Authority's Pandemic Response Team.

School settings can be a source of community spread. Wearing face masks/coverings is especially important during these times and can help mitigate the risk of exposure from person to person.

Staff, Volunteers, and Visitors

As such, during times of elevated communicable disease community spread, the Superintendent may activate this policy by notifying the school community, requiring all school staff, volunteers and visitors (including vendors) to wear appropriate face masks/coverings on school grounds unless it is unsafe to do so or where doing so would significantly interfere with the Authority's educational or operational processes.

Use of Mask/Face Covering

Face coverings/masks should:

A. fully cover the mouth, nose, and chin;

B. fit snugly against the side of the face so there are no gaps;

C. not create difficulty breathing while worn; and

D. be held securely through either a tie, elastic, etc. to prevent slipping.

Facial masks/coverings generally should not include surgical masks or respirators unless medically indicated (as those should be reserved for healthcare workers) or masks designed to be worn for costume purposes.

All employee facial masks/coverings shall meet the requirements of the appropriate dress/staff grooming policies (Policy 3216/Policy 4216). All student facial masks/coverings shall meet the requirements of the appropriate Student Code of Conduct/Student Discipline Code and Policy 5511 *Dress and Grooming*.

Any person may be required to temporarily remove a face mask or covering when instructed to do so for identification or security purposes. Failure to comply with such a request violates this policy and may lead to disciplinary or other action.

Removal of face masks/face coverings may be considered when:

A. facial masks/coverings in the school setting are prohibited by law or regulation;

B. facial masks/coverings are in violation of documented industry standards;

C. facial masks/coverings are not advisable based on a health issue as documented by a licensed Florida physician, D.O. or PA or ARNP;

D. facial masks/coverings are in violation of the school's documented safety policies;

E. to assist with communications for hearing impaired students.

Use of Face Shields

Face shields that wrap around the face and extend below the chin may be permitted as an alternative to face masks/coverings with permission of the Superintendent as the Board recognizes that face shields may be useful in some situations, including:

A. when interacting with students, such as those with disabilities, where communication could be impacted;

B. when interacting with English-language learners or when teaching a foreign language;

C. settings where face masks/coverings might present a safety hazard (i.e. science labs); or

D. for individuals who have difficulty wearing a face mask/covering.

If employees receive approval from the Authority administration after discussing their request not to wear a face mask/covering/shield due to a physical, mental or

developmental health condition, and/or if wearing a mask/covering/shield would lead to a medical emergency or would introduce significant safety concerns, the Authority administration may also discuss other possible accommodations for the staff member. Such discussion shall follow Board policies and guidelines under the ADA.

School nurses or staff who care for individuals with symptoms consistent with those of a communicable disease must use appropriate personal protective equipment (PPE), provided by the school, in accordance with OSHA standards.

When facial masks/coverings are required by the Board, and no exception has been applied, staff members who violate this policy shall be subject to disciplinary action in accordance with policies of the Board.

Revised 6/8/21
Revised 12/14/21
Revised 6/14/22

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Legal
F.S. 768.381
F.S. 768.38

OPERATIONS

po8452

AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

ADOPTED Nov 8, 2016 · REVISED Mar 10, 2026

8452 - **AUTOMATED EXTERNAL DEFIBRILLATORS (AED)**

An automated external defibrillator (AED) is a medical device designed to analyze the heart rhythm and deliver an electric shock to victims of ventricular fibrillation to restore the heart rhythm to normal. Ventricular fibrillation is the uncoordinated heart rhythm most often responsible for sudden cardiac arrest. Sudden cardiac arrest occurs when ventricular fibrillation takes place or when the heart stops beating altogether. Without medical attention, the victim collapses, loses consciousness, becomes unresponsive, and dies. Many victims have no prior history of heart disease and are stricken without warning.

Each CCCCSA school shall develop a plan for urgent life-saving emergencies (PULSE) that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds. Each PULSE must integrate evidence-based core elements and consider those elements recommended by the American Heart Association for schools responding to cardiac emergencies. CCCCSA officials shall work directly with local emergency service providers to integrate the PULSE into the community's emergency responder protocols.

No later than July 1, 2027, each CCCCSA school shall have at least one (1) operational AED on school grounds. The AED must be available in a clearly marked and publicized location. Schools must maintain the AED according to the manufacturer's recommendations and maintain all verification records for such defibrillators.

In addition to the one (1) operational AED that must be on school grounds, each public school in the Authority that is a member of the Florida High School Athletic Association (FHSAA) must have a separate operational AED on school grounds in a clearly marked and publicized location for each athletic contest, practice, workout, or conditioning session, including those conducted outside of the school year.

All employees or volunteers who are reasonably expected to use an AED will be required to complete appropriate training, including completion of a course in cardiopulmonary resuscitation (CPR) or a basic first aid course that includes CPR and demonstrated proficiency in the use of an AED.

All employees or volunteers who are reasonably expected to use an AED shall be notified annually of the location of each AED on school grounds. The location of each AED must

also be registered with a local emergency medical services medical director.

In accordance with State law, any person, including Authority employees or volunteers who uses or attempts to use an AED on a victim of a perceived medical emergency, without objection of the victim of the perceived medical emergency, is immune from civil liability for any harm resulting from the use or attempted use of such AED, subject to certain exceptions set forth in Florida law.

If an AED device is placed in a building, the Board directs the Superintendent to develop procedures that govern AEDs, including, but not limited to, the use of the AED, placement of the AED, training, and maintenance and testing of the devices. In promulgating these procedures, the Superintendent shall follow the procedures and recommendations developed pursuant to State law by the Secretary of the Department of Health.

Revised 12/14/21
Revised 3/10/26

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Legal
21 C.F.R. 801.109
F.S. 401.2915
F.S. 768.13
F.S. 768.1325
F.S. 1003.457
F.S. 1006.165

OPERATIONS

po8453

DIRECT CONTACT COMMUNICABLE DISEASES

ADOPTED Apr 12, 2016

8453 - **DIRECT CONTACT COMMUNICABLE DISEASES**

The Governing Board seeks to provide a safe educational environment for students and staff. This can best be accomplished by assuring that all persons with the school community understand the method of transmission and prevention of diseases that are not contracted through air-borne pathogens, but rather, through direct contact with body fluids and excretions, especially blood, vomit, feces, or urine. The Board is also committed to assuring the confidential status of individuals who may have been diagnosed with a blood-borne communicable disease.

For purposes of this policy, these diseases shall include:

A. HIV (human immunodeficiency virus);

B. AIDS (acquired immune deficiency syndrome);

C. AIDS related complex (condition);

D. HAV, HBV, HCV (Hepatitis A, B, C);

E. other diseases that may be specified by the State Department of Health as contact communicable diseases.

The Board recognizes the fact that individuals who have contracted these diseases may not exhibit symptoms for many years after exposure and may, in fact, not be aware that they have contracted the disease. They are, however, able to transmit the disease to other individuals.

The Board authorizes the Superintendent to include instruction regarding blood-borne communicable diseases in the health curriculum. Instruction may include, but is not limited to, information about the known modes of transmission, signs and symptoms, risk factors associated with acquired immune deficiency syndrome, and means used to control the spread of acquired immune deficiency syndrome. The programs provided for students shall be age and grade appropriate and shall reflect current theory, knowledge, and practice regarding blood-borne communicable diseases and their prevention.

Students or staff who reveal the fact they have contracted one (1) of these diseases will have their status safeguarded in accordance with Federal and State statutes dealing with privacy and confidentiality, as well as Board Policy 8310 and Policy 8330. Furthermore, their civil rights will be respected.

It is the policy of the Board that the harassment of, or discrimination against, any student or employee because the individual has, or is thought to have, a blood-borne communicable disease is prohibited. Such harassment shall constitute a violation of Board Policy 1362, Policy 3362, Policy 4362, or Policy 5517, and such discrimination shall constitute a violation of Board Policy 1122, Policy 2260, Policy 3122, or Policy 4122.

Staff member with one (1) of the blood-borne communicable diseases listed above will be expected to perform their regular duties. Staff members with one of these diseases will have access to Authority leave policies in accordance with Board policy and negotiated agreement, and will have opportunities for reasonable accommodation in accordance with the Americans with Disabilities Act (ADA).

Students with one (1) of the blood-borne communicable diseases listed above have the right to a free and appropriate public education, without restriction. Accordingly, a student with one of these diseases will be expected to maintain regular attendance, as required by State law. If an alternate placement is necessary or deemed appropriate or if the student needs related services, the Authority shall comply with the requirements of Section 504, IDEIA, and/or the ADA, and shall follow the guidelines for such alternate placement established by the USDOE's Office for Civil Rights. Lastly, should a student be unable to attend school as a result of the illness, an alternative education program shall be provided in accordance with Board Policy 2412 - *Homebound Instruction Program*.

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Legal
F.S. 1001.41
F.S. 1003.42
F.S. 1006.07

OPERATIONS

po8453.01

CONTROL OF BLOOD-BORNE PATHOGENS

ADOPTED Apr 12, 2016

8453.01 - **CONTROL OF BLOOD-BORNE PATHOGENS**

The Governing Board seeks to provide conditions that contribute to the protection of all persons from exposure to blood-borne pathogens or other potentially infectious materials while on school sites or at school activities.

The Superintendent shall ensure development and implementation of a program and procedures to minimize employee and student, as well as visitor, exposure to blood or other potentially infectious materials. Hepatitis B vaccinations will be provided to "at risk" employees at no cost and in accordance with federally mandated scheduling. Appropriate procedures shall be established for the reporting, evaluation, and follow-up to any and all incidents of exposure.

The responsible principal or facility administrator, acting as "employer" at each site, shall:

A. develop an exposure control plan and update it annually;

B. require proper training in the universal precautions against exposure and/or contamination, including the provision of appropriate protective supplies and equipment;

C. identify those categories of employees whose duties create a reasonable anticipation of exposure to blood or other infectious materials;

D. request Hepatitis B vaccinations for those employees whose duties create a reasonable anticipation of exposure to blood or other infectious materials;

E. report all incidents of exposure;

F. provide for record keeping of all of the above that complies with Federal and State laws.

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29 C.F.R. 1910.1030

OPERATIONS

po8462

STUDENT ABUSE, ABANDONMENT, AND NEGLECT

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

8462 - **STUDENT ABUSE, ABANDONMENT, AND NEGLECT**

The Governing Board is concerned with the physical and mental well-being of the students of the Authority and requires that school employees comply with the mandated identification and reporting of known or suspected cases of child abuse, abandonment, or neglect in accordance with law.

Reporting Known or Suspected Cases

A. Any person, including teachers, administrators, support personnel, and other Authority and school personnel who knows, or has reasonable cause to suspect that a child or a student has been abused, abandoned, or neglected by a parent, legal custodian, caregiver, adult, or other person responsible for the child's welfare or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the Department of Children and Families in a manner prescribed by law.

   Further any person, including teachers, administrators, support personnel, and other Authority and school personnel, who knows, or has reasonable cause to suspect, that a child or a student is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, shall report such knowledge or suspicion to the Department of Children and Families in a manner prescribed by law.

   A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, commits a felony of the third degree.

B. The proper procedure for reporting known or suspected cases of child abuse, abandonment, and neglect is:

   1. Make a report immediately to the Department of Children and Families central abuse hotline, using the single Statewide toll-free telephone number: 1-800-96-ABUSE (1 800 962 2873), or via fax, web-based chat, or web-

based report. School employees reporting such cases are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential and exempt as provided by law.

2. As soon as practicable after making the report, the school staff member shall inform the principal or supervisor of his/her knowledge or suspicions, and advise that individual that the report has been made.

C. School employees are to be advised that reporting their knowledge or suspicions of suspected abuse to a principal, or supervisor, or other school or Authority personnel does not comply with the mandatory reporting requirements of the law. The principal, supervisor, and other school or Authority personnel who are informed of suspected abuse, abandonment, and neglect likewise have an obligation to report to the central abuse hotline as required by law.

D. No employee of the Authority shall be subject to reprisal or discharge because of his/her actions in reporting abuse or neglect pursuant to the requirements of F.S. 39.203.

E. No Board employee may agree, as a condition of receiving information about child abuse, neglect, or abandonment from a victim, a perpetrator, witness, or other person, that the Board employee will not report this information as required by law and this Board policy.

False Reports

A person who knowingly and willfully makes a false report of child abuse, abandonment, or neglect, or who advises another to make a false report, is guilty of a felony of the third degree and may be subject to other penalties in accordance with Florida law.

Posting of Notices

Each school in the Authority shall:

A. post in a prominent place in each school a notice that, pursuant to F.S. Chapter 39, all employees and agents of the Board have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect;

The notice shall also include the Statewide toll-free telephone number of the central abuse hotline.

B. post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators;

C. post in a prominent place, in a clearly visible location and public area of the school, readily accessible to and widely used by students, a sign in English and Spanish that contains:

1. the Statewide toll-free telephone number of the central abuse hotline as provided in F.S. Chapter 39;

2. instructions to call 911 for emergencies; and

3. directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, neglect, and exploitation.

The notice must be posted in each school, on a sheet that measures at least 11 inches by 17 inches, produced in large print, and placed at student eye level for each viewing.

Training

All teachers and instructional staff members in grades K-12 are required to participate in the continuing education training provided by the Department of Children and Family Services on identifying and reporting child abuse and neglect.

All instructional personnel, school administrators, and educational support employees who have contact with students must receive State-developed training on human trafficking awareness. Employees must provide a written acknowledgment to the school after receiving the training, and the school must retain that acknowledgment. Individuals who are required to receive training on human trafficking awareness must report any suspicion of human trafficking of a child to the Department of Children and Families or the Florida Human Trafficking Hotline at either entity's designated telephone number.

Liaison

The Superintendent will act as a liaison to the Department of Children and Families and the child protection team when a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child is referred to such a team.

The Superintendent shall also serve, or nominate a designee to represent the Authority, on the Local Child Abuse Death Review Committee as required by State law. The Superintendent shall also require Authority staff, who, in a professional capacity, dealt with a child whose death is verified as caused by abuse or neglect, or with the family of the child, to attend any meetings of the local committee at which the child's case is reviewed.

Liability

Employees who report abuse, abandonment, and/or neglect of a student may be entitled to certain statutory liability protections as set forth in F.S. 39.203.

Re-adopted 11/8/16
Revised 8/14/18
Revised 10/8/19
Revised 3/10/26

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Legal
F.S. 39.01(47)
F.S. 39.201
F.S. 39.202
F.S. 39.203
F.S. 39.204
F.S. 39.205
F.S. 39.206
F.S. 39.303
F.S. 383.402
F.S. 1001.41
F.S. 1001.42
F.S. 1006.061
F.S. 1006.481
F.S. 1012.98

OPERATIONS

po8470

REGISTERED SEXUAL PREDATORS/SEX OFFENDERS

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

8470 - **REGISTERED SEXUAL PREDATORS/SEX OFFENDERS**

The Governing Board is committed to assisting the sheriff and chiefs of police with their statutory requirement for mandatory community notification of sexual predators and optional community notification with regard to sex offenders as required by the Public Safety Information Act, 1997.

The Board is further committed to implementing Florida laws relating to the presence of individuals convicted of certain sex-related crimes on school property.

Distribution of Information Provided to School

A. All posters and/or other information provided directly to schools by the sheriff or chief of police will be maintained by the school for review by parents, students, and other members of the public. This is the primary means of notification to schools for the purpose of community notification within each law enforcement jurisdiction.

B. All posters and/or other information provided directly to the Office of Public Safety by the sheriff or chief of police will be distributed to all schools within the Authority. This is a secondary means of notification to schools for the purpose of community notification within each law enforcement jurisdiction and is meant to be supplemental.

Resource Information

The Authority may provide a supplemental pamphlet to assist parents, students, and other members of the public with phone numbers, websites, addresses of law enforcement agencies, and other appropriate governmental organizations to provide more detail concerning sex offender/sexual predator identification.

Public Posting of Sex Offender/Sexual Predator Information

A. An information poster placed in the public area of the school will alert all members of the community that the sheriff and/or chief of police has provided to the school,

posters or other information concerning sex offenders, as required by law.

B. School(s) will not display the actual posters of sex offenders/sexual predators in any area of the school.

Public Meetings

School(s) will assist law enforcement jurisdictions with public meetings with regard to community notification by providing space for the meetings when such facilities are requested of the principal. The content and general conduct of the meeting is the responsibility of the local law enforcement jurisdiction.

Direct Public Notification by Schools

A. It is the legislated responsibility of the sheriff or chief of police to make direct community notification, with regard to sex offenders and/or sexual predators. In an effort to be consistent with the statute, neither the Authority office nor the schools will engage in direct public notification.

B. Schools will continue to use newsletters and other informational sources to alert parents and students with regard to issues of student safety.

Presence of Individuals Convicted of Certain Sex-Related Crimes on School Property

In accordance with Florida law, except those who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to Florida law, an individual convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses identified in F.S. 856.022 is prohibited from knowingly be present in any child care facility or school containing any students in pre-K through grade 12 or on real property comprising any child care facility or school containing any students in pre-K through grade 12 when the child care facility or school is in operation, if such individual fails to:

A. provide written notification of their intent to be present to the Board, Superintendent, Principal, or child care facility owner;

B. notify the child care facility owner or the school Principal's office when they arrive and depart the child care facility or school; or

C. remain under direct supervision of a school official or designated chaperone when present in the vicinity of children.

As used in this paragraph, the term "school official" means a Principal, a school resource officer, a teacher, or any other employee of the school, the Superintendent, a member of

the Board, a child care facility owner, or a child care provider.

Any individual who fails to adhere to the notice requirements herein will be immediately reported to a school resource officer or other law enforcement agency and be subject to notification that future presence on Authority property will be considered trespassing.

The notice requirements herein do not apply in the following situations:

A. The child care facility or school is a voting location and the individual is present for the purpose of voting during the hours designated for voting; or

B. The individual is only dropping off or picking up their own children or grandchildren at the child care facility or school.

Revised 3/10/26
Revised 4/14/26

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Legal
F.S. 775.21
F.S. 775.25
F.S. 856.022
F.S. 943.0435
F.S. 944.606
F.S. 1006.695

OPERATIONS

po8475

CRIMINAL BACKGROUND SCREENING FOR CONTRACTOR ACCESS

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

8475 - **CRIMINAL BACKGROUND SCREENING FOR CONTRACTOR ACCESS**

The safety of its students is of paramount importance to the System. Consistent with this concern for student safety, and in compliance with Florida law, the System requires that all contractual personnel who are permitted access on school grounds when students are present, who have direct access to students, or who have access to or control of school funds must meet the of F.S. 1012.32 screening requirements. Further, contractors who have direct contact with students must, upon engagement to provide services, undergo a background screening as required under F.S. 435.12 as well as F.S. 1012.465 or F.S. 1012.56 (whichever is applicable).

Noninstructional contractors who are permitted access to school grounds when students are present, whose performance of the contract with the school or Board is not anticipated to result in direct contact with students, and for whom any unanticipated contact would be infrequent and incidental shall be required to submit to a fingerprint-based criminal history check using the process described in F.S. 1012.32 (3).

The Board is a registered employer with the Care Provider Background Screening Clearinghouse. The District shall publish a clear and conspicuous link on its official website, and provide the link in all job vacancy advertisements and posts, to the Agency for Health Care Administration's webpage related to the Care Provider Background Clearinghouse. Criminal history checks through the Care Provider Background Screening will be conducted before referring an employee or potential employee or a person with a current or potential affiliation with the Authority for electronic fingerprint submission to the Florida Department of Law Enforcement. For purposes of this policy, "affiliation" means the status of a person employed or serving as a volunteer or contractor, or seeking to be employed or to serve as a volunteer or contractor, with the Authority in a position for which screening is not required by law but is authorized under the National Child Protection Act. Additionally, as it relates to Care Provider Background Screening, the following shall further apply:

A. Before January 1, 2024, initial status and any changes in status must be reported within ten (10) business days after a person receives his or her initial status or after a change in the person’s status has been made.

B. Effective January 1, 2024, initial status and any changes in status must be reported within five (5) business days after a person receives his or her initial status or after a change in the person's status has been made.

For purposes of this policy, a "contractor" shall mean any vendor, individual, or entity under contract with a school or with the Governing Board who receives remuneration for services performed for the System or a school, but who is not otherwise considered an employee of the System. The term also includes any employee of a contractor who performs services for the System or school under the contract, as well as any subcontractor and employees of that subcontractor. This policy applies to both instructional and non-instructional contractors.

All contractors shall be informed that they are subject to a criminal background screening. Records received by the Authority as part of a criminal background screening shall be retained in accordance with State and Federal law.

A contractor who has a criminal history records check and meets the screening requirements set forth in State law shall be permitted to have access on school grounds when students are present, to have direct contact with students, or to have access to or control of school funds as required by the scope of their employment.

Exemptions for Non-Instructional Contractors

The following noninstructional contractors shall be exempt from the screening requirements set forth in State law:

A. Non-instructional contractors who are under the direct supervision of a System employee are exempt from the screening requirements set forth in State law. Pursuant to State law, "direct supervision" means that a System employee or contractor, who has had a criminal history records check and has met the screening requirements, is physically present with a non-instructional contractor when the non instructional contractor has access to a student and the access remains in the System employee's or the qualified contractor's line of sight.

   However, if a noninstructional contractor who was exempt, because s/he is under the direct supervision of a System employee or a contractor who has met the criminal history records, check screening requirements is no longer under direct supervision of that employee or contractor who has met the criminal history records check screening requirement, said non instructional contractor shall not be permitted on school grounds when students are present until s/he meets the screening requirements set forth in State law or until such direct supervision can be assured.

B. A non-instructional contractor who is required by law to undergo a Level 2 background screening pursuant to F.S. 435.04 for licensure, certification,

employment, or other purposes and who submits evidence of meeting the following criteria:

1. The contractor meets the screening standards in F.S. 435.04.

2. The contractor's license or certificate is active and in good standing if the contractor is a licensee or certificate holder.

3. The contractor completed the criminal history check within five (5) years prior to seeking access to school grounds when students are present.

C. A law enforcement officer, as defined in F.S. 943.10, who is assigned or dispatched to school grounds by his/her employer.

D. An employee or medical director of an ambulance provider, licensed pursuant to Chapter 401 of State law, who is providing services within the scope of part III of Chapter 401 of State law on behalf of such ambulance provider.

E. Non-instructional contractors who remain at a site where students are not permitted if the site is separated from the remainder of the school grounds by a single chain-link fence of six (6) feet in height.

F. A non-instructional contractor who provides pickup or delivery services and those services involve brief visits on school grounds when students are present.

A System may not subject a contractor who meets the requirements set forth in State law to an additional criminal history check. Upon submission of evidence and verification by the System, the System must accept the results of the criminal history check for the contractor.

A non-instructional contractor who is exempt under this policy from the screening requirements set forth in State law is subject to a search of his/her name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under F.S. 943.043 and the National Sex Offender Public Registry maintained by the United States Department of Justice. The System shall conduct the search required under this subsection without charge or fee to the contractor.

Disqualifying Offenses for Non-Instructional Contractors

A non-instructional contractor for whom a criminal history check is required under this policy may not have been convicted of any of the following offenses designated in the Florida statutes, any similar offense in another jurisdiction, or any similar offense committed in this State which has been redesignated from a former provision of the Florida statutes to one (1) of the following:

A. Any offense listed in F.S. 943.0435(1)(h)1. relating to the registration of an individual as a sexual offender.

B. Any offense under F.S. 393.135 relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.

C. Any offense under F.S. 394.4593 relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.

D. Any offense under F.S. 775.30 relating to terrorism.

E. Any offense under F.S. 782.04 relating to murder.

F. Any offense under F.S. 787.01 relating to kidnapping.

G. Any offense under Chapter 800 of State law relating to lewdness and indecent exposure.

H. Any offense under F.S. 826.04 relating to incest.

I. Any offense under F.S. 827.03 relating to child abuse, aggravated child abuse, or neglect of a child.

For purposes of this policy, “convicted” means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435. Additionally, "conviction of a similar offense" includes, but is not limited to, a conviction by a Federal or military tribunal, including court-martials conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any State of the United States or other jurisdiction. Further, a "sanction" includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a State prison, Federal prison, private correctional facility, or local detention facility.

Disqualifying Offenses for Instructional Contractors

An instructional contractor may not have been convicted of any of the offenses listed in F.S. 1012.315.

Duty to Inform

Under penalty of perjury, each person who is under contract in a capacity described in this policy must agree to inform his/her employer or the party with whom s/he is under contract within forty-eight (48) hours if convicted of any disqualifying offense while s/he is under contract in that capacity. A contractor who willfully fails to comply with this

subsection commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083. If the employer of a non-instructional contractor or the party to whom the non instructional contractor is under contract knows the non-instructional contractor has been arrested for any of the disqualifying offenses listed above, and authorizes the non-instructional contractor to be present on school grounds when students are present, such employer or such party commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083.

Failure to Meet Screening Requirements

If it is found that a person who is under contract in a capacity described in this policy does not meet the screening requirements, and/or has been convicted of any of the offenses listed above, the person shall be immediately suspended from working in the capacity of a non-instructional contractor and having access to school grounds, and will remain suspended until final resolution of any appeals and/or the conviction is set aside in any post-conviction proceeding.

Sexual Predators

A contractor who is identified as a sexual predator or sexual offender in the registry search shall not be permitted on school grounds when students are present. Upon determining that a contractor shall not be permitted on school grounds because of his/her status as a sexual predator or sexual offender, the System shall notify the vendor, individual, or entity under contract within three (3) business days.

Board's Duty to Notify Contractor of Denial of Access

If a System has reasonable cause to believe that grounds exist for the denial of a contractor's access to school grounds when students are present, it shall notify the contractor in writing, stating the specific record that indicates noncompliance with the standards set forth in this policy. It is the responsibility of the affected non-instructional contractor to contest his/her denial. The only basis for contesting the denial is proof of mistaken identity or that an offense from another jurisdiction is not disqualifying under those offenses listed above.

Penalty for Violation

A contractor who is present on school grounds in violation of this section commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083.

Revised 8/14/18
Revised 11/18/22
Revised 8/20/24
Revised 3/10/26

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Legal

F.S. 435.12
F.S. 775.082
F.S. 775.083
F.S. 1012.32
F.S. 1012.465
F.S. 1012.467
F.S. 1012.468
F.S. 1012.56

OPERATIONS

po8500

FOOD SERVICE PROGRAM

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

8500 - **FOOD SERVICE PROGRAM**

The Authority shall provide cafeteria facilities in all school facilities where space and facilities permit and will provide food service for the purchase and consumption of lunch for all students. The Authority shall annually encumber the funds needed to operate the program.

It is the intent of the Authority to participate in the National School Lunch and School Breakfast Program and to offer paid, free, or reduced-price meals in accordance with the Child Nutrition Program, the National School Lunch Act, and Florida law. The operation of the food service program shall also be in compliance with the regulations set forth in State law and the Florida Administrative Code.

Students who are eligible for free or reduced-price meals shall be approved and properly accounted for by the Director of Food Services in accordance with criteria established by the Child Nutrition Program and National School Lunch Act. The Governing Board requires that the identity of students receiving free or reduced-price meals be safeguarded and kept confidential.

The operation and supervision of the food service program shall be the responsibility of the Food Services Manager. The Authority will adhere to the professional standards for school nutrition personnel who manage and operate the food service program, including the requirements related to hiring and training that are set forth in the United States Department of Agriculture (USDA) regulations.

Further, as required by USDA regulations and upon recommendation of the Superintendent, the Board will annually certify:

A. the Director of Food Services meets the hiring standards and training requirements set forth in USDA regulations; and

B. each employee in the food service program has completed the applicable training requirements set forth in USDA regulations.

The food service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages,

including but not limited to the current USDA school meal pattern requirements and the USDA's Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. Further, the food-service program shall comply with Federal and State regulations pertaining to the fiscal management of the program as well as all the requirements pertaining to food service hiring and food service manager/operator licensure and certification. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

The Superintendent shall recommend and the Board shall approve the cost of meals for elementary, middle, and high schools annually.

School breakfast meals shall be made available to students at all schools in the Authority. Each elementary, middle, and high school shall make a breakfast meal available if a student arrives at school on the bus less than fifteen (15) minutes before the first bell rings and shall allow the student at least fifteen (15) minutes to eat the breakfast.

Nutrition Standards

The Authority shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold.

In adopting such standards, the Authority shall:

A. consider the nutritional value of each food or beverage;

B. consult with a dietitian licensed under F.S. 468.509, a dietetic technician registered by the Commission on Dietetic Registration, or a school nutrition specialist certified or credentialed by the School Nutrition Association;

C. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the USDA and the United States Department of Health and Human Services; and

D. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

The District’s food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines.

The Superintendent will require that the food service program serve foods in the schools of the Authority that are wholesome and nutritious and reinforce the concepts taught in the

classroom.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report to the Board at one of its regular meetings, annually, regarding the Authority's compliance with the standards.

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Authority.

Competitive Food Sales

The Food and Nutrition Services department will comply with the provisions set forth in Federal law, incorporated in F.A.C. 5P-2.001, regarding the sale of competitive food and foods of minimal nutritional value.

Only the Food and Nutrition Services department shall sell food and beverages to students in elementary schools during regular school hours.

In secondary schools, the Food and Nutrition Services department shall be the sole provider of food and beverage items sold until thirty (30) minutes following the last lunch period, at which time other school organizations may begin to sell foods and beverage items in accordance with the Board's wellness policy (Policy 8510) and procedures (AP 8510) with principal approval. Accordingly, all food items and beverages for sale to students for consumption on campus from vending machines, from school stores, or as fund-raisers by student clubs and organizations, parent groups, or boosters clubs shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools regulations and applicable State law and Florida Administrative Code rule, and shall only be available between thirty (30) minutes following the last school lunch period and thirty (30) minutes after the close of the regular school day.

Meal Charges

Meals sold by the school may be purchased by students in accordance with administrative procedures established by the Superintendent.

A periodic review of the food-service accounts shall be made by the Food Service Manager. Any surplus funds from the National School Lunch Program or the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from à la carte foods may accrue to the food-service program.

Cafeteria purchases may be prepaid into individual food service accounts before meal service begins or paid as they receive meals. Prepayments into individual food service accounts may be made at any time.

The only deductions made from prepaid accounts will be for the purchase of meals or other allowable food purchases in the cafeteria.

If a student withdraws or graduates and has a positive balance of less than $5.00, the balance may be receipted into the school lunch fund where the school lunch program funds are maintained unless the parent requests a refund. If a student withdraws or graduates with a positive balance greater than $5.00, the parents shall be notified by mail and given the option of receiving a refund within thirty (30) days. If no response is received within ninety (90) days, the account will be closed and the funds will no longer be available. Unclaimed balances will be transferred to the school lunch fund where the school lunch program funds are maintained.

If a student repeatedly comes to school with no lunch and no money for lunch, the Food Service Manager should notify the principal as this may be a sign of abuse or neglect and proper authorities may be contacted.

Bad Debt

Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable. District efforts to collect bad debt shall be in accordance with Policy 6152 - *Student Fees, Fines, and Charges*.

Bad debt is uncollectable/delinquent debt that has been determined to be uncollectable no sooner than the end of the school year in which the debt was incurred and after the Superintendent determines that sufficient reasonable effort and approaches to collecting the debt have been made. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFSA for the total amount of the bad debt. The funds may come from the Authority's general fund, State or local funding, school or community organizations such as the PTA, or any other non-federal source. Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b) (17) and 7 C.F.R. 210.15(b).

Negative Account Balances

Parents will be initially notified by e-mail of a negative balance in their student’s account upon every occurrence. Negative balances are expected to be corrected upon the notification by Authority personnel. The Food Service Lead will be responsible for making this initial notification to parents.

Students will be permitted to purchase meals from the Authority's food service using either cash on hand or a food service account. A student may be allowed to incur a negative food

service account balance subject to the following conditions.

A student shall not be permitted to purchase a la carte items without sufficient account balance or cash on hand. Likewise, any student that has a negative account balance may not purchase a la carte items with cash unless the student is also able to bring their account current.

A student who has exceeded the permissible negative balance amount in their account and does not have cash on hand sufficient to purchase a meal will be treated respectfully. The Authority will provide meals to students with unpaid meal balances without stigmatizing them, will provide parents of students who charge meals with notification when a student charges a meal, and will make efforts to collect the charges incurred by the students so that the unpaid charges are not classified as bad debt at the end of the school year.

Negative lunch account balances will carry-over from year-to-year until paid in full or until a student enters ninth (9th) grade. Upon entering 9th grade, any negative lunch account balances will be converted to school fees. Parents/Guardians will be responsible for paying all fees in accordance with Policy 6152 - *Student Fees, Fines, and Charges*. Fee waivers are applied in accordance with Policy 6152.01 - *Waivers of School Fees for Instructional Materials*.

Students who have qualified for free lunches are still responsible for paying off any debt that was incurred prior to qualifying for free lunches.

Modifications Based on Compliant Medical Documentation

An adult student or student's parent requesting special dietary accommodations for a student with a disability that restricts the diet must provide the Medical Statement for Special Dietary Needs signed by a State authorized medical authority, which is a medical professional authorized in the State of Florida to write prescriptions. The request must contain the following information:

A. an explanation of how the student’s physical or mental impairment restricts the diet;

B. the food(s)/type(s) of foods to be avoided;

C. the food(s)/type(s) of foods to be substituted;

D. additional pertinent information, if any, that will assist in accommodating the student's needs.

If a Medical Statement for Special Dietary Needs is incomplete, unclear, or lacks sufficient detail, the special dietary accommodation coordinator or food service director shall

request that the student or parent/guardian request that the medical authority supplement the response so that a safe meal can be provided.

A special dietary accommodation for a student who has a disability that restricts the student's diet must be supported by a Medical Statement for Special Dietary Needs, which should be submitted to the Food Service Manager who shall serve as the Special Dietary Accommodation Coordinator.

A student with a disability may have an IEP or 504 plan that requires specific instruction, services, or accommodation related to the student's nutritional needs. If a student's IEP or 504 plan contains the same information that is required on a Medical Statement for Special Dietary Needs, then it is not necessary to obtain and submit a separate Medical Statement for Special Dietary Needs.

The individual making an initial request for such substitutions must inform the Food Service Director or Special Dietary Accommodation Coordinator that the student has a disability that restricts the student's diet. The Authority will honor the request upon receipt of the required documentation from a State authorized medical authority. If the Special Dietary Accommodation Coordinator is unable to grant a requested accommodation following receipt of the medical authority's statement, the student or parent shall be provided with an explanation of the basis for the decision. Compliant requests shall be immediately implemented.

Disability Accommodation Grievance Procedure

The following procedure is intended to provide prompt and equitable resolution to any concern or disagreement regarding the food service program's administration of meal modifications made or requested on the basis of a student's disability. None of the procedures described in this policy section shall prevent a student or parent from pursuing a complaint with any State or Federal agency, including the USDA, using the procedures described at the end of this policy or otherwise available under Florida or Federal law.

A. If an initial request for accommodation in the form of substituted meals is denied, the student or parent may request review of that decision by the Principal and shall provide any communications between the student or parent and food service officials concerning the accommodation request, any documentation provided by a medical authority, and any additional information the student or parent believes is pertinent to the decision. A review of the materials provided and of the initial decision shall be completed and a response provided to the student or parent as soon as practicable following receipt of the request for review. If the initial decision is reversed, including due to additional information provided on review, the dietary accommodations shall be implemented without delay. If the initial decision is affirmed the decision may appealed to the Superintendent whose decision is final

B. Any other complaint or disagreement with the food service administration concerning implementation of special dietary accommodations based on a student's disability shall be presented to the Special Dietary Accommodation Coordinator. The student or parent shall specify the nature of the concern and any requested remedy in writing. The Coordinator shall promptly review the grievance and either contact the student or parent for any required clarification of the request or to seek to reach an agreement regarding how to best address the concern. If no agreement is reached, the Coordinator shall make a determination and notify the student or parent in writing as soon as practicable. If the grievance is affirmed in any respect, the Coordinator shall propose a plan for implementing appropriate remedial measures. If the student or parent is dissatisfied with the Coordinator's determination, the student or parent may submit a written request to the Building Principal or Superintendent for review. The Superintendent's determination shall be final.

Modifications Based on Noncompliant Medical Requests

On a case-by-case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who provide a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs, but which does not comply with the requirements above. To qualify for such consideration and substitutions the medical statement must identify:

A. the medical or dietary need that restricts the student's diet; and

B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

Review

Upon receipt of a request for a special dietary accommodation, the Food Service Director or Special Dietary Accommodation Coordinator shall review the request to ensure it is supported as required by Federal law and Board policy and if not, shall request additional or clarifying information from the student or parent making the request.

Implementation

When the need for a special dietary accommodation is supported by a Medical Statement for Special Dietary Needs signed by a State authorized medical authority, the District will offer a reasonable modification that effectively accommodates the student’s disability. Following USDA Child Nutrition Program regulations, the District may consider factors such as cost and efficiency and is not required to prepare a specific meal, provide a specific brand of food, or provide a meal beyond the meals provided to other students.

For students who have an IEP or 504 plan that requires specific food related accommodations, the District shall provide the accommodation as required by law, seeking clarifying medical information, as necessary.

A special dietary request will be approved and implemented upon submission of a completed authorized Medical Statement.

Student Absence

If a student receiving a special dietary accommodation is absent or does not wish to participate in school lunch on a day an accommodation is planned, the student or parent shall contact the Special Dietary Accommodation Coordinator by 9:00 a.m. the same day.

Renewing A Special Dietary Request

An authorized Medical Statement does not need to be updated annually. However, the Special Dietary Accommodation Coordinator may annually seek clarification or updates on special dietary requests.

Discontinuation of a Special Dietary Request

A special dietary request or part of a request may be discontinued by a parent by submitting the request in writing to the Special Dietary Accommodation Coordinator or shall be discontinued consistent with the medical authorities recommendation provided with the Medical Statement for Special Dietary Needs.

Lunch Service for Non-Students

In addition to students, lunches sold by the school may be purchased by staff members and community residents in accordance with administrative procedures established by the Superintendent. Lunches may be made available, free of charge, to senior citizens who are serving as volunteers to the Authority.

Emergency First Aid

In each school cafeteria, there shall be a poster that is easily visible and prominently placed that contains step-by-step instructions on how to provide emergency first aid for choking on conscious individuals. During all times while the food service program is operating and students are being served food, at least one (1) employee shall be present in the area in which the food is being consumed who has received instruction in methods to prevent choking and demonstrated an ability to perform the Heimlich maneuver.

Food Safety Compliance

In accordance with Federal law, the Food Services Manager shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available upon request.

Operation of the Food Service Program

With regard to the operation of the school food service program, the Superintendent shall require:

A. the maintenance of sanitary, neat premises free from fire and health hazards;

B. the preparation of food that complies with Federal food safety regulations;

C. the purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 1129, Policy 1214, Policy 3129, Policy 3214, Policy 4129, Policy 4214, and Policy 6460)

D. the accounting and disposition of food-service funds pursuant to Federal and State law and USDA regulations;

E. the safekeeping and storage of food and food equipment pursuant to USDA regulations;

F. the regular maintenance and replacement of equipment.

The Superintendent will require that the food service program serve foods in the schools of the Authority that reinforce the nutrition concepts taught in the classrooms.

No foods or beverages, other than those associated with the Authority's food-service program, are to be sold during food-service hours. The Authority shall serve only nutritious food in accordance with the nutritional standards adopted by the Authority in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages in competition with the Authority's food service program must comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines.

The Food Services Manager is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the Authority’s compliance with the standards at one of its regular meetings annually.

Vending Machines

The Board recognizes that vending machines can produce revenues which are useful to augment programs and services to students and staff. It will, therefore, authorize their use in Authority facilities providing that the following conditions are satisfied.

A. The installation, servicing, stocking, and maintenance of each machine is contracted for with a reputable supplier of vending machines and their products.

B. No food or beverages are to be sold or distributed which will compete with the District's food-service program.

In accordance with the nutritional standards adopted by the Board, the placement of vending machines in any classroom where students are provided instruction unless the classroom is also used to serve meals to students is prohibited.

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender status, sexual orientation, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "protected classes") or reprisal or retaliation for prior civil rights activity. The District's nondiscrimination statement below is complementary to the District's nondiscrimination policies, including Policy 2260 - *Nondiscrimination and Access to Equal Opportunity* and Policy 1422/Policy 3122/Policy 4122 - *Nondiscrimination and Equal Employment Opportunity*.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: https://www.usda.gov/sites/default/files/documents/ad-3027.pdf or https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sfa-civil-rights-complaints-procedure-template.pdf, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

A. Mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

B. Fax:
(833) 256-1665 or (202) 690-7442; or

C. E-mail:
program.intake@usda.gov.

This institution is an equal opportunity provider.

The policy will also be provided to all Authority staff with responsibility for enforcing the policies.

Re-adopted 11/8/16
Revised 8/14/18
Revised 10/8/19
Revised 2/9/21
Revised 6/8/21
Revised 8/20/24
Revised 5/13/25

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Legal
F.S. 595.405
F.S. 1001.41
F.S. 1001.42
F.S. 1001.51
F.S. 1003.02
F.S. 1013.12
F.A.C. 5P-1.002
F.A.C. 5P-1.003
F.A.C. 5P-1.004
F.A.C. 5P-1.005
42 U.S.C. 1758
Health, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.
Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.
7 C.F.R. Part 15b
7 C.F.R. Part 210
7 C.F.R. Part 215

7 C.F.R. Part 220
7 C.F.R. Part 225
7 C.F.R. Part 226
7 C.F.R. Part 227
7 C.F.R. Part 235
7 C.F.R. Part 240
7 C.F.R. Part 245
7 C.F.R. Part 3015
80 F.R. 11077
OMB Circular No. A-87 USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)
SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

OPERATIONS

po8510

WELLNESS

ADOPTED Apr 12, 2016 · REVISED Jun 8, 2021

8510 - **WELLNESS**

As required by law, the Governing Board establishes the following wellness policy for the Authority as a part of a comprehensive wellness initiative.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the Authority's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

Schools alone, however, cannot develop in students healthy behaviors and habits with regard to eating and exercise. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board sets the following goals in an effort to enable students to establish good health and nutrition habits:

A. With regard to nutrition education, the Authority shall:

1. Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.

2. Nutrition education standards and benchmarks shall be age appropriate and culturally relevant.

3. Nutrition education posters, such as the Food Pyramid Guide, will be displayed in the cafeteria.

B. With regard to physical activity, the Authority shall:

1. Physical Education

   A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the physical education academic content standards and benchmarks adopted by the State.

2. Physical Activity

   a. Physical activity should not be employed as a form of discipline or punishment.

   b. All students in grades K- 5/6 shall be provided with a daily recess period at least thirty (30) minutes in duration. Recess shall not be used as a reward or punishment.

C. With regard to other school-based activities:

Free drinking water shall be available to students during designated meal times and may be available throughout the school day.

1. The schools shall schedule mealtimes so there is minimum disruption by bus schedules, recess, and other special programs or events.

2. An organized wellness program shall be available to all staff.

D. With regard to nutrition promotion, the Authority shall: any foods and beverages marketed or promoted to students on the school campus, during the school day, will meet or exceed the USDA Smart Snacks in School nutrition standards.

Additionally, the Authority shall:

1. encourage students to increase their consumption of healthful foods during the school day;

2. create an environment that reinforces the development of healthy eating habits, including offering the following healthy foods that comply with the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards:

   a. a variety of fresh produce to include those prepared without added fats, sugars, refined sugars, and sodium;

   b. a variety of vegetables daily to include specific subgroups as defined by dark green, red/orange, legumes, and starchy;

c. whole grain products – half of all grains need to be whole grain-rich upon initial implementation and all grains must be whole grain-rich within two (2) years of implementation;

d. fluid milk that is fat-free (unflavored and flavored) and low-fat (unflavored);

e. meals designed to meet specific calorie ranges for age/grade groups;

f. eliminate trans-fat from school meals;

g. require students to select a fruit or vegetable as part of a complete reimbursable meal;

h. designate wellness champions at each school that will promote resources through the Authority's website for wellness for students, families and the community;

i. provide opportunities for students to develop the knowledge and skills for consuming healthful foods.

E. The Authority nutrition department will promote and encourage Farm to School efforts in order to provide the healthy foods identified above.

F. All foods and beverages sold to students as fund raisers outside of the school meals program during the regular and extended school day for consumption on the school campus shall meet the USDA Competitive Food regulations, the Alliance for A Healthier Generation's Competitive Foods and Beverages Guidelines, and the USDA Smart Snacks in School nutrition standards.

G. Rewarding children in the classroom should not involve candy and other foods that can undermine children's diets and health and reinforce unhealthy eating habits. A wide variety of alternative rewards can be used to provide positive reinforcement for children's behavior and academic performance.

Furthermore, with the objectives of enhancing student health and well-being, and reducing childhood obesity, the following guidelines are established:

A. In accordance with Policy 8500, entitled *Food Service*, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages as well as to the fiscal management of the program.

B. The sale of foods of minimal nutritional value in the food service area during the lunch period is prohibited.

C. As set forth in Policy 8531, entitled *Free and Reduced Price Meals*, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).

D. All foods offered on the school campus during the school day shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as classroom snacks, or from vending machines, for classroom parties, or at holiday celebrations.

E. All food and beverages that are provided, other than through sale, on the school campus during the school day (which may include for classroom parties and at holiday celebrations) shall comply with the current USDA Dietary Guidelines for Americans.

F. The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well.

G. The school food service program may involve students, parents, staff, and/or school officials in the selection of competitive food items to be sold in the schools.

H. All food service personnel shall receive pre-service training in food service operations.

The Board designates the Director as the individual(s) charged with operational responsibility for measuring and evaluating the Authority's implementation and progress under this policy. The Director shall develop administrative procedures necessary to implement this policy.

The Director shall appoint the Authority wellness committee that meets at least four (4) times per year and includes parents, students, representatives of the school food authority, educational staff (including health and physical education teachers), mental health and social services staff, school health professionals, members of the public, and school administrators to oversee the development, implementation, evaluation, and periodic update, if necessary, of the wellness policy.

The appointed Authority wellness committee shall be responsible for accomplishing the following:

A. assess the current environment in each of the Authority’s schools;

B. measure the implementation of the Authority’s wellness policy in each of the Authority’s schools;

C. review the Authority’s current wellness policy;

D. recommend revision of the policy, as necessary; and

E. present the wellness policy, with any necessary revisions, to the Board for approval or re-adoption if revisions are necessary.

Before the end of each school year the wellness committee shall submit to the Director and Board their report in which they describe the environment in each of the Authority's schools and the implementation of the wellness policy in each school, and identify any revisions to the policy the committee deems necessary. In its review, the wellness committee shall consider evidence-based strategies in determining its recommendations.

The Director shall report annually to the Board on the work of the wellness committee, their evaluation of wellness policy implementation, and the areas for improvement, if any, that the committee identified. The committee shall also report on the status of compliance by individual schools and progress made in attaining goals established in the policy.

The Director shall also be responsible for informing the public, including parents, students and community members, on the content and implementation of this policy. In order to inform the public, the Director shall have the wellness policy available for review and post the wellness policy on the Authority's website, including the assessment of the implementation of the policy prepared by the Authority.

The Authority shall assess this policy at least once every three (3) years on the extent to which schools in the Authority are in compliance with the District policy, the extent to which the Authority policy compares to model wellness policies, and the progress made in attaining the goals of this policy. The assessment shall be made available to the public in the parent and staff handbooks, in the Authority Annual Report to the public, on the Authority's website, on each individual school's website, and/or in the Authority's calendar.

Revised 8/14/18
Revised 6/8/21

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Legal
42 U.S.C. 1751 et seq.
42 U.S.C. 1771 et seq.
F.S. 595.405
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43
F.S. 1003.453
F.A.C. 5P-1.003

OPERATIONS

po8531

FREE AND REDUCED-PRICE MEALS

ADOPTED Apr 12, 2016 · REVISED May 13, 2025

8531 - **FREE AND REDUCED-PRICE MEALS**

The Governing Board recognizes the importance of good nutrition to each student's educational performance.

In addition to the requirements in Policy 8500 (*Food Service Program*), this Policy addresses the provision of free and reduced-price meals to economically-needy students.

The Board shall provide economically needy children with breakfast and/or lunch at a reduced rate and/or no charge to the student.

Children, eligible for free or reduced-price meals, shall be determined by the criteria established by the Child Nutrition Program and National School Lunch Act and any other applicable Federal or Florida laws.

The Board designates the Superintendent to determine in accordance with Board standards, the eligibility of students for free and reduced-price meals.

The schools shall annually notify all families of the availability, eligibility requirements, and application procedure for free and reduced- price meals by distributing an application to the family of each student enrolled in the school and shall seek out and apply for such Federal, State, and local funds as may be applied to the Authority's program of free and reduced-price meals.

The Superintendent shall prepare and implement the necessary arrangements and procedures for the proper operation of this program and direct that, if required, the appropriate policy attachments for free and reduced-price meals or free milk are properly completed and submitted for approval to the Florida Department of Agriculture and Consumer Sciences by the beginning of each school year.

Revised 5/13/25

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Legal
F.S. Chapter 595

F.S. 595.405
F.S. 1001.41
F.S. 1001.42
F.S. 1001.51
F.S. 1003.02
F.A.C. 5P-2.001
F.A.C. 5P-2.002
F.A.C. 5P-2.007
F.A.C. 5P-2.009
F.A.C. 5P-2.010
42 U.S.C. 1751 et seq.
42 U.S.C. 1771 et seq.

OPERATIONS

po8600

TRANSPORTATION

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

8600 - **TRANSPORTATION**

It is the policy of the Governing Board to provide transportation for those students whose distance from their school makes this service necessary within the limitations established by State law and the regulations of the State of Florida. Such laws and rules shall govern any question not covered by this policy.

School buses shall be purchased by the City of Cape Coral, housed by the Authority, and maintained by the City of Cape Coral Fleet Department. for the transportation of resident students between their home areas and the schools of the Authority to which they are assigned.

Students living more than two (2) miles from their home school will be eligible for Authority-provided bus transportation. Students who attend school will only be eligible for Authority-provided transportation to one bus stop associated with the primary residential address on file. Students shall board the bus at the nearest designated stop to that address and will not enter or leave the bus at any other designated stop, except upon approval of the principal or principal's designee.

Students living within two (2) miles of school may be provided Authority bus transportation under the following conditions:

A. Permanently disabled students, whose Individual Education Plan requires special transportation.

B. Temporarily disabled students upon request and verification of disability and length of time of disability.

C. Students whose walking routes to school meet the State criteria for hazardous walking conditions.

F.S. 1006.23 requires the Board and other governmental entities work cooperatively to identify conditions that are hazardous along student walking routes to school and requires such condition shall be inspected by a representative of the Authority and a representative of the State or local governmental entity that has jurisdiction over the perceived hazardous location. If it is determined that the condition meets the

criteria established in State law for hazardous walking conditions, the Board shall provide transportation to students who would be subjected to such conditions. State law further requires State or local governmental entities having jurisdiction to correct such hazardous conditions within a reasonable period of time. The Board and Superintendent shall follow State law with respect to correcting hazardous walking conditions.

D. Elementary students residing within two (2) miles of their school may be provided bus transportation at the discretion of the principal. This transportation will only be provided if seats are available on existing buses serving the school and the student gets to an established bus stop.

Parents of students who become or are determined to be non-eligible for school bus transportation shall be notified in writing. The student will be allowed to ride the bus for a minimum of three (3) additional days depending on the circumstances of the non-eligibility. If the student was riding the school bus illegally, removal from the bus will be immediate.

The bus routes are established annually. The Superintendent is authorized to make any necessary changes in the approved route.

The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well-being of the students while on a bus.

Duties and Responsibilities of the Transportation Manager

A. Counsel with school bus operators regarding safety and efficiency of service to schools and to make recommendations to them for improvement in service.

B. Recommend to the Superintendent the initial or continued employment of bus operators, and other transportation personnel.

C. Instruct school bus operators in procedures to be followed in conducting school bus emergency evacuation drills and confer with each Principal regarding scheduling, conducting, and documenting school bus evacuation drills. These procedures shall include a requirement that all operators of school buses transporting students, teachers, or chaperones on field and activity trips instruct all passengers in the locations and proper use of school bus emergency exits prior to each such trip.

D. Counsel with bus operators regarding operator responsibility and authority, as well as job performance.

The Director of Transportation shall consider the knowledge, skills, and abilities related to student management techniques, as well as the characteristics of students with disabilities,

when selecting or assigning operators and attendants for routes serving ESE students.

Duties and Responsibilities of the Principal

A. Assume responsibility under the direction of the Superintendent for all student disciplinary cases that arise in connection with transportation in accordance with Florida statutes, Florida State Board Rule, and the Student Code of Conduct.

B. Instruct students as a part of their safety program on the rules pertaining to student transportation, walking to and from school, bicycle, and other vehicle operations.

C. Develop at the school a parking policy for the safety of students, visitors, and staff while operating or parking personal vehicles on campus.

D. Conduct, at a minimum, during the first six (6) weeks of each semester, school bus evacuation drills, and maintain documentation for these drills.

E. Develop a plan for the supervision of transported students who arrive early or remain late.

F. Designate places for students to get on and off school buses at the school site, and provide supervision of the loading/unloading zone.

G. Provide instruction for all transported students in safe practices on and off the bus during the first six (6) weeks of the first semester of the school year.

H. Request authority in writing for transportation of students on field trips and activity trips, or other special trips, and to plan such trips in accordance with policies approved by the Board.

Duties and Responsibilities of the Bus Operator

A. Pass all required physical examinations and meet such requirements as may be prescribed by State law, State Board rules, or Board policy.

B. Be clean and neat in appearance, and to refrain from wearing shoes that are not securely held on the foot.

C. Refrain from use of tobacco while operating the bus, as well as the use of profane language in the presence of the students. Operators shall not use or be under the influence of alcohol, illicit drugs, or any substance that may impair the operator's alertness or performance while on duty. Operators shall not carry firearms while on school board property.

D. Prescribe, in cooperation with the Principal, the seating arrangements of students.

E. Report needed changes in school bus transportation to the Director of Transportation including, but not limited to, bus loads, bus deficiencies, road hazards, routes, and schedules.

F. Study and observe all laws, rules of the State Board, and policies of the Board relating to transportation.

G. Attend and participate in conferences and training classes for school bus operators, and be prepared at any time to pass successfully a reasonable examination concerning traffic laws, State and local transportation rules, and driving skills.

H. Require that transported students observe all rules prescribed by law, State Board rule, and the policies of the Board.

I. Maintain order and discipline, under the direction of the Principal, on the part of every passenger.

J. Permit students to leave the bus only at their assigned stop, except upon written authorization of the Principal.

K. Observe all procedures incorporated in the Florida Department of Education Basic School Bus Operator's Curriculum.

L. Instruct transported students in safe riding practices.

M. Require all passengers to remain seated and to keep aisles and exits clear.

N. Participate in emergency evacuation drills at least once each school semester under the direction of the Principal.

O. Use the bus, if it is publicly owned, only to transport students to and from school, except upon specific direction of the Superintendent or the Principal upon written authorization by the Superintendent.

P. Prepare immediately after every accident involving the bus or a school bus passenger an accident report to be filed with the Director of Transportation.

Q. Ascertain and ensure that all persons are off the bus before filling fuel tank.

R. Drive always at a safe speed and never in excess of the legally posted speed limit in business or residential districts, or fifty-five (55) miles per hour outside business or residential districts.

S. Cooperate with duly authorized school officials, mechanics, and other personnel in the mechanical maintenance and repair of the bus, and in overcoming hazards that

threaten the safety or efficiency of service.

T. Inspect the bus daily prior to the beginning of the first daily trip, and report any defect affecting safety or economy of operation immediately to authorized service personnel. The inspection shall include all items identified in the procedures related to the mandatory daily inspection in the Basic School Bus Operator Curriculum.

U. Keep the bus clean and neat at all times and not affix any stickers or other unauthorized items to the interior or exterior of buses.

V. Prepare reports, keep all records required, and otherwise assist school officials in mapping bus routes, planning schedules and in obtaining information for a continuous study of all phases of transportation service.

W. Wear a seat belt at all times when the bus is in operation.

X. Use roof-mounted white flashing strobe lights, if the bus is so equipped, whenever headlights are required to be used due to reduced visibility conditions pursuant to F.S. 316.217(1)(b), except that insufficient light due only to the time of day or night shall not require use of the strobe light.

Y. Report the following immediately to the Director of Transportation, Principal, or other designated officials:

1. misconduct on the part of any student while on the bus or under the operator's immediate supervision;

2. complaints requiring attention of school authorities;

3. any hazards arising that would offer either an actual or a potential threat to the safety of students in the operator's care;

4. causes for failure to maintain school bus time schedule; and

5. overloaded conditions on the bus that exceed the rated capacity of the bus.

Z. Perform a complete interior inspection of each bus after each run and trip to ensure no students are left on board.

AA. Maintain as far as practicable by patient and considerate treatment of parents a feeling of security in the safety of students transported.

The Superintendent shall require that bus operators, and attendants if used, are instructed as to their responsibilities for students who are transported at public expense as follows:

A. The operator or attendant of a bus transporting students shall remain with the bus so that students aboard will be under supervision at all times, except to call for assistance in case of an emergency or accident involving the students or bus.

B. In cases where a student with physical disabilities is unable to leave the area of a student stop without assistance, the school bus operator shall not assume responsibility for such assistance except in an emergency that threatens the safety of such student or students.

C. The operator and attendant (if used) shall be provided certified cardiopulmonary resuscitation (CPR) and first aid training related to along with other required pre-service training prior to transporting students, and shall receive CPR and first aid refresher in-service training at least biennially; however, the operator and attendant (if used) shall not give medicine and shall limit ~~his/her~~ their assistance to that which may normally be expected of a reasonable, prudent person or as specified in the student's Individual Educational Plan or Individualized Seizure Action Plan.

D. School bus operators and attendants (if used) shall receive information regarding each affected student's Individualized Seizure Action Plan and appropriate training regarding how to provide recommended care if the student shows symptoms of the epilepsy or seizure disorder, in accordance with F.S. 1006.062. The student's parent and emergency contact information will also be provided to bus operators and attendants.

The Superintendent shall also require that bus operators and attendants are provided instructions, in writing, as to any special conditions or non-medical care which a student may need while on the bus.

Parents, guardians, and students shall be informed at least annually in writing of their responsibilities for the following:

A. to ensure the safe travel of their students during the portions of each trip to and from school and home when the students are not under the custody and control of the Authority, including during each trip to and from home and the assigned bus stop when the Authority provides bus transportation;

B. to ensure that students ride only on their assigned school buses and get off only at assigned bus stops, except when the Authority has approved, upon the request of the parent or guardian, alternative buses or arrangements;

C. to ensure students are aware of and follow the Authority's adopted Code of Student Conduct while the students are at school bus stops and provide necessary supervision during times when the bus is not present; and

D. to ensure that, when the physical disability of the student renders the student unable to get on and off the bus without assistance, the parent or guardian provides the necessary assistance to help the student get on and off at the bus stop, as required by Authority policy or the student's individual educational plan.

The Superintendent shall require that bus operators and attendants are provided instructions, in writing, as to any special conditions or non-medical care which a student may need while on the bus.

Further, the Superintendent shall require the Director of Transportation to consider the knowledge, skills, and abilities related to student management techniques, as well as the characteristics of students with disabilities, when selecting or assigning operators and attendants for routes serving ESE students.

Parents, guardians, and students shall be informed at least annually in writing of their responsibilities for the following:

A. to ensure the safe travel of their students during the portions of each trip to and from school and home when the students are not under the custody and control of the Authority, including during each trip to and from home and the assigned bus stop when the Authority provides bus transportation;

B. to ensure that students ride only on their assigned school buses and get off only at assigned bus stops, except when the Authority has approved, upon the request of the parent or guardian, alternative buses or arrangements;

C. to ensure students are aware of and follow the Authority's adopted Code of Student Conduct while the students are at school bus stops and provide necessary supervision during times when the bus is not present;

D. to ensure that, when the physical disability of the student renders the student unable to get on and off the bus without assistance, the parent or guardian provides the necessary assistance to help the student get on and off at the bus stop, as required by Authority policy or the student's individual educational plan.

Public Reporting of Improper Driving or Operation by a Bus Driver

Pursuant to State law, the Board hereby establishes City of Cape Coral Hotline: 311 as a toll-free telephone hotline for motorists or others who observe improper driving or operation by a school bus driver to report such violations to the Board for investigation and corrective or disciplinary action.

School Bus Infraction Detection Systems

Consistent with F.S. 316.173 and based solely on the need to increase public safety, the School District of Lee County may allow the Authority to operate a school bus infraction detection system on all school buses in the CCCCSA for the purpose of enforcing F.S. 316.172(1)(a) and (b).

A school bus equipped with a school bus infraction system must meet the following specifications as set forth in F.A.C. 6A-3.003:

A. the system shall be comprised of two (2) or more cameras affixed to a school bus that meets all of the following requirements:

    1. Is synchronized to automatically record video or one or more sequenced photographs of a vehicle failing to stop for a school bus in violation of F.S. 316.172;

    2. Is capable of capturing images of:

        a. The left and right side of the school bus documenting a vehicle illegally passing the stopped school bus from either direction beginning when the vehicle is no less than 200 feet from the school bus; and,

        b. The license plate on the rear of the vehicle.

    3. Is capable of capturing a record of the following:

        a. The date, time and GPS location of the violation;

        b. The status of the school bus' eight-way student warning light system at the time of the violation; and,

        c. The date stamp documenting the latest system self-test conducted on the School Bus Infraction Detection System.

B. The school bus infraction detection systems must perform a self-test no less than once every thirty (30) days and be tested by a licensed technician at least once a year.

C. Images and data recorded by the system will not identify or depict any student unless the student is the operator of a vehicle failing to stop for a school bus in violation of F.S. 316.172.

No individual is permitted to receive a commission from any revenue collected from violations detected through the use of the District's system. In the event the District contracts with a vendor or manufacturer to install a school bus infraction detection system

on any school bus or operate and maintain the system, such vendor or manufacturer is not permitted to receive a fee or renumeration based upon the number of violations detected through the use of a school bus infraction detection system. This paragraph does not prohibit a private vendor or manufacturer from receiving a fixed amount of collected proceeds for service rendered in relation to the installation, operation, or maintenance of the District's school bus infraction detection system.

The Board shall enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce violations of F.S. 316.172(1)(a) and (b) within the District which jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with school bus infraction detection systems consistent with F.S. 316.173.

A notice of violation may be contested through an administrative hearing process. The District may appoint an attorney who is, and has been for the preceding five (5) years, a member in good standing with The Florida Bar to serve as a local hearing officer. Additionally, if the District has entered into an interlocal agreement with a law enforcement agency to issue uniform traffic citations, the county within which the law enforcement agency is located may designate by resolution existing staff to serve as the local hearing officer. The timelines and procedures applicable to the hearing are set forth in F.S. 316.173.

At the administrative hearing, the local hearing officer shall determine whether a violation of F.S. 316.172(1)(a) or (b) has occurred. If the local hearing officer finds by a preponderance of the evidence that a violation has occurred, the local hearing officer must uphold the notice of violation and require the petitioner to pay the penalty previously assessed under F.S. 318.18 (5). The local hearing officer shall also require the petitioner to pay costs consistent with F.S. 316.173.

All school bus infraction detection systems shall meet specifications established by the State Board of Education and will be tested at regular intervals according to specifications prescribed by State Board rule.

Signage on School Buses

Any school bus with an operational infraction detection system will include signage on the rear of the bus. The signage must be in the form of one or more signs or stickers and must contain the following elements in substantially the following form:

A. the words “STOP WHEN RED LIGHTS FLASH” or “DO NOT PASS WHEN RED LIGHTS FLASH”;

B. the words “CAMERA ENFORCED”; and,

C. a graphic depiction of a camera.

The signage must occupy at least seventy-five percent (75%) of the available space that does not contain signs or insignia that are required by other applicable law or by the State Board of Education.

Notice to the Public

The Authority will make a public announcement and conduct a public awareness campaign of the proposed use of school bus infraction detection systems at least thirty (30) days before commencing enforcement under the school bus infraction detection system program and notify the public of the specific date on which the program will commence. During the thirty (30) day public awareness campaign, only a warning may be issued to the registered owner of a motor vehicle for a violation F.S. 316.172(1)(a) or (b) enforced by a school bus infraction detection system, and a civil penalty may not be imposed F.S. Chapter 318.

Violations

Within thirty (30) days after an alleged violation of F.S. 316.172(1)(a) or (b) is recorded by a school bus infraction detection system, the Authority or its private vendor or manufacturer must submit the following information to a law enforcement agency that has entered into an interlocal agreement with the District pursuant to this policy and has traffic infraction enforcement jurisdiction at the location where the alleged violation occurred:

A. a copy of the recorded video and images showing the motor vehicle allegedly violating F.S. 316.172(1)(a) or (b);

B. the motor vehicle's license plate number and the state of issuance of the motor vehicle's license plate; and,

C. the date, time, and location of the alleged violation.

Videos and Images of Alleged Infractions

The school bus infraction detection system may not be used for remote surveillance. The collection of evidence by the school bus infraction detection system to enforce violations of F.S. 316.172 does not constitute remote surveillance.

Video and images recorded as part of the school bus infraction detection system may only be used for traffic enforcement and for purposes of determining criminal or civil liability for incidents captured by the school bus infraction detection system incidental to the permissible use of the system.

To the extent practicable, a school bus infraction detection system will utilize necessary technology so that personal identifying information contained in the video or still images recorded by the system which is not relevant to the alleged violation, including, but not

limited to, the identity of the driver and any passenger of a motor vehicle, the interior or contents of a motor vehicle, the identity of an uninvolved person, a number identifying the address of a private residence, and the contents or interior of a private residence, is sufficiently obscured so as not to reveal such personal identifying information.

Any recorded video or still image obtained through the use of a school bus infraction detection system must be destroyed within ninety (90) days after the final disposition of the recorded event. The vendor of the school bus infraction detection system must provide the District with written notice by December 31st of each year that such records have been destroyed in accordance with F.S. 316.173.

Quarterly Reporting to the Florida Department of Education

By October 1, 2023, and quarterly thereafter, the Authority, will submit, in consultation with the law enforcement agencies with which it has interlocal agreements pursuant to this policy, a report to the Florida Department of Education which details the results of the school bus infraction detection systems in the Authority in the preceding quarter. The report will contain the information required in F.S. 316.173. The District will maintain its respective data for reporting purposes for at least two (2) years after such data is reported to the Florida Department of Education.

Re-adopted 11/8/16
Revised 8/14/18
Revised 8/15/23
Revised 8/20/24
Revised 9/17/24
Revised 4/14/26

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Legal
F.S. 316.173
F.S. 316.183(3)
F.S. 316.217(1)(b)
F.S. 1006.21
F.S. 1006.22
F.S. 1006.23
F.S. 1011.68
F.S. 1012.45
F.A.C. Chapter 6A-3
F.A.C. 6A-3.003

OPERATIONS

po8600.04

BUS OPERATOR QUALIFICATIONS, CERTIFICATION, DISCIPLINE, AND TERMINATION

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

8600.04 - **BUS OPERATOR QUALIFICATIONS, CERTIFICATION, DISCIPLINE, AND TERMINATION**

Purpose

The safety and welfare of Authority students is of paramount importance to the Governing Board and transportation personnel of the Authority are charged with the responsibility of student transportation safety. Thus, it is essential that school buses be operated by properly qualified and licensed drivers who meet all other requirements of State and Federal laws, State Board rules, and Board policies for the transport of students.

Applicants

The Board requires that each applicant for a bus operator's position possess a valid Florida Commercial Driver License Class B with Passenger and S Endorsements, together with an acceptable driving record, a current valid medical examiner's certificate, and such other licenses and endorsements as may be required by applicable law and regulation, and meet all other minimum qualifications as may be required by Federal law, State law, State Board Rule, Board policy, and the Authority's safe driver plan. The driving record of all applicants shall be obtained from the Florida Department of Highway Safety and Motor Vehicles (DHSMV) and reviewed by the Authority as and when required by law to verify an acceptable driving history and compliance with the standards of this policy and applicable law and regulation.

At the time of initial employment, the Board shall require that the operator of a school bus meet the following requirements:

A. has five (5) years of licensed driving experience;

B. has submitted to the Superintendent a written application for employment; and

C. has filed a set of fingerprints for the purpose of the required background check for determining criminal record.

An applicant who is determined by the criminal background check required of all applicants to have been convicted of a crime of moral turpitude shall not be employed as a school bus operator.

Any of the following infractions or offenses will render a candidate unqualified and, therefore, ineligible for employment:

A. driving under the influence

B. falsifying an accident report

C. at-fault accident resulting in a fatality

D. more than twenty (20) points on license

E. passing a stopped school bus

F. reckless driving

G. more than two (2) careless driving infractions within any one (1) year period

H. failing to give notice of a crash to a local police department or county sheriff when such crash results in injury to or death of any persons or damage to any vehicle or other property in an apparent amount of at least $500

I. fleeing or attempting to elude a police officer

J. speeding in a school zone

K. railroad crossing offenses

L. leaving the scene of an accident involving injuries or property damage

M. loss of or suspension of driver's license for traffic related offenses/violations of F.S. Chapter 316, or multiple non-traffic related offenses

N. use of a wireless communication device while operating a motor vehicle for non-voice interpersonal communication, including, but not limited to, texting, e-mailing, instant messaging, and snap chatting which is violation of F.S. 316.305

O. use of a wireless communication in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or work zone area as defined in F.S. 316.003, which is a violation of F.S. 316.306

Employees

Prior to transporting students on a school bus, each operator employed or contracted by the Authority shall meet the following requirements:

A. hold a valid driver's licenses for the respective weight class of the bus that will be operated;

   A Class E driver's license without endorsements is required for school buses and multifunction school activity buses (MFSABs) with a gross vehicle weight rating (GVWR) of 26,000 pounds or less with a seating capacity of fifteen (15) or fewer, including the driver. A Class B commercial driver's license (CDL) with a passenger endorsement and a school bus endorsement is required for school buses and MFSABs with a GVWR of 26,001 pounds or more and/or a seating capacity of sixteen (16) or more, including the driver.

B. complete forty (40) hours of preservice training, which must include certified cardiopulmonary resuscitation (CPR) and first aid training, and must consist of at least twenty (20) hours of classroom instruction and eight (8) hours of behind-the-wheel training;

   The classroom instruction and behind-the-wheel training shall be based upon the Department's Basic School Bus Operator Curriculum, Revised 2006.

C. demonstrate the ability to prepare required written reports;

D. be physically capable of operating the vehicle as determined by physical examination, given by a physician designated by the Board, and as determined by a dexterity test administered by the Authority;

E. demonstrate physical and mental capabilities required to carry out all assigned responsibilities as a school bus operator; and

F. meets the qualifications described in 49 C.F.R. Part 391, relating to physical qualifications and examination, which includes the physical standards established by the Federal Motor Carrier Safety Administration pursuant to 49 C.F.R. Sections 391.41 and 391.43

The Authority shall issue a certificate of training to each operator who successfully completes the forty (40) hours of preservice training provided by the Commissioner.

In addition to the requirements set forth above, a bus operator employed by the Board shall at all times during the term of their employment maintain an acceptable driving record, possess a current valid medical examiner's certificate, hold such other licenses and endorsements as may be required by applicable law and regulation, and meet all other minimum qualifications as may be required by Federal law, State law, State Board rule, and Board policy.

It is the intent of this Board to protect its students from drivers whose certification is invalidated under Florida law or the School District of Lee County/Authority's safe driver plan. Any employee who operates a school bus with a license s/he knows, or should have known, is suspended or revoked shall be subject to discipline, up to and including termination.

The driving record of all school bus operators shall be obtained and reviewed prior to each fall semester, and shall be subject to continuous screening by using the Motor Vehicle Operator Tracking and Reporting System (MOTRS) through the Florida Department of Motor Vehicles and Highway Safety database. For any operator licensed in another state, the Authority shall obtain and review the driver's history record from the appropriate state on a weekly basis.

Any bus operator whose driving record is found to include a plea of guilty, nolo contendere, or adjudication withheld of guilt for any of the following infractions shall be subject to disciplinary action up to and including termination:

A. driving under the influence

B. falsifying an accident report

C. at-fault accident resulting in a fatality

D. more than twenty (20) points on license

E. passing a stopped school bus

F. reckless driving

G. more than two (2) careless driving infractions within any one (1) year period

H. failing to give notice of a crash to a local police department or county sheriff when such crash results in injury to or death of any persons or damage to any vehicle or other property in an apparent amount of at least $500

I. fleeing or attempting to elude a police officer

J. speeding in a school zone

K. railroad crossing offenses

L. leaving the scene of an accident involving injuries or property damage

M. loss of or suspension of driver’s license for traffic related offenses/violations of F.S. Chapter 316, or multiple non-traffic related offenses

N. use of a wireless communication device in while operating a motor vehicle for non-voice interpersonal communication, including, but not limited to, texting, e-mailing, instant messaging, and snap chatting which is a violation of F.S. 316.305

O. use of a wireless communication in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or work zone area as defined in F.S. 316.003, which is a violation of F.S. 316.306

In addition, a bus operator who violates Board policies regarding the unnecessary idling of school buses or using a wireless communication device while operating a school bus shall be subject to disciplinary action.

All bus operators must conform to the provisions of 49 C.F.R., Part 40 and Part 382, relating to the substance abuse testing and alcohol detection program. A driver testing positive for a controlled substance under the provisions noted above shall be terminated from school bus driving duties.

All bus operators are required to sign a driver's license status statement for each pay period, attesting that bus operator has not received any point violation in the interim. Falsification may result in disciplinary action, up to and including termination.

All bus operators are required to submit to follow-up criminal background checks in accordance with State law.

At least annually, the Superintendent shall require that each operator of a school bus meets the following requirements:

A. successfully complete the requirements prescribed by this policy;

B. successfully complete a minimum of eight (8) hours of in-service training related to the operator's responsibilities for transporting students, which may include training hours from the required certified CPR and first aid training, pursuant to F.A.C. Rule 6A-3.0121;

C. successfully pass a dexterity test administered by the Authority and maintain a valid Medical Examiners Certificate verifying that the operator meets the requirements of 49 C.F.R. Part 391.

At the time of reemployment, the Superintendent shall assure that require school bus operator meets all of the requirements contained herein. If not more than a twelve (12) continuous calendar month break in service has occurred, an operator shall be required to complete eight (8) hours of in-service training related to their responsibilities for transporting students prior to driving a school bus with students. If a period exceeding twelve (12) calendar months has occurred, the operator shall be required to successfully complete all of the requirements of this policy.

Revised 3/9/21
Revised 4/14/26

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Legal
F.S. 316.305
F.S. 316.306
F.S. 1012.45
F.S. 1012.465
F.S. Chapter 316
F.S. Chapter 1006
F.A.C. 6A-3.0121
F.A.C. 6A-3.0141
F.A.C. 6A-3.0171
49 C.F.R. Part 40
49 C.F.R. Part 382
49 C.F.R. Part 391

OPERATIONS

po8606

USE OF WIRELESS COMMUNICATION DEVICES BY AUTHORITY SCHOOL BUS OPERATORS

ADOPTED Apr 12, 2016

8606 - **USE OF WIRELESS COMMUNICATION DEVICES BY AUTHORITY SCHOOL BUS OPERATORS**

For purposes of this policy, wireless communication devices (WCDs) means any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connected to the Internet or any communications service as defined in F.S. 812.15 and that allows text communications. WCDs include, but are not limited to, cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs), Blackberries/Smartphones, and other Wi-Fi-enabled or broadband access devices.

Cellular phone use for voice communication and texting while driving has been found to contribute to school bus crashes. According to the National Safety Council and the National Transportation Safety Board, the risk of collision is considerably greater when using a cellular phone while driving. The use of a cellular phone while driving is a distraction from the driving environment.

It is the policy of the Governing Board that WCDs, including WCDs equipped with ear pieces, ear buds, headsets, and/or Bluetooth, shall **not** be used for any purpose, including, but not limited to, placing or receiving phone calls, sending or receiving text messages, or sending or receiving e-mails, anytime the operator is actively driving an Authority school bus, with or without students on board.

The mobile radio installed on all Authority school buses will be the primary communication system for Authority school bus operators. If the mobile bus radio fails, and the school bus operator's responsibility for the safety and health of the students being transported makes it necessary for the school bus driver to use a WCD while performing bus-operating duties, the school bus operator will depart the roadway, stop the bus in a safe area, and then use the WCD.

Furthermore, it shall be the policy of the Board that school bus operators shall adhere to all Authority policies pertaining to staff use of WCDs (see Policy 7530.01 and Policy 8625) and two-way radios.

Safety will always be the priority while driving a school bus. Any deviation to the above policy will result in disciplinary action as set forth in Board policy.

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Legal
F.S. 316.305
F.S. 1006.21
F.S. 1006.22
F.A.C. 6A-3.0171

OPERATIONS

po8610

TRANSPORTATION ROUTE PLANNING

ADOPTED Aug 20, 2024

8610 - **TRANSPORTATION ROUTE PLANNING**

School buses and other Governing Board-approved vehicle routes shall be scheduled along regularly maintained all-weather highways in such a manner as to utilize the maximum time, distance, and number of students transported. All-weather roads are defined as: hard-surfaced construction regularly maintained pavement, parked marl, etc.; twenty (20) feet in width; shoulder clearance of five (5) feet on each side; overhead clearance twelve (12) feet under all weather conditions; free from obstruction, and free from bridges less than bus weight.

School buses and other Board-approved vehicles may be directed on circuitous routes in order to avoid stops on four-lane or heavily traveled highways, or at the end of bus routes, if recommended by the Superintendent and approved by the Board.

Routes shall be designated to the maximum extent possible so the need for backing or a three-point turnaround is eliminated.

Stops shall be designated at the most reasonably safe location for the area being served. Whenever possible, stops shall not be designated where the visibility is obscured.

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Legal
F.S. 1006.21
F.S. 1006.22

OPERATIONS

po8625

BAN ON TEXTING WHILE DRIVING

ADOPTED Apr 12, 2016 · REVISED Mar 9, 2021

8625 - **BAN ON TEXTING WHILE DRIVING**

It is the intent of the Governing Board to improve roadway safety for operators and passengers of Authority motor vehicles and buses and personal vehicles while employees are driving to/from any location for Authority business.

DEFINITIONS

"Motor vehicle" means all Authority-owned, operated, rented, contracted or leased passenger vehicles, including school buses, as well as any motor vehicle that is privately owned or leased and is used to transport Board employees and students where such use is subject to Board or Superintendent authorization and approval, or operated by a Board employee while traveling to or from any location on official school business. A motor vehicle (other than a school bus) that is stationary is not being operated and is not subject to the prohibition in this policy. Policy 8606 and Policy 8600.04 further governs the use of wireless communication devices by school bus operators.

"Wireless communication device" means any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connected to the Internet or any communications service as defined in F.S. 812.15 and that allows text communications. WCDs include, but are not limited to, cellular and wireless telephones, personal digital assistants (PDAs), Blackberries/Smartphones, and other Wi-Fi-enabled or broadband access devices.

General Prohibitions

A Board employee shall not operate an Authority motor vehicle at any time, or a personal vehicle while driving to/from any location on school business, while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading messages on such a device for the purpose of non-voice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, instant messaging, and snap chatting.

This prohibition does not apply to those acts authorized by F.S. 316.305 that, include, but are not limited to, the following:

A. performing certain official duties while operating an authorized emergency vehicle as defined in F.S. 322.01, a law enforcement or fire service professional, or an emergency medical services professional;

B. reporting an emergency or criminal or suspicious activity to law enforcement authorities;

C. receiving messages that are:

1. related to the operation or navigation of the motor vehicle;

2. safety-related information, including emergency, traffic, or weather alerts;

3. data used primarily by the motor vehicle; or

4. radio broadcasts.

D. using a navigation system or device; or

E. conducting wireless interpersonal communication that does not require manual entry of information or reading text messages, except to activate, deactivate, or initiate a feature or function.

Hands-Free in School Crossings, School Zones, and Work Zone Areas

Board employees shall not operate a CCCCSA motor vehicle at any time, or a personal vehicle while driving to/from any location on school business while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone areas as defined in F.S. 316.003.

This prohibition does not apply to those acts authorized by F.S. 316.306 that, include, but are not limited to, the following:

A. performing certain official duties while operating an authorized emergency vehicle as defined in F.S. 322.01, a law enforcement or fire service professional, or an emergency medical services professional;

B. reporting an emergency or criminal or suspicious activity to law enforcement authorities;

C. receiving messages that are:

1. related to the operation or navigation of the motor vehicle;

2. safety-related information, including emergency, traffic, or weather alerts;

3. data used primarily by the motor vehicle; or

4. radio broadcasts.

D. using a device or system in a hands-free manner for navigation purposes;

E. using a wireless communications device hands-free or hands-free in voice-operated mode, including but not limited to, a factory-installed or after-market Bluetooth device; or

F. operating an autonomous vehicle, as defined in F.S. 316.003, in autonomous mode.

A Board employee who violates this policy is subject to disciplinary action up to and including termination.

Revised 3/9/21

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Legal
F.S. 316.305
F.S. 316.306

OPERATIONS

po8640

TRANSPORTATION FOR FIELD AND OTHER AUTHORITY-SPONSORED TRIPS

ADOPTED Apr 12, 2016

8640 - **TRANSPORTATION FOR FIELD AND OTHER AUTHORITY-SPONSORED TRIPS**

It shall be the policy of the Governing Board to use school buses, regular or special-purpose school vehicles for transportation on field and other Authority-sponsored trips.

Transportation for all field and other Authority-sponsored trips may be limited by the availability of vehicles, drivers, and scheduling and will not be available when needed for general school purposes.

The transportation for all field and other Authority-sponsored trips is to be by vehicles owned or approved by the Authority and driven by approved drivers. Exceptions must have the approval of the Superintendent.

The Superintendent is authorized to establish transportation costs for school related and non-school related field trips. The transportation costs shall be reviewed annually by the Superintendent.

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Legal
F.S. 1006.21
F.S. 1006.22

OPERATIONS

po8645

USE OF SCHOOL BUSES

ADOPTED Apr 12, 2016

8645 - **USE OF SCHOOL BUSES**

The primary use of buses owned by the Governing Board is the safe transportation of students to and from school and other school related activities. All other uses are secondary to this purpose.

Buses will be scheduled for use described below only as they are available so that the regular transportation of students to and from school is not affected.

Only qualified drivers employed by the Board and assigned by the Board's Director of Transportation will operate Authority buses for any of the uses described herein.

School Related Use

Buses owned by the Board shall be available for transportation of school-related groups participating in interscholastic competition or representing the Authority or school in activities sponsored by educational agencies.

Such use shall be permitted when it does not interfere with routine transportation of students to and from school.

Use by Non-School Related Groups, Nonprofit Corporations, and Nonprofit Civic Associations and Groups

The Board may enter into agreements with non-school groups, nonprofit corporations and nonprofit civic associations and groups to allow for the use of school buses to transport school-age children for activities sponsored by such associations and groups, including, but not limited to, the Girl Scouts, the Boy Scouts, 4-H clubs, the Y.M.C.A., and similar groups. The agreement must include the "Insurance and Hold Harmless Requirements" language referenced in this policy below.

The use of school buses for these activities shall be subject to the following rules:

A. Compensation to the Board for such use shall be at least equal to the costs incurred by the Board for such use.

B. Prior to allowing the contracting party to take control of the bus, the Authority shall inspect the bus and note any existing damage. The inspection sheet must be signed by the contracting party and an agent of the Authority.

C. Require all operators of Authority school buses to comply with Board Policy 8606 - *Use of Wireless Communication Devices by Authority School Bus Operators* and Policy 8625 - *Ban on Texting While Driving*.

D. Require that all operators pass all required physical examinations and meet such other requirements as may be prescribed by State law.

E. Require that all operators refrain from wearing shoes that are not securely held on the foot.

F. Tobacco, alcohol, illicit drugs, or any other substances that may impair an operator's alertness or performance are prohibited. Operators shall not operate the bus if under the influence of any of these substances.

G. Observe and comply with all traffic laws and operate the bus in a safe manner.

H. Operate the bus at a safe speed and never in excess of the legally posted speed limit in business or residential districts, or fifty-five (55) miles per hour outside business or residential districts.

I. Require all passengers to remain seated and to keep all aisles and exists clear.

J. Certify that the operator has participated in emergency bus evacuation training.

K. Immediately report all traffic accidents and/or damage to the school bus to the Superintendent.

L. Allow access to all members of the public, including disabled passengers.

M. Upon return of the bus, the Authority shall inspect the bus and note any new damage. The inspection sheet must be signed by the contracting party and an agent of the Authority.

Use by Local and/or State Government

Pursuant to State law, the Board may enter into agreements with the governing body of Lee County or any municipality in Lee County or of any State agency or of any agency established or identified to assist in the provision of public transportation and other public purposes, including, but not limited to, providing for the needs of the transportation disadvantaged, as defined in F.S. 427.011, including, but not limited to, the elderly, pursuant to Pub. L. No. 89-73, as amended, for the use of the school buses of the Authority

by departments, boards, commissions, or officers of such county or municipality or of the State for county, municipal, or State purposes, including, but not limited to, transportation of the transportation disadvantaged or other public purposes.

Each such agreement shall provide for reimbursement to the Board for the proportionate share of fixed and operating costs incurred by the Board attributable to the use of the buses pursuant to the agreement or attributable to the maintenance or other activities conducted by the Board.

Emergency Use

When an emergency arises and local or State government agencies require the use of buses, the Superintendent may authorize such use upon such request. Such requests will supersede any scheduled use by non-school groups.

At various times other school districts, due to emergency or unusual circumstances, may request the use of buses owned by the Authority. Such usage may be permitted by the Superintendent, provided the other district reimburses the Authority for the actual costs involved.

Prohibited Uses

Buses may not be used for religious services, instruction, or ceremonies, commercial (for profit) activities, or politically related events.

Wireless Communication Devices

Use of wireless communication devices on Authority school buses and other motor vehicles shall be subject to the restrictions and prohibitions imposed by Policy 8625, Policy 8606, and F.S. 316.305.

Insurance and Hold Harmless Requirements

The governing body or State agency or agencies established or identified pursuant to Pub. L. No. 89-73, or the nonprofit corporation or nonprofit civic organization or group, or an agency established or identified to assist the transportation disadvantaged as defined in F.S. 427.011, or a public agency otherwise receiving services from the Board shall indemnify and hold harmless the Board, its officers, agents, and employees, from any and all liability by virtue of the use of the buses pursuant to an agreement authorized by this policy and State law.

For purposes of liability for negligence, state agencies or subdivisions as defined in F.S. 768.28(2) shall be covered by F.S. 768.28. Every other corporation or organization shall provide liability insurance coverage in the minimum amounts of $200,000 on any claim or

judgment and $300,000 on all claims and judgments arising from the same incident or occurrence.

The written agreement between the Board and the group, organization, or government agency for the use of the bus(es) shall describe the itinerary of the planned trip and shall provide that the group, organization, or government agency will reimburse the Board for the actual cost of the driver, including fringe benefits, plus the current average per-mile cost for the operation of the bus on the trip.

The agreement and a copy of the certificate attesting to the required liability insurance shall be submitted to the Superintendent for approval prior to the planned trip.

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Legal
F.S. 316.305
F.S. 1001.32
F.S. 1001.43
F.S. 1006.261

OPERATIONS

po8651

BOARD-OWNED VEHICLES

ADOPTED Apr 12, 2016

8651 - **BOARD-OWNED VEHICLES**

It shall be the policy of the Governing Board that employee use of Board-owned vehicles shall be limited to those employees whose duties require such use.

Upon recommendation of the Superintendent, an Authority-owned vehicle may be assigned to an employee if, in the judgment of the Superintendent, specific work circumstances require it.

An employee may be assigned a vehicle if, in the judgment of the Superintendent, specific work circumstances require it.

The employee will use the assigned Authority-owned vehicle for official Authority business only, and will return the Authority-owned vehicle to Authority property upon completion of his/her assigned duties daily.

In addition to using the assigned Authority-owned vehicle for official Authority business, the vehicle may be used for transportation to and from work. However, if the assigned Authority-owned vehicle is used for transportation to and from work, the employee will be advised of the potential tax consequences for such routine use.

Unauthorized use of Authority-owned vehicles will be cause for disciplinary action.

Employees who use an Authority-owned vehicle shall notify their supervisor as to any accident or mechanical defect experienced with the vehicle. The Transportation Director shall arrange for necessary repairs to be made.

Failure to report an accident or a mechanical defect experienced when operating an Authority-owned vehicle may be cause for disciplinary action.

The Superintendent shall require that all Authority-owned vehicles are inspected at regular intervals. The vehicles shall be placed in the Authority's garage(s) for repairs or service if needed.

The Authority shall not assume any financial responsibility for any contract for repairs by or purchase of repairs from a private shop or a private individual unless prior approval is

obtained from the Superintendent.

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F.S. 1006.21

OPERATIONS

po8660

ALTERNATIVE TRANSPORTATION METHODS

ADOPTED Apr 12, 2016 · REVISED Aug 20, 2024

8660 -**ALTERNATIVE TRANSPORTATION METHODS**

For purposes of this policy, "regular transportation" or "regular use" means transportation to and from school or school-related activities which are part of a scheduled series or sequence of events to the same location.

Regular Transportation - In-School Buses

The Governing Board may use school buses, as defined in Florida statutes, for all regular transportation of students, pre-kindergarten through grade 12. School buses are to be used whenever practical.

Regular Transportation - In Other Vehicles

Regular transportation of students in motor vehicles other than school buses may occur only under the following conditions:

A. when transportation is for physically handicapped or isolated students and the Board has elected to provide for the transportation of the student through written;

B. when the transportation is part of a comprehensive contract for a specialized educational program between the Board and a service provider for instruction, transportation, and other services;

C. when the transportation is provided through a public transit system;

D. when the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions but is not customary transportation between a student's residence and such sites; and

E. when the transportation is for trips to and from school sites but is not customary transportation between a student's residence and such sites.

Athletic Trips when school buses are not a practical mode of transportation.

When the regular transportation of students is provided, as authorized above, in a vehicle other than a school bus that is owned, operated, rented, contracted, or leased by the Authority, the following provisions shall apply:

A. The vehicle must be designed to transport fewer than ten (10) students or be a multifunction school activity bus, as defined in 49 C.F.R. Part 571.3, if it is designed to transport more than ten (10) persons. Students must be transported in designated seating positions and must use the occupant crash protection system provided by the manufacturer unless the student's physical condition prohibits such use.

B. The driver of an authorized vehicle transporting students must maintain a valid driver license and must comply with the requirements of the Authority's locally adopted safe driver plan, which includes a review of driving records for disqualifying violations.

Transportation by Private Vehicles

Except as provided above, the transportation of students in private vehicles may be authorized by the principal on a case-by-case basis only under the following conditions:

A. When a student is ill or injured and must be taken home or to a medical treatment facility under non-emergency circumstances and

    1. the school has been unable to contact the student's parent or guardian, or such parent, guardian, or responsible adult designated by the parent or guardian is not available to provide the transportation; and

    2. proper adult supervision of the student is available at the location to which the student is being transported; and

    3. the transportation is approved by the school principal or designee; and

    4. if the school had been unable to contact the parent or guardian prior to the transportation, the school continues to attempt to contact the parent or guardian until the school is able to notify the parent or guardian of the transportation and the circumstances.

B. When the transportation is in connection with a school function or event in which the school has undertaken to participate and

    1. the function is a single event which is not part of a scheduled series or sequence of events to the same location; such as, but not limited to, a field trip, recreational outing, a competitive or cooperative event, or an event connected to an educational program; and

2. transportation is not available, as a practical matter, using a school bus or Board passenger car; and

3. each student's parent or guardian is notified in writing about the transportation arrangement and gives written consent before a student is transported in a private vehicle.

C. When Board employees are required to use their own vehicle to perform duties of employment and such duties include the occasional transportation of students.

Any private vehicle used to transport students under this policy shall be currently registered in the State of Florida, be insured for personal injury protection and property damage liability in at least the minimum amounts required by law, and be in good working order. A Board employee, parent, or other adult wishing to transport students in a private vehicle will request approval by submitting his/her driver's license, vehicle registration, and insurance ID card along with the completed Form 8660 F1 to the principal in a reasonable amount of time before the planned travel. The principal will follow the established procedure to determine whether approval of the request to transport students in a private vehicle is appropriate.

Student transportation in private vehicles may only be authorized for trips within the State of Florida. A student who is transported to an activity in a private vehicle approved under this policy shall return from the activity in the same vehicle unless the student is released to his/her parent.

Insurance/Liability

Board employees will be covered by the Board's liability program when they are transporting students as part of their assigned or related duties. Benefits due from private vehicle insurance will be primary, except for workers' compensation, in accordance with State law.

Parents or other adults are not covered by the Board's liability program when they are transporting students and, therefore, must have adequate insurance during the time that the vehicle is being used to transport students.

Emergency Threat to Student Health or Safety

Notwithstanding any other provision of this policy, in an emergency situation which constitutes an imminent threat to student health or safety, school personnel may take whatever action is necessary under the circumstances to protect students.

Any violation of this policy may subject an employee to discipline up to and including termination from employment.

Revised 11/18/22
Revised 8/20/24

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F.S. 1006.22

OPERATIONS

po8700

ANTI-FRAUD

ADOPTED Apr 12, 2016 · REVISED Apr 14, 2026

8700 - **ANTI-FRAUD**

This policy is implemented to make employees aware of activities that may be fraudulent, illegal, or otherwise unethical. The Authority will not tolerate such activities, and disciplinary measures will be implemented as appropriate.

Scope

This policy applies to any fraud, or suspected fraud, involving elected officials, employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties with a business relationship with the Authority.

Policy

Fraud and fraudulent activity are strictly prohibited. The obligation to report fraud includes instances when the employee knew or should have known that an incident of fraud had occurred. All administrators shall be vigilant for any conduct that appears to constitute fraud or fraudulent activity within the scope of their responsibility.

Each employee or agent of the Authority shall be responsible for reporting any observed or suspected fraud or fraudulent activity to the Superintendent who shall serve as agency chief inspector. If the observed or suspected fraud or fraudulent activity involves a Governing Board member or the Superintendent, the report should be made to the Board Attorney or the State of Florida's Chief Inspector General. Reports to the State of Florida's Chief Inspector General may be filed by connecting to the State's Chief Inspector General's fraud hotline (http://www.floridaoig.com/reportfraud.htm), by calling the fraud hotline maintained by the Chief Inspector General (1-800-543-5353), or by faxing the complaint to the Chief Inspector General (1-850-921-0817).

However, whistleblower protection provided by State law will not apply to individual who utilize the State's Chief Inspector General's fraud hotline to report alleged fraud or fraudulent activity. Whistleblower protection may apply to individuals who comply with the requirements for whistleblower protection under State law and who report alleged fraud or fraudulent activity directly to the Superintendent who serves as the agency chief inspector.

When the information provided meets the criteria for fraud or fraudulent activity that is set forth in State law, this policy, and Policy 1211, Policy 3211, Policy 4211, AP 1211, AP 3211, and AP 4211, a staff member, former staff member, applicant, or any other person who files the complaint can keep their identity confidential unless:

A. disclosure is necessary to protect the public's health, safety, and welfare;

B. absolutely necessary or unavoidable during the investigation; or

C. if disclosure is required by State law.

Pursuant to Policy 1550, Policy 3550, or Policy 4550, an allegation of fraud or fraudulent activity and all information obtained pursuant to an investigation by the Superintendent of the allegation of fraud or fraudulent conduct will be confidential and exempt from inspection or copying until the investigation ceases to be active or until the Superintendent provides written notice to the employee who is the subject of the investigation.

Anonymous complaints for which no corroboration can be found will be retained by the Authority but, pursuant to State law, shall not be placed in any employee's personnel file.

Fraud – Definitions

Fraud is defined as the intentional, false representation or concealment of a material fact in order to personally benefit or induce another to act to his/her detriment.

Actions constituting fraud include, but are not limited to the following:

A. falsifying, unauthorized altering, or forging Authority documents, including but not limited to the following:

1. claims for payments or reimbursements, which would include, but not be limited to, submitting false claims for travel or overtime

2. absence or leave forms, an example of which would be reporting falsely an absence as a sick day or failing to report an absence

3. files, either in electronic or printed format, photographic records or audio records that are maintained by the Authority, or accounts belonging to the Authority

4. a check, bank draft, wire transfer, or any other Authority financial document

5. student records that are maintained in either electronic or printed formats

6. fire, health, sanitation, and safety reports that are maintained in either electronic or printed formats

B. misappropriating funds, supplies, or other assets of the Authority

C. handling or reporting money or financial transactions in an improper or illegal manner

D. disclosing, either directly or indirectly, confidential and proprietary information to outside parties for personal gain

E. disclosing to other persons the purchasing/bidding activities engaged in or contemplated by the Authority so that any entity, person, or business has an unfair advantage in the purchasing/bid process

F. causing the Authority to pay excessive prices or fees where justification is not documented

G. accepting or offering a bribe, gifts or other favors under circumstances that indicate that the bribe, gift or favor was intended to influence a decision that was, or needed to be, made

H. removing, destroying, or using for personal gain records, furniture, fixtures, and/or equipment

I. using State or Federal funds for other than their designated and approved purposes, or

J. using Authority equipment or work time for any outside private business activity.

This list is meant to illustrate the types of activities that are prohibited, and is not intended to be all-inclusive. Other misconduct of a similar nature is prohibited.

Investigation

Investigations of alleged fraud or fraudulent activity shall be conducted in accordance with this policy and the Authority's whistleblower policy and procedure (Policy 1211, AP 1211, Policy 3211, AP 3211, Policy 4211, and AP 4211).

If the allegations of fraudulent misconduct involve an Authority employee, former employee, applicants, or independent contractor, the Superintendent shall conduct a thorough investigation. If the Superintendent determines that the allegations appear to involve criminal misconduct, the matter shall be referred to the City of Cape Coral Police Department.

If the allegation involves the Superintendent or a Board member, the allegation shall be referred to the Board Attorney. If the Board Attorney determines that the allegations appear to involve criminal misconduct, the matter shall be referred to the City of Cape Coral Police Department. If the Board Attorney determines that the allegations do not appear to involve criminal misconduct, the matter shall be assigned by the Board Attorney to a third party, who is not an employee of the Authority, for the purpose of conducting an investigation concerning the allegations. Upon the conclusion of this investigation, the investigator shall forward the report to the Board Attorney. The Board Attorney shall forward the report to the Board so that such action as is appropriate can be taken.

Any investigation conducted pursuant to this policy shall be conducted without regard for the length of service, position/title, or relationship of the individual who is alleged to have committed or concealed fraud.

Confidentiality

The Authority will maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and the Authority's obligations under the Whistleblower's Act, the Freedom of Information Act, and F.S. Chapter 119. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the Superintendent or his/her designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other Authority employees or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated allegations that are not privileged could harm an innocent individual's reputation and result in potential civil liability.

Non-Retaliation

Those who, in good faith, report suspected fraud or fraudulent activity will not be subject to any retaliation as a result of bringing the suspected misconduct to the attention of the Authority. Employees, former employees, applicants for employment, or independent contracts will be subject to protection of the Authority's Whistleblower's policy and administrative procedure. (Policy 1211, AP 1211, Policy 3211, AP 3211, Policy 4211, and AP 4211)

Additionally, employees who knowingly make a false report of suspected fraud or fraudulent activity shall be subject to disciplinary action pursuant to the Authority's Whistleblower's policy and administrative procedure. (Policy 1211, AP 1211, Policy 3211, AP 3211, Policy 4211, and AP 4211)

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Revised 4/14/26

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F.S. 112.3187
F.S. 112.3188
F.S. 112.3189
F.S. 112.31895

OPERATIONS

po8710

INSURANCE

ADOPTED Apr 12, 2016

8710 - **INSURANCE**

The City of Cape Coral shall negotiate with commercial insurance carriers for the type and amount of insurance policies necessary to protect the Authority from major financial losses.

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F.S. 768.28
F.S. 1001.42

OPERATIONS

po8760

STUDENT ACCIDENT INSURANCE

ADOPTED Apr 12, 2016

8760 - **STUDENT ACCIDENT INSURANCE**

The Authority recognizes that some parents wish to purchase group accident insurance. Therefore, at the beginning of each school year, the Authority shall offer parents the opportunity to participate in student group accident insurance at the expense of the parents.

A signed statement of insurance coverage on the part of the student's parent or guardian shall be a prerequisite for student registration in any school activity having a potential for personal injury.

The Superintendent shall recommend suitable and qualified insurance carriers and notify all parents of its availability.

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F.S. 1006.16

OPERATIONS

po8800

RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES

ADOPTED Apr 12, 2016 · REVISED Mar 10, 2026

8800 - **RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES**

Authority staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. The Authority shall not act as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on Authority property by any party shall be in accordance with Policy 7510 and AP 7510A - *Use of Authority Facilities* and Policy 9700 and AP 9700 - *Relations with Special Interest Groups*.

Federal law prohibits the Governing Board from adopting any policy or rule respecting or promoting an establishment of religion. Further, Federal and State law prohibit the Board from adopting any policy or rule, or from entering into any agreement, prohibiting any student or staff member from the free, individual, and voluntary exercise or expression of the individual's religious beliefs. However, such exercise or expression may be limited to lunch periods or other non-instructional time periods when students and staff are free to associate.

The Board shall not conduct or sanction a baccalaureate service in conjunction with graduation ceremonies.

The Principal shall require teachers in first-period classrooms in all grades to set aside at least one (1) minute, but not more than two (2) minutes daily, for a moment of silence. A staff member may not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence. Authority staff shall encourage parents or guardians to discuss the moment of silence with their children and to make suggestions as to the best use of this time.

Students may not interfere with other students' participation during the moment of silence.

The flag of the United States shall be raised above each school and/or at other appropriate places during all school sessions, weather permitting. The flag shall be raised before the opening of school and taken down at its close every day.

Furthermore, the Board requires that an observance be scheduled each year on or about Veterans' Day to convey the meaning and significance of that day to all students and staff. The amount of time each school devotes to this observance shall be at least one (1) hour or, in schools that schedule class periods of less than one (1) hour, at least one (1) standard class period.

Instructional staff members are authorized to lead students in the Pledge of Allegiance at an appropriate time each school day. No student shall be compelled/required to participate in the recitation of the Pledge. Upon written request by the student's parent, a student shall be excused from reciting the pledge. However, students shall stand, with men removing their headdress except when worn for religious purposes. Each student shall be informed by posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge. Additionally, the Board prohibits the intimidation of any student by other students or staff for the purpose of coercing participation. A written notice shall be published in the student handbook that a student has the right not to participate in reciting the pledge. Upon written request by his/her parent, the student must be excused from reciting the pledge, including standing and placing the right hand over his/her heart.

Celebrate Freedom Week

The last full week of classes in September is recognized in school as Celebrate Freedom Week, and instruction that week will include study of the intent, meaning, and importance of the Declaration of Independence. During that week, principals and teachers will lead students in reciting a portion of the Declaration of Independence. A student will be excused from reciting the Declaration upon written request by the student's parent, in accordance with State law Holocaust Remembrance Day

In honor of the millions of victims killed in the Holocaust, January 27 will be observed in schools as "Holocaust Remembrance Day." If January 27 is not a school day, "Holocaust Remembrance Day" will be observed on the following school day or on another school day as designated by the Board. Instruction on the harmful impacts of the Holocaust and anti-Semitism and the positive contributions of the Jewish community to humanity may be provided as part of the instruction on “Holocaust Remembrance Day”.

See Policy 2215 - *Program of Instruction* for required instruction regarding the Holocaust.

Revised 8/14/18
Revised 12/14/21
Revised 8/20/24
Revised 3/10/26

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F.S. 1000.06
F.S. 1002.20
F.S. 1003.421
F.S. 1003.44
F.S. 1003.4505
20 U.S.C. 4071 et seq.
Gregoire vs. Centennial School District 907 F.2d 1366, (3rd Circuit, 1990)
Lee vs. Weisman, 112 S. Ct. 2649, 120 L. Ed.2d 467 (1992)

OPERATIONS

po8805

MODEL POLICY ON RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS

ADOPTED Oct 8, 2019

8805 - **MODEL POLICY ON RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS**

It is the policy of the 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.

Student Expression of Religious Viewpoints

A. The 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/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/her work if the coursework, artwork, or other written or oral assignments require a student's viewpoint to be expressed.

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.

Employees Engaging in Religious Activities and Expression at School

A. The 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. The 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.

Equal Access to School Facilities

A. The 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.

Limited Public Forum Required for Student Speakers

The 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 must:

A. 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;

B. provide a method based on neutral criteria for the selection of student speakers at school events, activities, and graduation ceremonies;

C. ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and

D. state in oral or written form that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the School District. The School District must deliver this required disclaimer at all graduation events and at any other event where a student speaks publicly.

Student expression of a religious viewpoint on an otherwise permissible subject may not be excluded from the limited public forum.

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F.S. 1002.206

OPERATIONS

po8810

THE AMERICAN FLAG, THE FLAG OF THE STATE OF FLORIDA, AND THE OFFICIAL MOTTO OF THE STATE OF FLORIDA

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

8810 - **THE AMERICAN FLAG, THE FLAG OF THE STATE OF FLORIDA, AND THE OFFICIAL MOTTO OF THE STATE OF FLORIDA**

Salute to the American Flag

The Pledge of Allegiance to the American Flag shall be rendered daily according to the provisions of F.S. 1003.44.

Display of the American Flag and the Flag of the State of Florida

A. Out-of-Doors (American Flag and the Flag of the State of Florida)

The flag of the United States shall be displayed daily upon the grounds of each school on a suitable flag staff when the weather permits, except when the school or District is closed for vacation.

The American Flag shall be raised above each school and/or at other appropriate places during all school sessions, weather permitting. The American flag shall be raised before the opening of school and taken down at its close every day.

B. In the Classroom (American Flag)

Each classroom shall display the flag of the United States on an appropriate staff. The flag must be made in the United States, must be at least 2 feet by 3 feet, and must be properly displayed in accordance with Title 4 U.S.C. Flags shall be procured in accordance with F.S. 1000.06(2).

Flying the Flag at Half-Staff

Etiquette regarding the U.S. Flag says, "The flag is to be flown at half-staff in mourning for designated, principal government leaders and
upon **presidential** or **gubernatorial** order."

Pledge of Allegiance

Instructional staff members are authorized to lead students in the Pledge of Allegiance at an appropriate time each school day. However, no student shall be compelled/required to participate in the recitation of the Pledge. Additionally, the Board prohibits the intimidation of any student by other students or staff for the purpose of coercing participation. The Superintendent shall develop procedures which ensure that any staff member who conducts this activity does it at an appropriate time, in an appropriate manner, and with due regard to the need to protect the rights and the privacy of a nonparticipating student. A written notice shall be published in Code of Conduct that a student has the right not to participate in reciting the pledge. Upon written request by the student's parent, the student must be excused from reciting the pledge, including standing and placing the right hand over the student's heart.

Display of the Official Motto of the State of Florida

The official motto of the State of Florida, "In God We Trust", shall be displayed in a conspicuous place in all schools in the District and in each building used by the Governing Board.

Revised 10/8/19
Revised 8/15/23

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F.S. 15.0301
F.S. 1000.06
F.S. 1001.41
F.S. 1003.44
U.S. Public Law No. 623, as amended by U.S. Public Law No. 829

COMMUNITY RELATIONS

po9130

PUBLIC COMPLAINTS

ADOPTED Apr 12, 2016 · REVISED Aug 20, 2024

9130 - **PUBLIC COMPLAINTS**

Any person or group, having an interest in the operations of this Authority shall have the right to present a request, suggestion, or complaint concerning Authority personnel, the program, or the operations of the Authority. At the same time, the Governing Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Board to rectify any misunderstandings between the public and the Authority by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences shall more formal procedures be employed.

Any requests, suggestions, or complaints reaching the Board, Board members, and the administration shall be referred to the Superintendent for consideration according to the applicable policies.

Matters Regarding a Staff Member

A. First Level

If it is a matter specifically directed toward an instructional or support staff member or an administrator, the matter should be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within the staff member's authority and Authority policies or administrative procedures.

B. Second Level

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor.

C. Third Level

If a satisfactory solution is not achieved by discussion with the supervisor, a written

request for a conference shall be submitted to the Superintendent. This request should include:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;

2. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;

3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

D. Fourth Level

1. Should the matter still not be resolved, or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request, in writing, a meeting by the Board.

2. The Board, after reviewing all material relating to the case, shall provide the complainant with its written decision no more than five (5) business days following the meeting. The Board's decision will be final on the matter, and it will not provide a meeting to other complainants on the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

Matters Involving Suspected Child Abuse, Substance Abuse, or Affects the Health, Welfare, and Safety of a Student

Alleged misconduct by Authority employees that involves suspected child abuse or substance abuse or affects the health, safety, or welfare of a student shall be reported to appropriate authorities and to the Superintendent. The matter shall be investigated and, if necessary, appropriate action taken.

Matters Regarding the Superintendent

Should the matter be a concern regarding the Superintendent that cannot be resolved through discussion with the Superintendent, the complainant may submit a written request to the Board Chairman for a conference with the Board. This request shall include:

A. the specific nature of the complaint and a brief statement of the facts giving rise to it;

B. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;

C. the reason that the matter was not able to be resolved with the Superintendent;

D. the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

The Board, after reviewing the request, may grant a meeting before the Board, or a committee of the Board, or refer the matter, if permitted by State law, to an executive session.

The complainant shall be advised, in writing, of the Board's decision within thirty (30) business days.

Matters Regarding Authority Services or Operations

If the request, suggestion, or complaint relates to a matter of Authority procedure or operation, it should be addressed, initially, to the person in charge and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding an Instructional Staff Member".

Matters Regarding the Educational Program

If the request, suggestion, or complaint relates to a matter of Authority program, it should be addressed to the Superintendent.

Challenges to Material Used in a Classroom, Made Available in a School or Classroom Library, or Included on a Reading List (not Including Instructional Materials) Matters Regarding Instructional Materials

See Policy 2520 - *Selection and Adoption of Instructional Materials.*

Confidentiality

Pursuant to State law, a complaint of misconduct against an Authority employee, and all information obtained pursuant to an investigation by the Authority of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the Authority provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the Authority has either:

A. concluded the investigation with a finding not to proceed with disciplinary action or file charges, or

B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the Authority shall also file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - *Mandatory Reporting of Misconduct by Certificated Employees*.

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

A. by certified mail, return receipt requested, to his/her address of record; or

B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

Revised 8/14/18
Revised 6/14/22
Revised 8/20/24

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F.S. 119.071(2)(k)
F.S. 1012.31

COMMUNITY RELATIONS

po9140

CITIZENS' ADVISORY COMMITTEES

ADOPTED May 13, 2025

9140 - **CITIZENS' ADVISORY COMMITTEES**

The Governing Board may establish citizen advisory committees when there is a definite function to be performed. All appointments of citizens to advisory committees shall be approved by the Board. All appointments of staff members to citizen advisory committees shall be made by the Superintendent. Staff members shall never constitute more than a minority of any such committee. Every effort shall be made to ensure that the makeup of an advisory committee is as truly representative of the community as possible. The chairperson of an advisory committee shall be chosen from among the lay members. Board members may be ex-officio members of an advisory committee.

Committee members may attend meetings in person or through the use of telecommunication networks such as telephonic and video conferencing.

Specific topics for study or well-defined areas of activities shall be assigned in writing to each committee immediately following its appointment. Upon completing its assignment, a committee either shall be given a new problem or shall be dissolved promptly. No advisory committee shall be permitted to continue for prolonged periods without a definite assignment, or to interfere with the work of a school advisory council (Policy 2125). Each committee shall be instructed as to the length of time each member is asked to serve, the resources the Board intends to provide, the approximate dates on which the Board wishes it to submit reports, and the approximate date on which the Board wishes it to dissolve. Furthermore, the committee shall be instructed as to the relationship it has to the Board, to individual Board members, to the Superintendent, and to the remainder of the staff.

The structure and organization of an advisory committee shall be determined by the Board as appropriate to the assignment. Advisory committees shall be encouraged to draw upon a wide variety of resources both inside and outside the Authority. Each committee shall be encouraged to draw upon the talents of other local residents and to recommend to the Board the official appointment of any such additional member(s) as the committee may desire.

Expenditure of Authority funds by an advisory committee shall be made only upon the prior approval of the Superintendent. Supplies, equipment, and personnel from within the Authority may be obtained through the appointed staff resource person.

Correspondence between the Board and its committees shall ordinarily be conducted by the Superintendent.

The Superintendent shall transmit the contents of any communication from a committee to the Board.

When a committee is ready to submit a report on its assigned topic, the Superintendent shall arrange a meeting for the purpose of receiving the report.

The Board shall have the sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time during the life of any committee.

Florida's Sunshine Law

F.S. Chapter 286 may apply to meetings of advisory committees. When an advisory committee is created by the Board, an initial determination will be made as to whether the committee has been delegated decision-making authority or only possesses information-gathering or fact-finding authority. Any committee that has been delegated decision-making authority will notice and conduct all meetings in public as required under Bylaw 0165 - *School Board Meetings*.

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F.S. 165.041(3)(c)
F.S. 1001.452

COMMUNITY RELATIONS

po9150

SCHOOL VISITORS

ADOPTED Apr 12, 2016 · REVISED Nov 18, 2022

9150 - **SCHOOL VISITORS**

The Governing Board welcomes and encourages visits to school by parents, other adult residents of the community, and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to invoke visitor controls.

The control of the school is vested in the Principal who has the ultimate responsibility for the administrative and supervision of all decisions and activities on the school campus. The Principal has the authority to prohibit the entry of any person to a school of this Authority or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the Principal is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual. The Principal also has the right to control the time of day, length of the visit, and to determine if the parent is to be accompanied.

Unauthorized presence on school premises is strictly prohibited. All visitors desiring access to school premises must first receive permission from the Principal, sign in and out at the school office, and wear a visitor's nametag while present on school premises. Persons desiring to meet with a teacher or student on school premises must arrange for an appointment through the Principal.

Except for animals in the classroom as regulated by Policy 8400, canines brought on the premises by law enforcement personnel for law enforcement purposes, or service animals required for use by a person with a disability, no other animals may be on school premises at any time unless authorized by the Superintendent.

Parents and guardians desiring to visit their child during the school day on school premises must follow the procedures set forth above. Non-custodial parents may not remove the child from the school without the lawful consent of the custodial parent or guardian or legal authorization in the form of an order or judgment of a court of competent jurisdiction.

The Superintendent shall promulgate such administrative procedures as are necessary for the protection of students and employees of the Authority from disruption to the

educational program or the efficient conduct of their assigned tasks.

Rules regarding entry of persons other than students, staff, and faculty upon school grounds or premises shall be posted conspicuously at or near the entrance to such grounds or premises if there are no formal entrances, and at the main entrance to each school building. In addition, the rules shall be posted in a central location in each school and made available to students, upon request.

Visitation by Board Members and Legislators

Individual Board members and legislators may visit an Authority school at any time. A member of the Legislature may visit any public school in the legislative district of the member. Board members and legislators may not be required to give prior notice of the visit. Another Board member, legislator or Authority employee may not limit the duration or scope of the visit or direct a visiting Board member to leave the premises.

The Board member must sign in and sign out at the school's main office and wear his/her Board identification badge at all times while present on school premises. The Board member shall be visiting as an interested individual in a similar capacity to any parent or citizen of the community. These visits should not be considered to be inspections nor as supervisory in nature.

Pursuant to Bylaw 0172, if, during a visit to a school or program, a Board member observes a situation or condition which causes concern, s/he should discuss the situation first with the Superintendent as soon as convenient or appropriate.

Revised 8/14/18
Revised 11/18/22

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COMMUNITY RELATIONS

po9160

PUBLIC ATTENDANCE AT SCHOOL EVENTS

ADOPTED Apr 12, 2016 · REVISED Aug 20, 2024

9160 - **PUBLIC ATTENDANCE AT SCHOOL EVENTS**

The Governing Board welcomes and encourages members of the community to attend athletic and other public events held by the schools in the Authority. Due to the need to maintain order and preserve the facilities of the Authority during the conduct of such events, the Board retains the right to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators are expected to call law enforcement officials if a person violates posted regulations or does not leave school property when reasonably requested. In accordance with Board Policy 7440 and AP 7440B, administrators may use metal detectors and other devices to protect the safety and well-being of participants and visitors.

If a student or adult is asked to leave or is removed from a school event, no admission fees shall be refunded.

No alcoholic beverage or other controlled substance may be possessed, consumed, or distributed at any function occurring on Board property.

Raffles and similar forms of fund-raising by Authority-related organizations may be permitted by the Superintendent in accordance with Policy 9211 - *Authority Support Organizations* and Policy 9700 - *Relations with Special Interest Groups*.

No qualified person with a disability will, because the Authority's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the Authority will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Authority is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto.

Individuals with disabilities shall have an equal opportunity to purchase tickets for accessible seating for a single event or series of events during the same hours; during the

same stages of ticket sales, including, but not limited to, presales, promotions, lotteries, wait lists, and general sales; through the same methods of distribution; in the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons; and under the same terms and conditions as other tickets sold for the same event or series of events.

Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the Authority's facilities where members of the public, as participants in services, programs, or activities, or as invitees, are allowed to go. (See also AP 9160B)

The Board is aware of the increasing desire of many parents and other members of an audience to make digital recordings of school events. Such recordings can be made if the performance is not of copyrighted material. If the performance is of copyrighted material, recordings can be made if the Authority secures the appropriate license authorizing such recordings in advance of the performance. If the performance is of copyrighted material and the necessary license is not secured in advance of the performance, the audience shall be advised before the performance begins that audio and/or video recordings are prohibited. At events when recordings are permitted, the audience will be reminded at the outset that their use of digital recording equipment may not interfere with the conduct of the particular activity or performance, nor impinge on the enjoyment of the event by other members of the audience. The Superintendent will establish rules and procedures governing the use of nondistrict digital recording equipment at any Authority-sponsored event or activity. Such rules should be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to the activity.

Any person or organization seeking to film students or a school activity which is not a public event must obtain prior permission from the Superintendent.

All notices, signs, schedules, and other communications about school events must contain the following statement:

"In accordance with State and Federal law, the Authority will provide reasonable accommodations to persons with disabilities who wish to attend and/or participate in school events. Such individuals should notify the Superintendent if they require a reasonable accommodation."

Interference with a Sporting or Entertainment Event

In accordance with F.S. 871.05, the term:

A. "Covered event" means an athletic competition or practice, including one conducted in a public venue or a live artistic, theatrical, or other entertainment performance

event. The duration of such event includes the period from the time when a venue is held open to the public for such an event until the end of the athletic competition or performance event.

B. "Covered participant" means an umpire, officiating crew member, player, coach, manager, groundskeeper, or any artistic, theatrical, or other performer or sanctioned participant in a covered event. The term includes event operations and security employees working at a covered event.

C. "Restricted area" means any area designated for use by players, coaches, officials, performers, or other personnel administering a covered event that is on, or adjacent to, the area of play or performance.

No person may:

A. intentionally touch or strike a covered participant during a covered event against the will of the covered participant, or intentionally cause bodily harm to a covered participant during a covered event; or

B. willfully enter or remain in a restricted area during a covered event without being authorized, licensed, or invited to enter or remain in such a restricted area.

A person who interferes with a sporting or entertainment event shall be subject to loss of visitor privileges and shall be reported to appropriate law enforcement officials.

Revised 8/20/24

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F.S. 871.05
28 C.F.R. Part 35
29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S. C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

COMMUNITY RELATIONS

po9160.01

COMPLAINT PROCEDURES RELATED TO ALLEGED DISCRIMINATION REGARDING ACCESSIBILITY OF AUTHORITY FACILITIES

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

9160.01 - **COMPLAINT PROCEDURES RELATED TO ALLEGED DISCRIMINATION REGARDING ACCESSIBILITY OF AUTHORITY FACILITIES**

If a volunteer, visitor or guest believes that s/he has been discriminated against on the basis of his/her disability regarding accessibility to Authority facilities, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

Building principals shall serve as Building Section 504/ADA Compliance Officer(s) ("Building Compliance Officers") and the Authority's Compliance Officers ("DCO").

A person who has a complaint about Authority facilities or services may register such complaint with the Building Compliance Officer and/or Authority Compliance Officer.

Such complaints should be filed in writing within thirty (30) calendar days of the circumstances or event giving rise to the complaint. Use of the complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. The written complaint must contain the following information:

    1. Name(s) of person(s) filing complaint.

    2. Whether the person(s) represents an individual or group.

    3. Whether the person(s) making the complaint has discussed the problem with the Building Compliance Officer and/or the Authority Compliance Officer.

    4. A written summary of the complaint and a proposed solution.

B. The Building Compliance Officer or the Authority Compliance Officer will conduct an impartial investigation and will respond to the complaint within five (5) business days. This complaint procedure contemplates informal, but thorough

investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint.

C. If a satisfactory response is not received within five (5) business days, the person should forward a copy of the complaint to the Superintendent, who will respond within ten (10) business days.

D. If a satisfactory response is not received within ten (10) business days, the person may forward a copy of the complaint to the Governing Board. The Board will consider the complaint and respond within forty (40) calendar days.

OCR Complaint

At any time, if a member of the public believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the Americans with Disabilities Act, as amended (“ADA”), the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations (FCHR), and/or any other State or Federal agencies responsible for investigating complaints of discrimination.

The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
U.S. Department of Health and Human Services
Sam Nunn Atlanta Federal Center, Suite 19T10
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8927
Telephone: (4040) 974-9406
FAX: (404) 974-9471
TDD: (404) 562-7884
E-mail: OCR.atlanta@ed.gov
Web: http://www.ed.gov/ocr

The FCHR can be reached at:

Florida Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
Phone: (850) 488-7082
Toll-Free: (800) 342-8170
Fax: (850) 488-5291
The Florida Relay Service Voice (statewide) 711
TDD ASCII: (800) 955-1339
TDD Baudot: (800) 955-8771

E-mail: fchrinfo@fchr.myflorida.com
Website: http://fchr.state.fl.us

Prohibition Against Retaliation

The Board will not discriminate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under Section 504 or the ADA, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Section 504 or the ADA.

Revised 8/14/18

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COMMUNITY RELATIONS

po9200

VOLUNTEER CONTRACTS

ADOPTED Dec 14, 2020 · REVISED Nov 12, 2024

9200 - **VOLUNTEER CONTRACTS**

The Governing Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the school staff who are responsible for the conduct of those programs and activities. A school volunteer is any non-compensated person who may be appointed by the Principal. School volunteers may include, but are not limited to, parents, senior citizens, students, and others who assist the teacher or other members of the school staff.

The Principal or designee is responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. The Principal shall not be obligated to make use of volunteers whose abilities are not in accord with Authority's needs.
The Principal and/or Superintendent shall develop procedures in accord with this policy which must include, but not be limited to, requirement that each volunteer who may be expected to assume responsibility for the health, safety and welfare of students have a clear understanding of Florida law and Authority rules, policies and regulations relevant to the volunteer's responsibilities.

Student success improves with parent participation. Parent/Guardian volunteer hours are required for all families in our school system. Each family must participate in a minimum of twelve (12) volunteer hours each school year in order to maintain their child's seat in our school. Failure of a parent or guardian to uphold or fulfill their responsibilities under the contract would be sufficient grounds for the Charter School to deny admission to the child the following year.

Parents/Guardians can volunteer in any of the four schools, regardless of the location in which their child attends. The City of Cape Coral Charter Authority will not accept monetary or material donations in place of volunteer hours. Parents must volunteer their time and/or expertise in order to receive volunteer hours. The Superintendent shall have discretion for the assignment of volunteer hours as long as not expressively prohibited in this policy.

volunteers must complete a background screening clearance that is kept on file at one of the City of Cape Coral Charter Schools. Volunteer applicants are subject to a background check against the Florida Department of Law Enforcement (FDLE) sexual predator/sex offender registry. An updated application must be completed each year to renew a parent's

clearance. Parents will not be allowed in the classroom building if their clearance is not complete.

The volunteer application shall require that the applicant disclose if s/he has ever been convicted or had adjudication withheld in a criminal offense, other than a minor traffic violation, or if any criminal charges are pending. For purposes of this policy, "convicted" means there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. (F.S. 943.0435)

All volunteers must check in at the front office each time they come on campus.

The Principal shall be responsible for assigning duties of school volunteers.

Parents can volunteer in their child's classroom at the teachers' discretion.

Guidelines for School Volunteers:

A. Be dependable and reliable.

B. Be a role model for students.

C. Dress appropriately.

D. Keep every student's schoolwork and behavior confidential and refrain from discussion or posting information on social media any information regarding the capabilities, behavior, attitudes etc., of students.

E. Understands that student discipline is the responsibility of school personnel.

F. Never administer corporal punishment or determine punishment.

G. Never remove a student from campus.

H. Never contact a student's parent regarding performance or behavior of a student.

I. Speak in a kind respectful manner to students at all times.

*Any concerns regarding safety and well-being of students should be reported to school personnel.

*Taking photos of any student during school hours on or off campus is prohibited

Application and Background Check

Prospective volunteers must complete an application and background check in accordance with Florida law. The Board is a registered employer with the Care Provider Background Screening Clearinghouse. Criminal history checks through the Care Provider Background Screening will be conducted before referring an employee or potential employee or a person with a current or potential affiliation with the Authority for electronic fingerprint submission to the Florida Department of Law Enforcement. For purposes of this policy, "affiliation" means the status of a person employed or serving as a volunteer or contractor, or seeking to be employed or to serve as a volunteer or contractor, with the Authority in a position for which screening is not required by law but is authorized under the National Child Protection Act.

Additionally, as it relates to Care Provider Background Screening, the following shall further apply:

A. Before January 1, 2024, initial status and any changes in status must be reported within ten (10) business days after a person receives his or her initial status or after a change in the person's status has been made.

B. Effective January 1, 2024, initial status and any changes in status must be reported within five (5) business days after a person receives his or her initial status or after a change in the person's status has been made.

Volunteers must complete a background screening pursuant to F.S. 435.12.

Volunteer applicants are subject to a background check against the Florida Department of Law Enforcement (FDLE) sexual predator/sex offender registry.

Volunteer applicants who will work with students in an unsupervised manner (out of sight or hearing of supervising staff) are required to pass a Level 2 criminal background screening and screening pursuant to F.S. 435.12.

All volunteers/chaperones on any school-sponsored trip, including overnight and day trips, must pass a Level 2 criminal background screening and screening pursuant to F.S. 435.12.

The Superintendent may require a Level 2 criminal background screening and screening pursuant to F.S. 435.12 for any other situation or activity deemed appropriate.

If a criminal records check is conducted, it will be at the Board's expense.

The volunteer application shall require that the applicant disclose if s/he has ever been convicted or had adjudication withheld in a criminal offense, other than a minor traffic violation, or if any criminal charges are pending. For purposes of this policy, "convicted" means there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. (F.S. 943.0435)

An applicant who is found through background screening to be included in the FDLE sexual offender/predator registry or who has been convicted of any crime involving moral turpitude, as defined by rule of the State Board of Education, or otherwise found ineligible for employment under F.S. 1012.315, shall not be approved as a volunteer in any position that requires direct contact with students.

The Principal at each school shall be responsible for approving or denying applications.

Duty to Report Known or Suspected Cases of Child Abuse, Abandonment, or Neglect

All volunteers must abide by Board Policy 8462 – *Student Abuse, Abandonment, and Neglect* and are required to review it during the application process.

Duties

Duties assigned to school volunteers shall be consistent with Florida law and State Board of Education rules. Volunteers must agree to abide by all Board policies and Authority guidelines while on duty as a volunteer, including signing, if appropriate, the Authority's Technology Access Agreement Forms. The Principal shall be responsible for assigning duties of school volunteers.

The Superintendent shall inform all volunteers who work or apply to work with children on a regular basis of the need to display appropriate behavior at all times.

Volunteers shall not:

A. establish instructional objectives.

B. make decisions regarding the relevancy of certain activities or procedures to the attainment of instructional objectives.

C. make decisions regarding the appropriateness of certain teaching materials for accomplishing instructional objectives.

D. make judgments regarding the attainment of instructional objectives, unless these judgments are based upon clear and objective criteria (such as specific achievement standards on a true-false test).

E. accept compensation from any third party or source, including, but not limited to booster, parent or other Authority support organizations, for the performance of his/her official duties as a volunteer on behalf of the Board.

Confidential Information

Volunteers shall maintain strict confidentiality of all school or classroom information to which they have access while performing their volunteer activities. Volunteers shall be allowed access to personally identifiable student information only with approval of the Principal and to the extent necessary to fulfill an assigned activity that would otherwise be performed by an Authority employee. Volunteers must have a legitimate educational interest in order to access student information.

Legal Protection

Pursuant to Florida law, a school volunteer who has been duly approved by the Superintendent shall incur no civil liability for any act or omission by the volunteer that results in personal injury or property damage if the volunteer was acting in good faith within the scope of the official duties performed under such volunteer service; the volunteer was acting as an ordinary reasonably prudent person would have acted under the same or similar circumstances; and the injury or damage was not caused by any wanton or willful misconduct on the part of the volunteer in the performance of their volunteer duties.

Removal of Volunteers

Volunteers are expected to conduct themselves in a professional manner. Volunteers who act unprofessionally, fail to abide by Florida law and/or Board policies, or otherwise act in a manner contrary to the expectations of an employee of this Authority may be removed as an approved volunteer by the Principal. Volunteers who fail to fulfill their duties may also be removed by the Principal.

Workers' Compensation Coverage

Volunteers will be covered by the Authority's workers' compensation insurance policy. All volunteers must sign in when arriving on school grounds and sign out when leaving school grounds. Failure to do so may result in a denial of workers' compensation insurance coverage.

Records

The Superintendent will require that accurate records be maintained of volunteer hours of service, duties, and training.

Revised 11/15/22
Revised 11/18/22
Revised 8/20/24
Revised 11/12/24

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Legal

F.S. 121.091(15)
F.S. 435.04
F.S. 435.12
F.S. 768.1355
F.S. 943.0435
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43(5)
F.S. 1002.23
F.S. 1012.01(5)
F.S. 1012.27
F.S. 1012.315
F.A.C. 6A-10.083, Standards Relating to Gross Immorality and Acts of Moral Turpitude
20 U.S.C. 1232g, Family Educational Rights and Privacy Act
26 C.F.R. 1.409A-1(1)(ii)
34 C.F.R. 99.31

COMMUNITY RELATIONS

po9211

BOOSTER CLUBS AND OTHER OUTSIDE SUPPORT ORGANIZATIONS

ADOPTED Apr 12, 2016 · REVISED Feb 9, 2021

9211 - **BOOSTER CLUBS AND OTHER OUTSIDE SUPPORT ORGANIZATIONS**

The Governing Board appreciates the efforts of all organizations whose objectives are to enhance the educational experiences of Authority students, to help meet educational needs of students and/or provide extra educational benefits not provided for, at the time, by the Board.

Parent Organizations

The Board supports all parents whose objectives are to promote the educational experiences of Authority students. However, in using the name of the Authority or its schools and in organizing a group whose identity derives from a school(s) of this Authority, the parent organization must share responsibility with the Board for the welfare of participating students. Any new parent organization desiring to use the name or offices of the Authority must obtain the approval of the Superintendent as a prerequisite to organizing.

Booster Clubs and Other Outside Support Organizations

Outside support organizations include, but are not limited to, parent organizations, booster clubs, and any other support organization.

For purposes of this policy, outside support organizations are defined as any registered Florida non-profit entity, group, or other organization formed and operating for the purpose of supporting CCCCSA programs. Outside support organizations shall obtain their own tax identification number and submit their W-9 and bylaws to the principal for review and approval.

The Board recognizes that individuals may wish to establish an outside support organization to promote and enhance the educational experiences of, as well as co-curricular and extra-curricular activities, for CCCCSA students. However, in using the name of the CCCCSA or any of its schools and in organizing a group whose identity derives from (a) school(s) of this Authority, the outside support organization must share responsibility with the Board for the welfare of the students who will benefit from the outside support

organization's fund-raising activities. Therefore, any outside support organization desiring the use the good name of the CCCCSA, as well as any logos or other insignia or emblems associated with and/or used to identify the CCCCSA, school(s), and/or school-sponsored programs and activities, must obtain the approval of the Superintendent or designee as a prerequisite to organizing.

Representatives and members of approved outside support organizations shall in all circumstances be treated by Authority employees as interested friends of the schools and as supporters of public education in the Authority.

Staff members are encouraged to join such outside support organization(s) in their related area(s) of specialization or interest.

The Board will not tolerate any undue pressure, harassment, or intimidation designed to coerce parents or teachers into membership in one (1) organization as opposed to another.

The Board relies upon approved organizations to operate in a manner consistent with public expectations for the schools and reserves the right to withdraw sponsorship from organizations which violate the bounds of community taste.

Insurance

Outside support organizations shall indemnify and hold the Board harmless from and against any and all claims and causes of action whatsoever arising out of or related to outside support organization acts and omissions in carrying out their activities. Outside support organizations shall purchase liability insurance (riders self-insured) to cover such indemnification and to protect the outside support organization and Board against claims for damage or injury resulting from any act or omission on the part of the outside support organization. The amount of insurance coverage shall not be less than $1,000,000 and the outside support organization shall provide the Board with sufficient documentation demonstrating that the Board is named as an additional insured on the policy.

Financial Requirements

By the end of each year, each outside support organization shall submit its participation requirements, dues, fees, tentative goals, and objectives and fund raising plans for the next school year to the principal and Superintendent for review. Should an outside support organization propose a change to these submittals during the school year, the principal/Superindentent shall be advised before any final revisions are made. This information shall be made available on the school's website at the beginning of each school year.

School employees and Board-approved school volunteers may not be directly compensated in any manner by outside support organizations.

Outside support organizations shall permit the Board to review all financial books and documentation upon request, and shall conduct a financial audit upon request of the Board.

In addition, outside support organization must produce the following documents to the superintendent upon request:

A. A determination letter from the Internal Revenue Service that verifies the organization is a tax-exempt organization in good standing as described in Section 501(c)(3) of the Internal Revenue Code (if applicable).

B. A copy of the articles of incorporation or amended articles of incorporation on file with the Florida Department of State, Division of Corporations (if applicable).

C. A copy of any filing with the Florida Department of State, Division of Corporations and the Florida Department of Agriculture and Consumer Services (if applicable).

D. A copy of the outside support organization's bylaws and any amendments or any other governance documents.

E. A current list of names, addresses, and titles of each officer. No employee of the CCCCSA may be an officer of the booster organization in order for the organization to obtain Board recognition.

F. A description of the projects or activities the outside support organization intends to undertake during the ensuing school year and the objective and goals of such projects or activities.

G. The outside support organization's balance sheet together with an accounting of the outside support organization's income and expenses for the preceding calendar year.

H. Copies of State and Federal tax reports for the most recent year, as well as copies of any audit reports.

The activities of outside support organizations shall not involve the use of public funds and the CCCCSA shall not assume responsibility for any purchases made on behalf of any outside support organization governed by this policy. The CCCCSA tax identification number shall not be used for outside support organization purchases.

Fund-Raising

The time, date, purpose, location, and conduct of all fund-raisers shall have prior approval of the administration/Superintendent. Outside support organizations are encouraged to

communicate their preferred activity dates to the administration as soon as possible as consideration for dates and facilities will be given on a first-come, first-served basis.

Donations from outside support organizations must be made in accordance with Policy 7230 and any accompanying procedures. Donations shall become the property of the Board and used in a manner determined by the Board, in accordance with its policies, procedures, and Florida law.

Outside support organizations shall comply with Board Policy 6605 on crowdfunding and accompanying administrative procedure.

The Board may offer the opportunity for any authorized outside support organization to receive coverage under the CCCCSA's liability insurance program to protect the entity against claims resulting from damage or injury resulting from any act or omission of the outside support organization. The outside support organization shall pay for such coverage.

Nondiscrimination

Outside support organizations shall allow participation by parents, Authority staff, and members of the community. All meetings should be communicated to the school and be open to the public. Outside support organizations shall not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability (including HIV, AIDS, or sickle cell trait), marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively "protected classes").

Persons shall not be excluded from participation in outside support organizations based upon the extent or level of their past participation.

School-Based Organizations

School organizations include, but are not necessarily limited to, clubs, classes and departments, and other school-sponsored groups.

All fund raising activities must be approved by the principal. The financial transactions of each school organization shall be accounted for in the school internal funds. All funds handled by Board employees during normal working hours shall be included in and become part of the internal funds of the school unless accounted for in the Authority-level accounting system. All school organizations, or organizations operating in the name of the school, that obtain money from the public shall be accountable to the Board for receipt and expenditure of those funds in the manner prescribed by the Board. If approved by the Board, a school-based, direct-support organization as defined under F.S. 1001.453 may have all financial transactions accounted for in school internal funds.

Funds collected by and used for the benefit of faculty and staff may be exempt from the preceding requirements if authorized by Superintendent.

Student participation in fund-raising activities shall not be in conflict with the program as administered by the Board and shall be in compliance with Policy 5830 and Policy 6610.

Fund-raising activities by the school, by any group within the school, or in the name of the school shall not conflict with programs as administered by the Board.

Funds collected shall be expended to benefit students of the particular school raising funds in school unless those funds are being collected for a specific documented purpose or are generated by career education production shops. Career education production revenues shall benefit the students or program that generated the funds or the student body. Those internal account funds designated for general purposes shall be used to benefit the student body.

Collecting and expending of school internal account funds shall be in accordance with Chapter 8 of the Financial & Program Cost Accounting & Reporting for Florida Schools, Red Book 2014. Sound business practices shall be observed in all transactions.

Each school organization shall be subject to audit upon request by the Authority. Audits may be conducted by the Authority at the Authority's expense or the school organization may hire an outside CPA to conduct the audit at its expense.

For any fund-raisers by student clubs and organizations, parent groups, or boosters clubs that involves the sale to students of food items and/or beverages that will be consumed on campus, the food and/or beverages items to be sold shall comply with the current USDA *Nutrition Standards for the National School Lunch and School Breakfast Programs,* the USDA *Smart Snacks in Schools* regulations, F.A.C. 5P 1.003, and applicable State law, unless the Principal grants an exception to this requirement pursuant to F.A.C. 5P-1.003. If approved, fund-raisers that involve the sale of food items or beverages to students on campus must be consistent with regulations established in Policy 8550, Competitive Foods, whether those food items and beverages are compliant with, or an exception to, the current USDA *Dietary Guidelines for Americans* and the USDA *Smart Snacks in Schools* regulations.

If an exception is granted to the requirement that food items and beverages available for sale to students on campus between one (1) hour after the last lunch period and thirty (30) minutes after the end of the school day are compliant with the current USDA *Dietary Guidelines for Americans* and the USDA *Smart Snacks in Schools* regulations, the Principal shall also comply with all requirements set forth in F.A.C. 5P 1.003, including the maintenance of required records.

Other Rules and Procedures

The following additional rules and procedures shall govern the working relationships between the Board, administration, and any approved outside support organization. The Board may revoke formal recognition of any support group that fails to comply with these rules:

A. The Board relies upon approved outside support organizations to operate in a manner consistent with public expectations for the schools and reserves the right to withdraw sponsorship from any outside support organization that violates the bounds of community taste.

B. In addition to parents, membership should be made available to CCCCSA staff and members of the community.

C. Outside support organizations shall work in cooperation with the principal and other staff members and shall abide by the policies of the Board. It shall be the responsibility of each outside support organization to monitor its activities to assure compliance with Board policy.

D. Outside support organizations are encouraged to set goals that are consistent with those of the particular programs, activities or sports being supported as articulated by the coach/advisor and/or athletic director of such program, activity or sport, to avoid duplication of effort and to maximize the benefit to the organization or group.

E. Outside support organizations must abide by the policies and procedures established for the use of the CCCCSA facilities and grounds. Projects that require any modification or alteration to District property must be pre-approved by the Superintendent.

Revised 8/14/18
Revised 2/9/21

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Legal
7 C.F.R. 210.11
42 U.S.C. 1779
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43
F.S. 1010.01
F.S. 1010.20
F.S. 1011.07
F.A.C. 5P-1.003, Responsibilities for the School Food Service Program
F.A.C. 6A-1.001, District Financial Records
F.A.C. 6A-1.087, School Board Responsible for Internal Funds

F.A.C. 6A-1.091, Purchases from Internal Funds
Chapter 8, Financial and Program Cost Accounting and Property for Florida Schools, 2014

COMMUNITY RELATIONS

po9215

DIRECT-SUPPORT ORGANIZATIONS

ADOPTED Apr 12, 2016 · REVISED Aug 20, 2024

9215 - **DIRECT-SUPPORT ORGANIZATIONS**

The Governing Board believes that direct-support organizations provide invaluable assistance to the students of this Authority and its programs. For purposes of this policy a "direct-support organization" is an organization that meets the following criteria:

A. it is approved by the Board

B. it is a Florida corporation not for profit, incorporated under the provisions of Chapter 617 and approved by the Department of State

C. it is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public kindergarten through 12th grade education and adult career and technical and community education programs in this Authority

The Board may approve agreements with direct-support organizations that meet the criteria listed above.

Direct-support organizations must submit their applications directly to the Superintendent.

If the Superintendent determines that the proposed DSO meets the criteria listed above, the application shall be submitted to the Board for approval.

The Board may permit the use of property, facilities, and personal services of the Authority by the DSO, subject to provisions of the Florida statutes and corresponding Board policies. Additionally, the Board may contract with a DSO for personal services or operations. However, a retiree of the Florida Retirement System ("FRS") must first satisfy the requirements for termination from employment provided in F.S. 121.021 before providing such services or operations for an FRS employer and is subject to reemployment limitations provided in F.S. 121.091.

The Board will not appropriate any Authority funds to a direct-support organization for start-up funds to begin a fund-raising program.

Direct-Support Organizations with more than $100,000.00 in Annual Expenditures and Expenses

The Board requires that each direct-support organization with more than $100,000.00 in annual expenditures or expenses provide for an annual audit of its accounts and records.

Furthermore, the Board requires that each direct-support organization that is audited pursuant to this policy submit an annual audit report no later than nine (9) months after the close of the fiscal year, that is June 30th, to the Board and the Auditor General.

An audit conducted pursuant to this policy shall be performed by an independent certified public accountant in accordance with rules adopted pursuant to F.S. 11.45(8) by the Auditor General and Commissioner of Education. The audit report shall maintain the anonymity of donors to the direct-support organization.

The Commissioner of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority under State law to require and receive from the organization or the Authority auditor any records relative to the operation of the organization. In submitting such information, however, the identity of donors and all information identifying donors or prospective donors are confidential and, therefore, exempt from the provisions of State law. Any other records of such direct-support organizations subject to an audit pursuant to this policy are public records under State law as well as the policies of this Board.

The direct-support organization shall also submit to the Superintendent and the Board an annual report indicating its goal(s), programs, and activities no later than June 30th.

Equal Employment Opportunities

The Board does not permit the use of property, facilities, or personal services by any DSO that does not provide equal employment opportunities consistent with applicable State and Federal laws.

Revised 8/20/24

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F.S. 11.45(8)
F.S. 119.07(1)
F.S. 1001.453
F.A.C. 6A-1.0013

COMMUNITY RELATIONS

po9300

AWARDS, RECOGNITION, AND INCENTIVES FOR STAFF, SCHOOL VOLUNTEERS, ADVISORY COMMITTEE MEMBERS, AND COMMUNITY MEMBERS

ADOPTED Apr 12, 2016

9300 - **AWARDS, RECOGNITION, AND INCENTIVES FOR STAFF, SCHOOL VOLUNTEERS, ADVISORY COMMITTEE MEMBERS, AND COMMUNITY MEMBERS**

The Governing Board values excellence and wants to recognize, and thereby encourage, staff members, school volunteers, advisory committee members, and community members whose achievements and/or service exemplify the excellence that is our Authority's standard. It shall be the policy of this Board, therefore, that exemplary achievements and/or service of staff members, school volunteers, advisory committee members, and community members be appropriately recognized with meritorious service awards.

The Board authorizes the Superintendent to develop procedures whereby such recognition will be based on well-defined, consistent criteria, and standards.

Pursuant to State law, Authority funds may be budgeted and expended to purchase awards to be presented to individuals in recognition of their achievements and/or service. These awards may include, but are not limited to, certificates, plaques, medals, ribbons, and photographs.

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F.S. 1012.22(g)

COMMUNITY RELATIONS

po9500

RELATIONS WITH EDUCATIONAL INSTITUTIONS AND ORGANIZATIONS

ADOPTED Apr 12, 2016

9500 - **RELATIONS WITH EDUCATIONAL INSTITUTIONS AND ORGANIZATIONS**

It is the policy of the Governing Board that strong lines of communication be maintained by the Authority with other districts and with institutions and organizations that provide Authority students with programs, training, or services not available in the Authority.

The Superintendent may enter into such cooperative ventures with institutions or organizations for the purpose of providing programs which correlate to the Authority's curriculum and help students better accomplish the educational outcomes established by the Board.

Before entering into any agreements, the Superintendent shall keep the Board advised of any arrangements that would affect the use of Authority resources or require any additional resources of the Authority.

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COMMUNITY RELATIONS

po9555

PARTNERSHIPS WITH BUSINESS

ADOPTED Apr 12, 2016

9555 - **PARTNERSHIPS WITH BUSINESS**

The Governing Board is well aware of the role that education will play in increasing the nation's productivity and future well-being. To ensure success requires the combining of talent and resources within the region between business and education. It also recognizes that schools of the Authority need to operate as an integral part of the economic community if students are to receive the type of education and training they will need to function effectively in the twenty-first century.

The Board will seek to establish not only partnerships between the Authority and individual companies but also, if possible, consortia involving several companies and/or school districts. The purpose will be to seek opportunities for students and staff to share in new strategies and technologies being created in the business world and offer, in exchange, the knowledge and skill of Authority personnel in creating more effective continuing education for employees and members of the community. Properly planned and implemented, such partnerships or consortia could have significant impact on the nature and content of the curriculum as well as on the manner in which students are taught to learn.

The Superintendent is authorized to actively seek such partnerships.

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COMMUNITY RELATIONS

po9600

STAFF/STUDENT PARTICIPATION IN COMMUNITY EVENTS

ADOPTED Apr 12, 2016

9600 - **STAFF/STUDENT PARTICIPATION IN COMMUNITY EVENTS**

The Governing Board recognizes that the local community offers many programs and events that provide learning experiences which are not available in the schools and which can help students become more literate, cultured, and productive human beings.

The Board seeks to maintain continuing communication with those groups and organizations that enrich the life of the community and authorizes the Superintendent to cooperate with the leaders of the organizations both by making Authority facilities available and by ensuring that members of the staff and student body are made aware of the benefits that can be derived from education-related activities of the groups. Further, the Board encourages members of the staff to make their many talents and specialized knowledge available, as time permits, to enhance the quality of such educational activities in the community.

The Superintendent shall develop administrative procedures that will better ensure:

A. community activities and events which are related to the Authority's courses of study are incorporated, as appropriate, into such courses as either required or enrichment assignments;

B. school activities to which the public is invited are scheduled, to the extent possible, so as not to conflict with other events in the community which would appeal to the same audience. Such scheduling conflicts not only diminish the attendance at both the school and the community activities but also deprive the students and staff from deriving the benefits from participation in community programs which enhance learning and the quality of life.

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COMMUNITY RELATIONS

po9700

RELATIONS WITH SPECIAL INTEREST GROUPS

ADOPTED Apr 12, 2016 · REVISED Aug 14, 2018

9700 - **RELATIONS WITH SPECIAL INTEREST GROUPS**

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund raising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests.

It is the policy of the Governing Board that students, staff members, and Authority facilities not be used for promoting the interests of any nonschool agency or organization, public or private, without the approval of the Board or its designee; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

Pursuant to State law, a person or group may not accept a donation of public funds from the Authority, or any person acting on behalf of the Authority, for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any State question, that is subject to a vote of the electors.

A. Political Interests

All materials or activities proposed by outside political sources for student or staff use or participation shall be reviewed by the Superintendent on the basis of their educational contribution to part or all of the school program, benefit to students, and no such approval shall have the primary purpose of advancing the special interest of the proposing group.

The Board shall permit the use of educational materials, programs, and equipment which contains commercial messages providing the content of such messages and the manner of presentation has been approved by the Superintendent and is in compliance with the Authority's administrative procedures.

In addition, the Board shall permit school organizations and/or school-affiliated groups to sell space in Authority facilities, on Authority property, or in Authority publications for the express purpose of advertising the products or services of a commercial organization, providing the content of such advertisements and the

manner of their presentation has been approved by the Superintendent and is in compliance with the Authority's administrative procedures.

Outside speakers representing commercial organizations will be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational aims of the Authority.

B. Contests/Exhibits

The Board recognizes that contests, exhibits, and the like may benefit individual students or the Authority as a whole, but participation in such special activities may not:

1. have the primary effect of advancing a special product, group, or company;

2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the Authority;

3. involve any direct cost to the Authority;

4. interrupt the regular school program;

5. cause the participants to leave the Authority, unless:

    a. the Board's Policy 2340 - *Field and Other Authority Sponsored Trips* - has been complied with in all aspects;

    b. the parents of a minor student have granted their permission.

C. Distribution/Posting of Literature

No outside organization or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on Authority property either during or after school hours without the permission and prior review of the Superintendent.

The Superintendent shall develop administrative procedures that:

1. prohibit the use of the Authority or the school mail system by the community, students, or staff for distribution of nonschool related materials unless authorized by the Superintendent;

2. prohibit the distribution of materials from any profit-making organization to students to take home to their parents unless authorized by the Superintendent;

3. permit flyers and notices from outside non-profit organizations to be made available for students to pick-up at the literature distribution rack/table by the school building's office, under the following circumstances:

    a. the flyer/notice publicizes a specific community activity or event that is age-appropriate for the students that attend the school;

    b. if the event or activity is religious in nature, the flyer may not contain a proselytizing message (i.e., a message that promotes and/or advocates the benefits of the specific religion);

    c. the organization submits the number of copies of the flyer that it wants placed in the literature distribution rack/table;

    d. the organization shows the building principal its 501(C)(3) or other proof of non-profit status, and the principal confirms that the flyer/notice does not overtly advocate or entice support for any religious organization;

    No student shall be required to take any of the flyers/notices placed in the literature/distribution rack/table, and the rack/table shall contain a clear notice that the Board does not support or endorse any of the organizations and/or activities/events identified in the flyers/notices.

D. Solicitation of Funds

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the Superintendent.

Permission to solicit funds will be granted only to those organizations, individuals, or staff members who meet the permission criteria established in the Authority's administrative procedures. Solicitation must take place at such times and places and in such a manner as specified in the administrative procedures. In accordance with Board Policy 5830, no Authority student may participate in the solicitation without the Superintendent's approval.

This policy does not apply to the raising of funds for Authority sponsored or school-sponsored activities.

Use of the name, logo, or any assets of the Authority, including, but not limited to facilities, technology, or communication networks is prohibited without the specific permission of the Superintendent.

Crowdfunding activities aimed at raising funds for a specific classroom or school

activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent.

All crowdfunding activities are subject to the procedures/guidelines in AP 6605.

E. Prizes/Scholarship

The Board is appreciative of the generosity of organizations that offer scholarships or prizes to deserving students in this Authority. But, in accepting the offer of such scholarships or prizes, the Board directs that these procedures be observed:

1. No information either academic or personal shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.

2. The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the Superintendent.

3. The principal, together with a committee of staff members designated by the principal, may be involved in the selection of the recipient and, if agreeable to the sponsoring organization, the selection shall be left entirely to the principal and staff committee.

F. Sale of School Supplies

In determining the appropriateness of the sale of school supplies by organizations other than the Authority, the Board requires that:

1. the organization have a purpose which will benefit the Authority and its students;

2. the organization's planned activities are clearly in the best interest of the Authority and its students;

3. the organization has submitted the following information and assurances on the form provided by the Authority: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.

G. Surveys and Questionnaires

Neither Authority-related nor nonAuthority-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved, a copy of the results and the proposed manner of their communication are to be provided to him/her for review and approval before they are released.

Students shall not be required to complete surveys to provide marketing information to vendors, or distribute to vendors any personal information of students, including but not limited to names, addresses, and telephone numbers, except as may be required by law. In addition, the Authority shall not enter into any contract for products or services, including electronic media services, where personal information will be collected from students by the providers of the services.

See also Policy 2416 and AP 2416.

Revised 8/14/18

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F.S. 1013.10

COMMUNITY RELATIONS

po9700.01

ADVERTISING AND COMMERCIAL ACTIVITIES

ADOPTED Apr 12, 2016 · REVISED Aug 15, 2023

9700.01 - **ADVERTISING AND COMMERCIAL ACTIVITIES**

The purpose of this policy is to provide guidelines for the appropriate and inappropriate use of advertising or promoting of commercial products or services to students and parents in the schools.

"Advertising" comes in many different categories and forums and is defined as an oral, written or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public's attention to arouse a desire to buy, use or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos, or tags for product or service identification purposes are not considered advertising.

The Governing Board may permit advertising in Authority facilities or on Authority property in the following categories or forums in accordance with the guidelines set forth herein:

A. Product Sales:

1. product sales benefiting a district, school or student activity (e.g., the sale of beverages or food within schools);

2. exclusive agreements between the Authority and businesses that provide the businesses with the exclusive right to sell or promote their products or services in the schools (e.g., pouring rights contracts with soda companies);

3. fundraising activities (e.g., short-term sales of gift wrap, cookies, candy, etc.) to benefit a specific student population, club or activity where the school receives a share of the profits.

B. Direct Advertising/Appropriation of Space:

1. signage and billboards in schools and school facilities;

2. corporate logos or brand names on school equipment (e.g., marquees, message boards or score boards);

3. ads, corporate logos, or brand names on book covers, student assignment books, or posters;

4. ads in school publications (newspapers and yearbooks and event programs);

5. media-based electronic advertising (e.g., Channel One or Internet or web-based sponsorship);

6. free samples (e.g., of food or personal hygiene products).

C. Indirect Advertising:

1. corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants, or gifts;

2. the Board approves the use of instructional materials developed by commercial organizations such as films and videos only if the education value of the materials outweighs their commercial nature.

   The films or material shall be carefully evaluated by the school principal for classroom use to determine whether the films or materials contain undesirable propaganda and are in compliance with the guidelines as set forth above.

D. Market Research:

1. surveys or polls related to commercial activities;

2. internet surveys or polls asking for information related to commercial activities;

3. tracking students' internet behavior and responses to questions calling for personal identification at one or more websites.

It is further the policy of the Board that its name, students, staff members and Authority facilities shall not be used for any commercial advertising or otherwise promoting the interests of any commercial, political, nonprofit or other non-school agency or organization, public or private, without the approval of the Board or its designee.

Any commercial advertising shall be structured in accordance with the General Advertising Guidelines. (see AP 9700.01)

Accounting

Advertising revenues must be properly reported and accounted for.

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