



School Board Rules

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DEFINITIONS

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

Administrative staff

Employees referenced in Schedules “DA”, “SP”, “TPS”, “OP”, “CS”, “LM”, and “ED”.

Administrative Procedure

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.

Agreement

Depending upon the context agreement shall mean either a collectively negotiated contract with a recognized bargaining unit or a written agreement with a contractor.

Board

The School Board of Martin County, Florida.

Bylaw

Policy of the Board for its own governance.

Chair

The Chair 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 Statutes, are required to attend school regularly during the entire school term. F.S. 1003.21

County Superintendent of Public Instruction

A.k.a. Superintendent

District

Martin County Public Schools

Due Process

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

Full Board

Authorized number of voting members entitled to govern the District.

Major Tangible Personal School Property

Any tangible personal property, of a non-consumable nature, owned by the Board which has a capitalized value equal to or greater than the value defined in Florida Statutes and a normal life expectancy of one (1) year or more. F.S. 274

May

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

Meeting

Any gathering which is attended by or open to all of the members of the Board, held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body. All meetings shall comply with Florida laws. (Sunshine Laws)

Minor Tangible Personal School Property

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

Parent/Guardian

Parent means a parent of a student and includes a natural parent, guardian, or an individual acting pursuant to a court order, or as otherwise provided by the IDEA as amended, 20 U.S.C. 1401. Both parents will be considered to have equal rights unless a court of law decrees otherwise.

Policy

A general, written statement by the governing body which 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 Board and shall be responsible for the enforcement of all Board regulations and Florida Statutes which pertain to the office.

References to the principal shall include his/her designee, where appropriate.

Professional Staff

Professional staff means any K-12 staff member whose function includes the provision of direct instructional services to students. Included in this classification of professional staff are the following K-12 personnel: classroom teachers, student personnel services, librarians/media specialists and other instructional staff.

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 which is permanently attached to or is an integral part of the building or site.

Relative

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household as defined in the negotiated, collectively-bargained agreement.

Rule

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.)

Statutory and Code Notations

Citations to Florida Statutes are noted as F.S.

Citations to rules of the State Board of Education are noted as F.A.C. (Florida Administrative Code).

Citations to the Federal Register are noted as F.R.

Citations to the Code of Federal Regulations are noted as C.F.R.

Citations to the United States Code are noted as U.S.C.

Student

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

Superintendent

The Superintendent is the chief executive officer of the District. In policy, this implies delegation of responsibilities to appropriate staff members.

Support Staff

Educational support staff means any person employed by the District as a teacher assistant, education paraprofessional, a member of the transportation department, a member of the operations department, a member of the maintenance department, a member of food service, a secretary, or a clerical employee, or any other person who by virtue of his/her position of employment is not required to be certified by DOE or the District pursuant to F.S. 1012.39. This definition applies to all employees who are not temporary or casual and whose duties require twenty (20) or more hours in each normal working week.

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.

Work Session or Work Shop

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 District.

The purpose of such sessions shall be investigative in nature and no formal votes shall be taken.

Effective Date: 07/01/05

IDENTIFICATION

0111

Name

The School Board of this District shall be known officially as the School Board of Martin County, Florida.

F.S. 1001.40, 1001.41, 1001.43

0112

Geographical District

Martin County, a governmental and geographical subdivision of the State of Florida, shall constitute the geographical boundaries of the School District of Martin County, Florida.

F.S. 1001.30, 1001.41, 1001.43

0113

Address

The official address of the School Board shall be 500 East Ocean Boulevard, Stuart, Florida 34994.

F.S. 1001.41, 1001.43

0114

Seal

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

F.S. 1001.41, 1001.43

0115

Purpose of the Board

The School Board is a legal entity for providing a system for public education within a geographic area of the State of Florida. The system was created and is governed by State statutes. Members of the Board are, therefore, State officers chosen by citizens to represent them and the State in the governance of the local schools.

The Board has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires

of the citizens. While the Board has an obligation to determine and assess citizen desires, it is understood that when the citizens elect delegates to represent them in the conduct of specified educational programs, that, at the same time, endow their representatives with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

Therefore, the Board has the constitutional and statutory authority to operate, control, and supervise all free public schools within the District, and may exercise any power except as expressly prohibited by the State Constitution or general law.

The Board declares and, thereby, reaffirms its intent to accomplish the following:

- A. maintain two-way communications with citizens of the District. The Board shall keep them informed of the progress and problems of the District, and the citizens shall be urged to bring their aspirations and concerns about the District 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 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 the Board shall not relinquish or fail to exercise that authority.

F.S. 1001.41, 1001.43

Effective Date: 07/01/05

POWERS AND ETHICS

0121

Responsibilities and Authority of the Board

The Board is responsible for the organization and control of the public schools of the District and is empowered to determine the policies necessary for the effective operation and the general improvement of the school system. The Board is constituted by the State Constitution and Florida Statutes.

5.4(6), Article IX, State Constitution
F.S. 1001.40, 1001.41, 1001.43

0122

Board Powers

The 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; taking and holding in trust for the use and benefit of the District, any grant or devise of land and any donation or bequest of money or other 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 of Education as will contribute to the more orderly and efficient operation of the school 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 and Florida Statutes.

The Board shall perform all duties found in Florida Statutes and shall provide educational opportunity as required by Florida Statutes.

In pursuit of the above, the Board shall communicate and meet with Legislators as appropriate.

F.S. 1000.21, 1001.41, 1001.42, 1001.43

0122.1

Member Powers

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.

F.S. 1001.41, 1001.43

0123

Standards for Board Member Ethics and Boardmanship

While serving on the Board, each member shall be encouraged to uphold the following standards:

- A. Remember that the first and greatest concern must be the educational welfare and safety of all students attending the public schools, regardless of ability, race, creed, sex, or socio-economic status;
- B. Obey the laws of Florida and the United States and bring about desired changes through legal and ethical procedures;
- C. Listen responsively to the community, yet render all decisions based on the available facts, input received and independent judgment rather than succumbing to the influence of individuals or special interest groups.
- D. Avoid conflicts of interest or the appearance thereof;

- E. Refrain from using the Board position for personal or political benefit or the benefit of family members or business associates;
- F. Recognize that as an individual Board member there is not authority to speak or act for the Board;
- G. Express personal opinions but, once the Board has acted, accept the will of the majority;
- H. Focus Board action on policy making, goal setting, planning, and evaluation;
- I. Make every effort to attend all Board meetings and workshops;
- J. Respect the confidentiality of privileged information;
- K. Become informed concerning the issues to be considered at each meeting;
- L. Improve Boardmanship and leadership by studying educational issues and by participating in in-service programs and FSBA activities;
- M. Cooperate in assessing the effectiveness of the Board as a whole as well as each Board member;
- N. Encourage ongoing, systematic communications among the Board, students, staff, and the community;
- O. Work with the Superintendent and staff, neither undermining nor intruding into the areas legally associated to school administration;
- P. Support the employment of school personnel based on qualifications and performance and not as a result of influence;

- Q. Cooperate with other Board members and administrators to establish a system of regular and impartial evaluations of all staff;
- R. Encourage recognition of the achievements of students and staff and the involvement and support of business and community members; and
- S. Remember that we must provide appropriate curriculum, facilities, and motivation so all our students will be encouraged to respect and engage in learning, enabling them to achieve their greatest potential.

F.S. 1001.41, 1001.43

Effective Date: 07/01/05

FUNCTIONS

0131

Legislative

The Board is the policy making body for the District. After considering recommendations submitted by the Superintendent, the Board shall determine policies as deemed necessary for its governance and the governance of its employees and students on its grounds or premises by adopting bylaws and policies for the organization and operation of the Board and efficient operation and general improvement of the District.

F.S. 1001.41, 1001.43

Employees and the Rules

The policies of the Board are written to be consistent with the provisions of law pertinent to the activities of the employees of the Board. All school personnel must adhere to all Board policies.

1001.41, 1001.43

Adopting Policies

The policies and procedures of the Board may be amended or suspended by a majority vote of the Board at any meeting, provided that it is found that an immediate danger to the public health, safety, or welfare requires emergency action and that such action is in accordance with the specific requirements of Florida Statutes.

The adoption, modification, repeal, or suspension of a Board policy shall be recorded in the minutes of the Board. All policies shall be printed in the Board policy manual. 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.

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

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

Unless an emergency exists, any proposal relating to a policy amendment, the repeal of any policy, or the adoption of a new policy shall be presented in writing to the Board including an explanation of the purpose and effect of the proposal; a brief summary of the proposed policy, unless the policy is brief and concise; the appropriate legal citation(s) for the policy; and the full text of the policy.

- A. The Superintendent shall give immediate and proper written notice to the public pursuant to the provisions of Florida Statutes, when the Board has determined that it will give due consideration to the proposal for adoption, amendment, or repeal of a policy. The notice of a public hearing shall be advertised twenty-one (21) days prior to the date of the hearing. The notice shall include a brief and concise explanation of the proposed policy's purpose and effect, the estimate of economic impact to all individuals affected by the proposed policy or policy revision of an existing policy, the legal authority for the Board's action, and the location where the text of the proposed revision to current policy or new policy may be obtained.

- B. Any person, who is substantially affected by a proposed policy, policy revision, or the repeal of a policy, may within twenty-one (21) days following notice of intent to adopt or repeal such policy, file a written request with the Board seeking an administrative determination as to the validity of the proposed action.
- C. 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 shall be amended accordingly.
- D. Such policies shall become effective upon adoption by the Board unless a time certain date is specified therein.

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

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 in item "A" above for public hearings and similar requirements. The Board shall give public notice of its action within seven (7) days. 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.

Any Board employee, citizen, or agency may obtain information relating to the method for proposing a policy or may submit a policy proposal to the Superintendent's office.

Five (5) copies of the compiled policies shall be available in the Board office for public use and reference. Provisions shall be made for an individual to have copies, in print, of all or portions of the bylaws, policies, and procedures. Copies shall be numbered and distribution records maintained.

The Board policies shall also be accessible to all school employees, students, parents, and constituents on the District's website, www.sbm.org.

F.S. Chap. 120, 1001.41, 1001.43

0132

Executive

The executive authority of the District is vested in the Superintendent.

The term of office of a Superintendent of Schools shall begin on the second Tuesday following the general election in which the Superintendent is elected.

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 prepare procedures for the administration of the District which are consistent with statutes, procedures of this State Board or policies of this Board.

Such administrative procedures shall be binding on the employees and the students of this District when issued.

The Superintendent shall cause to be distributed in print or electronic format to each school, school office, school library, and public library in the County, copies of the bylaws, policies, and regulations and copies of amendments thereto in sufficient quantity to be readily accessible to each regular employee and to the public. In lieu of the distribution of the complete bylaws, policies, and regulations, the Superintendent may prepare a special edition for any specific cases of employees, omitting those bylaws, policies, and procedures which do not have a direct bearing upon the work of said class of employees, provided that any such special editions shall contain a clear statement indicating where the complete bylaws, policies, and procedures are available in print or electronic format. Additional copies of the bylaws, policies, and procedures may be distributed in print at the discretion of the Superintendent; however, copies shall be numbered and distribution records maintained.

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.

The Superintendent shall be delegated the authority to enter into written contracts or agreements with other public or private organizations under the following conditions:

- A. Said contracts/agreement shall not conflict in any respect with Federal State, or local law or rules, or Board policy;
- B. Contracts/agreements shall be for a valid school purpose;
- C. All costs and expenses in connection with said contracts/agreements shall be paid from within the Board approved budget; and
- D. Said contracts/agreements shall be made in the name of the District, and shall be executed and delivered by the Superintendent in accordance with the administrative procedures promulgated by the Superintendent.

Section 5, Article IX, State Constitution
F.S. 1001.41, 1001.43, 1001.461, 1001.49,
1001.50, 1001.51

0133

Judicial

The Board may assume jurisdiction over any dispute or controversy arising within the District and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board. The Board shall adjudicate 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.

F.S. 1001.41, 1001.43

0133.1

Procedure for Hearings Before the School Board

Except as otherwise provided by statute, regulation or policy of the Board, hearings before the Board shall be conducted in accordance with the State of Florida

Administration Commission's Model Rules of Procedure, F.A.C. 28-106.101 et seq.

A verbatim transcript by tape or other procedures as determined by the Board may be made of the entire hearing, and the record of the proceeding shall be entered as a part of the official minutes of the Board.

F.S. 1001.41, 1001.43

Effective Date: 07/01/05

MEMBERSHIP

0141

Number

The Board shall consist of five (5) members elected at large, with each member being a qualified elector of the District who shall reside in his/her respective Board member residence area. The boundaries of the five (5) Board member residence areas shall be defined from time to time by the Board and shall be as nearly equal in population as is practicable.

F.S. 1001.34, 1003.36, 1001.362, 1001.41, 1001.43

0141.1

District Board Member Residence Areas

As provided by law, the Board may make any changes it deems necessary in the boundaries of any Board member residence area in odd-numbered years, provided that such a change shall not disqualify an incumbent member during his/her elected term.

Residence Area 1 - Physical Description.

From a Point of Beginning Commencing at the Northwest Corner of Section 18, Township 37 South, Range 41 East: Thence Southerly along the County Line said Line also being the Westerly Line of Sections 18, 19 and 30 of said Township 37 South, Range 41 East to the Intersection with the Northerly Mean High Water Line of the North Fork of the St. Lucie River: Thence Continue Southerly along the projected Westerly line of said Section 30 and said County Line to the Intersection with the Centerline of Main Channel of said North Fork of the St. Lucie River: Thence Meander Southeasterly, Easterly, Southerly and Southeasterly along said Centerline of the Main Channel of the North Fork of the St. Lucie River to the Intersection of projected Centerline of the Okeechobee Waterway (St. Lucie River) and the Centerline of the Main Channel of the South Fork of the St. Lucie River: Thence Meander Southeasterly along said Centerline of the Main Channel of the South Fork of the St. Lucie River

to the Intersection with the Westerly Projected Northerly Right-of-Way Line of West Ocean Boulevard: Thence Easterly along said projected Line and the Northerly Right-of-Way Line of West Ocean Boulevard to the Westerly Right-of-way of U.S. Highway No. 1: Thence Northwesterly along the Westerly Right-of-Way line of U.S. Highway No. 1 to the Intersection with the Westerly Projected Northerly Right-of-Way Line East Ocean Boulevard (A-1-A): Thence Easterly along said Projected Northerly Right-of-Way Line of East Ocean Boulevard (A-1-A) and its Northerly Right-of-Way Line to the Intersection with the Centerline of the Main Channel of the St. Lucie River (Center of the Evans Carry Bridge): Thence Meander Southeasterly, Southerly, Southeasterly and Easterly along the Centerline of said Main Channel St. Lucie River to the Intersection with the Centerline of the Westerly Projected Centerline of the St. Lucie Inlet Main Channel: Thence Easterly along said Centerline of the St. Lucie Inlet Main Channel to the Intersection with the Atlantic Ocean: Thence Easterly at Right Angles to the Shore Line of the Atlantic Ocean a Distance of 3 (Three) Miles to the Intersection with a Parallel Line Lying 3 (Three) Miles easterly of the Mean High Water Line of Hutchinson Island: Thence Northwesterly along said Parallel Line Lying 3 (Three) Miles Easterly to said Mean High Water Line of Hutchinson Island to the Intersection with the Easterly Projected Northerly Line of Martin County: Thence Westerly along said Projected County Line to the Intersection with the Mean High Waterline of Hutchinson Island: Thence Continue Westerly along said County Line across the Intracoastal Water Way and the Northerly Lines of Sections 15 through 18 of Township 37 South, Range 41 East to the Northwest Corner of said Section 18 and the Point of Beginning.

Residence Area 2 - Physical Description.

From a Point of Beginning Commencing at the Westerly Projected Northerly Right-of-Way Line of West Ocean Boulevard and the Centerline of the Main Channel of the South Fork of the St.

Lucie River: Thence Meander Southwesterly, Southerly and Southeasterly along the Centerline of said Main Channel of the South Fork of the St. Lucie River to the Intersection with the Centerline of the St. Lucie Canal: Thence Southeasterly, Southerly, Southwesterly, Southeasterly, Southwesterly, Southerly, Southeasterly, Southwesterly and Westerly (Okeechobee Waterway) to the Intersection with the Centerline of the Florida Turnpike: Thence Southeasterly along the Centerline of said Florida Turnpike to the Intersection with the Easterly Right-of-Way Line of State Road 76 (SW Kanner Highway): Thence Northeasterly and Northerly along said Easterly Right-of-Way Line of said State Road 76 to the Intersection with the Northerly Right-of-way Line of SE Salerno Road: Thence Northeasterly along said Northerly Right-of-Way Line of SE Salerno Road to the Intersection of the Easterly Right-of-Way Line of SE Willoughby Boulevard: Thence Northerly and Northeasterly along said Easterly Right-of-Way Line of SE Willoughby Boulevard to the Intersection with the Northerly Line of the Southerly 5.714 Acres of Tract 8, Block 62 Lying Easterly of said SE Willoughby Boulevard: Thence Northeasterly along said Northerly Line and its Projection with a Line Lying 15 (Fifteen) Feet Easterly of Blocks 61 and 62 as Measured at Right Angles to said Blocks 61 and 62 of St. Lucie Inlet Farms Subdivision (Abandoned Right-of-Way Easterly of Blocks 61 and 62 of said St. Lucie Inlet Farms): Thence Northerly along said Line to the Intersection with the Southerly Boundary Line of Coral Gardens Subdivision: Thence Northeasterly along said Projected Line of and the Southerly Boundary Line of Coral Gardens Subdivision to the Intersection with the Westerly Right-of-Way Line of U.S. Highway No. 1: Thence Northwesterly along the Westerly Right-of-Way Line of said U.S. Highway No. 1 to the Intersection of the Southwesterly Projected Southerly Right-of-Way Line of SE Dominica Terrace: Thence Northeasterly along said Projected Right-of-Way Line and the Southerly Right-of-Way Line of SE Dominica Terrace to

the Intersection with the Westerly Right-of-Way Line of SE Commerce Ave: Thence Southeasterly along said Westerly Right-of-Way Line of Commerce Ave to the Intersection with the Southerly Boundary Line of Manatee Business Park Subdivision: Thence Northeasterly along said Southerly Boundary Line of Manatee Business Park to the Easterly Right-of-Way Line of the Florida East Coast Railroad (F.E.C.): Thence Southeasterly along said Easterly Right-of-Way Line of the F.E.C. Railroad to the Intersection with the Southwesterly Projected Northerly Right-of-Way Line of SE Manatee Lane: Thence Northeasterly along said Projected Northerly Right-of-Way Line of said SE Manatee Lane to the Southwesterly Corner of Lot 23 of the Revised Plat of Manatee Bay Subdivision said Point also being the Easterly Right-of-Way of County Road A-1-A: Thence Northeasterly along said Northerly Right-of-Way Line of SE Manatee Lane to the Northeasterly Corner of Lot 21 of said Plat and the End of said SE Manatee Lane: Thence Northeasterly along the Northerly end of said Right-of-Way Line of SE Manatee Lane and the Southerly Line of Lot 20 of Kiedingers Unrecorded Subdivision to the Southeasterly Corner of said Lot 20: Thence Northwesterly along the Easterly line of said Lot 20 and its Projection to the Centerline of the Manatee Pocket Waterway Tributary: Thence Meander Southeasterly, Easterly, Northerly and Northeasterly to the Intersection with the Southeasterly Projected Centerline of Crooked Creek: Thence Southeasterly along the Southeasterly Projection of said Crooked Creek to the Intersection with the Centerline of the Manatee Pocket Waterway: Thence Northerly, Northwesterly and Northeasterly along the Centerline of said Manatee Pocket Waterway to the Intersection with the Westerly Projected Centerline of the St. Lucie Inlet Main Channel and the Centerline of the St. Lucie River: Thence Meander Northeasterly, Northwesterly, Northerly and Northwesterly along the Centerline of said Main Channel of the St. Lucie River to the Intersection with the Northerly Right-of-Way Line of East Ocean

Boulevard (A-1-A) (Evans Crary Bridge): Thence Westerly along the Northerly Right-of-Way Line of said East Ocean Boulevard to the Intersection as Projected to the Westerly Right-of-Way Line of U.S. Highway No. 1: Thence Southeasterly along the Westerly Right-of-Way Line of said U.S. Highway No. 1 to the Intersection with the Northerly Right-of-Way Line of West Ocean Boulevard: Thence Westerly along the Northerly Right-of-Way Line of said West Ocean Boulevard and its Projected Intersection with the Centerline of the Main Channel of the South Fork of the St. Lucie River and the Point of Beginning.

Residence Area 3 - Physical Description.

From a Point of Beginning Commencing at the Intersection of the Centerline of the St. Lucie Canal and the Southerly Right-of-Way Line of County Road 76A (SW 96th Street): Thence Southwesterly along the Centerline of the St. Lucie Canal to the Intersection with the Southerly Projected Westerly Right-of-way Line of the Troup Drainage Canal at Allapattah No. 1 Spillway: Thence Northwesterly along said Projected Westerly Right-of-Way Line and the Right-of-Way Line of the Troup Drainage Canal to the Intersection with the Northerly Right-of-Way Line of SW Citrus Boulevard: Thence Southwesterly along the Northerly Right-of-Way Line of said SW Citrus Boulevard to the Intersection with the Northerly Right-of-Way Line of SW Osceola Street: Thence Westerly along the Northerly Right-of-Way Line of said SW Osceola Street to the Intersection with the Easterly Right-of-Way Line of SW Indian Mound Drive: Thence Northerly along the Easterly Right-of-Way Line of said SW Indian Mound Drive to the Intersection with the Northerly Right-of-Way Line of SW American Street: Thence Westerly along the Northerly Right-of-Way Line of said SW American Street to a Point where said SW American Street Runs North / South: Thence Southerly along the Westerly Right-of-Way Line to the Center of the East / West Intersection of Block 19 of the Third Addition to Indian Town Park Subdivision and the Point of where SW Manatee Street Begins:

Thence Southerly along the Westerly Right-of-Way Line of said SW Manatee Street to a Point where said SW Manatee Street Runs Easterly: Thence Easterly along the Southerly Right-of-Way Line of said SW Manatee Street to the Intersection with the Westerly Right-of-Way Line of SW Little Indian Avenue: Thence Southerly and Southwesterly along the Westerly Right-of-Way Line of said SW Little Indian Avenue to the Intersection with the Centerline of Roland Canal: Thence Northwesterly, Westerly and Southwesterly along said Roland Canal to the Intersection with the Southwesterly Right-of-Way Line of State Road 710 (SW Warfield Boulevard): Thence Northwesterly along the Southwesterly Right-of-Way Line of said State Road 710 to the Westerly Line of Martin County said Line also being the West line of Township 38 South, Range 37 East: Thence Southerly along said West Line of Martin County to the Intersection with the Shore Line of Lake Okeechobee: Thence Southwesterly on a Line to the Intersection with Glades County Line and Hendry County Line said Line also being the Intersection with the Southerly Line of Martin County: Thence Easterly along the South Line of said Martin County to the Shore Line of Lake Okeechobee: Thence Continue along said Southerly Line of Martin County to the Southeast Corner of Section 28, Township 40 South, Range 42 East: Thence Northerly along the Martin County Line and East line of said section 28 to the Northeast Corner of said Section 28: Thence Easterly along the Martin County Line said Line also being the South Line of Sections 22 through 24 of Township 40 South, Range 42 East: Thence Continue Easterly along said South Line of Martin County said Line also being the South Line of Section 19, Township 40 South, Range 43 East across the Intracoastal Water Way to the Intersection with the Mean High Water Line of the Atlantic Ocean: Thence Continue on the Easterly Projected Line of said Martin County Line and the South Line of said Section 19 to the Intersection of a Line that is Parallel to the Mean High Water Line of Jupiter Island said

Line being 3 (Three) Miles Easterly as Measured at Right Angles to said Mean High Water Line: Thence Meander Northwesterly along said Parallel Line to the Mean High Water Line of Jupiter Island to the Intersection with the Easterly Projected Southerly Right-of-Way Line of SE Cross Rip Street said Intersection Lying 3 (Three) Miles Easterly of said Mean High Water Line as measured at Right Angles to said Mean High Waterline: Thence Southwesterly along said Projected Southerly Right-of-Way Line of SE Cross Rip Street to said Mean High Water Line of the Atlantic Ocean of Jupiter Island: Thence Continue along said Projected Line of the Southerly Right-of-Way Line of SE Cross Rip Street across Jupiter Island and the Intracoastal Water Way to the Westerly Mean High Water Line of said Intracoastal Water Way and the Easterly End of said Southerly Right-of-Way Line of SE Cross Rip Street: Thence Continue Southwesterly along said Southerly Right-of-Way Line of SE Cross Rip Street to the Intersection with the Easterly Right-of-Way Line of County Road A-1-A said Easterly Right-of-Way Line also Being the Westerly Right-of-Way Line of the F.E.C. Railroad (Florida East Coast): Thence Northwesterly along said Easterly Right-of-Way Line of County Road A-1-A to the Intersection of the Northeasterly Projected Southerly Right-of-Way Line of SE Heritage Boulevard: Thence Southwesterly along said Projected Northeasterly Line and Southerly Right-of-Way Line of SE Heritage Boulevard and its Projection to the Westerly Right-of-Way Line of said U.S. Highway No. 1: Thence Southeasterly along the Westerly Right-of-Way Line of said U.S. Highway No. 1 to the Intersection with the Northerly Line of the Subdivision of The Medalist Club Plat No. 1: Thence Southwesterly along the Northerly Line of said Medalist Club Plat No. 1 and its Projection to the Westerly Line of the Gomez Grant: Thence Southeasterly along the Westerly Line of said Plat of the Gomez Grant to the Intersection with the Northerly Right-of-Way Line of SE Bridge Road (CR-708): Thence Westerly along the Northerly Line of said SE Bridge Road to the Intersection with the

Centerline of the Florida Turnpike: Thence Northerly and Northwesterly along the Centerline of said Florida Turnpike to the Intersection with the Northerly Line of Section 16, Township 39 South, Range 41 East: Thence Westerly along said Northerly Line of Sections 16 and 17 to the Intersection with the Northerly Right-of-Way Line of County Road 711 (SW Pratt Whitney Road): Thence Westerly along the Northerly Right-of-Way Line of said County Road 711 to the Intersection with the Easterly Right-of-Way Line of State Road 76 (SW Kanner Highway): Thence Southwesterly along the Easterly Right-of-Way Line of said State Road 76 to the Intersection with the Easterly Projected Southerly Right-of-Way Line of County Road 76A (SW 96th Street): Thence Westerly along said Easterly Projected Line and Southerly Right-of-Way Line of County Road 76A to the Centerline of the St. Lucie Canal and the Point of Beginning.

Residence Area 4 - Physical Description.

From a Point of Beginning Commencing at the Intersection of the Centerline of the St. Lucie Canal and the Southerly Right-of-Way Line of County Road 76A (SW 96th Street): Thence Easterly along said Projected Line and the Southerly Right-of-Way Line of County Road 76A and its Easterly Projection to the Easterly Right-of-Way Line of State Road 76 (SW Kanner Highway): Thence Northeasterly along the Easterly Right-of-Way Line of said State Road 76 to the Intersection with the Northerly Right-of-Way Line of County Road 711 (SW Pratt Whitney Road): Thence Easterly along the Right-of-Way Line of said County Road 711 to the Intersection with the Northerly Line of Section 17, Township 39 South, Range 41 East: Thence Easterly along said Northerly Line of Section 17 and the Northerly Line of Section 16 of said Township 39 South, Range 41 East to the Intersection with the Centerline of the Florida Turnpike: Thence Southeasterly and Southerly along said Centerline of the Florida Turnpike to the Intersection with the Northerly Right-of-Way Line of SE Bridge Road (County Road 708): Thence Easterly along the Northerly

Right-of-Way Line of SE Bridge Road to the Intersection with the Westerly Line of the Gomez Grant: Thence Northwesterly along the Westerly Boundary of said Gomez Grant to the Intersection with the Southwesterly Projected Northerly Line of the Medalist Club Plat No. 1: Thence Northeasterly along said Projected Line and the Northerly Line of said Medalist Club Plat No. 1 to the Intersection with the Westerly Right-of-Way Line of U.S. Highway No. 1: Thence Northwesterly along the Westerly Right-of-Way Line of said U.S. Highway No. 1 to the Intersection with the Southwesterly Projected Southerly Right-of-Way Line of S.E. Heritage Boulevard: Thence Northeasterly along said Projected Line and the Southerly Right-of-Way Line of said SE Heritage Boulevard and its Projection to the Intersection with the Easterly Right-of-Way Line of County Road A-1-A, said Easterly Right-of-Way Line of County Road A-1-A also being the Westerly Right-of-Way Line of the F.E.C. Railroad (Florida East Coast): Thence Southeasterly along the Easterly Right-of-Way Line of said County Road A-1-A to the Intersection with the Southerly Right-of-Way Line of SE Cross Rip Street: Thence Northeasterly along the Southerly Right-of-Way Line of SE Cross Rip Street and its Projection across the Intracoastal Water Way and Jupiter Island to the Mean High Water Line of the Atlantic Ocean: Thence Continue Northeasterly along the Projection of said SE Cross Rip Street to the Intersection with a Line Lying Parallel to the Mean High Waterline of the Atlantic Ocean at Jupiter Island said Line being 3 (Three) Miles Easterly of said Mean High Waterline as Measured at Right angles: Thence Meander Northwesterly along said Parallel Line Lying 3 (Three) Miles Easterly to the Intersection with Easterly Projected Centerline of the St Lucie Inlet Main Channel: Thence Westerly along said Projected Centerline and the Centerline of said St. Lucie Inlet Main Channel to the Intersection with the Centerline of the Manatee Pocket Waterway: Thence Meander Southerly, Southeasterly, and Southwesterly to the Intersection with the Southeasterly Projected Centerline of Crooked Creek: Thence

Northwesterly along said Southeasterly Projected Centerline of Crooked Creek to the Intersection with the Northeasterly Projected Centerline of the Manatee Pocket Waterway Tributary: Thence Meander Southwesterly, Southerly, Westerly and Northwesterly along the Centerline of the Manatee Pocket Waterway Tributary to the Northwesterly Projected Easterly Line of Lot 20 of the Kiedingers Unrecorded Subdivision: Thence Southeasterly along said Projected Easterly Line and the Easterly Line of said Lot 20 to the Southeasterly Corner of Lot 20 and the Northerly Right-of-Way Line of SE Manatee Lane: Thence Northwesterly along said Northerly Right-of-Way Line and the Southerly Line of said Lot 20 to the Northeasterly Corner of Lot 21 of the Revised Plat of Manatee Bay: Thence Southwesterly along the Northerly Right-of-Way Line of said SE Manatee Lane to the Southwesterly Corner of Lot 23 of said Revised Plat of Manatee Bay said Point also being the Easterly Right-of-Way Line of County Road A-1-A: Thence Continue Southwesterly on the Southwesterly Projected Northerly Right-of-Way Line of said SE Manatee Lane to the Easterly Right-of-Way Line of the F.E.C. Railroad (a 100 foot Right-of-way)(Florida East Coast): Thence Northwesterly along said Easterly Right-of-Way Line of the F.E.C. Railroad to the Intersection with the Easterly Projected Southerly Boundary of Manatee Business Park Subdivision: Thence Westerly along said Projected Southerly Boundary Line and the Boundary Line of said Manatee Business Park Subdivision to the Intersection with the Westerly Right-of-Way line of SE Commerce Ave: Thence Northwesterly along said Westerly Right-of-Way Line of SE Commerce Ave to the Intersection with the Southerly Right-of-Way Line of SE Dominica Terrace: Thence Westerly along said Southerly Right-of-Way Line of SE Dominica Terrace and its Projection to the Westerly Right-of-Way Line of U.S. Highway No. 1: Thence Southeasterly along the Westerly Right-of-Way Line of U.S. Highway No. 1 to the Intersection with the Southerly Boundary Line of Coral Gardens

Subdivision: Thence Southwesterly along said Southerly Boundary Line of Coral Gardens Subdivision to the Intersection with the Easterly line of St. Lucie Inlet Farms Subdivision said Line Lying 15 (Fifteen) Feet as Measured at Right Angles (Abandoned Right-of-Way Easterly side of Blocks 61 and 62 of said St. Lucie Inlet Farms): Thence Southwesterly along said Line to the Intersection with the Easterly Projected Northerly Line of the Southerly 5.714 Acres of Tract 8, Block 62 Lying Easterly of SE Willoughby Boulevard of said St. Lucie Inlet Farms: Thence Southwesterly along said Easterly Projected Line and the Northerly Line of said 5.714 Acres to the Intersection with the Easterly Right-of-Way Line of SE Willoughby Boulevard: Thence Southerly and Southeasterly along said Easterly Right-of-Way of said SE Willoughby Boulevard to the Intersection with the Northerly Right-of-Way Line of SE Salerno Road: Thence Southwesterly along the Northerly Right-of-Way Line of said SE Salerno Road to the Intersection with Easterly Right-of-Way Line of State Road 76 (SW Kanner Highway): Thence Southerly and Southwesterly along the Easterly Right-of-Way Line of said State Road 76 to the Intersection with the Centerline of the Florida Turnpike: Thence Northwesterly along the Centerline of said Florida Turnpike to the Intersection with the Centerline St Lucie Canal: Thence Westerly and Southwesterly along the Centerline of said St Lucie Canal to the Intersection with the Southerly Right-of-Way Line of County Road 76A (SW 96th Street) and the Point of Beginning.

Residence Area 5 - Physical Description.

From a Point of Beginning Commencing at the Northwesterly Corner of Martin County said Point also being the Northwesterly Corner of Section 6, Township 38 South, Range 37 East: Thence Southerly along the Westerly Line of Martin County and said Line also being the Westerly Line of Sections 6, 7, 18 and 19 of said Township 38 South, Range 37 East to the Intersection with the Southwesterly Right-of-Way Line of State Road 710 (SW Warfield

Boulevard): Thence Southeasterly along the Southwesterly Right-of-Way Line of Said State Road 710 to the Intersection with the Centerline of Roland Canal: Thence Northeasterly, Easterly and Southeasterly along the Centerline of said Roland Canal to the Intersection with the Westerly Right-of-Way Line of SW Little Indian Avenue: Thence Northeasterly and Northerly along the Westerly Right-of-Way Line of said SW Little Indian Avenue to the Intersection with the Southerly Right-of-Way Line of the East / West portion of SW Manatee Street: Thence Westerly along the Southerly Right-of-Way Line of said SW Manatee Street to the Intersection where SW Manatee Street Runs North / South: Thence Northerly along the Westerly Right-of-Way Line of said SW Manatee Street to the Center of the East / West Intersection of Block 19 of the Third Addition to Indian Town Park Subdivision and the Point where the North / South portion of SW American Street Begins: Thence Northerly along the Westerly Right-of-Way of said SW American Street to the Intersection where said SW American Street runs East / West: Thence Easterly along the Northerly Right-of-Way of said SW American Street to Intersection with the Easterly Right-of-Way Line of SW Indian Mound Drive: Thence Southerly along the Easterly Right-of-Way Line of said SW Indian Mound Drive to the Intersection with the Northerly Right-of-Way Line of SW Osceola Street: Thence Easterly along the Northerly Right-of-Way Line of said SW Osceola Street to the Intersection with the Northerly Right-of-Way Line of SW Citrus Boulevard: Thence Northeasterly along the Northerly Right-of-Way Line of said SW Citrus Boulevard to the Intersection with the Westerly Right-of-Way Line of the Troup Indian Town Drainage Canal at Allapattah Spillway No. 1: Thence Southeasterly and Southerly along the Westerly Right-of-Way Line of said Troup Indian Town Drainage Canal and its Projection to the Centerline of the St. Lucie Canal: Thence Northeasterly, Easterly, Northeasterly, Northwesterly, Northeasterly, Northwesterly, Northeasterly, Northerly and Northwesterly

along the Centerline of said St. Lucie Canal to the Intersection with the Main Channel of the South Fork of the St. Lucie River: Thence Continue Northwesterly, Northerly and Northeasterly, along the Main Channel of said South Fork of the St. Lucie River to the Intersection with the Centerline of the Main Channel of the North Fork of the St. Lucie River: Thence Meander the Centerline of the Main Channel of the North Fork of the St. Lucie River Northwesterly, Northerly, Westerly and Northwesterly to the Intersection with the County Line said Line also being the Southerly Projection of Section 30, Township 37 South, Range 41 East: Thence Southerly along said County Line said Line also being the Westerly Line of said Sections 30 and 31 to the Northeast Corner of Section 1, Township 38 South, Range 40 East: Thence Westerly along the County Line said Line also Being the Northerly Line of Township 38 South to the Northwesterly Corner of Martin County said Corner also being the Northwest

Corner of Section 6, Township 38 South, Range 37 East and the Point of Beginning.

F.S. 1001.36, 1001.41, 1001.43

0141.2

Conflict of Interest

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

F.S. 112.311 et seq., 1001.41, 1001.43

0141.3

Student Representation to the Board

One (1) student per year shall serve as the District-wide student representative to the Board. The student representative will be selected by vote of his/her respective student government association. Service will alternate annually among the three (3) high schools, with Board appointment being made prior to the commencement of service. The representative will be invited to attend all public Board

meetings. The selected student will serve in an advisory, non-voting capacity to the Board. In serving as a representative, the student is to appropriately seek input and disseminate information to ensure maximum advisory status to the Board.

F.S. 1001.41, 1001.43

0142 **Oath**

Before entering upon the duties of office after election, or within ten (10) days of appointment if appointed, members shall take the prescribed oath of office.

F.S. 1001.37, 1001.41, 1001.43

0142.1 **Orientation**

The Board believes that the preparation of Board members 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 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, when his/her election is certified, shall receive the following for use during his/her term on the Board:

- A. a copy of the Florida Ethics Law;
- B. a copy of the Board policy manual;
- C. a copy of each current collective bargaining agreement;
- D. the current budget statement, audit report, and related fiscal materials;
- E. Florida School Law; and
- F. State Board of Education rules.

The Board will establish and maintain a library of publications and reference materials for the use of Board members and will provide a new Board member with a list of references that should be reviewed.

The Superintendent and Board Attorney shall provide an orientation program for newly elected 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 organizational functions and responsibilities, a survey of current and planned educational programs, and review of Board policies.

The Board expects and encourages the attendance of each new Board member at orientation and training meetings.

F.S. 1001.41, 1001.43

0143

Role of Individual Board Member

As representatives of the community, individual Board members are encouraged to bring their concerns to the Superintendent and Board. While the Board is not bound by any statement or action on the part of an individual Board member, upon appropriate Board action, a member may be delegated the task of representing the Board's position before community groups or other governmental bodies or representatives. When visiting school facilities, members are encouraged to coordinate their visits with the principal or appropriate administrator.

F.S. 1001.41, 1001.43

0144

Term

Board members shall be elected at the general election in November for staggered terms of four (4) years arranged so that, of five (5) members, three (3) members shall be elected at one general election and two (2) members shall be

elected at the ensuing general election. The term of office of a Board member shall begin on the second Tuesday following the general election in which such member is elected.

F.S. 1001.362, 1001.41, 1001.43

0145

Filling a Board Vacancy

A vacancy occurs on the 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; and/or
- E. unexplained absence for sixty (60) consecutive days

Vacancies shall be filled through appointment by the Governor for the remainder of the unexpired term if less than twenty-eight (28) months, otherwise until the first Tuesday after the first Monday following the next general election.

F.S. 1001.38, 1001.41, 1001.43

0146

Removal

The Governor is empowered to suspend or remove for cause an elected or appointed Board member. Convictions of certain offenses and failure to adhere to prescribed standards of conduct as defined by statute are grounds for removal from office.

F.S. 1001.41, 1001.43

0147

Remuneration

Board members shall receive compensation as provided by law for their services and shall establish said compensation at the first meeting following the organizational meeting as specified in Florida Statutes.

Board members shall receive benefits commensurate with other employees. Board members are eligible to participate in the Florida Retirement System as specified by law. Board members shall not receive sick leave or vacation pay.

Travel expense reimbursements will be paid as per Bylaw 0175.1. Legal expenses will be paid as per Florida Statute.

F.S. 1001.39, 1001.395, 1001.41, 1001.43

0148

Use of Equipment and Services

The Superintendent is authorized to make available to Board members for their official use the following District equipment and services:

- A. computer, printer, fax machine, desk, chair, and filing cabinet, a pager or text messaging service;
- B. business cards; and/or
- C. software compatible with District systems.

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

F.S. 1001.41, 1001.43

0149

Access to Records

Individual members of the 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 District 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.

F.S. 1001.41, 1001.43

0149.1

**Board Member Participation at District
Committee Meetings**

The Board believes that the involvement of stakeholders in the formulation of recommendations to the Superintendent and the Board is essential to good decision-making. If a Board member attends a committee meeting other than a Professional Services Advisory Committee meeting, it shall be as an observer to ensure that the presence of Board members at committee meetings does not unduly influence or stifle committee deliberations.

F.S. 1001.41, 1001.43

0149.2

Board-Staff Communications

The 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. Board Communications to the Staff

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

B. Other Interaction

Both staff 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 District. It shall be the expectation of this Board that staff and Board members maintain the highest standards of ethical and professional discourse exemplifying their commitment to teamwork and the District's mission.

F.S. 1001.41, 1001.43

Effective Date: 07/01/05

ORGANIZATION

0151 **Organizational Meeting**

The Board shall organize annually on the third Tuesday after the first Monday in November of each year.

F.S. 1001.371, 1001.41, 1001.43

0152 **Officers**

Annually on the third Tuesday after the first Monday in November, unless in conflict with Bylaw 0144, the Superintendent shall preside during the reorganizational process, which includes the Board selecting a Chair and Vice-Chair.

Should a vacancy occur in either office, the Board shall elect a member to fill the vacancy at the ensuing regular or special meeting.

The Chair shall preside at all meetings of the Board, shall provide for the selection of committees, and perform other duties, which may be prescribed by law or by action of the Board.

The Vice-Chair shall preside in the absence of the Chair.

The Superintendent shall be the Secretary and Executive Officer of the Board.

F.S. 1001.371, 1001.41, 1001.43

0153 **Meeting Dates**

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

F.S. 1001.371, 1001.41, 1001.43

0154

Appointees

At the first meeting in December, the Chair shall appoint or 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.

F.S. 1001.41, 1001.43

0155

Legal Counsel

The Board may employ or retain an attorney to render legal services as are needed by the Board for school matters.

F.S. 1001.41, 1001.42, 1001.43

0156

Internal Auditor

The Board may employ or retain an internal auditor to render accounting services as are needed by the Board for school matters.

F.S. 1001.41, 1001.42(10)(l), 1001.43

Effective Date: 07/01/05

MEETINGS

0161 **Parliamentary Procedure**

The Board shall adhere to parliamentary authority as determined by the Board attorney.

F.S. 1001.41, 1001.43

0162 **Quorum**

A majority of Board members shall constitute a quorum for any meeting of the Board and no business may be transacted at any meeting unless a quorum is present, except that a minority of the Board may adjourn the meeting from time to time until a quorum is present.

F.S. 1001.37(4), 1001.41, 1001.43

0163 **Presiding Officer**

The Chair shall preside at all meetings of the 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.

F.S. 1001.41, 1001.43

0164 **Notice of Meetings**

A schedule of the time and place of all meetings shall be published as required by law.

- A. Regular meetings – seven days.
- B. Special meetings – two days.
- C. Emergency meetings – any notice which is fair under the circumstances.

Notice of regular meetings shall be made in a newspaper or newspapers of general circulation in the county. Such notice shall contain the

date, time, place, and statement of the general subject matter of the meeting.

F.S. 120.525, 1001.372, 1001.41, 1001.43

0165

Meetings

All meetings at which official acts are to be taken are declared to be open public meetings (except executive sessions, student hearings, and F.S. 286.011 sessions) and no resolution, rule, regulation, or formal action shall be considered binding, except as taken or made at such meeting. The order of business of any regular meeting shall include an opportunity for the public to address the Board.

F.S. 447.605, 1001.41, 1001.43

0165.1

Agendas

Each public meeting shall have a written agenda of items to be considered by the Board. The Superintendent shall prepare the agenda for Board meetings in advance.

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.

A copy of the agenda will also be provided at no charge to any person who requests a copy forty-eight (48) hours prior to the meeting. After the meeting, a copy will be provided to any person who pays the reasonable cost of the copy.

After the agenda has been made available, changes shall be made only for good cause as determined by the Chair or the member designated to preside.

A. **Regular Meeting Agendas**

The agenda and supporting data and exhibits will be prepared and distributed at least seven (7) days prior to meeting.

The agenda shall indicate order of presentation. The agenda will be made available to Board members, a representative of each union, the press, all directors, and the local libraries. The agenda may be retrieved from the District's website: www.sbmcc.org. Board members and members of the public desiring to place an item on the agenda should provide relevant information and material to the Superintendent's office sufficiently in advance of the meeting so the above time requirements can be met.

The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by the person designated to preside and stated in the record. Notification of such change shall be made at the earliest practicable time.

Consent Agendas

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

A member of the Board may request any item be removed from the consent agenda and defer it for a specific action and more discussion. 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. Any item on the consent agenda may be removed and discussed as a non-action 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.

B. Special Meeting Agendas

The agenda for special meetings called by the Superintendent, or by the Superintendent on request of the Board Chair or the Chair on 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 meeting.

C. Emergency Meeting Agendas

An emergency meeting may be called as quickly as compliance with notification procedures permits; Board members shall be given a tentative agenda during the notification.

1. The Superintendent shall prepare and distribute an agenda prior to the emergency meeting.
2. The agenda, the need for the emergency meeting, and the results of the emergency meeting shall be available to the public within twenty-four (24) hours of said meeting.
3. Emergency meetings shall be conducted in the same manner as prescribed for regular and special meetings.

F.S. 120.525, 1001.41, 1001.43

0165.2

Types of Meetings

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

A. Regular Meetings

In accordance with law, regular meetings shall be held at the time fixed at the annual organizational meeting. Such notification shall be made immediately after the annual organizational meeting. The regular meeting date may be changed by Board action for any future meeting, provided that each member is notified by letter or by distribution of the minutes showing a record of the change.

B. Special Meetings

Special meetings shall be held at the time designated by the Superintendent on request of the Board Chair, or when called by a majority of the Board members, as specified in written notice, which shall be distributed at least forty-eight (48) hours in advance in accordance with law. Notification to the press and the Unions shall be faxed.

C. Special Meetings of an Emergency Nature

Emergency meetings may be called at any time by the Superintendent either upon his/her initiative or upon the Board Chair's request. An emergency meeting may be called as quickly as compliance with notification procedures permits; Board members shall be given a tentative agenda during the notification.

F.S. 120.525, 447.605, 1001.372,
1001.41,1001.43

0165.3

Committees

A. School Board Advisory Committee

Ad hoc and standing committees may be appointed at the discretion of the Board upon recommendation by the Superintendent for the purpose of

advising the Board on particular issues/concerns. Unless otherwise provided by policy, the composition will be determined at inception by the Board. Similarly, the committee's function shall be indicated to the committee in writing at the time of appointment. Information relative to meetings, reporting, and other specific directions will be presented to the committee when the committee is formed.

Board members may serve as ex-officio members of ad hoc and standing committees.

All Board committee meetings shall be open to the public.

Special committees or individuals who serve on special committees shall take no action which is binding upon the Board.

B. General Study Committees

General study committees may be established by the Superintendent to provide feedback on educational issues. The Superintendent shall appoint parent and/or community representatives who meet the eligibility criteria.

C. Task-Specific Committees

Task-specific committees may be established by the Superintendent to address a specific issue. The work of these committees is generally restricted in duration. The Superintendent shall appoint parent representatives if the issue to be reviewed potentially impacts parents or students.

0165.4 **Public Notification of Meeting Location**

Regular, special, and emergency meetings, along with work sessions, of the Board shall be held in the regular Board meeting room, unless changed in the manner prescribed herein. As provided by Florida Statutes, any regular or special meeting may be held at any other appropriate public place within the District by giving prior public notice of at least forty-eight (48) hours. When such a meeting is scheduled or re-scheduled at a location other than the regular meeting place, the Superintendent shall take such action to give public notice as required by Florida Statutes.

F.S. 1001.372, 1001.41, 1001.43

0166 **Executive Sessions**

The School Board reserves the right to meet privately in executive session for those issues authorized by law.

F.S. 1001.41, 1001.43

0166.1 **Work Sessions**

Work sessions may be called by the Chair of the Board, the Superintendent, or a majority of the Board members solely for the purpose of exploring matters which constitute the business of the school system. Each Board member shall be formally notified of such work sessions through the office of the Superintendent sufficiently in advance of the session to enable all members to attend. Notification shall include the general subject area for discussion.

Work sessions are solely for the purpose of communicating information and general discussion. The Board shall take no formal action in a work session.

F.S. 1001.41, 1001.43

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 Board, the vote shall be recorded by roll call.

Abstentions shall only be permitted as authorized by law.

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

F.S. 1001.41, 1001.43

0168

Minutes

The Superintendent shall act as secretary and shall cause to be kept official minutes of all its meetings showing the time and place, the members present, the subjects considered, a summary of the deliberations sufficient enough for the public to understand the basis for the 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, which shall be available to the public.

The minutes of Board meetings shall be considered at the next regular meeting, corrected, and approved. The approved minutes shall be signed by the Superintendent and the Chair.

The approved minutes shall be filed in the Board office.

F.S. 1001.41, 1001.42, 1001.43

0169

Attendance at Meetings

The Board members should attend all regular and special meetings, work sessions, and

committee sessions, unless circumstances intervene. Absent members should notify the Chair or the Superintendent at the earliest possible time.

F.S. 1001.41, 1001.43

0169.1

Public Participation at Board Meetings

The 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.

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 during which action may be taken and provide rules to govern such participation in Board meetings.

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

The Chair shall be guided by the following policies:

A. Time Limit

Public discussion, not to exceed one (1) hour, may be scheduled or unscheduled. The Board may, from time to time, waive certain procedural requirements to allow greater public participation in Board meetings. Any waiver, regardless of how frequently made, shall be narrowly construed and not cited or used by other parties seeking to invalidate such procedures or otherwise avoid their impact.

B. Attendees shall register their intention to participate in the public portion of the meeting with the Board clerk.

C. Scheduled Appearances

In scheduled appearances, any person or group shall be allowed fifteen (15) minutes for the purpose, provided such appearance has been placed on the agenda. Hearing procedures for formal argument and presentation are governed by Bylaw 0169.1.

D. Unscheduled Appearances

In unscheduled appearances, any person or group who has not made previous arrangements to be placed on the agenda may be heard for not more than three (3) minutes for an individual or group, provided there is time remaining in the public discussion.

E. Remarks Directed to the Board

When several members of the public or several members of a group share similar opinions on the same issues, a representative, rather than all the members, should address the Board. Persons addressing the Board shall speak into a microphone and direct their remarks to the Board. Staff members shall not be expected to answer questions from the audience unless called upon by the Chair or the Superintendent.

F. Board Action

Board action will not be taken on requests made during unscheduled appearances during the public discussion period until a later meeting unless the Board declares the matter to be an emergency.

G. Tape or video recordings by the public are permitted under the following conditions:

1. No obstructions are created between the Board and the audience;
2. No interviews are conducted in the meeting room while the Board is in session; and
3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session;

H. The Chair may:

1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
2. the presiding officer may order the removal from a public meeting of any person interfering with the expeditious or orderly process of such meeting, provided such officer has first issued a warning that continued interference with the orderly process of the meeting will result in removal. Any law enforcement authority shall remove any person ordered removed. F.S. 1001.372(3)
3. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

The following statement shall be included on the "Request to Address the Board" cards and read by the Chair when circumstances dictate:

"Citizen input is vital to the improvement of our District. Most times your remarks may be

listened to without comment from the Board members or Superintendent. This does not mean they are heard with any less intensity or concern. Where appropriate, the Superintendent and staff will investigate your comments and report back to you and the Board with an answer. We thank you for taking the time and having the concern to make our District better.”

“Your presentation to the Board should not exceed three (3) minutes.”

F.S. 1001.372, 1001.41, 1001.43

Effective Date: 07/01/05
Amendment Date: 11/18/08

DUTIES

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

0171 **Review of Policy**

The Board will regularly evaluate how policies have been implemented and their general effectiveness. It will rely on the school staff, students, and community to provide evidence of the effect of the policies is has adopted.

The Superintendent will continually call to the Board's attention all policies that need revision. All such revisions shall be in accordance with the Administrative Procedures Act.

F.S. Chap 120, 1001.41, 1001.43

0171.1 **Review of Policy - Structure**

It is the policy of the Board to facilitate academic standards, budget priorities, and budget mandates, provide safe and secure facilities, and create an organizational framework and environment to achieve the District's vision. The Board commits to ongoing review of its policy and procedures on education resources.

F.S. 1001.41, 1001.43

0171.2 **Review of Policy - Vision**

The Board is committed to a collaborative and ongoing approach to policy review of educational philosophy, educational goals, and direction for curriculum and instruction. To this end, this effort will involve all stakeholders to formulate a vision, goals, and strategic plan for the District.

F.S. 1001.41, 1001.43

0171.3 **Review of Policy - Advocacy**

It is the policy of the Board to advocate for students and public education. The Board commits to maintaining strong community relations by involving stakeholders in District planning, and regularly communicating information about policy, programs, and fiscal conditions.

F.S. 1001.41, 1001.43

0171.4 **Review of Policy – Accountability**

The Board is committed to accountability and will communicate with the community regarding progress. It is the policy of the Board to develop and maintain systems and processes to monitor results of programs and projects and evaluate the District’s progress toward accomplishing its vision.

F.S. 1001.41, 1001.43

0173 **Board Officers**

A. The Chair of the 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 called; 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.
- C. The Superintendent shall serve as secretary and executive officer of the Board.
- D. The Chair of a Board established committee shall call meetings of the committee, keep informed on developments in activities under the committee's jurisdiction, and report to the Board for the committee.

F.S. 1001.372, 1001.41, 1001.42, 1001.43

0175

Board Conferences, Conventions, and Workshops

The Board will maintain institutional memberships in appropriate State and National organizations, which it determines to be of potential benefit to the District and to public education.

F.S. 1001.39, 1001.41, 1001.43

Effective Date: 07/01/05

1000	ADMINISTRATION
1001	District Organization
1030	Primary Responsibility of Superintendent
1030.01	Development of Administrative Procedures
1040	Committees Appointed by Superintendent or Principal
1111	Working Days
1125	District-Wide Strategic Planning

DISTRICT ORGANIZATION

The Board will be presented annually for approval an organizational structure within thirty (30) days following final budget approval.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

PRIMARY RESPONSIBILITY OF THE SUPERINTENDENT

It shall be the responsibility of the Superintendent to enforce the rules and regulations of the Board; to prepare and submit the annual budget to the Board for adoption, to approve and to direct all expenditures within the appropriations adopted by the Board; to recommend an annual calendar for adoption by the Board; to make continuous study of development and needs of the schools; to prepare reports to the Board on the conditions and needs of the schools; and to acquaint the public with the said activities and needs.

I. **ADMINISTRATIVE DUTIES**

The Superintendent shall be directly responsible for the administrative duties of this office. The Superintendent shall assign teachers to their respective teaching duties and shall appraise the qualities of their respective services. The Superintendent shall assist with the organization and internal operation of the schools. Upon recommendations submitted by principals, the Superintendent shall assist in securing facilities and materials necessary to assure effective functioning of the educational program.

II. **GENERAL SUPERVISORY DUTIES**

It shall be the responsibility of the Superintendent to direct and supervise the work of all the schools, offices, and employees of the Board. Said employees shall be subordinate to the Superintendent in all matters, including those specifically assigned by those rules and regulations to particular department.

III. **DELEGATION OF AUTHORITY TO DISTRICT STAFF**

The Superintendent may delegate authority to the staff to take action on his/her behalf. The Superintendent shall remain fully responsible for the execution and satisfactory completion of such delegated activities. The Superintendent may not delegate authority in any matter that is required by law or by resolution of the Board to be exercised directly by the Superintendent. All such actions taken by a designee on the Superintendent's behalf and with his/her authorization shall be as binding and effective as if taken directly by the Superintendent. All Board action delegating responsibility to any employee shall be directed to the Superintendent.

IV. **BOARD-EMPLOYEE COMMUNICATION**

All reports and recommendations to the Board from any employee under the direction and supervision of the Superintendent shall be made through the Superintendent except when otherwise specifically directed by the Board. All

written communication between the Board and its employees shall be directed to the Superintendent.

F.S. 1001.41, 1001.43, 1001.48, 1001.49, 1001.51, 1001.52, 1001.53
Effective Date: 07/01/05

DEVELOPMENT OF ADMINISTRATIVE PROCEDURES

The Board delegates to the Superintendent the function of designing and implementing the procedures, required actions, and detailed arrangements under which the District will operate. These administrative procedures shall be consistent with the rules and policies adopted by the Board.

The Board itself will:

- A. Determine policies and programs consistent with state law and rule deemed necessary by it for the efficient operation and general improvement of the District school system.
- B. Adopt rules pursuant to F.S. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it to supplement those prescribed by the State Board of Education and the Commissioner of Education.
- C. Prescribe and adopt standards as are considered desirable by it for improving the District school system.

The Superintendent may also issue administrative manuals as may be necessary for the effective administration of the school system.

As long as the provisions of these administrative procedures are consistent with the Board rules and 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.

A current organizational chart shall be maintained.

F.S. 1001.41, 1001.43, 1010.01
Effective Date: 07/01/05

COMMITTEES APPOINTED BY THE SUPERINTENDENT OR PRINCIPAL

The Superintendent, or his/her designee, is authorized to appoint such committees or task forces as may be necessary and desirable to carry out the functions and duties of his/her office.

The principal of any school may appoint such committees within his/her school and duties of his/her position.

F.S. 1001.32, 1001.41, 1001.43
Effective Date: 07/01/05

WORKING DAYS

The Superintendent shall annually prepare a calendar designating two hundred and forty-eight (248) working days in the fiscal year (July 1st through June 30th).

Personnel contracted to work all 248 days are considered twelve-month personnel.

All other personnel (those who work less than 248 days) will work as contracted.

F.S. 1001.41, 1001.43, 1001.51
Effective Date: 07/01/05

DISTRICT-WIDE STRATEGIC PLANNING

The Board believes that strategic planning is the process by which the guiding members of an organization envision its future and develop the necessary procedures and operations to achieve that future. It is the process of self-examination, the confrontation of difficult choices and the establishment of priorities. It requires an agreement on the beliefs and mission of the District and the establishment and attainment of clear goals and objectives to achieve the desired results within specified timeframes.

I. **MISSION**

The mission of the District, in partnership with family and community, is to equip students with the skills and knowledge necessary to become responsible citizens through comprehensive learning experiences and innovative environments that extend beyond traditional values.

II. **PLANNING PROCESS**

A. **Superintendent/Cabinet Assessment**

1. Review prior planning process and outcomes.
2. Recommend changes to three (3) year planning cycle.
3. Define core strategy for the upcoming performance plan.

B. **Board Assessment**

1. Review and ratify recommended planning process.
2. Review and ratify recommended strategy.
3. Establish core performance goals for each of the strategy points.

C. **Superintendent/Cabinet Review of Performance Goals**

1. Further define outcomes and methods to accomplish the performance goals set by the Board.
2. Board to participate in the process/discussions; provide feedback and guidance.
3. Cabinet member assignments to research goal feasibility (required resources, budget impact, and completion timelines). Specific goal planning (what, why, when, how, projected results).

4. Stakeholder input on needs and strategies to validate performance goals and set priorities through existing school feedback resources that will provide specific insights to improvements needed at the school level; with delivery of this feedback coming through current school improvement plans and School Advisory Councils (SAC) and PTA groups.

D. Superintendent/Cabinet Final Recommendations

1. Final discussion on goal feasibility and timeframes.
2. Create performance goal document for presentation to the Board.

E. Board Review of Performance Goals

1. Presentation of final performance goals.
2. Final discussion on performance goals and establishing goal priorities.
3. Present and discuss option to conduct stakeholder feedback process and validate goal priorities.

F. Development of Final Strategic Plan Document

1. Collate Cabinet input on specific initiatives to achieve each strategic goal.
2. Establish completion timeframes and budget projections.
3. Create master plan document.
4. Present to Cabinet for final input and revisions.

G. Board Approval of the Strategic Plan and Performance Goals

1. Presentation and discussion of final plan document.
2. Final approval of core strategy, performance goals and priorities.
3. Any required follow-up discussion on stakeholder feedback process.

H. Communication and Implementation of the Plan

1. Communication to all District departments and schools.
2. Creation of appropriate project teams (task assignments coordinated through appropriate Cabinet offices).

I. Mid-year and End-year Goal Assessments/Progress Reports

1. Cabinet and Board formal assessment of the plan and progress towards performance goals, and the discussion/adoption of new performance goals due to unforeseen changes and needs.

J. Plan End/Conclusion

1. Board assessment of final results and outcomes.
2. Cabinet assessment of final results and outcomes.
3. Assessment of the planning process and recommended changes for the next planning period.

F.S. 1001.11, 1001.41, 1001.43, 1008.385
Effective Date: 07/01/05

2000	PROGRAM
2111	Parental/Family Involvement
2121	Waiver/Modification of Rules – School Improvement Process
2125	School Advisory Councils for School Improvement and Accountability
2140	District Advisory Council
2208	Instructional Materials
2209	Instructional Planning
2210	Curriculum
2211	Testing
2217	Student Grouping
2220	Adoption of Courses of Study
2262	Extended Day
2270	Religion in the Curriculum and Instruction
2270.01	Absences for Religious Instruction
2280	Physical Education (Repealed 4/18/06)
2330	Homework
2340	Field Trips
2410	Special Services
2416	Student Surveys
2420	School Patrol
2431	Physical Examination for Student Athletes
2432	Use of Automobiles on Loan
2440	Summer Academic Instruction
2450	Adult and Community Education
2451	Alternative School Plans/Programs
2460	Special Programs and Procedures for ESE
2515	School Supplies Sale
2540	Use of Movies and Videos
2623	Student Assessment
2710	Animals in the Classroom

PARENTAL/ FAMILY INVOLVEMENT

Parental involvement is an essential element in effective education. Studies show two major factors are necessary to improve learning: a sound instructional program, and consistent involvement of parents and other influential adults. It is, therefore, the policy of the District to bring together families, schools, and the community as active partners in the education of children.

I. **DEFINITIONS**

Unless the context requires otherwise, the following terms have the following meanings in this policy:

- A. The term “parent” refers to any natural parent, legal guardian or legal custodian. Although parental involvement is the specific focus of this policy, it is recognized that all those concerned with the education of students must work together cooperatively to meet the needs of students. Schools have the responsibility to involve parents, and parents have the responsibility to become involved in schools.
- B. The term “school” is used in the broadest possible sense. It refers not only to the customary kindergarten through grade 12 programs, but also to the early childhood, adult education, and community schools’ programs.

II. **STANDARDS**

The Board endorses the following standards as set forth in the *National Standards for Parent/Family Involvement Programs* as adopted by the National Parent Teacher Association (PTA).

A. **Standard I: Communicating**

The Board encourages communication between the home and the school that is ongoing, interactive, and reasonably accommodates all parents, including those with limited English proficiency or disabilities. Interaction with parents should be handled in a non-judgmental manner that recognizes a variety of parenting styles, family structures, and circumstances; as well as individual differences reflected in the values, cultures, and diversity of the student population. Regular parent/teacher dialogue is encouraged at all grade levels. Reasonable efforts will be made to make the school building a welcoming place, clearly accessible to parents. Parents are expected to recognize, however,

that their right to access does not transcend the rights of students and teachers to an orderly instructional environment.

B. Standard II: Parenting

The Board is supportive of basic adult literacy and programs on topics such as nutrition, health, self-esteem, parent-child communication, motivation, discipline, child development, monitoring television viewing, monitoring Internet usage, assisting with homework, and other topics that enable parents to be full partners in the education of their children.

C. Standard III: Student Learning

The Board endorses assisting parents to play an integral role in student learning by providing parents information on grade-level expectations and their children's program toward proficiency, specific activities that can be done at home, and how to partner with teachers to maximize student achievement.

D. Standard IV: Volunteering

The Board is supportive of the creation of meaningful volunteer opportunities and ensures that parents are welcome in the school and that their support and assistance are actively sought and appreciated.

E. Standard V: School Decision-Making and Advocacy

The Board encourages the involvement of parents as full partners in the decisions and practices of the school that affect children and families through the school improvement process, the school advisory council (SAC), PTA/PTO, and other decision-making groups as appropriate. Likewise, parents have a responsibility to contact the school and seek out ways in which they might participate in and influence decisions that will affect the children. When feasible, parents will be provided the opportunity to function as school advisors and advocates, and to participate equitably with administrators, teachers, and other school personnel in the decision-making process. Parents should be provided with opportunities for timely and substantive participation in the advisory, advocacy, and decision-making processes.

F. Standard VI: Collaborating with the Community

The Board supports the strengthening of school programs, family practices, and student learning through the integration of community resources and business partnerships. Schools and parent groups should actively recruit persons to serve as role models and mentors. Businesses will be encouraged to provide flexible time or release time for employees to visit their children's school. The District will establish a program to designate businesses as "school friendly" when they meet established District criteria as annually developed by the appropriate District office. The District will promote the concept by commending businesses that reach this level of commitment.

III. TRAINING OF SCHOOL PERSONNEL

Training procedures should include the importance of parental involvement. Training programs will be identified by the District office, which will assist administrators, teachers, and other school personnel in acquiring techniques that promote effective communication with parents and the cultivation of parental involvement.

IV. POLICY EVALUATION AND EFFECTIVENESS

The District will conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parent/family involvement policy. Through the use of school climate surveys the District will determine the effectiveness in increasing parent participation, identification of barriers to greater parent participation and report said findings to the State Board of Education. The District will then utilize the findings to design strategies for individual school improvement, and if necessary, the parent/family involvement policies.

F.S. 1000.03(f), 1001.41, 1001.43
Effective Date: 07/01/05

WAIVER/MODIFICATION OF RULES
SCHOOL IMPROVEMENT PROCESS

Waivers are an appropriate mechanism for individual school improvement. To facilitate innovative practices by individual schools, waiver or modification of Board policies may be granted in the following manner with respect to the school improvement process:

- A. Prior to a School Advisory Council requesting a waiver from, or modification of, any Board policy, the principal of the school shall confer with the Superintendent or the appropriate District director to determine whether the proposed waiver or modification would require a change in State law, Federal law, Board policy or employee contracts. The District director will furnish technical assistance to the principal and School Advisory Council in drafting the request for the waiver or modification. The District director's technical response to the School Advisory Council will be provided within thirty (30) days. The principal and School Advisory Council shall be advised if the proposal involves Federal law or State law which cannot be waived.
- B. All requests for waiver, or modification of a specific Board policy (ies), shall be developed by the school principal and School Advisory Council and voted on by the faculty, in accord with the collective bargaining agreements. The request shall identify the rule(s) for which the waiver or modification is sought and explain the nature and purpose for the proposed waiver or modification. The request shall indicate how the intent of the rule(s), or the overall policies and goals of the Board, established by duly-adopted Board policies, would be met by the proposed waiver or modification.
- C. The request for waiver shall be reviewed by the District Advisory Council which will make recommendations. The request shall be submitted to the Superintendent and forwarded to the Board for disposition. Any further concern should be addressed pursuant to F.S. 120.542.

SCHOOL ADVISORY COUNCILS FOR SCHOOL
IMPROVEMENT AND ACCOUNTABILITY

Florida Statutes provide that each advisory council shall be composed of the principal and an appropriately balanced number of teachers, educational support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Adult education schools and high school advisory councils shall include students and middle and junior high school advisory councils **may** include students. A majority of members of each council must be persons not employed by the school. 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.

I. **MEMBERSHIP**

Each school center shall submit a list of School Advisory Council members to the Board.

Council members representing teachers, educational support employees, students, and parents shall be **elected** by their respective peer groups at the school in a fair and equitable manner.

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.

II. **MEETINGS**

- A. The regularity of meetings shall be established by each School Advisory Council. The first meeting, for organizational purposes, shall be called by the principal. The responsibilities and advisory functions of the council shall be outlined during this meeting.
- B. A written report of each meeting shall be maintained in the files of the school. Copies will be forwarded to the Superintendent and the Board.

III. **ELECTION OF MEMBERS**

Written procedures for advisory councils shall include the following procedures for elections. 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.

- A. Ample advance notice will be given for nominations of all interested persons in the following categories **before** elections are held;
- B. Teachers shall be elected by teachers;
- C. Educational support employees shall be elected by educational support employees;
- D. Students shall be elected students; and
- E. Parents shall be elected by parents.
- F. Each council shall elect a chairperson from among its members. The council shall select a secretary who may, but does not have to be, a voting member of the council.

IV. PARTICIPATION OF MEMBERS

Written procedures for advisory councils shall include criteria for active participation by members of the council, and procedures/bylaws for replacement of council members who fail to meet these requirements.

- A. Each School Advisory Council shall assist in the total process for school improvement: implementing a needs assessment process, selecting priorities for school improvement, and planning, preparing and evaluating the school improvement plan.
- B. The School Advisory Council shall serve to facilitate communications among schools, parents, and the community.
- C. The School Advisory Council shall review the school's tentative annual budget and make written recommendations for changes, if any, to the principal.
- D. The principal and the council shall be cognizant that the law prohibits the School Advisory Council from having any of the powers and duties now reserved by law to the Board.

V. SCHOOL IMPROVEMENT PLANS

School Improvement Plans Approval Process – Florida’s System of School Improvement and Accountability:

- A. School improvement plans are submitted to the Board 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.

- B. The Board approves or declines to approve each plan. If all plans are approved, the Superintendent and Board chairperson 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.

F.S. 1001.41, 1001.42, 1001.43, 1001.452
Effective Date: 07/01/05

DISTRICT ADVISORY COUNCIL

The District Advisory Council membership shall be made up of one teacher from each school nominated and elected by a majority vote of the faculty; a high school, middle school, and an elementary school principal, nominated and elected by the school center principals; a minimum of three parents representing the elementary schools, middle schools and high schools; one teacher designated by MCEA; a business community representative; the Superintendent, or his/her designee; and one Board Member serving in an ex officio capacity.

The Superintendent, or his/her designee, shall assemble the District Advisory Council members as soon as practical after elections have taken place. The purpose of this meeting will be to select a chairperson and secretary of the District Advisory Council and to determine the dates and times of the meetings. A written report of the District Advisory Council meeting will be maintained by the secretary and sent to each school center, the Superintendent, and the Board.

The functions of the District Advisory Council are to review the District's overall approach to increasing school center effectiveness, make recommendations for improvement, review and make recommendations on waiver requests and serve as a major communication link between the district and the school centers.

F.S. 1001.41, 1001.43, 1001.452
Effective Date: 07/01/05

INSTRUCTIONAL MATERIALS

I. **ADMINISTRATIVE RESPONSIBILITIES:**

A. **Superintendent**

The Superintendent shall be responsible for:

1. The assurance that instructional materials are consistent with District goals and objectives, curriculum frameworks, and student performance standards and that materials are used at the grade level or levels for which they are designed.
2. The requisition, purchase, receipts, conservation, and distribution of textbooks for all school sites.
3. The maintenance of records and current inventories of textbooks located at each school.
4. The maintenance of a textbook depository with inventory that includes:
 - a. surplus and off-adoption textbooks.

B. **Principal**

Each Principal shall:

1. Determine and fulfill the needs of students and assure that instructional materials are used at the grade level for which they were designated.
2. Provide for the proper care of books used by personnel and students under his supervision by:
 - a. providing adequate storage facilities
 - b. planning for student instruction on care and handling of books.
 - c. informing the students that such books are District property and are on loan.
 - d. informing the students that such books must be paid for if lost or abused.

3. Maintain adequate records so that an audit and inventory is possible at any time.
4. Requisition for the forthcoming year on the basis of textbook allocation figures supplied at the close of the current year.
5. Use State flexibility funds, not to exceed 50% of the school allocation, for the purchase of instructional materials not on the State-adopted list.
6. Sell, when requested by the parent of a student, any available instructional materials used in the school, to said parent.
7. Assure that textbooks in use at the school have been evaluated by the District Textbook Selection Committee before use and proper evaluation forms are completed.
8. Collect money for lost and/or damaged instructional materials and submit that money to the Superintendent, or his/her designee.
9. Provide instructional staff the opportunity annually to submit to the Superintendent, or his/her designee, written comments on the instructional materials.

II. **REVIEW/EVALUATION**

- A. Instructional materials shall be consistent with District goals and objectives, curriculum frameworks, and student performance standards. The principals and the Directors of curriculum are responsible for the appropriate nature and content of materials proposed for classroom use, reference, and student purchase.
- B. Instructional materials which are State adopted or purchased with State instructional material's money and have not previously been used in the county, must be evaluated.
- C. Any complaint or objection to the use or selection of any instructional materials will be brought to the attention of the principal. A Request for Re-Evaluation of Instructional or Library Materials (Form #167) will be sent to the Executive Director for Instructional Services. The Executive Director for Instructional Services will convene a committee of at least the Director of School Improvement and Curriculum and the appropriate Subject Area Coordinator to review the materials in question. After review, a recommendation will be sent to the

Superintendent or his/her designee for his/her decision. The school principal will receive a copy of the final recommendation.

III. **SURPLUS**

- A. Instructional materials that are off-adoption, older than ten (10) years, and are found to be unserviceable should be disposed of using the most efficient manner that the school determines. Schools are encouraged to give the materials to students or donate them to a worthy cause.

F.S. 1001.41, 1001.43, 1006.08, 1006.28, 1006.34(2)(b), 1006.41

F.S. 1006.41(4)

Effective Date: 07/01/05

Amendment Date: 04/15/08

INSTRUCTIONAL PLANNING

The instructional program shall seek to help each student to develop emotionally, aesthetically, intellectually, morally, physically, socially, and vocationally to the limit of his/her abilities as consistent with the established goals and objectives of the District. Goals and objectives shall be established for all programs in the County. These goals and objectives shall be utilized in planning and evaluating the curriculum.

F.S. 1001.41, 1001.43, 1006.07, 1001.08
Effective Date: 07/01/05

CURRICULUM

The Board supports the development of curriculum guides to insure the best possible educational program and continuity of instruction in grades pre-kindergarten through twelve (Pre-K-12). Supervisory and instructional personnel shall participate in developing such guides incorporating Florida's Sunshine State Standards and Benchmarks, other State requirements and local needs. In addition to student expectations and curriculum requirements, students should be encouraged to broaden their education to the maximum permitted by individual ability.

Curriculum will be evaluated and revised periodically based on student assessment data.

F.S. 1001.11, 1001.41, 1001.42, 1001.43, 1001.51, 1006.28, 1008.34

F.S. 1012.27

Chapter I of Education Consolidation and Improvement Act of 1981

P.L. 97-35

Effective Date: 07/01/05

TESTING

There shall be a Countywide testing program which measures curricular program by testing general ability and academic achievement. Results from such standardized tests shall be related to State and National norms and shall be reported to the principals, Directors, Superintendent, and the Board.

F.S. 1001.11(5), 1001.41, 1001.43, 1008.22, 1008.34
Effective Date: 07/01/05

STUDENT GROUPING

Ability grouping shall be affected on the secondary level for maximum benefit to all students.

Any plans of elementary grouping for instructional purpose must be approved by the Superintendent or designee and reported to the Board. Plans shall be carefully made and take into account:

- A. purpose of grouping
- B. method of grouping
- C. availability of materials and facilities
- D. evaluation of effectiveness
- E. anticipated outcome
- F. extent of parent cooperation and understanding

F.S. 1001.41, 1001.43, 1006.07
Effective Date: 07/01/05

ADOPTION OF COURSES OF STUDY

The Board shall provide a comprehensive instructional program to serve the educational needs of the students of this District. In furtherance of this goal and pursuant to law, the Board shall periodically adopt courses of study.

The Superintendent shall recommend to the Board such courses of study as are deemed to be in the best interests of the students.

Each course of study is intended to provide a basic framework for instruction and learning. Within this framework, each teacher shall use the District adopted course of study in a manner best designed to meet the needs of the students for whom s/he is responsible.

F.S. 1001.41, 1001.42, 1001.43
Effective Date: 07/01/05

EXTENDED DAY

Administrative procedures shall be established to provide for the following:

- A. programs and services which are available to participating students both prior to the start of the regular school day at selected schools and after school.
- B. the program emphasis is on providing educational opportunities and a variety of activities that promote the development of children in the program;
- C. adequate attention is provided to an environment that meets the needs and well-being of children;

The safety and security of students is protected. Children will have the opportunity for a variety of physical activities in this program.

- D. parents and families are notified about the program and the procedures for enrollment.

F.S. 1000.04, 1001.41, 1001.43
Effective Date: 07/01/05

RELIGION IN THE CURRICULUM AND INSTRUCTION

The Board is responsible for determining policies and programs necessary for the efficient operation and general improvement of the District, including adopting courses of study and instructional materials that provide a secular program of education. The Board therefore has an important pedagogical interest in establishing the District's curriculum, and a legitimate concern for ensuring that the District's educational programs are religiously neutral. No devotional exercises or displays of a religious character will be permitted in the District in the conduct of any program or activity under the jurisdiction of the Board. 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, objective, nonsectarian instruction about the religions of the world.

Religious consciousness permeates the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the District schools frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may include religious literature, history or social customs shall not, by itself, bar their use by the District so long as the materials do not have the purpose or effect of endorsing, advancing, sponsoring, inhibiting, or disparaging religion or a particular religious viewpoint. All staff members employing such materials shall be neutral in their approach and avoid using the materials to endorse, advance, sponsor, inhibit or disparage religion in any way.

Religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. District curriculum and resource materials shall be chosen for the education of District students, not for conformity to religious principles. Students should receive neutral and unbiased instruction so that they might individually and privately accept or reject the instruction thus conveyed, each in accordance with his/her own religious beliefs.

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 or her religion. However, if after careful, personal review of the program's lessons and/or materials, a parent indicates to the school that either the content or activities conflict with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from a particular class period for specified reasons. The student will be provided

with alternate learning activities and assignments during the times of such parent requested absence.

No classroom teacher shall be prohibited from providing brief periods of time for silent meditation upon a moral, philosophical, or patriotic theme. No student shall be required to participate in any such period of silent meditation if contrary to the religious convictions of the student or his or her parents.

The Superintendent shall develop administrative procedures to implement this policy.

F.S. 1001.41, 1001.43, 1003.45
U.S. Constitution Amendment 1
Effective Date: 07/01/05

ABSENCES FOR RELIGIOUS INSTRUCTION

The Board desires to cooperate with those parents who wish to provide to religious instruction for their children but also recognize its responsibility to enforce the attendance requirements of the State.

This policy authorizes a parent to request and be granted permission for absence of a student from school for religious instruction or religious holidays.

No solicitation for attendance at religious instruction shall be permitted on District premises. No staff member shall encourage or discourage participation in any religious instructional program.

F.S. 1001.41, 1001.43, 1003.21
Effective Date: 07/01/05

HOMEWORK

The 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.

Homework should be a properly planned part of the curriculum, extending and reinforcing the learning experience of the school.

Teachers are specifically prohibited from assigning homework as punishment.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

FIELD TRIPS

Teachers are encouraged to plan field trips of educational and enrichment value to students. The following procedures shall be observed:

- A. The principal must approve the plan.
- B. The principal retains the authority to determine who will chaperone a field trip.
- C. Students must have written parental permission to participate.
- D. No financial commitments are to be made nor monies to be collected involving over twenty-five (\$25) dollars per student for field trips or travel before Board approval.
- E. All out-of-state field trips must have Board approval prior to each trip.
- F. In-state field trips outside a seventy-five (75) mile radius must have Board approval prior to each trip, with the exception of those activities sanctioned under the Florida High School Activities Association (FHSAA), other interscholastic activities, competitions and performances. The Superintendent may approve such field trips on a case-by-case basis under circumstances where time constraints make it impossible to obtain Board approval prior to the scheduled date of the leave; provided, however, that the Superintendent shall report, in writing, the fact of and reason for the approval at the next meeting of the Board.
- G. Planning shall include instruction so that students will be adequately prepared. The principal should discuss student rules of safe school bus riding with students and teachers.
- H. The Superintendent may approve payment of advanced deposits for field trips on a case-by-case basis under circumstances where time constraints make it impossible to obtain Board approval prior to payment deadlines.

Travel plans outside of the United States must include the procedures above, plus:

- A. Requests for foreign travel must conform to established State and District curriculum guidelines.
- B. Requests for foreign travel must be submitted to the Division of

Instruction for review and approval one month before being placed on Board agenda.

Non-Board approved trips will use the following procedures:

- A. The Adult and Community Education Department must approve and assign space for all non-Board trips or travel planning meetings.
- B. When using school facilities for planning or organizing non-Board field trips or travel, all materials issued to the public must carry the printed message: "THIS IS NOT A MARTIN COUNTY SCHOOL DISTRICT ACTIVITY."
- C. The school work day is not to be used to solicit students to participate in non-Board field trips or travel.

F.S. 1001.41, 1001.43, 1006.21, 1006.28

Effective Date: 07/01/05

Amendment Date: 08/21/07

SPECIAL SERVICES

I. **HEALTH SERVICES**

The Board shall cooperate with the county health department who shall provide professional medical supervision in accordance with Florida Statutes. The District and the health department shall jointly develop a school health services plan and submit it to the Board for approval.

II. **MENTAL HEALTH 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. If such services are provided to students, the Superintendent will develop procedures to implement.

F.S. 1001.41, 1001.42, 1001.43
Effective Date: 07/01/05

STUDENT SURVEYS

The District shall comply with State and Federal requirements for the collection and reporting of certain information by means of student surveys, while at the same time protecting student privacy.

It is the policy of the District to notify parents of upcoming surveys that reveal information concerning one or more of the following items:

- A. political affiliations or beliefs of the student or the student's parents
- B. mental and psychological problems of the student or the student's family as well as general health practices
- C. sexual behavior or attitudes
- D. illegal, anti-social, self-incriminating, or demeaning behavior
- E. critical appraisals of other individuals with whom respondent have close family relationships
- F. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers
- G. religious practices, affiliations, or beliefs of the student or student's parent
- H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

I. **PARTICIPATION VOLUNTARY**

No student shall be required to participate in such a survey if the student or the student's parents, if the student is a minor, objects to participation. Parents will be given the opportunity to opt their child out of participation. Written parental permission must be obtained before a student participates in any survey conducted by the United States Department of Education.

II. **RIGHT TO INSPECT**

A student or the student's parent, if the student is less than 18 years of age, has the right to inspect any such survey instrument, and instructional material used as part of educational curriculum for students and to be advised of arrangements that will be made to protect student privacy, before

the survey is administered or distributed to students, if a request is made within a reasonable period of time.

III. NOTIFICATION OF PARENTS

Parents will be notified of this policy annually at the beginning of the school year and within a reasonable period of time if any substantive change is made to this policy. Such notice shall include the specific or approximate dates during the school year when any such survey will be administered.

F.S. 1001.41, 1001.43

20 U.S.C. 1232H

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

34 CFR Part 98 and Part 99

Effective Date: 07/01/05

SCHOOL PATROL

Students are encouraged to participate in a school patrol program. The following criteria shall apply:

- A. The school patrol shall be the principal's responsibility.
- B. Potentially hazardous patrol activities must be under the supervision of the law enforcement officer on duty.
- C. Members of the school patrol must receive adequate training.
- D. The principal and teacher must instruct the school's students in the patrol's functions and his/her responsibility to follow patrol members' directions.

F.S. 1001.41, 1001.43, 1001.54, 1006.141, 1012.28
Effective Date: 07/01/05

PHYSICAL EXAMINATION FOR STUDENT ATHLETES.

Each student, who desires to participate in interscholastic athletics, must have on file with the principal or designee a properly completed Board athletic health examination form prior to any athletic practice or competition.

There must be a Board athletic participation certificate form filed each succeeding school year, and for each additional sport, prior to any interscholastic athletic practice or competition.

A physician's review of the athletic participation form and of the athletic health evaluation form shall determine whether or not a student is to be allowed to participate in interscholastic athletic events.

F.S. 1001.41, 1001.43, 1012.48
Effective Date: 07/01/05

USE OF AUTOMOBILES ON LOAN

An agreement between the automobile dealer and the Board regarding the loan and use of the driver training automobile shall incorporate the respective responsibilities of both parties.

Cars are to be used for the purpose specified in the agreement only.

At the end of the school day, cars must be stored at the bus storage depot or in the high school driving range.

Personal use of cars by the school staff is strictly prohibited.

F.S. 1001.41, 1001.43, 1003.48, 1006.21

Effective Date: 07/01/05

SUMMER ACADEMIC INSTRUCTION

The Board may conduct summer programs of academic instruction for students needing extended school year services.

If the number of summer classes exceeds the number of available contracted teachers having a particular certification, non-contracted teachers may then be employed.

F.S. 1001.41, 1001.43, 1006.28
Effective Date: 07/01/05

ADULT AND COMMUNITY EDUCATION

I. ADULT EDUCATION

The Board shall operate an educational program for adults.

An adult is one who is beyond the compulsory school age and who has legally left the elementary or secondary school or a high school student who is taking an adult course required for graduation.

Courses offered shall conform to the recommendations of the State Department and contribute to the general educational needs and objectives of adults. Adult general education shall consist of:

- A. Adult basic skills education program which consists of a group of courses at or below the eighth grade level including reading, mathematics, social studies, science, health, the language arts, consumer education, English as a second language, and remediation courses for certificate of completion recipients to prepare them to meet the standards required to receive a high school diploma.
- B. Adult secondary education program which consists of courses at or above the ninth grade level, for adults, including review courses in preparation for taking the General Educational Development tests and courses for high school credit leading to award of a high school diploma. Such courses shall be of sufficient length and content to permit a level of competence which is at least equivalent to that required of other students in public high schools in the District.

The programs shall provide the opportunity for adults to enroll at any time during the year that these programs are offered.

State-approved assessment instruments will be used to determine whether a student enrolled in the adult general education program demonstrates skills at or below the eighth grade level.

Student progression of skills will be measured in accordance with State-approved indicators.

II. HIGH SCHOOL CREDITS

The adult high school may grant credits, or units of credit, on the basis of the following:

- A. Educational experiences gained in the armed forces of the United States under the following conditions:
1. Two (2) credits in an elective subject area recorded as military training to any individual who has satisfactorily completed a minimum of one (1) full year of service in the Armed Forces, as evidenced by documentation provided by the Armed Forces.
 2. Correspondence courses in high school subjects taken under the auspices of the United States Armed Forces Institute provided bona fide certificates of course completion are shown.
 3. Organized courses of instruction completed in special schools operated by the Armed Forces provided documentary evidence of course completion submitted.
 4. No more than eight (8) credits may be awarded toward high school graduation based on course work and military experience completed while in the Armed Forces.

III. **GRADUATION**

The adult high school may grant a high school diploma on the basis of any one of the following:

- A. Meeting the same graduation requirements established for the standard diploma with the exception of the physical education credit requirement. Adult Students must meet the requirements of the Standard Diploma with General Academic Programs Emphasis with the exception that half (1/2) credit in physical education may be waived and substituted with an elective.
- B. Laboratory components of science requirement may be waived if lab facilities are not available.

IV. **G.E.D.**

The General Education Development (G.E.D.) test will be administered in Martin County in cooperation and in accordance with the State Department of Education.

V. **FEE SCHEDULE**

The Board shall collect fees for adult education programs pursuant to State Board rule(s), State statutes, and as determined by local need.

Adult education fee schedules will be recommended by Career Development, Applied Technology, and Continuing Education Director and submitted for Board approval upon recommendation by the Superintendent.

Materials, books, uniforms, insurance, and equipment user fees shall be charged based on the Board's cost of said materials, books, uniforms, insurance, and equipment.

Class and registration fees may be waived for any student who demonstrates skills at or below the eighth grade level as measured by the State approved assessment instruments and/or a student with documented absolute financial need.

VI. COMMUNITY EDUCATION

The Board shall operate community education programs in areas of educational, recreational, health, cultural, and other related community and human services.

Community education is designed to serve all age groups in the community and groups with special needs for community education activities.

Community education is offered to reinforce and extend the services of the regular instructional program.

F.S. 1001.41, 1001.42, 1001.43, 1003.435, 1003.438, 1004.01, 1004.96,
1006.062, 1009.22, 1009.25, 1009.26, 1009.27
F.A.C. 6A-6.020, 6A-6.021
Effective Date: 07/01/05

ALTERNATIVE SCHOOL PLANS/PROGRAMS

The Board recognizes that the regular school program may not be appropriate for all students and that certain students may need a special program to help them overcome attendance, academic, and/or behavioral problems.

The Board authorizes the Superintendent to provide alternative education programs for students who will benefit from this educational option. Participation in an alternative program does not exempt the student from adherence to school attendance rules or the Code of Conduct.

F.S. 1001.41, 1001.43, 1003.53, 1003.54
Effective Date: 07/01/05

SPECIAL PROGRAMS AND PROCEDURES FOR
EXCEPTIONAL STUDENT EDUCATION

The Superintendent shall promulgate special programs and procedures for exceptional student education and shall submit them to the Board for review and approval. Following Board approval the special programs and procedures shall be submitted to the State Department of Education.

Further after the State Department of Education approves the special programs and procedures, they shall be distributed to all school principals.

All amendments to the special programs and procedures shall also be brought to the Board and the State Department of Education above.

F.S. 1001.41, 1001.43

F.A.C. 6A-6.3411

34 C.F.R. 300.520

Effective Date: 07/01/05

SCHOOL SUPPLIES SALE

Schools are authorized to sell school supplies such as notebook paper and pencils for the convenience of pupils, and other items as approved by the principal.

- A. Such sales are subject to the Florida Sales Tax. This can be handled by a lump sum payment to the vendor at the time of purchase.
- B. Profits from such sales shall be used for the benefit of the school. These funds shall be accounted for by each principal through the Internal Fund.

F.S. 1001.41, 1001.42, 1001.43, 1001.54, 1010.04, 1011.06, 1011.07

F.S. 1012.28

Effective Date: 07/01/05

USE OF MOVIES AND VIDEOS

The Board believes that the use of movies, videos and electronic media in all District programs must be consistent with the District's goals and objectives, curriculum frameworks and student performance standards. The content of such materials must be age and grade-level appropriate.

I. PROHIBITED SHOWINGS

Use or display of a movie in connection with any school-related class, program or function shall be prohibited as follows:

- A. No movies rated X or NC-17 by the motion picture industry may be shown to students at any grade level.
- B. No movies rated R by the motion picture industry may be shown to students in kindergarten through tenth grade.
- C. No movies rated PG or PG-13 by the motion picture industry may be shown to students in kindergarten through fifth grade.

II. LIMITATIONS ON PG AND PG-13 RATED SHOWINGS

Showing of movies rated PG or PG-13 by the motion picture industry to students in grades sixth through twelve is only allowed if:

- A. Any employee desiring to exhibit such a film must submit a request to the school principal or, in the event of a district-wide program, to the Director of School Improvement and Curriculum for approval. The principal or Director of School Improvement and Curriculum shall notify the Superintendent of his/her recommendation regarding whether to permit exhibition of the movie.
- B. Such movie may only be shown if approved by the Superintendent or his/her designee. The Superintendent may request review and recommendations from a committee impaneled in accordance with AP9130.
- C. If the Superintendent approves the showing of the movie, the employee who submitted the request shall notify the parents of the scheduled showing of the movie. Such notice shall include a form to allow parents to give permission for their child to view the movie. A student shall not be permitted to view the movie without permission of a parent/guardian.

- D. Any student not viewing the movie shall be given an appropriate and comparable alternative assignment.

III. LIMITATIONS ON R RATED SHOWINGS

In limited circumstances, eleventh and twelfth grade students may be able to benefit from a showing, with parental permission, of carefully monitored R rated movies with demonstrable educational, literary or historical value. Showing of movies rated R by the motion picture industry to students in grades eleven and twelve is allowed only if:

- A. Any employee desiring to exhibit such a film must submit a request to the school principal or, in the event of a District-wide program, to the Director of School Improvement and Curriculum for approval. The principal or Director of School Improvement and Curriculum shall notify the Superintendent of his/her recommendation regarding whether to permit exhibition of the movie.
- B. The film has demonstrable educational, literary or historical value and is to be exhibited only to eleventh and twelfth grade students.
- C. Such movie may only be shown if approved by the Superintendent or his/her designee. The Superintendent may request review and recommendations from a committee impaneled in accordance with AP9130.
- D. If the Superintendent approves the showing of the movie, the employee who submitted the request shall notify the parents of the scheduled showing of the movie. Such notice shall include a form to allow parents to give permission for their child to view the movie. A student shall not be permitted to view the movie without permission of a parent/guardian.
- E. Any student not viewing the movie shall be given an appropriate and comparable alternative assignment.

The foregoing provisions of this rule shall apply regardless of whether the movie is shown on or off school property.

The foregoing provisions of this rule shall apply to all programs of the District including, but not limited to, classroom instruction, extended day and summer camp activities.

Movies shall only be shown in compliance with all copyright laws.

F.S. 1001.41, 1001.42, 1001.43, 1006.28(3), 1006.29, 1006.41, 1006.42

F.S. 1012.27

F.A.C. 6A-6.3411, 6A-7.074

Effective Date: 07/01/05

STUDENT ASSESSMENT

The Board shall assess student achievement and needs of 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 outcome goals of this District.

At least annually, staff members will assess the proficiencies and needs of each student. Procedures for such assessments may include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standardized testing programs, and teacher-made tests.

The Superintendent shall develop a program of testing that may include, but not be limited to:

- A. State-mandated achievement tests;
- B. end-of-course tests at appropriate grade levels to measure achievement of performance objectives in designated courses;
- C. diagnostic testing and alternative assessments.

The Board shall also require:

- A. mandatory participation by eligible students as defined by State Board of Education rules;
- B. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;
- C. data regarding individual test scores be entered on the student's cumulative record, where it will be subject to the policy of this Board regarding student records;
- D. school and District achievement test results will be reported to the public annually;
- E. remediation services be provided to any student who scores Level I on the State-mandated achievement test;

Remediation services shall be provided to any student who does not meet the testing requirement for graduation prior to retesting.

- F. procedures shall be developed for the annual assessment of 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 District shall notify the parent or guardian of each student whose reading skills are below grade level and provide intervention services to each student reading below grade level.

For each student required to be offered remediation services, the District shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services.

All identified disabled students in the District shall be considered for participation in the State-mandated testing program for competency and proficiency testing. The consideration for participation shall be made by the IEP team. The extent of participation in and/or exemptions from the testing shall be delineated on the student's IEP.

The Board shall take appropriate and necessary action, up to and including discharge, against any employee who knowingly and willfully violates test security rules adopted by the Department of Education for any State-mandated assessment.

State mandated administrative procedures for test security will be maintained to ensure the integrity of District and State assessments.

F.S. 1001.41, 1001.43, 1008.22, 1008.25, 1008.30, 1008.301

F.A.C. 6A-1.0943

Effective Date: 07/01/05

ANIMALS IN THE CLASSROOM

With the exception of service animals, use of animals in classrooms shall be limited to that necessary to support the educational mission, taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

3000	PERSONNEL
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3105	Personnel File
3107	Personnel Directory
3110	Job Descriptions
3115	Supervision of Family Members (Nepotism)
3120	Vacancies, Posting of
3125	Resignation Procedure
3126	Conditions for Employment and Re- Employment of Personnel
3128	Evaluation of Personnel
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3141	Criminal Background and Employment
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3142.01	Discrimination Complaint Procedure
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3160	Privacy Protections of Fully Insured Group Health Plans
3161	Benefits
3161.01	Benefits for Non-Represented Staff
3162	Leaves – General
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3162.02	Leaves - Non-Professional
3162.03	Leaves – Other Professional
3162.04	Leaves – Illness in Line of Duty
3162.05	Leaves – Maternity/Paternity/Adoption
3162.06	Sick Leave Pool
3163	Family & Medical Leaves of Absence (“FMLA”)
3170	Conflict of Interest
3173	Student Supervision and Welfare
3177	Staff Gifts
3179	Staff Dress and Grooming
3185	Political Activities
3188	Outside Activities of Staff
3310	Principal Responsibilities
3321	Administrative Contracts
3322	Administrative Salary

3505	Instructional Planning
3520	Employment of Professional Staff
3520.01	Teaching Experience for Salary Purposes
3520.02	Employment of Part-Time Adult Professional Staff
3520.03	Employment of Substitutes and Part-Time Professional Staff (Pulled for further consideration)
3520.04	Adult Education Certification
3520.05	Co-Curricular Responsibilities
3520.06	Part-Time Extra-Curricular Personnel (Pulled for further consideration)
3520.07	First Aid Training and CPR Certification
3529	Lesson Plans
3529.01	Tutoring
3530	Professional Staff Re-Assignment and Transfer
3720	Employment of Support Staff
3720.01	Bus Drivers – Employment
3720.02	Vehicle Operator’s Employment and Retention
3720.03	Temporary Appointment, Substitutes and Student Employees
3762	Drug and Alcohol Testing of Holders of Commercial Drivers’ Licenses

PERSONNEL APPOINTMENT

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

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

Any person employed in a position requiring certification shall possess a valid certificate issued by the District or by the Florida Department of Education, as permitted by law, and shall file the certificate with the District.

The Board shall require a candidate for employment with an out-of-district certificate not comparable to the District certification to complete all requirements for initial employment and certification.

All employees 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 District. Any person employed by the Board who shall be guilty of any willful violation of the policies of the Board shall be guilty of insubordination and shall be subject to dismissal or such other lesser penalty as the Board may prescribe.

I. PROFESSIONAL STAFF/ADMINISTRATORS

- A. Prior to May 1st, principals, directors, and supervisors will confer with and make recommendations to the Superintendent relative to appointments in their respective schools and areas of responsibility. The Superintendent shall submit to the Board the names of persons recommended for appointment. The Board shall act not later than three (3) weeks after the end of the regular legislative session or May 31st, whichever is later, on the Superintendent's nominations of supervisors, principals, and members of the professional staff.
- B. The Superintendent or his/her designee must interview job applicants prior to recommending personnel.
- C. No employee of the Board, other than the Superintendent, Assistant Superintendent, Personnel Director, or other designee of the Superintendent may make an active commitment for employment by the Board.

II. **SUPPORT STAFF**

- A. Prior to May 1st, principals, supervisors, department heads, and the Director of Personnel will submit personnel recommendations to the Superintendent for the succeeding fiscal year.
- B. The recommendations will include the name of the employee and/or the title of position
- C. When there is a recommended increase in level, number of month's employment, or the step progression is more than normal, recommendation will be accompanied by complete justification.
- D. Upon Board approval, notification of personnel action will be issued by the Personnel Department.

F.S. 1001.41, 1001.43, 1001.51, 1012.23
Effective Date: 07/01/05

PERSONNEL FILES

I. DEFINITION OF PERSONNEL FILES

The term personnel file means all records, information, data, or materials maintained by the Board anywhere, in any form whatsoever, with respect to any of its employees, which are uniquely applicable to that employee, whether maintained in one or more locations.

II. ACCESS TO PERSONNEL FILES

A. The complete file is open to:

1. Board members
2. Superintendent
3. principal
4. employee
5. designees of above
6. law enforcement personnel involved in a lawful criminal investigation

B. The limited file is open to anyone who files and signs an appropriate request. After the request is made an effort shall be made to provide current records within a reasonable time.

C. All material in the personnel file is subject to public review except as noted below for the period of time indicated:

Item(s)	Timeline
1. A complaint or any material relating to the investigation of a complaint	Until the preliminary investigation is complete or ceases to be active.
2. Evaluation prepared prior to July 1, 1983.	Permanently exempt.

3. Evaluations prepared on or after July 1, 1983.

Exempt until the end of the school year following the school year during which the evaluation is made.

4. Derogatory materials.

Exempt until 10 days after the employee has been notified of the presence of such materials as per Special Handling for Certain Materials Contained in Personnel Files Item "D"

5. Payroll deductions, medical, psychiatric, and psychological information.

Permanently exempt except to a hearing officer or panel.

III. SPECIAL HANDLING FOR CERTAIN MATERIALS CONTAINED IN PERSONNEL FILES

- A. No anonymous letters or materials shall be placed in the file.
- B. Derogatory materials pertaining to an employee may be placed in a personnel file only if they pertain to work performance or other matters that may be cause for discipline, suspension or dismissal.
- C. Materials relating to work performance or other such matters that may be cause for discipline, suspension or dismissal must be reduced to writing within forty-five (45) days of the administration's becoming aware of the facts reflected in the material and signed by a person competent to know the facts or make the judgment. Additional material may be added to clarify or amplify as needed.
- D. A copy of all such materials to be placed in the personnel file shall be provided to the employee either:
 - 1. by certified mail; return receipt requested to his/her address of record; or
 - 2. by personal delivery to the employee.

Employees' signature on a copy of the material signifies receipt only.

- E. The employee has the right to answer in writing any material in the personnel file.
- F. Upon a written request by an employee, the Superintendent or his/her designee will make an informal inquiry regarding materials in a personnel file the employee believes to be false. The official making the inquiry shall attach a written report of findings to the material in the file and send a copy to the employee.
- G. All forms and material necessary for normal business transactions shall be made a part of each employee's personnel file.

IV. **GENERAL INFORMATION**

- A. Any employee may receive a copy of any material in his/her file at the allowable cost.
- B. The custodian of the personnel files will maintain a record in each file of persons reviewing the file each time it is reviewed.
- C. All requests for information from the public must be in writing, subject to approval by the appropriate supervisor in the finance or personnel department.

V. **INVESTIGATIONS**

- A. A preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.
- B. A preliminary investigation of a complaint must terminate in any of the following ways:
 - 1. with a finding that there is no probable cause to proceed further.

A statement to that effect signed by a responsible investigating official shall be attached to the complaint.
 - 2. with a finding that there is probable cause to proceed further or with disciplinary action taken or charges filed.
 - 3. with the investigation ceasing to be active.

An investigation shall be presumed to be inactive if no finding relating to probable cause is made within sixty (60) days after the complaint is made.

F.S. 1001.41, 1001.43, 1012.31, 1012.33
Effective Date: 07/01/05

PERSONNEL DIRECTORY

A District Personnel Directory will be published not later than November 15th of each year. Except for employees exempted by Section 119.07(3)(i), Florida Statutes, the Directory will list all staff agencies and schools, and will reflect employees' names, addresses, telephone numbers, and duty assignments. The telephone number may be omitted for employees with unlisted telephone numbers. All requests for omission of data from the Directory, other than unlisted telephone numbers, must be submitted in writing to the Superintendent for approval.

Directories will be provided to all staff, agencies, and schools for their use. Copies will be made available to the public, upon request, at a cost established by the Superintendent to cover the cost of publication and handling.

F.S. 119.07(3)(i), 1001.41, 1001.43
Effective Date: 07/01/05

JOB DESCRIPTIONS

The Board shall designate positions to be filled, approve job descriptions and prescribe qualifications for those positions.

Each employee position shall have a current job description stating:

- A. title
- B. qualifications
- C. reports to
- D. supervises
- E. performance responsibilities

For those positions which are included within a classified collective bargaining unit, the term of employment and salary level shall be as reflected in the current ratified collective bargaining agreement, and for professional staff, as further provided by Florida Statutes, and Department of Instructional Personnel, as further provided by Florida Statute and the Department of Education Rules, and the individual contract of employment with the Board. For administrative and other professional staff positions which are not included within a classified collective bargaining unit, the length of contract and salary or level shall be as reflected in the job description and as further updated and approved by the Board from time-to-time.

The Superintendent shall recommend to the Board duties and responsibilities which need to be performed and positions which need to be filled to make possible the development of an adequate school program in the District. The Superintendent shall recommend minimum qualifications of personnel for these various positions, and nominate in writing persons to fill such positions.

The Superintendent will conduct an annual review of job positions and school district organizations, and make such recommendations to the Board as are appropriate for continued improvement in the efficient operation of the school program in the District.

The Superintendent will review all positions which become vacant with the Board whenever a change in qualifications for the position is indicated, and

make such recommendations as are appropriate for action by the Board prior to seeking a candidate to fill the position.

F.S. 1001.32, 1001.41, 1001.43, 1012.22, 1012.27
Effective Date: 07/01/05

SUPERVISION OF FAMILY MEMBERS
(Nepotism)

In order to promote a more open, productive environment for education where all students, parents and faculty can feel free to take their concerns or questions to school site personnel with administrative functions, no school site shall have a person with administrative responsibilities (Schedule DA administrators) and also employ a family member on the campus. Further, no person shall be hired or transferred into a position which will cause that employee to directly supervise or be directly supervised by another family member. If a person is hired or transferred into a position in which s/he will directly supervise or be directly supervised by another family member, s/he shall immediately notify the Director of Personnel.

Exceptions to this policy may be authorized by the Superintendent, at his/her discretion, on a case-by-case basis as the needs of the school system may require. Exceptions that exceed sixty (60) days will need Board approval.

These modifications shall be in effect for all employees.

For purposes of this rule, "family member" shall be defined as:

- A. husband/wife
- B. parent/child, step-child or grand-child
- C. Siblings (full, half, step,)
- D. other individuals sharing the same domicile

F.S. 1001.41, 1001.43, 1001.51, 1012.23
Effective Date: 07/01/05

VACANCIES, POSTING OF

All position openings that occur in the District will be posted as follows, except in case of reassignment:

- A. Personnel vacancies will be posted in the Personnel Office and as directed by the Superintendent.
- B. Administrative vacancies shall be posted for a minimum of ten (10) working days; other vacancies shall be posted for a minimum of five (5) working days, prior to filling the position, except in case of compelling need or reassignment.

The Personnel Office will compile a list of all posted job openings weekly. The list of openings shall be sent to all schools and departments for posting.

It shall be the policy of the Board to employ the best qualified individual for any District vacancy at any level.

The Superintendent shall establish procedures to facilitate identification and evaluation of candidates for administrative, supervisory, or other leadership positions.

F.S. 1001.41, 1001.43, 1012.23
Effective Date: 07/01/05

RESIGNATION PROCEDURE

A resignation should be submitted by the individual employee to the Board through his/her supervisor or principal. The resignation shall be in the form of a personal letter and should include the reason for requesting severance and the effective termination date desired. The letter shall be forwarded to the Superintendent by the Personnel Department for his/her recommendation to the Board.

A resignation shall not be effected until accepted by the Board. The effective date will be determined by the Board.

Professional staff breaching contracts may be terminated with prejudice. In addition, all rights and advantages acquired by the individual through length of service may be lost.

If any employee terminates or is terminated prior to June 30th, his/her final contract salary will be computed based on actual hours worked. The total payment of salary shall be based on the number of hours worked times the hourly rate.

F.S. 1001.41, 1001.43, 1012.22, 1012.23, 1012.24, 1012.33, 1012.61

F.S. 1012.62

Effective Date: 07/01/05

CONDITIONS FOR EMPLOYMENT AND
RE-EMPLOYMENT OF PERSONNEL

Applicants for employment or re-employment must submit an employment application, or official transcripts (if required), a copy of their social security card with correct legal name, and acceptable references.

Candidates who have been offered a position must meet employment prerequisites including a negative drug test and a criminal background check. Candidates must provide appropriate documents related to job requirements, employment, and benefits. Employees whose assignment entails driving shall maintain a current and valid Florida Drivers' License.

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

F.S. 1001.41, 1001.43, 1012.32
Effective Date: 07/01/05

EVALUATION OF PERSONNEL

The continuing evaluation of personnel is necessary to enable the Board to monitor the effectiveness and competence of staff members and to assist them in the improvement of their professional performance.

The work of each employee shall be evaluated annually by their immediate supervisor. The evaluation shall be completed and on file in accordance with the time schedule established by the Superintendent.

- A. Principals and supervisors shall maintain sufficient records in order to effectively evaluate employee performance.
- B. Among the items to be maintained are anecdotal and chronological notes of conferences with employees and observations of performance.
- C. Unless such records are duly forwarded to Personnel for inclusion in the personnel file, each record held as above shall be expunged prior to the beginning of the succeeding school year (providing that no appeal or investigation is in process relative to the employee involved).
- D. The Board may require a physical or psychological examination of any employee if there is any doubt as to the physical or mental condition to perform the requirements of the position held. The cost of said examinations taken at the request of the Board or its designee, except those examinations or tests, which are prerequisites of initial employment, shall be borne by the Board.

F.S. 1001.41, 1001.43, 1012.23
Effective Date: 07/01/05

MEETINGS: PRINCIPALS AND FACULTY

I. **PRINCIPALS**

Principal meetings shall be held on a regular or as needed basis. Attendance is required unless the Superintendent approves a principal's absence.

II. **FACULTY**

Faculty meetings will be held on a regular or as needed basis in each school.

All members of the faculty are required to attend these meetings unless they are excused by the principal or have been assigned to other duties for the time of the meeting.

Department group and school improvement team meetings are encouraged.

F.S. 1001.41, 1001.42, 1001.43, 1001.54, 1012.28
Effective Date: 07/01/05

ARREST REPORTING

All certified employees and any other personnel shall self-report within forty-eight (48) hours to the Director of Human Resources or the Director of Personnel any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. In addition, such employees shall self-report in writing to the Director of Human Resources (including a copy of the final disposition) 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.

Under penalty of perjury, any person who is certified under Chapter 1012, Florida Statutes, must agree to inform his or her employer within forty-eight (48) hours if convicted of any disqualifying offense as delineated under § 1012.315, Florida Statutes, while he or she is employed in a position for which certification is required

F.S. 1001.41, 1001.43, 1012.32, 1012.39, 1012.797, 1012.315, 1012.56

F.A.C. 6B-1.006

Effective Date: 07/01/05

Amendment Date: 12/16/08

CRIMINAL BACKGROUND AND EMPLOYMENT

Upon recommendation for initial employment, all candidates for all positions shall be subject to a criminal background check to determine suitability for employment. The application for employment shall inform applicants they are subject to criminal background checks. The application shall advise applicants that failure to be truthful on the application about prior criminal history will be grounds for ineligibility or dismissal from employment. An applicant shall disclose on the application, whether s/he has ever been convicted, found guilty, entered a plea of nolo contendere (no contest) or had adjudication withheld in a criminal offense other than a minor traffic violation (DUI is not a minor traffic violation), or participated in a pre-trial diversion program. An applicant shall also disclose if s/he has been issued a restraining order, either permanent or temporary, that is still enforced.

When a person is considered for a position in the District, that applicant shall, as a condition of employment, file a complete set of fingerprints taken by a designated employee of the District trained to take fingerprints. The fingerprints shall be processed by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). The applicant who is fingerprinted shall be required to pay for full costs of processing at the time of fingerprinting. District students, enrolled in DCT or other school sponsored employment programs, will not be required to complete a set of fingerprints but will have their background checked by District staff using existing criminal justice information available to the Superintendent. Upon graduation, to continue employment, these former students must file a set of fingerprints as any other adult applicant.

No employee shall be hired before the FDLE and FBI background is reviewed with the following exceptions:

- A. No employee shall be moved from probationary status until all background check reports are reviewed. While the employee is on probationary status, the employee may be terminated at the employer's option. The District is not required to provide a reason for the termination of employment and there shall be no appeal from the decision.
- B. When the fingerprint or background check reports are returned, the Labor Employment Representative shall review both the application and the report(s) concerning the individual. The Department of Human Resources will compare the information provided by the new employee with the information received from the FDLE and/or the FBI pursuant to F.S. 1012.32. The applicant must provide verification of all prior employers for a minimum of the past five (5) years and all private or public educational institutions by which the applicant was previously employed while age eighteen (18) years or older.

- C. The District's background check committee, chaired by the Labor Employment Representative, shall review and make a determination regarding all applicants for whom a background check identifies a potential problem. The background check committee may reject an applicant or may recommend approval of an applicant to the Superintendent based upon mitigating circumstances.
- D. Based upon the facts of an application, criminal background check or other valid or reliable data sources, applicants who are convicted of serious offenses, some of which are listed below, shall not be employed by the District. As used in this section, the term conviction is defined as a finding of guilt, or plea of guilty, or a plea of nolo contendere, or a verdict of guilty. The withholding of adjudication or the entry of an order sealing or expunging the record or requiring a pre-trial intervention or pre-trial diversion program shall not be considered an exception to this section.
1. Inappropriate sexual conduct including, but not limited to, prostitution, solicitation of prostitution, sexual battery, sexual relations with a minor, possession or sale of pornography involving minors, computer pornography or obscene literature.
 2. Sale or felony possession of a controlled substance.
 3. Any crime or offense enumerated in F.S. 435.04.
 4. Possession of a gun or weapon on any District property or use of a weapon in the commission of any crime.
 5. Knowingly falsifying or altering employment application, paperwork, District forms or other documents of certificates.

E. **Reconsideration**

Applicants who have been denied employment because of their criminal record shall receive written notice and may request reconsideration by the Human Resources Department only if they present new information not previously made available.

F. Current Employees

If it is discovered during the period of employment that a regular employee has a prior criminal record or that the employee did not provide this information at the time of hire, the employee may be subject to disciplinary action, including dismissal for falsified application, or otherwise having misled the District. The final decision for termination shall be made by the Board. (See also Policy 3140).

F.S. 435.04, 1001.41, 1001.43, 1012.32
Effective Date: 07/01/05

NON DISCRIMINATION AND PROHIBITION OF HARASSMENT

I. **NON-DISCRIMINATION**

Discrimination/harassment on the basis of race, religion, national origin, sex, age, marital status, or disability is prohibited in the recruiting, hiring, assigning, promoting, demoting, or dismissing of any Board employee or applicant for employment. The District is an equal opportunity employer.

No visitor to the District shall be excluded from participation in any educational program or activity provided by the schools in Martin County on the basis of race, religion, national origin, sex, age, marital status or disability.

Any person alleging an act of unlawful discrimination/harassment covered by this policy may use the complaint procedure described in Policy 3142.01.

II. **PROHIBITION OF DISCRIMINATION/HARASSMENT**

A. **General Policy Statement**

It is the policy of the Board to maintain an education and work environment which is free from all forms of unlawful discrimination/harassment, including sexual harassment. This commitment applies to all District operations, programs, and activities. All administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful discrimination/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.

For purposes of this policy, "District community" means applicants, students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

B. Definitions

1. Sexual Harassment

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

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

- a. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual’s employment;
- b. Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- c. Such conduct has the purpose or effect of interfering with the individual’s professional performance; of creating an intimidating, hostile, or offensive employment or educational environment; or of interfering with one’s ability to participate in or benefit from a class or an educational program or activity.

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

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

- i. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- ii. Physical assault.
- iii. Threats or insinuations that a person’s employment, wages, promotion, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

- iv. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- v. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work environment, which may embarrass or offend individuals.
- vi. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- vii. 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.
- viii. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

NOTE: Any District employee who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery". The issue of consent is irrelevant in regard to such criminal charge.

- 2. Discrimination/harassment on the basis of other protected characteristic is also strictly prohibited. Under this policy, discrimination/harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, religion, national origin, sex, age, marital status or disability, and that:
 - a. has the purpose or effect of creating an intimidating, hostile or offensive work environment;
 - b. has the purpose or effect of unreasonably interfering with an individual's work performance; or
 - c. otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but it is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

III. OTHER VIOLATIONS OF THE PROHIBITION OF HARASSMENT POLICY

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging discrimination/harassment, or who has participated as a witness in a discrimination/harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of discrimination/harassment, when responsibility for reporting and/or investigating discrimination/harassment charges comprises part of one's supervisory duties.

IV. CONFIDENTIALITY

The right to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations, and the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred, to the extent possible.

V. SANCTIONS AND MONITORING

The Board shall vigorously enforce its prohibitions against unlawful discrimination/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. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). In determining whether alleged conduct constitutes discrimination/harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred will be investigated. The Superintendent or designee has the responsibility of investigating and resolving complaints of discrimination/harassment. A substantiated charge against a Board employee shall subject such employee to disciplinary action, including but not limited to, warning, reprimand,

suspension or termination, subject to applicable procedural requirements and relevant collective bargaining agreement.

Where the Board becomes aware that a prior remedial action has been taken against a member of the District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to eliminate such conduct in the future.

VI. EDUCATION AND TRAINING

In support of this prohibition of discrimination and harassment policy, the Board promotes preventative educational measures to create greater awareness of unlawful harassment and discriminatory practices, which includes training related to the implementation of this policy and its accompanying administrative guidelines.

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

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

42 U.S.C. 1983

29 U.S.C. 794, Non Discrimination under Federal Grants and Programs

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

29 U.S.C. 621, Age Discrimination Act (ADEA)

20 U.S.C. 1681 et seq., Title IX of the Civil Rights Act of 1964

F.S. 760.10 (Florida Civil Rights Act), 1000.05 (Discrimination against students and employees in Florida), 1001.41, 1001.43

Effective Date: 07/01/05

Amendment Date: 07/18/06

DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

This grievance procedure exists to provide formal resolution of complaints that Board Policy 3142 has been violated. It does not prohibit the informal adjustment of any complaint. Although pursuit of an informal adjustment is not a valid reason for missing a filing deadline, a timely filed complaint may be continued by consent of the parties in order to allow pursuit of an informal adjustment.

The Executive Director of Exceptional Student Education/Student Services is hereby designated as the District's equity officer. Her name is Maryellen Quinn-Lunny and she can be contacted by telephone at 219-1200 extension 30427. The equity officer shall be informed of the progress of all informal adjustments and grievances at each step by the District employee responsible for each step of the grievance so that the equity officer may be abreast of all matters concerning this policy and may be ready at any time to report on the same to the Superintendent, Board or an outside agency.

Where a statute or administrative rule provides a scheme for resolution of complaints arising under that statute or rule, this grievance procedure shall not be applicable.

The Board will vigorously enforce its prohibition against discrimination/harassment based on race, religion, national origin, sex, age, marital status, disability, or any other unlawful basis, and encourages those within the District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of discrimination/harassment and in those cases where unlawful discrimination/harassment is substantiated the Board will take immediate steps to end the discrimination/harassment. Individuals who are found to have engaged in unlawful discrimination/harassment will be subject to appropriate disciplinary action.

The procedure for processing a complaint alleging a violation of Policy 3142 shall be as follows:

- A. Within sixty (60) calendar days of the occurrence of an alleged incident of discrimination/harassment, the complainant may file a written complaint with the principal or supervisory administrator setting forth the date of the alleged incident, the nature of the alleged discrimination/harassment, the names of the persons involved, any witnesses to the incident, other details as appropriate, and the remedy sought. Visitor complaints shall be filed with the equity officer for determination. Any complaint not filed within this time period shall be deemed untimely filed and shall not be processed.

- B. The principal, supervisory administrator or equity officer shall investigate the complaint and issue a written ruling within twenty (20) calendar days of receipt of the complaint.
- C. In the event the principal or supervisor is the person involved in the alleged discrimination/harassment, the complainant may file a written complaint with the equity officer or next level administrator who shall investigate the complaint and issue a written ruling within twenty (20) calendar days of receipt of the complaint.
- D. The complainant may appeal the ruling to the Superintendent within ten (10) calendar days following receipt by the employee of the ruling. Any appeal not timely filed shall not be processed.
- E. The Superintendent or his/her designee shall review the ruling and conduct such further investigation as may be appropriate. The Superintendent's disposition of the complaint shall be issued within twenty (20) calendar days.
- F. The complainant may appeal the Superintendent's decision to the Board within fifteen (15) calendar days of the receipt by the complainant of the Superintendent's decision, by filing a request for a public hearing before the Board. Any appeal not timely filed shall not be processed.
- G. Deadlines herein are directory only and not mandatory upon the District. If more than twice the allotted time has expired without a response, the appeal may be taken to the next step.
- H. A complainant who fails to comply with the timeliness requirements for filing appeals as contained herein shall be deemed to have accepted the ruling or decision at the given level as satisfactory and acceptable, and to have waived the right to appeal further.
- I. **Confidentiality**
 - 1. The right to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred, to the extent possible.
- J. **Retaliation**
 - 1. Retaliating against a person who has made a report or filed a complaint alleging discrimination/harassment, or who has

participated as a witness in a discrimination/harassment investigation, is prohibited.

The complaint process set forth in the policy and in the administrative guidelines is not intended to interfere with the rights of a member of the District community or a third party to pursue a complaint of unlawful discrimination/harassment with the Florida Commission on Human Relations or the Equal Employment Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/harassment regardless of whether the member of the District community or third party alleging the discrimination/harassment pursues the complaint.

F.S. 120.53(1), 1000.05, 1001.41, 1001.43
Section 504 of the Rehabilitation Act
Title IX of the Civil Rights Act
Americans with Disabilities Act
P.L. No. 101-336(2)(b)
42 U.S.C. 12010 et seq.
Effective Date: 07/01/05
Amendment Date: 11/15/05; 07/18/06; 03/10/09

ANTI-FRAUD

I. POSITION

The School Board will not tolerate the commission of fraud or the concealment of fraud by any employee.

II. PURPOSE

The purpose of this policy is to establish certain principles for, and expectations of, District employees in order to prevent fraud, provide for the investigation of suspected fraud, provide consequences for engaging in any manner of fraud, and to heighten awareness of possible fraud.

III. DEFINITION

A. Fraud includes, but is not limited to:

1. knowingly misrepresenting a fact;
2. the concealment of a fact or information by an employee for the personal benefit of an employee or other person;
3. the inducement of another by an employee to act to his/her detriment when done within the scope of a person's employment by the School Board; or
4. the submittal of false or fabricated documentation or information, regardless of the manner or mode by which the submittal or communication is made, in order to receive a benefit or in response to any lawful inquiry by a supervisor or other appropriate District official.

B. Actions constituting fraud include, but are not limited to:

1. Falsification or unauthorized alteration of School Board, School District, state, or other official or governmental document, in the course and scope of employment by the School Board or in connection with employment by the School Board, regardless of the manner in which the document is stored, maintained, or generated, including but not limited:
 - a. Claims for payments or reimbursements – including but not limited to submitting false claims for travel or overtime;
 - b. Absence(s) from the worksite request(s) – including but not limited to a Temporary Duty Leave, Sick

- Leave, Sick Leave Bank Benefit Application, misuse of sick leave, or the like;
 - c. Any school, School District, or School Board file, record (either physical, electronic, photographic, audio or other form of storage);
 - d. Checks, bank drafts, any other financial documents, or financial records;
 - e. Student records;
 - f. Maintenance records;
 - g. Fire, health and safety reports;
 - h. Professional certification, licensure, or educational degree or evidence of any academic honor or achievement;
 - i. Any other School Board, School District, school record, or employment related document of any kind whatsoever; or
 - j. Submittal of false or fabricated documents or documentation in support of any claim for any benefit.
2. Submittal of false or misleading information in support of a claim of benefit, regardless of the manner or mode of communication including, but not limited to, a telephonic notification to the appropriate cost center, personally or through a third-party, of illness in order to avoid an absence without leave status for failure to report to or remain on duty.
3. Use of School Board, School District, or school equipment or work time for any outside private or personal business activity.

IV. APPLICATION

- A. This policy applies to any fraud, suspected or observed, involving any School Board of School District employees, teachers, substitute teachers, volunteers, members or employees of any direct support organization, and any other persons or parties in a position to commit fraud on the School Board, regardless of the suspected wrongdoer's length of service or position/title, office or relationship with the School Board, School District, or any District school.
- B. Any known or suspected fraud shall be reported immediately to the Human Resources Department.

V. **CONSEQUENCES**

Violation of this policy may result in termination or some lesser penalty including, but not limited to, suspension without pay or reprimand.

VI. **EMPLOYEE EDUCATION**

- A. All cost center supervisors and department heads shall review this policy with subordinate employees at appropriate intervals.
- B. A copy of this policy shall be placed in all employee handbooks.

F.S. 1001.32, 1001.41, 1001.42, 1001.43
Effective Date: 11/18/08

DRUG-FREE WORKPLACE

A drug-free awareness program is hereby established, and is to be implemented by the Superintendent to inform employees of the dangers of drug abuse in the workplace, of the Board's policy of maintaining a drug-free workplace, of available drug counseling, rehabilitation, and assistance programs, and of the penalties to be imposed upon employees for drug abuse violations occurring in the workplace. As part of this program, all employees and applicants for employment shall be given notice of the Board's policy regarding the maintenance of a drug-free workplace.

No employee of the Board shall manufacture, distribute, dispense, possess or use on or in the workplace any alcoholic substance, any intoxicating or auditory, visual, or mental altering chemical or substance or narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined by Federal or State law or rule or any counterfeit of such drugs or substances all being collectively referred to as drugs.

“Workplace” is defined to mean the site for the performance of work done in connection with employment. That includes any school building or any school premises; any vehicle used to transport students to and from school and school activities off school property during any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the District.

Any employee who violates the above standards of conduct will be referred for prosecution. As a condition of employment, each employee shall notify his/her supervisor of his/her conviction of any criminal drug statute for a violation occurring in the workplace no later than five (5) days after such conviction. An employee who violates the terms of this policy may be non-renewed or his/her employment may be suspended or terminated. However, at the discretion of the Board, such employee may be allowed to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program approved by the Board in lieu of a non-renewal, suspension or termination. Sanctions and discipline against employees, including non-renewal, suspension and termination shall be in accordance with prescribed District procedures and shall be commenced within thirty (30) days of receiving notice of an employee's conviction. Within ten (10) days of receiving notice of an employee's conviction in violation of this policy, the Superintendent shall notify the State and Federal Department of Education.

A. Prescribed Medications

The use of prescribed medications is not a violation of this policy, however, any use of prescribed medications that could foreseeably interfere with the safe and effective performance of duties or operation of equipment must be brought to the

attention of the employee's immediate supervisor. Failure to notify the employee's supervisor could result in disciplinary action, up to and including termination. In the event there is a question regarding the employee's ability to safely and effectively perform assigned duties while using such medication, clearance from a qualified physician may be required.

B. Search of Board Property

The Board reserves the right to search, without employee consent, all areas and property in which the Board maintains control or joint control with the employee. The Board may also notify the appropriate law enforcement agency that an employee may have illegal drugs in his/her possession.

C. Refusal to be Tested

Refusal to submit immediately to an alcohol or drug analysis when requested by appropriate administrative or law enforcement personnel or refusal to submit to a search of personal properties if requested by law enforcement personnel may constitute insubordination and may be grounds for discipline up to and including termination.

D. Under the Influence

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be detained for a reasonable time until s/he can be safely transported from the work site.

E. Handicapped Status

The Board is committed to providing reasonable accommodations to those employees whose drug or alcohol problem classifies them as handicapped under Federal or State law.

F. Employee Assistance

The Board has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their immediate supervisor or an EAP counselor for additional information.

I. APPLICANTS FOR EMPLOYMENT

Pre-employment drug screening will be required of all applicants prior to being awarded employment with the District. The term “applicant” refers to a person who has applied for a position with the District and has been offered employment conditioned upon successfully passing a drug test.

- A. Applicants will be referred to a Board approved, independent, certified collection site. The Board will not accept results from any laboratory or collection site that is not on its approved list.
- B. It will be the responsibility of the applicant to pay for any and all costs related to these tests.
- C. A positive result from a drug analysis will result in the applicant not being hired unless the applicant can produce verification of a valid current prescription for the drug identified in the drug screen.
- D. Within five (5) working days after receiving notice of a positive confirmed test result, the applicant shall be allowed to submit information explaining or contesting the test results. If the applicant's explanation is unsatisfactory, the Personnel Department shall provide a written explanation as to why, along with a copy of the report of positive results within fifteen (15) working days of receipt of explanation or challenge. All such documentation shall be kept confidential by the Board and shall be retained for at least one year.
- E. In the absence of a valid current prescription, or the ability to provide evidence to satisfactorily explain the test results, applicants testing positive will not be eligible for employment with the District for one (1) year from the date the drug screen results are received by the Board.
- F. Refusal to submit to a drug screening will be grounds to refuse to hire the applicant.

II. ADMINISTRATIVE RESPONSIBILITIES AND GUIDELINES

- A. Administrative personnel are responsible for reasonable enforcement of this policy.
- B. Administrative personnel may request that an employee submit to a drug or alcohol test when s/he has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job.

“Reasonable suspicion” is a belief based on objective facts sufficient to lead a reasonably prudent administrator to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

Reasonable suspicion includes, but is not limited to, the following examples:

1. observable phenomena while at work, such as direct observation of alcohol or drug use or of the physical symptoms or manifestations of being under the influence of alcohol or a drug.

Physical symptoms or manifestations include, but are not limited to, slurred speech, alcohol odor on breath, unsteady walking and movement, physical altercations, verbal altercations, or unusual behavior.

2. abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 3. a report of alcohol or drug use provided by a reliable and credible source.
 4. evidence that an individual has tampered with an alcohol or drug test during their employment.
 5. information that an employee has caused, contributed to, or was involved in an accident while at work.
 6. evidence that an employee has used, possessed, sold, solicited or transferred drugs or attempted to use, possess, sell, solicit or transfer drugs.
- C. Any administrator requesting an employee to submit to a drug or alcohol test should document in writing the facts constituting reasonable suspicion.
- D. Any administrator encountering an employee who refuses an order to submit to a drug or alcohol analysis upon request shall remind the employee of the requirements and disciplinary consequences of this policy. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the

administrator should arrange for the employee to be safely transported to a collection site or home.

- E. Administrators shall not physically search the person of employees, nor shall they search the personal possession of employees without the freely given written consent or, and in the presence of, the employee.
- F. Administrators shall notify the Superintendent or his/her designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the Board. If the Superintendent or his/her designee concurs that there is reasonable suspicion of illegal drug possession, s/he shall notify the appropriate law enforcement agency.

III. RESULTS OF DRUG OR ALCOHOL ANALYSIS

- A. A positive result from a drug or alcohol analysis may result in employee disciplinary action, up to and including termination.
- B. If a drug or alcohol screen is positive, the employee shall receive a second analytical procedure run on a sample that was positive on the initial screening test.
- C. If an alcohol or drug test is positive, the Superintendent or his/her designee shall conduct an investigation to gather all facts. The decision to discipline shall be based on this investigation.
- D. Within five (5) working days after receiving notice of a positive confirmed test result, the employee shall be allowed to submit information explaining or contesting the test results. If the employee's explanation is unsatisfactory, the Superintendent or his/her designee will provide a written explanation as to why, along with a copy of the report of positive results within fifteen (15) working days of receipt of explanation or challenge. All such documentation shall be kept confidential by the Board and shall be retained for at least one (1) year.

IV. CONFIDENTIALITY

Laboratory results or test results shall 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 Director of Personnel. 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 employee consent may also occur when:

(1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee assistance program; and/or (4) the information is needed by medical personnel for the diagnosis or treatment of the employee in the event the employee is unable to authorize disclosure.

Any applicant who will be driving in the capacity of a safety sensitive function as defined in the Federal Motor Carrier Safety Regulation 395.2 will follow Board Policy 3126 with regard to pre-employment drug and alcohol screening.

F.S. 440.101, 440.102, 1001.41, 1001.43
20 U.S.C. 3224A, U.S.C. 86-201
41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988
C.F.R. 34-86.201
Effective Date: 07/01/05

ALCOHOL, DRUGS, OR WEAPONS

Alcoholic beverages, drugs, guns, weapons, or any object used as a weapon are not permitted on property owned or controlled by the Board.

Alcoholic beverages, drugs, guns, weapons, or any object used as a weapon are not permitted at school-sponsored activities.

The principal or other Board employee in charge of the above site or activity is responsible to see that no alcoholic beverages, drugs, guns, weapons or any other object used as a weapon are allowed on premises.

The possession, sale, transfer, or use by any individual of any form of alcoholic beverages, drugs with abuse potential, hallucinogens, counterfeit controlled substances, or similar items, except as permitted herein, is prohibited. Drugs with abuse potential are defined as those requiring a physician's prescription, or those drugs whose possession is prohibited by Florida law.

All prescribed medications must be brought to school by the parent/guardian and received by school personnel in original containers. Prescribed medications may only be possessed, used, and administered in accordance with Policy 5330.

Any individual found using, possessing, selling or transferring, or being under the influence of drugs or alcohol in violation of this policy, shall be immediately suspended and referred to the Superintendent for further action.

Any individual found possessing a gun or weapon, or any object used as a weapon in violation of this policy, shall be immediately suspended and referred to the Superintendent for further disciplinary action, up to and including termination of employment or expulsion.

Any staff member possessing a weapon or other device designed to inflict serious bodily harm shall be reported immediately to the appropriate law enforcement agency.

F.S. 1001.41, 1001.43, 1012.22, 1012.27

18 U.S.C. 922

Effective Date: 07/01/05

CLEAN AIR ACT/TOBACCO FREE ENVIRONMENT

Smoking and the use of smokeless tobacco products by Board personnel, students, or any other person, shall not be permitted in any building or Board vehicle, on school property or while on duty in the presence of students. This prohibition includes, but is not limited to, all areas delineated pursuant to F.S. 386.205(2)(a), 386.203(6), 235.011(5), Florida Statutes, all Florida Inventory School Housing (FISH) numbered facilities, and all property owned or leased by the Board.

F.S. 386.201, 386.202, 386.204, 386.212, 1001.41, 1001.43
20 U.S.C. 6081 et seq.
Effective Date: 07/01/05

PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

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

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan
- E. Employee Assistance Plan

The Board acknowledges that these group health plans are required to comply with the HIPPA Privacy Rule. Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

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

- A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.
- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

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

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

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

The Board hereby adopts by reference the District HIPAA Privacy Procedure in effect as of April 14, 2003. The Superintendent or designee is authorized and directed to implement the privacy policy in accordance with the law and implementing regulations.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

BENEFITS

The Board shall provide all eligible employees with a core insurance benefit program, whether covered by a collective bargaining agreement or not. All insurance benefits will be set up under Section 125 of the Internal Revenue Code regulations (Cafeteria Plan). Refer to the annual benefits enrollment guide or insurance policies/certificates for specific details.

The following is a summary of the current benefit programs.

I. ELIGIBILITY FOR INSURANCE BENEFITS

For Sections "A" – "E", insurance eligibility is defined as being available to regular part-time and full-time employees. Full-time employees are defined as those regularly scheduled to work at least thirty-seven and one-half (37 ½) hours a week or more. Full-time employees shall also be defined to include all grandfathered part-time employees who are those employees hired on or before July 22, 1997, who work a minimum of twenty (20) hours per week in a regularly established position. Dependent coverage may be purchased by all full-time employees.

Single coverage will be made available to part-time employees hired after July 22, 1997, who work twenty (20) or more hours per week on a regularly scheduled basis and less than thirty-seven and one-half (37 ½) hours per week, at a cost of one half of the single rate premium. Dependent coverage will not be available to employees in this category.

Temporary, substitute, and student employees and personnel in a job training or work experience program are not eligible for insurance benefits.

II. EFFECTIVE DATE AND WAITING PERIOD FOR BENEFITS

All new employees must satisfy a waiting period for insurance benefits. Benefits are effective the first of the month next following thirty (30) days of employment in an eligible position. A waiting period also applies to transfer to an eligible position and upon return from an unpaid leave of absence (non-FMLA period). The employee must be actively at work on that date for insurance to begin.

III. ENDING DATE FOR INSURANCE BENEFITS

Insurance benefits end on the last day of the month following termination of employment, non-renewal, or reduction in hours (unpaid leave of absence, non-FMLA).

IV. **CORE BENEFITS**

A. **Life Insurance**

The Board will make available group life and accidental death or dismemberment insurance to all eligible employees in amounts established by the Board. Optional amounts of life insurance coverage may be provided and be paid by the employee through payroll deduction.

B. **Group Medical Insurance**

The Board will provide single coverage under a group health plan to all full-time employees (37 ½ hours a week or more).

C. **Employee Assistance Program**

An Employee Assistance Program which, through outside professional counseling, may provide help for employees 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.

D. **Cafeteria Plan**

Through a Cafeteria Plan benefits such as dental, vision, short-term disability and long-term disability insurance, and other supplemental insurance plans will be available to all eligible employees. Board paid contributions to the cafeteria plan may be in amounts established by the Board.

E. **Flexible Spending Accounts/Dependent Care Spending Accounts**

Flexible spending accounts may be made available as an option for paying some medical, dental, vision, and child care costs with pre-tax dollars.

F. **Workers' Compensation**

State law requires workers' compensation to be provided to all employees and volunteers of the District. This assures employees who sustain a work-related illness or injury both income and medical care for that injury until they are able to return to work. The Board will continue to provide the cost of the insurance premium associated with District provided core employee benefits for any employee who is disabled and receiving

workers' compensation for up to six (6) months following placement on workers' compensation.

G. Legal Services

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

H. Sick Leave

One (1) day for every month worked.

I. Personal Leave

Six (6) days per year for personal business (from accrued sick leave).

J. Annual Leave for 248 day employees

0 – 5 (consecutive to current employment) years – eight (8) hours per month

5 – 10 (consecutive to current employment) years – ten (10) hours per month

More than 10 (consecutive to current employment) years – twelve (12) hours per month

K. Retirement

All regular employees of the Board are required to participate in the Florida Retirement System or the Teachers' Retirement System.

Retiring employees of the Martin County School Board may be allowed a terminal pay supplement. Participating employees must qualify for and activate retirement under the Florida Retirement System or the Florida Teachers' Retirement System and notify the Director of Personnel ninety (90) days prior to the projected retirement date in order to receive this supplement. The Superintendent may waive the notice requirement. The supplement will be paid only once and is included as a portion of the final year salary.

Florida Retirement System (FRS) – The District contributes a percentage of gross salary per paycheck toward retirement. Employees have a choice of pension plan or investment plan (administered by Personnel).

403(B) Annuity Programs and 457(B) Deferred Compensation Programs are offered for voluntary participation.

401(A) Special Pay Plan is a mandatory program designed to save Social Security and Medicare taxes on all special pay (unused sick leave, vacation pay, or bonuses) upon termination of employment or for employees in the Deferred Retirement Option Program (DROP) with FRS.

Retirement procedures and all Florida Retirement Service retirement guides published by the State of Florida, Department of Management Services, and Division of Retirement are incorporated by reference and are part of this Board policy.

F.S. 112.08, 112.1915, 121.021, 440.491, 1001.41, 1001.43, 1012.26, 1012.61, 1012.65, 1012.74, 1012.798

F.A.C. 6A-1.502

Effective Date: 07/01/05

BENEFITS FOR NONREPRESENTED STAFF

Salaries and fringe benefits for Schedules "DA", "SP", "TPS", "OP", "CS", "LM", and "ED" shall be not less than those provided in the contract with the Martin County Education Association.

F.S. 1001.41, 1001.43, 1012.23
Effective Date: 07/01/05

LEAVES - GENERAL

Leaves during regular work hours must be approved by the principal or respective supervisor. Leave authorization forms will be retained at the school site or within the department.

Requests for leaves involving travel within a seventy five (75) mile radius of the employees' regularly assigned site must be approved by the principal or respective supervisor.

Requests for leaves involving travel within the State of Florida but outside of a seventy five (75) mile radius of the employees' regularly assigned site must be approved by the principal or supervisor and the Superintendent/designee.

Requests for leaves involving travel outside the State of Florida must be approved by the principal or supervisor, recommended to the Superintendent/designee, and approved by the Board. The Superintendent may approve such leaves on a case-by-case basis under circumstances where time constraints make it impossible to obtain Board approval prior to the scheduled date of the leave; provided, however, that the Superintendent shall report, in writing, the fact of and reason for the approval at the next meeting of the Board. Leave authorization forms will be forwarded to personnel.

Registration/reservation expenses may be incurred prior to Board approval if authorized by Superintendent.

When the Board provides salaries and/or travel and/or per diem for persons to attend meetings, workshops, schools, etc., a recipient may be expected to make a report to his/her principal or supervisor upon his/her return.

No leaves shall be approved in excess of funds budgeted for that purpose.

F.S. 1001.32, 1001.41, 1001.43

Effective Date: 07/01/05

SICK AND ANNUAL LEAVE

I. SICK LEAVE

Sick leave will be granted by the Superintendent/designee in cases of:

- A. illness of employee
- B. illness of close relative or member of household
- C. death of close relative or member of household

Leave and claim forms are available in the office of the principal or immediate supervisor.

Each member of the professional staff employed on a full-time basis shall be entitled to four (4) days sick leave as of the first day of employment of each contract year and thereafter shall earn one (1) day of sick leave each month of employment, which shall be credited to the employee at the end of the month and which shall not be used prior to the time it is earned and credited to the employee. Each other employees shall be credited with four (4) days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for one (1) day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which shall not be used prior to the time it is earned and credited to the employee.

The extent and accrual of sick leave, recapture of used but unearned sick leave, and accumulation of sick leave shall be as provided in F.S. 1012.61.

Sick leave earned by employees in any other Florida school district or governmental body participating in Florida's retirement system may be transferred into the District on the basis of one (1) day sick leave for each month of employment, upon certification by the losing district or agency, until the entire amount of sick leave in other districts has been transferred.

Terminal pay to an employee or beneficiary for accumulated sick leave upon resignation, retirement, or death shall be governed by the following provisions:

- A. For all employees, terminal pay for sick leave shall be determined as follows:
 - 1. After ten (10) consecutive years of service in the District, the daily rate of pay multiplied by fifty percent (50%) of the number of days of accumulated sick leave; or

2. After thirteen (13) consecutive years of service in the District, the daily rate of pay multiplied by one hundred percent (100%) of the number of days of accumulated sick leave, provided, however, that such rate after thirteen (13) years of service shall apply only to non-bargaining unit employees unless otherwise agreed to in a collective bargaining agreement.
- B. For any full-time employee other than professional staff or educational support employees, terminal pay for sick leave shall be compensated at the daily rate of pay applicable at time the sick leave was earned. For purposes of calculating this compensation, sick leave used shall be deducted on the available balance per year calculation.

For unused sick leave accumulated prior to July 1, 2004, terminal payment shall be compensated at the daily rate of pay at the time of termination.

Annual pay option for accumulated sick leave:

- A. Employees who work a complete contracted year and who have accrued thirty (30) or more sick days as of the last duty day, and who have used no more than two (2) of their ten (10) days of accrued sick/personal leave during the year may receive pay for the unused days as follows:

Number of days remaining x the employees daily rate x 80%

Donations of one day to the sick leave bank shall not disqualify the employee from payment of up to ten (10) days under the annual pay option for accumulated sick leave.

- B. The pay provision is available as an option to each qualifying employee.
- C. Days for which such payment is received shall be deducted from the employee's accumulated leave balance.

Each full-time employee may be granted six (6) days of personal leave which shall be charged to accrued sick leave. Employees may not take more than four (4) personal leave days consecutively. Such leave shall be non-cumulative and requires the approval of the supervisor.

After five (5) consecutive work days of absence charged to sick leave, an employee may be required to present a physician's statement or other verification as to the employee's ability to perform the tasks assigned.

II. **ANNUAL LEAVE**

Regular full-time (eight) (8) hours per day) twelve (12) month employees will earn annual (vacation) leave as follows:

- A. 0-5 years service – eight (8) hours per month
- B. Upon completion of 5 years service – ten (10) hours per month
- C. Upon completion of 10 years service – twelve (12) hours per month

A maximum of five hundred (500) hours of annual leave may be accrued by employees. Maximum balances for employees who have more than five hundred (500) hours of accrued annual leave as of June 30, 1988, will be the balance accrued as of June 30, 1988. Annual leave balances in excess of the maximum (five hundred (500) hours or balance on June 30, 1988, whichever is greater) will be reduced to the maximum allowed on January 1st of each year. Employees who exceed the allowed maximum for reasons related to their position shall make application to the Superintendent for an exception. Reasons for an exception may include, but are not limited to: reassignment of employees, implementation of Federal or State rules, laws, or programs which require the employee's attendance, or other job related activities which are considered to be for the good of the service. If an exception is granted, the employee will be paid for the excess leave at the salary rate in effect at the time the excess leave was earned. In no case will the established maximum be increased.

Employees will be paid in one (1) lump sum for accrued annual leave as of last day of employment due to resignation, death, termination, or retirement (not to exceed amount due for maximum allowable balance). In case of death, payment will be made to the beneficiary named in the employee's retirement application. Effective July 1, 1995, terminal pay for accrued annual leave may not exceed a maximum of sixty (60) days of actual payment for employees hired on or after that date.

Increases in allowable annual leave will be effective upon the employee reaching his/her employment anniversary date.

Employees must be employed by the Board for a period of thirty (30) days in order to qualify for annual leave. At the conclusion of the thirty (30) days, the employee will be retroactively credited for eight (8) hours' annual leave.

Annual leave accruals for twelve (12) month employees who work less than eight (8) hours per day will be prorated based on the portion of an eight (8) hour day worked.

F.S. 1001.41, 1001.43, 1012.61, 1012.22(2), 1012.67, 1012.65
Effective Date: 07/01/05

LEAVES - NON-PROFESSIONAL

I. **MILITARY**

Leave without pay shall be granted to employees drafted into the armed services. Such personnel will be returned for placement following completion of their military service.

Leave with pay up to seventeen (17) days per year shall be granted to employees who hold active reserve status and are required to engage in military training or active duty.

II. **JURY AND SUBPOENA**

Leave with pay may be granted to all employees who:

- A. are called to serve on jury duty;
- B. are subpoenaed to serve as a court witness if the following conditions exist:
 - 1. subpoena is directly associated with school position or school related activities; and/or
 - 2. where the employee is subject to punishment or disciplinary action by the court for failure to comply.

III. **EXTENDED LEAVE (WITHOUT PAY) – PROFESSIONAL STAFF**

Leave without pay may be granted for one (1) year if s/he has been employed in this County for three (3) or more recent continuous years. Such leaves will be granted for:

- A. illness;
- B. study; and/or
- C. teaching in a foreign country.

To be assured of a position and to resume successive contract status, the teacher must notify the Superintendent in writing, sixty (60) days prior to the close of the school term for which the year's leave was granted, that s/he expects to return to the county to teach.

IV. PERSONAL LEAVE (WITHOUT PAY)

Personal leave without pay may be granted to employees, at the discretion of the Superintendent, not to exceed twenty (20) working days. Requests in excess of twenty (20) working days require Board approval.

V. PERSONAL LEAVE (WITH PAY)

Six (6) days per year of accumulated sick leave may be used for personal reasons providing the principal or supervisor shall approve leave at least one (1) day in advance.

VI. MENTORING LEAVE

Administrative, supervisory and support staff may be granted up to one (1) hour of paid mentoring leave per week, not to exceed five (5) hours per calendar month, to participate in the Governor's Mentoring Initiative. Pursuant to Executive Order Number 99-212, the Governor's Mentoring Initiative is an effort to improve the quality of life and the quality of education for the children of Florida. It is the intent of this program to introduce caring adults into the lives of children determined to be in need within the community.

In determining whether to grant a request for mentoring leave, the employee's supervisor shall take into consideration the impact of such leave on the employee's work unit. The supervisor may approve the aggregated use of up to five (5) hours in any calendar month provided the supervisor deems such leave usage appropriate for the continued delivery of services of the employee's work unit. Mentoring leave may count as hours of paid leave but does not count as hours of work for overtime purposes.

F.S. 1001.41, 1001.43, 1012.61, 1012.66

Effective Date: 07/01/05

Amendment Date: 07/17/07

LEAVES - OTHER PROFESSIONAL

I. **CERTIFICATION LEAVE**

Professional leave with pay may be granted to professional staff who attend summer school in order to meet certification requirements during the pre-school or post-school period. To be eligible for such leave, personnel must be under contract for the ensuing year.

II. **ADMINISTRATIVE/SUPERVISORY LEAVE**

Administrative and supervisory personnel may be granted three (3) weeks professional leave with pay per fiscal year, cumulative for two (2) years (maximum - six (6) weeks) if s/he:

- A. is a 12-month employee;
- B. holds a continuing contract;
- C. has been employed for three (3) years and is under contract for the ensuing year;
- D. plans such leave when school is not in session, or pre or post school program is not scheduled; or
- E. does not take vacation, military or other such leave during the same fiscal year so that the period of absence from duty is in excess of six (6) weeks.

III. **MISCELLANEOUS PROFESSIONAL LEAVE**

Professional leave with pay may be granted to professional staff who are awarded scholarships and/or requested by the State Board to participate in workshops, surveys or other programs.

F.S. 1001.41, 1001.43, 1012.66

Effective Date: 07/01/05

LEAVES - ILLNESS IN LINE OF DUTY

Any employee of the District shall be entitled to illness in line of duty leave when s/he has to be absent from his/her duties because of a personal injury received in the discharge of duty or because of illness from any contagious or infectious disease contracted while in discharge of duty, provided the employee has not failed to follow established policy and procedures.

This leave shall not be deducted from accumulated sick or annual leave.

Leave shall be authorized for a total of not to exceed ten (10) working days during any school year for illness contracted or injury incurred from such causes as prescribed above. However, in the case of sickness or injury occurring under such circumstances that in the opinion of the Board warrants it, additional emergency sick leave may be granted out of local funds for such term and under such conditions as the Board shall deem proper.

Any employee who has any claim for compensation while absent because of illness contracted or injury incurred as prescribed shall file a claim in accordance with established procedures concerning leave approvals.

Where amounts payable under provisions of the school code for approved leave (sick, annual, illness in the line of duty) for injuries, accidents or other disabilities which would entitle an employee to compensation under the provisions of the Florida Worker's Compensation Law exceed the amounts payable under the said compensation law, payments shall be made, as provided above, for the difference between the amount paid under Florida Worker's Compensation Law and the amount due under the provisions of the school policy.

Amounts payable under the Florida Worker's Compensation Law are as follows:

- A. No compensation shall be allowed for the first seven (7) days of the disability; provided, however, that if the injury results in disability of more than twenty-one (21) days, compensation shall be allowed from the commencement of the disability.
- B. Compensation for disability resulting from injuries shall be governed by the Worker's Compensation Law.

F.S. 440.01 et seq., 1001.41, 1001.43, 1012.61, 1012.63,
Effective Date: 07/01/05

LEAVES – MATERNITY/PATERNITY/ADOPTION

A leave of absence without pay shall be granted to an employee for the purpose of childbearing and/or child rearing as follows:

- A. An employee who is pregnant may be entitled, upon request, to maternity leave without pay to begin at any time between the commencement of her pregnancy and one (1) year after a child is born to her. Said employee shall notify the Superintendent in writing of her desire to take such leave, and except in case of emergency shall give such notice at least thirty (30) days prior to the date on which her leave is to begin.
- B. A male employee may be entitled, upon request, to a leave without pay to begin at any time between the birth of his child and one (1) year thereafter.
- C. An employee adopting a child may be entitled, upon request, to a leave without pay to commence at any time during the first year after receiving de facto custody of said child, or prior to receiving such custody if necessary in order to fulfill the requirements for adoption.
- D. Such leave shall not exceed one (1) year, however, if the employee is on annual contract, such leave may not extend beyond the term of the current contract.

If an employee who is granted a leave of absence pursuant to “A” above notifies the Superintendent or his/her desire to return to active employment within sixty (60) days after termination of pregnancy for any reason, or the acquisition of de facto custody of an adopted child, or within sixty (60) days after commencement of the leave, whichever is later, said employee shall, within seven (7) days after receipt of the notice by the Superintendent, be assigned to a position for which s/he is qualified. If an employee who has been on leave for ninety (90) days or more gives such notice after April 30th, s/he may be placed on involuntary leave until the commencement of the next school year.

While on leave in accordance with this article:

- A. An employee shall have the option to remain an active participant in his/her state teacher retirement system and/or other fringe benefit programs by continuing to pay the amount required.

- B. An employee shall not be denied the opportunity to substitute in the District by reason of the fact that s/he is on such leave of absence.

- C. An employee shall be given the opportunity, unless otherwise provided, to continue insurance coverage in existing school programs during the leave, provided that the premiums for such insurance programs shall be paid by the employee on a monthly basis in advance of the month due.

F.S. 1001.41, 1001.43

Family and Medical Leave act of 193 (P.L. 103.3)

Effective Date: 07/01/05

SICK LEAVE POOL

A sick leave pool shall be established for optional participation by qualified full-time employees. However, no employee may be a member of more than one (1) sick leave pool. The following criteria will govern the creation, maintenance, and termination of the pool.

I. MEMBERSHIP

Employees who desire to become members of the sick leave pool must:

- A. have been employed by the District for at least one (1) full calendar year;
- B. hold at least six (6) days of accrued sick leave;
- C. donate one (1) day of accrued leave to the sick leave pool within thirty (30) days after official Board approval. Application forms shall be available in the Personnel Office.

Current members will be required to donate one day of newly accrued sick leave to the pool on September 1 of each year, unless the pool has accumulated 1,000 days or more. In that instance, current members will **NOT** be required to donate a day. Members who fail to donate a day annually shall lose their membership status. An annual written report regarding the status and administration of the pool will be submitted to the Board.

II. ACCESS

- A. A member wishing to draw from the sick leave pool must have exhausted all accrued sick leave and been absent for fifteen (15) consecutive work days.
- B. Any leave drawn from the pool must be used for the employee's personal illness, accident or injury. Such conditions must be catastrophic in nature. The condition, or knowledge of such condition, must initially occur after the donation date of the one (1) day sick leave.
- C. An employee who is on illness-in-the-line-of-duty leave, worker's compensation, or other Board approved leave is not eligible to draw days from the pool.
- D. To qualify for access to the days in the pool, the member must completely fill out the sick leave pool withdrawal form and supply the required documentation. Required documentation and approval procedures shall be determined by the Superintendent and shall include minimally a doctor's letter certifying the

condition necessitating the employee's absence from work and inability to perform duties as assigned.

- E. A member may draw a maximum of forty (40) days from the pool per qualifying accident, illness or injury. A member may not draw from the sick leave pool again for the same or a related injury or illness. After using forty (40) days from the sick leave pool, an employee may not withdraw again until the employee has worked for ninety (90) working days.
- F. The Superintendent shall establish a procedure to govern the administration of the pool, including procedures for investigating abuse of the sick leave pool. The procedure shall be reviewed annually to determine its effectiveness. If necessary, administrative directives shall be issued to improve the procedure.
- G. The Superintendent, or designee, shall investigate all applications and request all information necessary to make a decision. The Superintendent shall make the final decision regarding the applicant's eligibility.

III. **PARTICIPATION ABUSE**

The Superintendent, or designee, shall investigate all cases of alleged abuse of the sick leave pool. If an employee is found to have abused the use of the sick leave pool, that employee shall repay all of the sick leave credit drawn from the pool and be subject to such other disciplinary actions as determined by the Board.

IV. **WITHDRAWAL FROM POOL**

A participating employee who chooses to no longer participate in the sick leave pool shall not be eligible to withdraw any sick leave already contributed to the pool.

V. **TERMINATION**

If the sick leave pool is terminated for any reason, the balance of days in the account shall be equally distributed into the individual accounts of the current members. However, no employee may receive more sick leave credit than the employee transferred into the pool.

VI. **HOLD HARMLESS**

Members of the sick leave pool shall indemnify and save the Board harmless against and from any and all claims, demands, suits, or other forms of liability that may arise out of or by reason of action taken, or not taken, by

the Board for the purpose of granting this procedure for employees to use this sick leave pool.

F.S. 1001.41, 1001.43, 1012.61
Effective Date: 07/01/05

FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

In accordance with Federal law, the Board shall provide up to twelve (12) work weeks of unpaid FMLA leave in any twelve (12) month period to eligible professional staff members for the following reasons:

- A. the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;
- B. the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;
- C. the staff member is needed to care for a spouse, son, daughter, or parent if such individual has a serious health condition; or
- D. the staff member's own serious health condition prevents him/her from performing the functions of his/her position.
 - 1. Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
 - b. Continuing treatment by a healthcare provider, including:
 - i. a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves either treatment two (2) or more times by a healthcare provider, or treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;
 - ii. any incapacity due to pregnancy or for prenatal care;
 - iii. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;

- iv. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
 - v. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- E. Conditions for which cosmetic treatment are administered 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 this definition and do not qualify for FMLA leave.

Professional staff members are “eligible” if they have worked for the Board for at least twelve (12) months **and** for at least one thousand two hundred fifty (1,250) hours over the twelve (12) months prior to the leave request. All full-time professional staff members are deemed to meet the one thousand two hundred fifty (1,250) hour requirement.

Twelve (12) month period is defined as a fixed twelve (12) month period (i.e. the “leave year” is identical for all staff members – e.g. July 1st to June 30th or calendar year).

The Board shall require the staff member to exhaust any of his/her earned or accrued paid vacation leave, personal leave, or sick leave before s/he qualifies for unpaid FMLA leave provided for in either reason (A), (B), or (C) above.

The Board shall require the staff member to exhaust any of his/her earned or accrued paid vacation leave, personal leave, sick leave and/or sick leave for which s/he is eligible from the sick leave bank before s/he qualifies for unpaid FMLA leave provided for in reason (D).

The Superintendent may allow a staff member to take FMLA leave intermittently or on a reduced-leave schedule for reason (A) or (B) above. A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary as indicated in reasons (C) and (D) above.

Regardless, the taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken. If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment, the Superintendent may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Professional 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-leave schedule which would exceed twenty (20%) percent 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 professional 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.

Whenever the leave is necessitated by the serious health condition of the staff member or his/her immediate family member, and is foreseeable based on planned medical treatment, the staff member shall provide the Superintendent with thirty (30) days notice. If there is insufficient time to provide such notice because of the need for treatment, the staff member shall provide such notice as early as practicable. When planning medical treatment, the staff member must consult with the Superintendent and make a reasonable effort to schedule the leave so as not to unduly disrupt regular operation of the District, subject to the approval of the healthcare provider.

The Superintendent or his/her designee will notify the staff member when the District intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing. When verbal notice is given, it will be followed by written notice within ten (10) business days. (Form 3430.01 F1) In the case of intermittent or reduced-leave scheduled leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Superintendent does not have sufficient information about the reason for an employee's use of paid leave, the Superintendent may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent learns that a paid leave is for an FMLA-qualifying reason, the Superintendent or his/her designee will promptly notify the staff member that the paid leave will count toward the staff member's twelve (12) month week FMLA-leave entitlement.

In cases in which the Board employs both spouses, the total amount of FMLA

leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child.

When FMLA leave is taken for either reason (C) or (D) above, the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member.

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 obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final.

A staff member who takes leave for reason (D) above, prior to returning to work, must provide the Superintendent with a statement from his/her healthcare provider that s/he is able to work.

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay 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, except as required by law.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's 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 guidelines that are appropriate for this

policy and ensure that the policy is posted properly.

A copy of this policy shall be included in staff handbooks.

29 U.S.C. 2601 *et seq.*

29 C.F.R. Part 825

F.S. 110.221, 1001.41, 1001.43, 1012.61

Effective Date: 07/01/05

CONFLICT OF INTEREST

To demonstrate the proper performance of school business as well as to earn and keep public confidence in the District:

- A. Employees shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with their 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 of clients in the course of their employment with the District.
- C. Employees shall not make use of materials, equipment, of facilities of the District in private practice.

The above expectations are not intended to be all inclusive nor to substitute for good judgment on the part of all employees.

In addition, no person shall be held in violation of the prohibitions above if:

- A. within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county:
- B. the official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder; and
 - 1. the official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
 - 2. the official, prior to or at the time of the submission of the bid, has filed a statement with the Department of State, if the official is a State officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.

- C. The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

Any exception to this policy must conform to F.S. 112.311 *et seq.*

F.S. 112.311 *et seq.*, 1001.41, 1001.43, 1006.32
Effective Date: 07/01/05

STUDENT SUPERVISION AND WELFARE

All employees, because of their proximity to students, are frequently confronted with situations which if handled incorrectly, could result in liability to the District and personal liability to the employee. It is the intent of the Board to direct the preparation of guidelines that would minimize that possibility.

It is the responsibility of the Superintendent to prepare administrative guidelines for the maintenance of the following standards, including but not limited to:

- A. Each employee shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities at any location on campus or during school-sponsored activities.
- B. An employee shall report immediately to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects.
- C. An employee shall provide proper instruction in safety matters, which may include curriculum guides or manufacturer safety guidelines.
- D. Each employee shall immediately report to the building administrator any threats of violence.
- E. An employee shall not send students on any personal errands.
- F. An employee 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 employee will subject the offender to potential criminal liability and discipline up to and including termination of employment.
- G. If a student approaches an employee to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the employee should immediately contact the site administrator. However, under no circumstances should an employee attempt, unless properly licensed and authorized to do so, to counsel and assess the student's problem or behavior, nor should an employee

inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.

- H. A student shall not be required to perform work or services that may be detrimental to his/her health. Enrollment in e.g. culinary arts, shop, and contact sports shall be voluntary.
- I. An employee shall not transport students in a private vehicle without the approval of the principal and in accordance with Policy 8660.

Since most information concerning a child in school, other than directly information described in Policy 8330, is confidential under Federal and State laws, any employee who shares confidential information with another person not authorized to receive the information may be subject to discipline, and criminal 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 of Florida and Board policy, each employee shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.

F.S. 1001.41, 1001.43, 1003.32, 1003.42, 1006.061, 1006.08, 1012.27
F.S. 1012.52, 1012.53
Effective Date: 07/01/05

STAFF GIFTS

Gifts are subject to the Code of Ethics found in F.S. 112.311 et seq. Staff shall accept no gratuity, gift or favor that might influence professional judgment.

Based on the foregoing, it is the policy of the Board that employees may only accept gifts of nominal value from students or parents.

Employees shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, employees shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, employees who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual employee receives compensation in any form for services rendered.

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 employee receives such compensation, albeit unsolicited, from a vendor, the employee shall immediately notify his/her supervisor and return the gift.

F.S. 112.311 *et seq.*, 1001.41, 1001.43, 1006.32, 1012.23
Effective Date: 07/01/05

STAFF DRESS AND GROOMING

Employees are expected to dress in a professional manner.

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

Employees are encouraged to:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their professional 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 their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.

F.S. 1001.41, 1001.43, 1012.23
Effective Date: 07/01/05

POLITICAL ACTIVITIES

No employee may directly or indirectly attempt to influence another person's vote while on District property, except as may be provided by the Public Employee Relations Act. Notwithstanding the foregoing, an employee may be allowed to park a vehicle with bumper stickers on school grounds so long as they do not interfere with the conduct of school business.

There shall be no solicitation for financial support for any political candidate during regular work hours or on Board property.

Candidates for public office or their representatives, or other members of the public, shall not be permitted to campaign on Board property.

F.S. 104.31, 1001.41, 1001.43

See also, Davidson v. Community Consolidated School District, 1997 WL 135888 (N.D.Ill); Green Township Education Association v. Rowe, 328 N.J.Super 525, 746 A.2d 499; and California Teachers Association v. Governing Board of San Diego Unified School District, 53 Cal.Rptr.2d 474, 45 Cal.App.4th 1383 (C.A.4th 1996); AGO 72-62

Effective Date: 07/01/05

OUTSIDE ACTIVITIES OF STAFF

The Board directs the Superintendent to promulgate the following guidelines so that employees may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten an employee's effectiveness within the school system, the Superintendent shall evaluate the impact of such interest, activity, or association upon the employee's responsibilities.

- A. Employees should not give work time to an outside interest, activity, or association without administrative permission to be excused from assigned duties.
- B. Employees shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- C. Employees shall 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 which the employee has obtained or may obtain by reason of his/her position or authority.

F.S. 104.31, 286.021, 1001.41, 1001.43, 1006.32, 1012.23
Effective Date: 07/01/05

PRINCIPAL'S RESPONSIBILITIES

The principal shall be the instructional leader to include administrative and supervisory duties of the school to which assigned by the Board and shall be responsible for the enforcement of all Board regulations policies and Florida State Statutes which pertain to the office.

References to the principal shall include his/her designee, where appropriate.

F.S. 1001.41.1001.43, 1001.54, 1012.28

Effective Date: 07/01/05

ADMINISTRATIVE CONTRACTS

I. **ADMINISTRATIVE, PROFESSIONAL/MID-MANAGEMENT OR SUPERVISORY EMPLOYEES**

All employees classified as Administrative, Professional/mid-management or supervisory on the respective "DA", "SP", "TPS", "OP", "CS", "LM", and "ED" salary schedules of the District, shall initially serve this District in such capacities on an annual contract basis only. Such contracts may or may not be renewed, and no cause need be shown for non-renewal.

Administrative, professional/mid-management or supervisory employees who have completed no less than three (3) years of continuous full-time active duty service as employees of the District in their respective categories as administrative, professional/mid-management or supervisory employees and who are recommended for contract renewal may, at the sole discretion of the Superintendent, be recommended for a one (1), two (2), or three (3) year contract of employment in their respective categories. Such contracts may or may not be renewed, and if renewed, the term of renewal may be different than the previous term, but in no event may exceed three (3) years in duration. No cause need be shown for non-renewal nor for renewal for a different term than previously granted.

There shall not arise hereby an expectation of continued employment beyond the term of the employment contract in effect.

During the contract period, an administrative contract may be reduced in term or terminated by the Board for cause, including but not limited to, unsatisfactory job performance, a reduction-in-force by the Board, or program funding reductions by the State or Federal government.

The Superintendent shall make his/her written recommendations to the Board for renewal of administrative contracts no later than one (1) week after the end of the regular legislative session.

F.S. 1001.41, 1001.43, 1011.60, 1012.22
Effective Date: 07/01/05

ADMINISTRATIVE SALARY

I. ADMINISTRATIVE PAY

All employees classified as administrative, professional/technical or supervisory personnel shall be paid pursuant to the salary schedule adopted in accordance with this rule. Unless otherwise indicated, the salary reflected in the administrative salary schedule assumes a 248-day work year. Salaries of those employees working less than 248 days shall be prorated on a daily basis.

II. ANNUAL SALARY SCHEDULE ADJUSTMENT

Unless the Board takes action to the contrary, upon approval by the Board of the MCEA collective bargaining agreement governing a fiscal year, the base salary ("base salary" is defined to mean any salary with a 1.0 index) shall be increased by the same percentage as the last step on the Masters column of the instructional personnel schedule is increased for the fiscal year, and all other salaries on the schedule shall be adjusted according to the index. Subject to the limitations of this section, the salaries shall be made retroactive to the commencement of the fiscal year. Nothing herein, however, shall be construed to grant an employee an expectation of continued employment or continued level of compensation. Administrative contracts may be reduced in term or terminated by the Board in accordance with law. Administrative salaries may be otherwise increased or decreased throughout the contract year in the Board's discretion. Retroactive increases in pay shall be made only for those individuals remaining in the employment of the District at the time the Board authorizes the increase.

III. TRANSFERS, REASSIGNMENTS AND SALARY DECREASES

Employees who are transferred or reassigned to a lower paying position shall continue at the employee's rate of pay in the higher paying position for the balance, if any, of the fiscal year following the transfer. For the next fiscal year, the employee shall be placed on the appropriate place on the salary index and be paid accordingly.

IV. SALARY SUPPLEMENTS

Administrative, professional/technical or supervisory employees shall be granted salary supplements based upon the recommendation of the Superintendent under the following circumstances:

A. Advanced Degrees

Administrative, professional/technical and supervisory employees shall be eligible for a supplement for advanced degrees as follows:

- | | |
|--------------------------------------|------------------------|
| 1. Bachelor's Degree | \$1,200 |
| 2. Master's Degree | \$2,100 |
| 3. Master's plus Specialist's Degree | \$1,800 above Master's |
| 4. Doctorate Degree | \$3,600 above Master's |

Employees shall be eligible for such supplements provided they meet the following conditions:

1. The degree must be above the minimum education requirement for the position.
2. The degree must be from a college or university accredited by a recognized accrediting agency.
3. The degree must be in the field of the employee's job assignment.
4. The transcript or diploma documenting the degree must be on file in the appropriate District office by September 1st to receive a full year supplement or by February 1st to receive a half-year supplement.

B. Martin County Experience Supplement

Employees compensated on the administrative, professional/technical or supervisory schedules shall be paid a professional growth supplement in an amount approved by the Board.

C. Western Zone Supplement

Employees compensated on the administrative, professional/technical or supervisory schedules whose primary job location is in Indiantown shall be paid a professional growth supplement in an amount approved by the Board.

D. Western Zone Recruitment Supplement

Employees compensated on the administrative, professional/technical or supervisory schedules whose primary job location is Indiantown Middle School or Warfield Elementary School for purposes of recruitment and retention incentive shall be paid a professional growth supplement in an amount approved by the Board.

E. Food Service Manager Satellite Supplement

Employees compensated as food service managers who are responsible for satellite programs shall be paid a professional growth supplement in an amount approved by the Board.

V. PERFORMANCE INCENTIVE PAY

A supplement for school administrators, which recognizes high performance, is included in the compensation system as follows:

- A. An incentive of 5% of the individual's salary before supplements may be paid to eligible employees.
- B. This incentive shall not become a part of the employee's base pay.
- C. The Superintendent may develop other standards or expectations for eligibility and selection of recipients of this supplement.

VI. SALARY SCHEDULE

The administrative and professional/technical personnel salary schedule is as follows:

- A. The approved Salary Schedule containing salary information for Assistant Superintendents, Directors, Principals & Assistant Principals Schedule "DA"; Professional, Mid-Management and Supervisory Personnel Schedule "SP"; Technical and Other Professional Staff Schedule "TPS"; Plant Operators Schedule "OP"; Food Service Managers Schedule "LM"; and Extended Day Managers Schedule "ED" is incorporated herein by reference.

VII. RETIREMENT SUPPLEMENT

Each retiring administrative, professional/technical or supervisory employee who has worked ten (10) consecutive years for the District¹ (normal retirement only) will receive a lump sum terminal pay supplement of 15% of the employee's current annual salary. In order to receive the supplement, participating employee must qualify for retirement under the Florida Retirement System or the Florida Teachers Retirement System and notify the Director of Human Resource and Staff Development in writing of his or her projected retirement day at least ninety (90) days prior to said date. The Superintendent, in his or her discretion, may waive the notice requirement for good cause shown. This supplement will be paid only once and is included as a portion of the final year's salary.

The Board shall provide payment for single health insurance coverage to the HMO level for employees retiring after November 1, 2002 as follows:

Years of Service (%) Payment of Premium in Martin County

15-----	25%
20-----	50%
25-----	75%
30-----	100%

The Board shall continue to provide the full cost of the insurance premium associated with District provided core employee benefits for any bargaining unit member who is disabled and receiving workers' compensation for up to six (6) months following placement on workers' compensation leave. The employee may elect to participate in COBRA consistent with law.

F.S. 1001.41, 1001.43, 1012.22

Effective Date: 07/01/05

Amendment Date: 03/20/07

¹ Employees who have submitted their 90 day notice of intent to retire prior to the effective date of this policy shall be grandfathered.

INSTRUCTIONAL PLANNING

The instructional program shall seek to help each student to develop emotionally, aesthetically, intellectually, morally, physically, socially, and vocationally to the limit of his/her abilities as consistent with the established goals and objectives of the District. Goals and objectives shall be established for all programs in the County. These goals and objectives shall be utilized in planning and evaluating the curriculum.

F.S. 1001.41, 1001.43, 1006.07, 1006.08
Effective Date: 07/01/05

EMPLOYMENT OF PROFESSIONAL STAFF

I. **PROFESSIONAL PERSONNEL**

A member of the professional staff may be considered for professional service contract status after two (2) years of service in Martin County, provided such individual has previously held a continuing or professional service contract in the same or another District within this State.

Qualifications of professional personnel shall be as required by law and Florida Administrative Code. Duties and minimum performance standards shall be:

- A. teaching efficiently and faithfully, using the prescribed materials and methods;
- B. working for student achievement using every opportunity to instill the principles of truth, honesty, and patriotism;
- C. treating students respectfully, administering discipline in accordance with regulations of the State Board of Education and the Board;
- D. encouraging students to observe personal cleanliness, neatness, and good manners and requiring students to observe promptness, to avoid vulgarity and profanity, and to cultivate a regard for the rights and feelings of others, and responsibilities and duties as citizens;
- E. cooperating with the State, District, and local school officials in the enforcement of school laws and of State and Board regulations;
- F. properly keeping records and reports for submission as required by law, by regulations of the State Board of Education, and of the Board, subject to the Fair Labor Standards Act and 29 C.F.R. 541.600(e);
- G. protecting the property of the Board;
- H. delivering, on closing or suspending of school, all keys, records and reports, and accounting for all other school property to the school principal or to their immediate supervisor, as prescribed by regulations of State law and the Board;
- I. fulfilling the terms of any contract, unless released by the Board;

II. CERTIFICATION

A. State Certification

Teachers who teach in classes for which FEFP funds are earned shall be certified teachers as defined in F.A.C. 6A-1.0503 and 6A-1.0502.

Teachers who have passed the subject area exam for the subject area assignment may be placed in field.

B. District Certification

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

The Board may revoke a District certificate for cause.

C. Out-of-District Certification

1. The Board may establish reciprocal certification agreements with other Florida school districts whose employment and/or certification requirements are comparable to those of the District.
2. The Board shall require a candidate for employment with an out-of-district certificate not comparable to the District certification to complete all requirements for initial employment and certification.

III. CERTIFICATED PERSONNEL

Any person employed in a position requiring certification shall possess a valid certificate issued by the District or by the Florida Department of Education, as permitted by law, and shall file said certificate with the District.

IV. SUBJECT AREA EXPERTISE

The Board is committed to have in the District's classrooms, instructional personnel who hold a Florida Educator's Certificate, meet the requirements for the No Child Left Behind Act (NCLB) , highly qualified designations via the High, Objective, Uniform State Standard of Evaluation (HOUSSE) Plan in-field teacher, pursuant to F.S. 1012.42 and Rule 6A-1.0503, F.A.C., demonstrate subject area expertise in a particular field of instruction, and

are considered in-field and qualified to teach the corresponding subject at the corresponding level.

Subject area expertise is established by any one of the following credentials, which are considered as being of four types: standard, subject area expertise alternatives for in-field designation, expert-in-field and NCLB highly qualified designation via the HOUSSE plan.

A. Standard Credentials

1. Standard credentials are renewable and may be continued so long as other requirements for renewal and reappointment are met.
2. Standard credentials include:
 - a. Holds a valid Florida Educator's Certificate with appropriate coverage as provided for in the Course Code Director as adopted by reference in Rule 6A-1.09441, F.A.C.; or
 - b. Holds a valid District-issued certificate showing coverage in the appropriate vocational subject area and level; or
 - c. Holds valid licensure by the State of Florida for certain therapists and pathologists as provided in Rule 6A-1.0502(10) and (11), F.A.C.

B. Subject Area Expertise Alternative for In-field Designation Credentials

1. Subject area expertise alternative for in-field designation credentials may only be considered valid through the end of the validity period of the current professional certificate. In the case of employees holding temporary certificates at the time that these credentials are first established, these credentials may be considered valid through the end of the validity period of the first professional certificate.
2. Subject area expertise alternative for in-field designation credentials may be re-established for each employee in a given area of level, based upon the latest performance evaluation documented while teaching in the same subject area and level.
3. The performance evaluation must be considered favorable.

4. Employees who fail to re-establish these credentials are expected to obtain standard credentials prior to the end of the validity period of the current (or first) professional certificate. If standard credentials are not obtained during this time, then the employee must be reassigned in-field or designated out-of-field.
5. Subject area expertise alternative in-field designation credentials may not be considered for programs for Limited English Proficient students or Reading.
6. Subject area expertise alternative for in-field designation credentials include:
 - a. Currently valid Florida Educator's Certificate showing coverage in any area, and a passing score on the appropriate Subject Area Examination portion of the Florida Teacher Certification Examination or on an equivalent examination that would lead to certification in the appropriate area as provided by Florida State Board of Education Administrative Rules; or
 - b. Currently valid Florida Educator's Certificate showing coverage in any area and at least three years of successful public or private school teaching experience in the same area and level. This experience must be verified and must have been covered by a standard professional state teaching certificate in the appropriate area and level; or
 - c. Currently valid Florida Educator's Certificate showing coverage in any area and currently valid teaching certificate in the appropriate area and level of instruction from another state; or
 - d. Currently valid Florida Educator's Certificate showing coverage in any area and a bachelor's degree or higher in the area being taught as explicitly shown on official transcripts from a regionally-accredited college or university; or
 - e. Currently valid Florida Educator's Certificate showing coverage in any area and a minor in the field of study as explicitly shown on official transcripts from a regionally-accredited college or university; or

- f. Currently valid Florida Educator's Certificate showing coverage in any area and a currently valid National Board of Professional Teaching Standards certification in a related area and level of instruction, as determined by the Superintendent.
- g. Currently valid Florida Educator's Certificate showing coverage in any area and fifteen (15) semester hours concentration of state approved courses currently used for certification in the designated subject area.

C. Expert In The Field Credentials

- 1. Expert in the field credentials may be approved for no more than one (1) contract year. The District makes no guarantee that expert credentials will be renewed. At the discretion of the Superintendent, expert credentials may need to be reviewed or revised at any time. Employees teaching under the provisions of Rule 6A-1.0502, F.A.C. may not hold a contract.
- 2. Expert credentials may not be considered for programs for Limited English Proficient students or Reading.
- 3. An employee may be designated as an expert in the field as provided in Rule 6A-1.0502, F.A.C..

D. High, Objective, Uniform State Standard of Evaluation (HOUSSE) Plan for Experienced Teachers

- 1. The teacher demonstrates sufficient subject area expertise other than holding a valid Florida Educator's Certificate with appropriate coverage as provided for in the Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C.
- 2. The teacher has documented a highly qualified designation pursuant to 20 U.S.C. 7801(23), by a HOUSSE plan for the academic course assigned.
- 3. Documentation of meeting the NCLB highly qualified designation via the HOUSSE plan is a method for being defined as qualified and in-field pursuant to Rule 6A-1.0503, F.A.C. The teacher is therefore, exempt from needing to earn additional college credit, pass the subject area test, or add the subject to the certificate.

4. The District is not required to notify parents of the students taught by teachers who meet requirements via the HOUSSE plan that the teacher does not have certification in the subject.
5. Highly qualified designation via the HOUSSE plan is not applicable to teachers of English or Other Languages (ESOL) or Reading.

V. EMPLOYMENT OF FULL-TIME, NON-DEGREED TEACHERS OF CAREER AND TECHNICAL PROGRAMS

The Board defines non-degreed teachers of career and technical programs as those staff members whose qualifications are established on the basis of occupational expertise in areas of agriculture, business, health occupations, family and consumer science, industrial, marketing, and public service education, and who are assigned to teach only career and technical courses when the Course Code Directory specifies non-degreed career and technical teachers as appropriate.

The Board authorizes the employment of personnel to teach full-time in non-degreed career and technical programs in compliance with F.S. 1012.39.

The Board authorizes the Division of Human Resources to issue a District certificate in accordance with the provisions of this policy. The Board further authorizes the Division of Human Resources to revoke such certificate for cause subject to due process.

A. Basic Qualifications

The District Superintendent or designee shall ensure that each candidate for employment in a non-degreed full-time career and technical instructional position meets minimum requirements for employment and shall maintain records of such information in the candidate's official personnel file.

To be eligible for appointment to a full-time instructional position in a non-degreed career and technical program in the District, the applicant must meet the following requirements:

1. Age

Meet the age requirement which has been established for other full-time instructional personnel.

2. Health

Meet the health requirements which have been established for other full-time instructional personnel.

3. Fingerprinting

Submit fingerprints in the same manner as required for non-instructional personnel by F.S. 1012.32.

4. Education and Successful Occupational Experience

a. Hold at least a high school diploma or the equivalent;

b. Completion of six (6) years of full-time successful occupational experience or the equivalent in part-time experience in the occupational field of the teaching assignment; or

A minimum of two (2) years of full-time occupational experience or the equivalent in part-time experience in the occupational field of the teaching assignment in combination with one of options listed below:

(i) A bachelor's or higher degree.

The degree must have been completed at an accredited institution as specified in Rule 6A-4.003, F.A.C., with an undergraduate or graduate degree major related to the instructional assignment, or

(ii) Thirty-six (36) semester hours of college credit.

The college credit must have been earned at an accredited institution as specified in Rule 6A-4.003, F.A.C., in skills or theory courses relating to the instructional assignment; or

(iii) Successful completion of a program of training.

The training program must be specific to the area of assignment and completed at a post-secondary vocational or technical institution approved by the state board for vocational

education in the state where the institution is located; or

- (iv) A valid certificate, registration, or license.

A recognized state or national credentialing agency in an area specific to the area of assignment. The list of appropriate credentials and the recognized credentialing agencies which is compiled and published July 1 of each school fiscal year by the Director of Career Education shall be used to determine the appropriate credential; or

- (v) A certificate of completion of an apprenticeship.

Apprenticeship must be established by the United States Department of Labor, the Florida Department of Labor, or any state apprenticeship department which is specific to the area of assignment; or

- (vi) A written verification of the candidate's occupational competency.

The verification of occupational competency shall be signed by the District Director of Career Education and the chairperson of the occupational advisory committee specific to the area of assignment. The verification shall include a listing of all current members of the advisory committee and verification that the candidate was endorsed by a majority of the membership.

- (c) Occupational Experience Requirements:

- (i) Occupational experience

Occupational experience shall be gained as a wage earner after age sixteen (16).

- (ii) Verification

The occupational experience shall be verified by former employers or for self-employment,

experience in a family-owned business, or experience at a firm no longer in business, the experience shall be verified by an individual knowledgeable of the applicant's service. Employment verification shall not be accepted from the applicant or family members. The verification shall be provided on business stationery or a notarized affidavit(s) and specify the dates of employment, job title(s), and full-time or part-time. When employment was part-time, the number of hours worked per week shall be included.

(iii) Credentials

When occupational credentials are required for program approval or for students to obtain an appropriate level of employment, the applicant shall be required to present the appropriate valid certificate, registration or license described in the subparagraph above.

(iv) Recency of experience

Recency of experience or training shall be required in the occupational field of the teaching assignment as follows:

- 1) At least six (6) weeks of occupational experience gained within the five (5) year period immediately preceding the date of application for employment, or
- 2) At least three (3) semester hours of college credit earned within the five (5) year period immediately preceding the date of application for employment. The college credit shall be earned at an accredited institution as specified in Rule 6A-4.003, F.A.C., and shall be completed in skills or theory courses related to the area of assignment, or
- 3) Completion of a vocational training program as described above, or completion of an apprenticeship program as described above within the

five (5) year period immediately preceding the date of application for employment, or

- 4) One (1) year of successful teaching experience in the program area of assignment during the five (5) year period immediately preceding the date of application for employment.

VI. EMPLOYMENT PROCEDURES

A. Application

The application procedures and employment opportunities for full-time non-degreed teachers of career and technical programs shall be the same as the procedures for other full-time instructional personnel in accordance with Board policy. However, an application for a Florida teaching certificate shall not be required.

B. Employment Vacancies and Selection Procedures

Employment opportunities and selection procedures shall be the same as those for other full-time instructional personnel in accordance with Board policy.

C. Contracts for Employment

1. Initial Employment

- a. Non-degreed full-time teachers of career and technical programs will be issued a three year non-renewable, non-degreed full-time career and technical instruction certificate in accordance with Board policy;
- b. Professional service contract shall be issued to non-degreed, full-time teachers of career and technical programs after the third year of employment in accordance with Board policy for certificated personnel and when the requirements specified below have been met:
 - i) Three years of successful teaching in the District in the area for which occupational expertise was established, and

- ii) Completion of twelve (12) semester hours of college credit in education as specified below:
 - a) Three (3) semester hours in principles and philosophy of career and technical education;
 - b) Three (3) semester hours in general methods of teaching career and technical education which includes testing and evaluation;
 - c) Three (3) semester hours in methods of teaching agriculture, business, health occupations, family and consumer sciences, industrial, marketing, or public service education. The methods course shall be specific to the area of the teaching assignment to include course construction, lesson planning, and management and safety procedures for the vocational classroom and laboratory;
- iii) Demonstration of a successful instructional performance by successful completion of an individual Professional Development Plan and Instructional Evaluation.
- (iv) Professional service contracts shall be retained in accordance with Board policy for other full-time instructional personnel and completion of a minimum of six (6) semester hours of college credit, which shall include three (3) semester hours specific to each area of the teaching assignment(s) during the first five years after the professional service contract is issued and during every five (5) year period thereafter. Sixty (60) in-service points approved in the District Master In-service Plan shall be considered equivalent to three (3) semester hours of college credit.

2. Salary and Benefits

- i) Non-degreed full-time teachers of career and technical programs shall be eligible for the same salary and salary increases as certificated teachers with corresponding contractual status, years of

service, and levels of training. Levels of training for non-degreed full-time teachers of career and technical programs shall be comparable to levels of training for certificated instructional personnel for purposes of the salary schedule as described below:

- (a) Occupational expertise that establishes eligibility for employment shall be considered equivalent to a bachelor's degree level of training for the purposes of the salary schedule.
- (b) Occupational expertise that establishes eligibility for employment in combination with thirty-six (36) semester hours completed through a planned advanced career and technical program after professional education requirements have been completed for the professional service contract, shall be considered equivalent to a master's degree level of training for the purposes of the salary schedule. The advanced career and technical program shall be completed at an accredited institution in a program designed for the applicant by an official at the institution and shall include a minimum of twelve (12) semester hours in professional career and technical education courses and a minimum of twelve (12) semester hours in general education or non-career and technical professional courses. The Superintendent or his/her designee shall approve the advanced career and technical program.

3. Bargaining Unit Representation

- (i) The non-degreed full-time teacher of a career and technical program shall be a member of the bargaining unit and shall be accorded the same rights and protection of the laws as certificated teachers.

4. Terminations

(i) Resignations

Non-degreed full-time teachers of career and technical programs shall adhere to the resignation policy established by the Board for certificated instructional personnel.

(ii) Suspension/Dismissal

A non-degreed full-time teacher of a career and technical program may be suspended or dismissed at any time during the work year pursuant to the provisions set forth by the Board for other teachers.

(iii) Discontinuation of Positions

(a) A non-degreed full-time teacher of a career and technical program shall be governed by Board policy established for certificated instructional personnel if positions are discontinued. Should it be necessary for the Board to choose from among certificated and non-certificated teachers, the non-certificated teacher shall have the same rights and privileges as the certificated teacher.

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 District has adopted the State of Florida Alternative Certification Program.

VII. LICENSED PERSONNEL

Physical therapist, occupational therapists, speech pathologists, mental health technicians, and audiologists will receive contracts. To be eligible for employment these individuals must be licensed to practice in the State of Florida.

VIII. REQUIREMENTS FOR TITLE I TEACHERS

All teachers hired after the first day of the 2002-2003 school year for a Title I supported program must be "highly qualified" as required by law.

IX. REQUIREMENTS FOR TEACHERS RECEIVING TITLE I FUNDS

By the 2005-2006 school year, all teachers in the District receiving Title I funds shall be “highly qualified” as required by law.

F.S. 1001.41, 1001.43, 1012.32, 1012.39, 1012.42, 1012.43, 1012.56

F.A.C. 6A-1.0502, 6A-1.0503

20 U.S.C. 6319 & 7801

The Elementary & Secondary Education Act (No Child Left Behind)

Effective Date: 07/01/05

Amendment Date: 04/18/06

TEACHING EXPERIENCE FOR SALARY PURPOSES

For initial placement only, a year's experience is defined as one-half of a work year plus one day. Such experience shall have been full-time experience under contract with a satisfactory performance evaluation. Teaching experience shall have been performed in an accredited school(s) or similar school(s) and shall have required that the teacher hold a valid teaching certificate for the State in which he/she taught.

One year is the maximum experience which may be granted in any one fiscal year.

Up to ten years of work experience may be accepted for teaching personnel in certain career and technical programs.

F.S. 1001.41, 1001.43, 1012.33, 1012.43
Effective Date: 07/01/05

EMPLOYMENT OF PART-TIME ADULT PROFESSIONAL STAFF

Professional staff who are employed to teach part-time in the adult program shall be employed under and governed by the same rules regarding part-time non-degreed vocational instructional personnel except that, instead of meeting occupational expertise requirements, these personnel shall hold a bachelor's or higher degree with an undergraduate or graduate degree major in the area of assignment or hold a bachelor's or higher degree in another area and thirty (30) semester hours degree or college credit must have been completed at an acceptable accredited institution.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

ADULT EDUCATION CERTIFICATION

Professional personnel who are employed to teach full time in the adult education program shall hold a valid educator's certificate issued by the State Department of Education in the area of assignment and shall be governed by the same Board policies as other full-time professional personnel.

Professional personnel who are employed to teach part-time in the adult education program shall be employed as professional personnel in compliance with F.S. 1012.39(1)(b)). Part-time professional personnel must hold a valid State educator's certificate or a District-issued part-time adult education certificate.

The District will hire certified teachers according to regulations set forth for teacher certification by the Course Code Directory. The District may revoke a part-time adult educator's certificate for cause.

F.S. 1001.41, 1001.43, 1012.32, 1012.39
Effective Date: 07/01/05

CO-CURRICULAR RESPONSIBILITIES

Members of the instructional staff, regardless of their class assignments, shall be expected to carry their fair share of responsibility for school activities, including but not limited to:

- A. faculty meetings
- B. club sponsorship
- C. class events
- D. class plays
- E. supervision of school paper and yearbook
- F. homeroom
- G. policy making
- H. committees
- I. duty assignments
- J. pre-school and post-school conferences

The principal should schedule the personnel to participate in any co-curricular activity which will improve the school function or make for a more effective teaching unit.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

FIRST AID TRAINING AND CPR CERTIFICATION

All athletic coaches who participate in activities covered by the Florida High School Athletic Activities Association are required to be trained in first aid and certified in CPR by the American Red Cross or similar authorized agency.

Athletic coaches who do not meet the above requirement shall be trained in first aid and CPR before assuming their coaching duties.

F.S. 1001.41, 1001.43, 1012.22
Effective Date: 07/01/05

LESSON PLANS

To insure continuity of instruction in case of unavoidable absence of the instructor, teachers are requested to be reasonably uniform in planbook completion and to prepare lesson plans one week in advance.

The specific form for lesson plans is left to the discretion of the teacher with approval of the principal. The principal/designee will check lesson plans at such intervals as he/she determines to ensure that they are in compliance with State requirements and Board policy.

Planbooks are made available to all instructional staff on a yearly basis.

F.S. 1001.41, 1001.43, 1012.53
Effective Date: 07/01/05

TUTORING

Employees may not accept fees for tutoring of students currently enrolled in one (1) or more of their classes, either during or outside of the school day.

A teacher may receive compensation for private instruction of pupils of another teacher, outside the school day, provided that if the tutoring is to take place in a District location he/she completes the appropriate form and does not use the secretarial services or consumable resources of the school.

F.S. 1001.41, 1001.43, 1002.43
Ethics Opinion 04-17
Effective Date: 07/01/05

TEACHER REASSIGNMENT AND TRANSFER

A principal may change the grade level or assignment of a teacher within his/her school.

The Superintendent may transfer a teacher to a position in another school with the approval of the Board. The Superintendent will normally seek the approval of both principals involved before making a recommendation to the Board. When possible, written notice of the transfer and the reason(s) for the transfer will be given thirty (30) days prior to the transfer.

A teacher may request a transfer to a similar position or to a different position in another school at any time. Normally, however, such transfer will not be made except at the regular reappointment period. Such requests shall be considered by the principals involved, the supervisors involved and the Superintendent. If approved, a recommendation shall be presented to the Board in the usual manner.

F.S. 1001.41, 1001.43
F.A.C. 6B-4.005, 6B-4.006
Effective Date: 07/01/05

EMPLOYMENT OF SUPPORT STAFF

I. **REQUIREMENTS FOR TITLE I PARAPROFESSIONALS**

A. **Newly Hired Paraprofessionals**

All paraprofessionals hired after the first day of the 2002-2003 school year for a Title I supported program must have a secondary school diploma or its recognized equivalent and one of the following:

1. Completed two (2) years study at an institution of higher education; or
2. Obtained at least an associates degree; or
3. Met a rigorous standard of quality and demonstrate through formal State or local academic assessment:
 - a. knowledge or and the ability to assist in instructing, reading, writing, and mathematics; or
 - b. knowledge of and the ability to assist in instructing, reading, readiness, writing readiness, and mathematics readiness, as appropriate.

B. **Existing Paraprofessionals**

All current paraprofessionals working for a Title I support program must:

1. have a secondary school diploma or its recognized equivalent;
2. not later than January 8, 2006, meet the requirements for newly hired paraprofessionals as described above.

C. **Exceptions**

These requirements do not apply to a paraprofessional:

1. who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or
2. whose duties consist solely of conducting parental involvement activities.

D. Paraprofessional Duties

Paraprofessionals working for a Title I supported program may be assigned to:

1. provide one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;
2. assist with classroom management, such as organizing instructional and other materials;
3. provide assistance in a computer laboratory;
4. provide support in a library or media center;
5. conduct parental involvement activities;
6. act as a translator;
7. provide instructional services to students, if working under the direct supervision of a teacher;
8. perform limited duties beyond classroom instruction or that do not benefit program participants, so long as those duties are also assigned to non-Title I paraprofessionals. Title I paraprofessionals may not be assigned to more of these duties, proportional to these total work time, than the amount assigned to similar non-Title I paraprofessionals in the same school.

F.S. 1001.41, 1001.43, 1012.01, 1012.37, 1012.38, 1012.40

F.A.C. 6A-1.0502(11)

20 U.S.C. 6319

The Elementary & Secondary Education Act (No Child Left Behind)

Effective Date: 07/01/05

BUS DRIVERS – EMPLOYMENT

The Superintendent shall create and maintain a system of evaluating potential school bus operators, a training program, and in-service program for District employed school bus operators.

F.S. 1001.41, 1001.43, 1012.27, 1012.45

F.A.C. 6A-3.0141

Effective Date: 07/01/05

VEHICLE OPERATOR'S EMPLOYMENT AND RETENTION

Regulations concerning hiring and retaining of personnel who will drive District buses and other approved vehicles:

I. **APPLICANTS**

The driving history of all applicants for a school bus operator position shall be reviewed through a check of driving records with the Florida Department of Highway Safety and Motor Vehicles (DHSMV), to verify a satisfactory driving history. The Transportation Department shall obtain a copy of each applicant's DHSMV transcript of driver record from the Florida Department of Education School Bus Driver Records Check System (which ties into the driving records system maintained by DHSMV). The record received shall be forwarded to the Director of Transportation for review.

Each applicant's transcript of driver record shall be screened. The entire driving record shall be checked for the purpose of determining an individual's acceptability to drive a school bus for the District. An applicant will not be hired to drive a school bus or other District-owned vehicle if his/her driving record reveals the following point assessments under the Board's point system:

- A. five (5) or more points during the past year
- B. seven (7) or more points during the past three (3) years
- C. ten (10) or more points during the past five (5) years

An applicant will not be approved to drive a school bus or other District-owned vehicle if the applicant has been convicted of reckless driving during the past ten (10) years.

An applicant will not be approved to drive a school bus or other District-owned vehicles if the applicant has ever been convicted of driving under the influence of alcohol or a controlled substance or driving with an unlawful blood alcohol or breath alcohol level.

II. **INITIAL EMPLOYMENT**

At the time of initial employment the bus operator must meet the following requirements:

- A. have five (5) years of licensed driving experience
- B. submit to the Superintendent a written application for employment and information in a form prescribed by the Board

- C. file a set of fingerprints for the purpose of the required background check for determining criminal record
- D. Form ESE 479, Physical Examination for School Bus Operator and Medical Examiners Certificate must be completed and on file

III. **GENERAL REQUIREMENTS**

Prior to transporting students on a school bus, each operator shall meet the following requirements:

- A. Hold a valid Commercial Operator's License with passenger endorsement.
- B. Successfully complete forty (40) hours of pre-service training consisting of at least twenty (20) hours of classroom instruction and eight (8) hours of behind-the-wheel training based upon the Department's Basic School Bus Operator Curriculum which is hereby incorporated by reference and made a part of this policy. This document may be obtained from the Bureau of Career Development, Department of Education, The Florida Education Center, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution costs.
- C. Demonstrate the ability to prepare required written reports.
- D. Be physically capable of operating the vehicle as determined by a physical examination, Form ESE 479, prescribed by the Commissioner and given by a physician designated by the Board and as determined by a dexterity test administered by the District.
- E. Demonstrate physical and mental capabilities required to carry out all assigned responsibilities of a school bus operator.
- F. Pass the required school bus operator's course
- G. Pass a pre-employment drug/alcohol screening

At least annually, the District shall assure that the school bus operator meets the following requirements:

- A. The requirements of this policy.
- B. Successfully complete a minimum of eight (8) hours of in-service training related to the school bus operator's responsibilities for transporting students.

- C. Successfully pass a dexterity test administered by the District and maintain a valid Medical Examiner's certificate.

The District shall obtain an operator's history record from the Department of Highway Safety and Motor Vehicles for each regular school bus operator, substitute operator, or any other individual certified to drive a school bus by the District. The schedule for reviewing these records shall be:

- A. prior to initial employment;
- B. prior to the first day of the Fall semester; and
- C. thereafter, the District shall continuously screen operator records using the automated weekly updates, ensuring proper retrieval documentation for every week.

All employees driving a vehicle (bus, auto, van, truck, or tractor) are required to have a current valid Florida driver's license covering the vehicle driven. Each such employee must sign a driver's license status statement at each pay period, attesting to the fact the employee has not received any point violation in the interim. Falsification may result in termination of job.

All school bus operators shall be subject to the Federal requirements of 49 CFR, Parts 382 and 391 related to substance abuse testing and alcohol detection program.

The physical standards established by the Federal Highway Administration pursuant to 49 CFR Sections 391.41 and 391.43 shall be applicable to all school bus operators.

All employees driving motor vehicles in the scope of their employment are required to use the occupant restraint system as provided by the manufacturer.

IV. MOTOR VEHICLE VIOLATIONS

Employees who hold a position, which requires the operation of a school bus and/or transporting students in other vehicles, may be subject to discipline for motor vehicle violations, whether or not committed within the scope of employment as follows:

A. Minor Violations (points assessed):

1. first offense: reprimand letter
2. second offense in three (3) years: one (1) day suspension w/o pay
3. third offense in three (3) years: two (2) day suspension w/o pay
4. fourth offense or more in three (3) years: three (3) to five 5-day suspension w/o pay

B. More Serious and "Clear-cut" Violations (points assessed):

1. first offense: one-day suspension w/o pay
2. second offense in three (3) years: two-day (2) suspension w/o pay
3. third offense in three (3) years: three-day (3) suspension w/o pay
4. fourth offense or more in three (3) years: four (4) to seven (7) day suspension w/o pay

C. Extreme Violations (EXAMPLE: Complete disregard for traffic laws, safety, and school policies; extreme carelessness):

1. first offense: three-day (3) suspension w/o pay to dismissal
2. second offense in three (3) years: five-day (5) suspension w/o pay to dismissal
3. third offense in three (3) years: seven (7) to ten (10) day suspension w/o pay to dismissal
4. fourth offense or more in three (3) years: ten (10) to thirty (30) day suspension w/o pay to dismissal

TEMPORARY APPOINTMENT, SUBSTITUTES, AND
STUDENT EMPLOYEES

A person shall be deemed to be a temporary employee when the employment position will exist for less than four (4) consecutive months; or, the person is employed for six (6) months or less to perform the duties of an incumbent of a regularly established position who is on an approved leave of absence.

A person participating in a job training or work experience program is to be considered a temporary employee regardless of the period of time employed.

A person shall be deemed a substitute employee who performs services normally performed by a permanent or regular employee, and who is not employed either by appointment or contract to perform such services on a continuing basis.

Any employee who is a bonafide student of the K through 12 programs of the Martin County School District is considered to be a student employee.

Temporary, substitute, or student employees are not eligible for membership in the retirement system and are not eligible for fringe benefits such as health insurance, life insurance, etc.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

DRUG AND ALCOHOL TESTING FOR HOLDERS OF
COMMERCIAL DRIVERS' LICENSES

I. **PURPOSE**

The purpose of this policy is to provide for the safety and welfare of all students and employees of the District. The use of drugs and alcohol in the workplace creates a substantial risk of harm to self and others. Through the establishment of a standard drug and alcohol testing program, all employees performing safety-sensitive functions and holding commercial drivers' licenses shall be required to submit to drug and alcohol testing.

II. **AUTHORIZATION**

Employers of persons performing safety-sensitive functions and holding commercial drivers' licenses are required to implement a drug and alcohol testing program pursuant to the Omnibus Transportation Employee Testing Act of 1991 (OTETA) regulations of the Federal Highway Administration contained in 49 CFR Parts 40 and 382, et al, and F.S. 234.091, which are hereby adopted by reference.

III. **DEFINITIONS**

A. **Prohibited Substances or Drugs**

Any illegal drug or substance as identified in Schedules I through V or Section 202 of the Controlled Substance Act and as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine. Prescriptions illegally possessed or used are included.

B. **Alcohol Use**

Alcohol use is the consumption, or being under the influence, of any beverage, mixture or preparation including any medication or product containing alcohol.

C. **Covered Employees**

Covered employees include those Board employees who are performing safety-sensitive functions and are required to hold a commercial drivers' license as a condition of employment. Pursuant to 49 C.F.R. 382-107, a driver subject to drug and alcohol testing is any person who operates a commercial motor vehicle, including casual or intermittent drivers. A vehicle designed to transport sixteen (16) or more passengers including the driver is defined as a commercial motor vehicle. School bus

drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of 49 C.F.R. 382. Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, or operate equipment weighing in excess of 26,000 pounds, are likewise subject to the drug and alcohol testing program. Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, Section 40 *et seq* 49 C.F.R. 40 *et seq*.

IV. APPLICATION

This policy applies to all Board employees who are required to hold a commercial drivers' license as a condition of employment and who perform safety sensitive functions. Any contractor conducting business on District owned or leased property must be in compliance with OTETA 1991 and provide verification to District staff upon request.

V. PROHIBITED CONDUCT

A. Prohibited Substances or Drugs:

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses, or is under the influence, of any controlled substance, except when the use is pursuant to the written instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a vehicle. It shall be the responsibility of the employee to file such written statement with the key contact person, who will forward the statement to the Director of Human Resources and Management Development. More restrictive Federal Highway Administration regulations shall supersede advice of the physician.

B. Alcohol

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having a breath alcohol content of .01 or greater. No driver shall use, or be under the influence, of alcohol while performing safety-sensitive functions. No driver shall perform safety-sensitive functions after using alcohol.

VI. TREATMENT AND NOTICE REQUIREMENTS

A. Notice to Affected Employees

The Board will communicate with all covered employees prior to conducting drug and alcohol testing and provide the reasons for conducting said test(s). The Board shall provide to covered employees written notice of the required testing and oral notice at the time of the actual testing.

B. Education and Training

The Board shall provide educational materials that explain the requirements of the program and the policies and procedures with respect to meeting the requirements of the drug and alcohol testing program.

C. Treatment Information

Each covered employee who engages in prohibited conduct shall be evaluated, at employee expense, by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with use of prohibited drugs or alcohol misuse. Covered employees who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal.

VII. TESTING AND ANALYSIS

It is the intent of the Board to comply with all alcohol and controlled substance testing procedures contained in 49 C.F.R. 382, 49 C.F.R. 291, 49 C.F.R. 192 and 49 C.F.R. 395. The Board recognizes the need to protect individual dignity, privacy, and confidentiality in the program. Specimen analysis shall be conducted in a manner to assure a high degree of accuracy and reliability to protect the covered employee and the integrity of the testing process.

The following are conditions under which testing may be conducted as required by Federal Regulations, or when circumstances warrant.

A. Pre-Employment Testing

All applicants for employment for positions requiring the individual to perform safety-sensitive functions and requiring a commercial driver license shall submit to drug and alcohol testing prior to employment except as otherwise specified pursuant to 49 C.F.R. 382.301. Written documentation must be provided by the candidate for employment to substantiate the

exception. No covered employee shall be on duty or operate a commercial motor vehicle while the covered employee possesses or is under the influence of drugs or alcohol. Tests shall be conducted before the first time an employee performs any safety-sensitive function for the district. The tests shall be required of an applicant after he/she has been offered the position.

B. Reasonable Suspicion Testing

A supervisor or designee outside the bargaining unit who has been trained in accordance with the requirements of Federal Highway Administration Regulations shall require a covered employee to submit to an alcohol or drug test when there is reasonable suspicion that a covered employee has violated the prohibitions contained in the Federal Highway Administration Regulations.

Reasonable suspicion must be based on documented objective facts and circumstances which are consistent with the long-and short-term effects of alcohol or substance abuse including but not limited to physical signs and symptoms, appearance, behavior, speech and/or body odor.

C. Post-Accident Testing

Alcohol or drug testing will be administered following an accident when the driver was performing a safety-sensitive function and there is a loss of human life; a citation from a law enforcement officer and either a driver or passenger received immediate medical treatment away from the scene of the accident; or one of the vehicles involved was to be towed from the scene of the accident due to operational impairment. Such testing must be conducted within the time limits set forth in Federal Highway Administration Regulations.

D. Random Testing

All covered employees shall be subject to random, unannounced drug and alcohol testing conducted at unannounced times throughout the year. Covered employees shall be selected by a scientifically valid random process, and each employee shall have an equal chance of being selected for testing each time selections are made. Such employees shall report for testing immediately following notification. Tests for alcohol and drugs shall be conducted just before, during or just after the performance of safety-sensitive functions. The minimum number of random alcohol tests or drug tests shall be determined annually by applicable state and/or federal agencies.

E. Return to Duty Testing

All covered employees who previously tested positive on a drug or alcohol test must submit to a return to duty test and test negative prior to returning to duty, if the covered employee is returned to duty.

F. Follow-up Testing

Unannounced follow-up alcohol and/or controlled substance testing as directed by a substance abuse professional in accordance with Federal Highway Administration Regulations shall occur when it is determined that a covered employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of drugs and it is determined that the covered employee shall be returned to their safety-sensitive position. The number of frequency of follow-up testing shall be determined by the substance abuse professional.

G. Disputed Test Results

Any covered employee who disputes the results of a required drug test set forth in this policy may request that a test of the split sample be conducted. This test may be conducted at the same or at a different testing laboratory. All tests must be conducted by a D.H.H.S. approved laboratory. The cost associated with this test shall be the responsibility of the covered employee. If the results of this split sample test are negative, the covered employee shall be reimbursed by the District.

H. Refusal to Test

Failure of a covered employee to submit to any required drug or alcohol test shall be construed conclusively as a positive test result.

I. Consequence of Positive Test

Any positive test reported to the District by the Medical Review Office, or otherwise, will result in immediate suspension of the employee without pay pending other disciplinary action to the employee, up to and including termination. The District adopts "zero tolerance" for any positive alcohol or drug test.

Positive results under other circumstances will result in disciplinary action consistent with the District's Drug Free

Workplace Rule and administrative procedure. Any positive pre-employment test will result in refusal to hire.

J. **Americans With Disabilities Act**

Under the Americans With Disabilities Act (ADA) the Board prohibits employment discrimination against “qualified individuals with disabilities.”

F.S. 1001.41, 1001.43, 1012.23, 1012.45
49 C.F.R. 382.101 et seq.
Effective Date: 07/01/05

5000	STUDENTS
5112	Entrance Requirements
5113	Inter-District Open Enrollment
5114	Foreign Exchange Students
5120	Attendance Zones
5130	Release of Students
5200	Attendance Records
5320	Immunization
5330	Administration of Prescription Medicines
5330.01	Administration of Non-Prescription Over-the-Counter Medications
5340	Student Accidents
5410	Student Progression Plan
5460	Graduation
5470	Graduation Recognition Program for Standard Diploma Students
5500	Student Conduct
5505	Gang Control
5511	Dress Code
5512	Clean Air Act/Tobacco Free Environment
5513	Care of School Property
5515	Vehicle Use By Students
5517	Non-Discrimination and Prohibition of Harassment
5517.01	Discrimination Complaint Procedure
5518	Anti-Bullying
5530	Alcohol, Drugs, or Weapons
5540	Student Interviews
5550	School Patrol
5600	Behavior Management of Students
5610	Removal, Suspension, Expulsion, and Permanent Exclusion of Students
5610.01	Expulsion of Disabled Students
5610.02	In-School Discipline
5610.03	Prohibition from Extra-Curricular Activities

5730	Clubs and Organizations
5771	Search and Seizure
5772	Non-School Materials and Programs
5830	Fund Raising
5880	Parades
5900	Freedom of Speech

ENTRANCE REQUIREMENTS

The Board shall establish entrance age requirements for students which are consistent with statute and sound educational practice and which ensure the equitable treatment of all eligible children.

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.

I. **KINDERGARTEN**

Children entering kindergarten in the District for the first time must comply with F.S. 1003.21 regarding entry ages. 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.

II. **FIRST GRADE**

Children entering first grade in the District 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 District's student progression plan.

Students transferring to first grade from a kindergarten program other than the one offered by the District will need written verification of satisfactory completion of kindergarten from the public or non-public school attended.

III. **INITIAL ENTRY**

- A. The principal shall require that any pupil entering a Florida school for the first time present a certificate of immunization that shall include: diphtheria, pertussis, tetanus (DPT), poliomyelitis, rubella, rubeola and mumps. However, any child shall be exempt from the requirement upon written request of the parent or guardian of such child stating objections on religious grounds, or if a competent medical authority certifies in writing that the child should be exempt for medical reasons.
- B. The principal shall require that any pupil entering a Florida school for the first time present a certification of a school entry

medical examination performed within the twelve (12) months prior to enrollment in school. This medical examination shall be on a form provided by the Martin County Health Department. A medical examination is acceptable based on a school record or out-of-state doctor's record, but must be kept separate for review and certification by the school nurse.

- C. A child may be exempt from the required physical 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. Children entering the District shall comply with F.S. 1003.21 and 1003.22.

IV. VERIFICATION OF DATE OF BIRTH

All students entering the District (K-12) for the first time will be required to submit evidence confirming date of birth. If the first prescribed evidence is not available, the next evidence in the order set forth below shall be accepted:

- A. A duly attested transcript of the child's birth record filed according to law (birth certificate).
- B. A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent.
- C. An insurance policy on the child's life which has been in force for at least two (2) years.
- D. A bona fide contemporary Bible record of the child's birth accompanied by an affidavit sworn to by the parent.
- E. A passport or certificate of arrival in the United States showing the age of the child.
- F. A transcript of record of age shown in the child's school record of at least four years prior to application, stating date of birth.
- G. If none of the above are available, parent(s) may obtain an affidavit of age, sworn to by the parent, accompanied by a certificate of age signed by a public health officer or a licensed physician or county health official which shall state that the physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

V. **VERIFICATION OF RESIDENCE**

Verification of a parent or guardian's residence shall be required at the time the child registers for school. Verification of residence may also be required at any other time at the discretion of the Superintendent or designee.

F.S. 1001.41, 1001.43, 1003.01, 1003.21, 1003.22
Effective Date: 07/01/05

INTER-DISTRICT OPEN ENROLLMENT

I. **CONTROLLED OPEN ENROLLMENT**

After notice and hearing, the Board may decide to offer controlled open enrollment (school choice) within the District, on such terms and conditions as the Board may deem necessary or appropriate. The Superintendent shall be responsible for implementing Board action in accordance with F.S. 1002.31.

II. **INTER-DISTRICT TRANSFERS**

Subject to the conditions set forth below, students residing in Martin County may attend school in another school district if both school boards involved approve such an arrangement. The same pre-requisite is necessary if non-resident students who live in other counties desire to attend this District.

III. **NON-RESIDENT STUDENTS**

A. **Criteria for the admission of students from other districts shall be:**

1. Change of Residence

Parent or guardian must have physically moved, a building permit must have been issued in another zone, or other tangible evidence presented.

2. Child of Board Employee

A Board employee may request his/her child attend any school in the Martin County School District.

Schools that are determined by the Superintendent to be overcrowded shall not accept requests for “*choice*” students without obtaining the permission of the Superintendent or designee. Permission shall be granted or denied in the discretion of the Superintendent or designee based upon his or her determination as to whether or not an unavoidable and undue hardship or other extenuating circumstance exists that justify the exception.

F.S. 743.01, 743.07, 1001.41, 1001.42, 1001.43

Effective Date: 07/01/05

Amendment Date: 11/20/07

FOREIGN EXCHANGE STUDENTS

The Board recognizes the positive cultural benefits of the students, staff and the community in meeting students from other countries and in having foreign exchange students as members of the student body of this District.

For students to be involved in this program they must be enrolled in a U.S. State Department approved organization as recognized by Council on Standards for International Travel Standards. Foreign exchange students (J Visas) may be enrolled providing the school has not exceeded an appropriate number of exchange students and the principal approves the enrollment. A tuition fee is not required. Foreign exchange agencies must be pre-approved by the District and must follow all established procedures for admitting foreign exchange students.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

ATTENDANCE ZONES

A student's residence shall be the residence of the parents except in the following cases:

- A. A student shall attend school in the zone in which the student's legal residence is located.
- B. Where the courts have awarded the custody of the student to an adult other than the parent; in this case the legal residence of the student is with the person who is assigned guardianship.
- C. The in-county student, due to extenuating circumstances, is living with someone who does not have legal custody of the student; in this case the person may make application for out-of-zone attendance.
- D. When the student is or has been married, the student's residence is the legal residence.
- E. The student is eighteen (18) years of age or older; the student's residence is the legal residence.
- F. Out-of-county and out-of-state students who are living with someone other than his/her parent(s) must have court awarded legal custody of the student.
- G. Students who attempt to enroll in the wrong school or who are residents of another county and do not have proper authorization shall not be allowed to register. If the Superintendent or his/her designee learns that any student is improperly enrolled in a District school, s/he shall immediately notify that student's parents that the student must be withdrawn. Failure or refusal to withdraw the student will result in a public hearing before the Board to expel the student.

All students must attend school in their zone of residence unless they have an approved choice form.

I. **PROOF OF RESIDENCY**

The Superintendent shall require proof of residency at the time of registration, and may require proof of residency at any other time. The proof may be in the form of an electric bill, a rent receipt, or other reliable evidence.

F.S. 1000.05, 1001.41, 1001.43, 1002.20, 1002.31

Effective Date: 07/01/05

Amendment Date: 11/20/07

RELEASE OF STUDENTS

Students may be released during the school day under the following conditions:

- A. With written permission from parent or guardian, approved by the principal.
- B. Pursuant to extraordinary circumstances with written permission from principal or his/her agent.
- C. To be released to any non-custodial parent, or guardian, the principal may approve only if written permission is granted by that parent or guardian with whom the child normally lives.

F.S. 1001.41, 1001.43, 1002.20, 1003.21

Effective Date: 07/01/05

ATTENDANCE RECORDS

Accurate attendance records shall be kept at each school. The principal is responsible for seeing that attendance is checked and recorded each class period.

- A. Instructional staff shall record attendance daily in the District's approved records system.
- B. Parents or guardians shall be notified when absences appear affect student progress. A parent/teacher conference should be scheduled.
- C. Falsification of records is sufficient grounds for the revocation of teaching certificates by the State Board of Education and termination of contract by the Board.

F.S. 1001.41, 1001.43, 1002.20, 1003.21, 1003.24, 1003.26, 1003.27
Effective Date: 07/01/05

IMMUNIZATION

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board requires all students to be immunized against diseases as specified by the Florida Department of Health and as designated in accordance with State statutes. However, any child shall be exempt from the requirement upon written request of the parent or guardian of such child stating objections on religious grounds, or if a competent medical authority certifies in writing that the child should be exempt for medical reasons.

F.S. 1001.41, 1001.43, 1003.22
Effective Date: 07/01/05

ADMINISTRATION OF PRESCRIPTION MEDICINES

The administration of prescription medicines to students by school personnel will be done only in exceptional circumstances wherein a student's health may be in jeopardy without it.

If medication must be administered by school personnel:

- A. Follow the District school policies and procedures governing the administration of prescription medication by District personnel. (School Health Services Plan is incorporated by reference in this policy).
- B. For each prescribed medication, a signed form #135 by the parent or guardian (and physician) with specific directions for administration must be submitted to the principal or center director.
- C. A bottle with a pharmacist's label designating patient's name, instruction, name of drug and name of physician must accompany form #135.
- D. A record must be kept of all students receiving medication. This record must be accessible in the health office or clinic.
- E. School personnel who assist students in the administration of prescription medication shall be designated by the principal or center director and successfully complete the training program included in the approved County School Health Services Plan.
- F. All prescribed medications must be brought to school by the parent/guardian and received by school personnel in original containers, after which it shall be counted. When the medication is not in use, it shall be stored in its original container in a secure fashion under lock and key in a location designated by the principal or center director.
- G. Epi-Pen, insulin and asthma inhalers constitute an exception (C), (D) and (F) above. This will require an authorization from the parent/guardian and licensing physician as to the appropriateness. Students will be required to use such medications in strict compliance with the physician's directions.
- H. A note regarding the medication must be attached to the student's health card.

Only emergency first aid will be rendered in schools. School personnel are prohibited from dispensing drugs or medication to students unless they are prescribed and a physician and the parent or guardian have signed the necessary permission form (Form #135). The school is responsible for emergency handling of sudden illness or accident, but it is not responsible for subsequent treatment.

There is no liability for civil damages as a result of the administration of such medication wherein the person administering such medication acts as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.

The Superintendent/designee shall develop a procedure to provide training to the school personnel designated by the principal or center director to assist students in the administration of prescribed medication.

F.S. 1001.41, 1001.43, 1006.062
Effective Date: 01/07/05
Amendment Date: 01/17/06

ADMINISTRATION OF NON-PRESCRIPTION
OVER-THE-COUNTER MEDICINES

Secondary school age students may take over-the-counter medications (e.g. Tylenol) while at school, upon written authorization of the parent or guardian. The written authorization form must be submitted to the health clinic for appropriate filing prior to any dispensing of over-the-counter medications. All medications must be in an unbroken manufacturer's original sealed container and delivered to the Health Clinic by the parent/guardian.

The written authorization by the parent must state how the medication is to be dispensed; including the proper dosage as specified by the manufacturer's label and specific time of the date the medication is to be dispensed. Each medication administration must be accompanied by the parent's written authorization on the required District consent form.

The school cannot allow the possession or use of any form of unauthorized drug or medication at any time. Therefore, all medications must be dispensed in the clinic. Unauthorized possession will be immediately reported to the principal for proper disciplinary action.

F.S. 1001.41, 1001.43, 1006.062
Effective Date: 07/01/05

STUDENT ACCIDENTS

When a student is injured on Board property or during a school sponsored activity, the teacher, coach or person in charge may give such help as circumstances and first-aid knowledge permit. The principal and parent/guardian shall be notified as soon as possible.

When serious injury is apparent or possible and a parent/guardian cannot be located, the school staff member must take the responsibility of securing immediate medical assistance (911).

It is the principal's responsibility to see that all accidents are reported on the appropriate accident form. One (1) copy is to be placed in the student's permanent record and the other forwarded to the designated District office.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

STUDENT PROGRESSION PLAN

Annually or within such other period as required, the Board shall develop and adopt a student progression plan. Copies of this plan shall be maintained in the District office and at each school. The plan shall be comprehensive in nature in accordance with Florida Statutes and State Board of Education rules, and shall provide for graduation with a Martin County diploma.

F.S. 1001.41, 1001.42, 1001.43, 1003.21, 1003.43, 1003.436, 1003.438,

F.S. 1006.15, 1006.28, 1008.25

F.A.C. 6A-1.0941

Effective Date: 07/01/05

GRADUATION

The following criteria shall be observed in arranging commencement exercises and related activities:

- A. Graduation dates shall be adopted by the Board and included in the school calendar.
- B. Consideration must be given to graduation related expenses so that parents and students are not unduly burdened financially.
- C. Diplomas will be presented by the Superintendent or his/her designated representative.

F.S. 1001.41, 1001.43, 1006.07
Effective Date: 07/01/05

GRADUATION RECOGNITION PROGRAM FOR
STANDARD DIPLOMA STUDENTS

Commencing with the graduating class of high school students who enter the ninth grade during the 2007-2008 school year, the District shall no longer designate valedictorians and salutatorians based on grade point average. Instead all students pursuing a standard high school diploma will be eligible to earn one of the following designations based on class-rank:

HONORS DESIGNATION

GRADE POINT AVERAGE

<i>Summa Cum Laude</i> (“with highest honors”)	top 1 percent
<i>Magna Cum Laude</i> (“with high honors”)	next 2 percent
<i>Cum Laude</i> (“with honors”)	next 2 percent

Graduates ranked in the top five percent (5%) shall have the applicable honors designation reflected on their diplomas and transcripts and may be recognized during commencement. The students earning honors designations will vote among themselves to determine who will deliver the commencement speech.

To be designated Summa Cum Laude, Magna Cum Laude or Cum Laude, the student must be enrolled in a specific Martin County high school for a minimum of two years/14 credits to be eligible for those designations.

Class rank shall be determined based on a weighted quality point system. The points are generated based upon both the grade earned and the instructional level difficulty of each completed course as indicated in the Student Progression Plan. Class rank is determined by computing the weighted grade point average of all high school credit classes taken by a student.

F.S. 1001.41, 1001.43
Effective Date: 09/18/07

GANG CONTROL

I. **GANG POLICY, PROHIBITIONS AND PROCEDURES**

A. **Students may not:**

1. don or exhibit any type of gang related dress, apparel, markings, manner of grooming or other indicia;
2. intentionally cause, encourage, solicit, or recruit another person to become a gang member;
3. associate with a gang;
4. engage in or exhibit gang related activities, acts, or conduct.

B. If the student's behavior or other attribute is in violation of these provisions, the principal or designee will request the student to make the appropriate correction. If the student refuses, the parent/guardian may be notified and asked to make the necessary correction. The principal will take appropriate corrective and disciplinary action.

C. If a student has committed any infraction of the Student Conduct and Discipline Code for the purpose of benefiting, promoting, or furthering the interests of a gang, the penalty for such infraction may be enhanced.

D. Training to provide increased awareness of the threat to the safety of students, staff and school property which gang-related activity poses shall be provided by School Resource Officer on an as-needed basis. Additional presentations shall be made available to individual schools, staff or students at the request of the principal. Presentations shall provide training in current identification symbols used by those involved in gang-related activity and shall include the identification of hand signals, apparel, jewelry, and/or other pertinent gang-related information.

II. **DEFINITIONS.** For purposes of this rule:

A. "Gang" means a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts, and that consists of three or more persons who have a common name or common identifying signs, colors, or symbols, including, but not limited to, terrorist organizations and hate groups.

- B. "Ongoing" means that the organization was in existence during the time period charged in the Statement of Charges.
- C. "Primary activities" means that a gang spends a substantial amount of time engaged in such activity, although such activity need not be the only, or even the most important activity, in which the gang engages.
- D. "Gang associate" means a person who:
1. Admits to gang association; or
 2. Meets the defining criterion for gang membership described in subsection (3).
 3. "Gang member" is a person who meets two or more of the following criteria:
 - (a) Admits to gang membership.
 - (b) Is identified as a gang member by a parent or guardian.
 - (c) Is identified as a gang member by a documented reliable informant.
 - (d) Adopts the style of dress of a gang.
 - (e) Adopts the use of a hand sign identified as used by a gang.
 - (f) Has a tattoo identified as used by a gang.
 - (g) Associates with one or more known gang members.
 - (h) Is identified as a gang member by an informant of previously untested reliability and such identification is corroborated by independent information.
 - (i) Is identified as a gang member by physical evidence.
 - (j) Has been observed in the company of one or more known gang members four or more times.
 - (k) Has authored any communication indicating responsibility for the commission of any crime by the gang.

Where a single act or factual transaction satisfies the requirements of more than one of the criteria in this subsection, each of those criteria has thereby been satisfied for the purposes of this rule.

- E. "Gang-related activity" means:
- (a) An activity committed with the intent to benefit, promote, or further the interests of a gang, or for the

- purposes of increasing a person's own standing or position within a gang;
- (b) An activity in which the participants are identified as gang members or gang associates acting individually or collectively to further any criminal purpose of a gang;
 - (c) An activity that is identified as gang activity by a documented reliable informant; or
 - (d) An activity that is identified as gang activity by an informant of previously untested reliability and such identification is corroborated by independent information.

III. NOTIFICATION

The principal shall notify the student body of the Martin County School Board Gang Control Policy in writing, through classroom presentations and/or assemblies. A copy of the Martin County School Board Gang Control Policy shall be printed in all secondary Student Conduct and Discipline Code. It shall be the responsibility of students and parents to familiarize themselves with said policy.

F.S. 1001.41, 1001.42, 1003.31
Effective Date: 12/16/08

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. The Board has zero tolerance of violent, disruptive, or inappropriate behavior by its students.

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 District.

The Board shall develop and adopt a Code of Student Conduct for elementary schools and a Code of Student Conduct for secondary schools. The Superintendent or designee shall provide for the distribution of the appropriate code to all teachers, school personnel, students, and parents/guardian at the beginning of every school year.

Students may be subject to discipline for violation of the Code of Student Conduct even if that occurs on property not owned or controlled by the Board 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 of the Code of Student Conduct. This Code of Student Conduct shall be reviewed periodically.

F.S. 1001.41, 1001.42, 1001.43, 1002.20, 1003.01, 1003.53, 1006.07,

F.S. 1006.08, 1006.12, 1006.13

F.A.C. 6A-1.0404

Effective Date: 07/01/05

DRESS CODE

A safe and disciplined learning environment is essential to a quality educational program. Appropriate student attire promotes school safety, improves discipline and generally enhances the learning environment. The Board finds that the dress-related requirements set forth in this rule are necessary for the safety and welfare of the student body and school personnel.

Students are expected to come to school with proper attention having been given to personal cleanliness, grooming and neatness of dress. Students whose personal attire or grooming distracts the attention of other students or teachers from their school work shall be required to make the necessary alterations to such attire or grooming before entering the classroom or be sent home by the principal to be properly prepared for school. Students who fail to meet the minimum acceptable standards of cleanliness and neatness as determined by the principal and as specified in this rule, shall be subject to appropriate disciplinary measures, including suspension.

I. GENERAL REGULATIONS

- A. The school advisory council of each school shall adopt a dress code applicable to the students of that site. Minimally, the dress code shall require that a student's clothing, accessories, hairstyle and hygiene must not distract from nor disrupt the learning environment. Also, the dress code shall, at a minimum, prohibit the following types or articles of clothing: tube tops, tank tops, and halters, bare back or midriff clothing, skin tight clothing, see through clothing, bathing suits (except with permission for specified events). Shorts and dresses may not be shorter than the tips of the individual's fingers when standing upright with their arms at their sides. Undergarments shall not be exposed, i.e., boxer shorts, underwear. These samples are not all-inclusive but serve as a guide for individual schools. Individual schools may have a stricter dress code if approved by the school advisory council. All school dress codes must be reviewed and approved by the Superintendent and legal counsel before implementation. Dress codes shall be approved annually by the Board. Once a dress code has been approved, it need only be re-submitted if additional changes are made.
- B. The determination of what constitutes a safety or health hazard, a distraction of students from classroom activity, a disruption of a school program or excessive maintenance of school property shall be made by the principal.

- C. Suspension of students within the purview of this dress code shall be made by the principal pursuant to current Florida Statutes and District policies and after observing the rights of due process of the student concerned.
- D. The time, the specific location, the type of activity going on, and whether the alleged offense is the first or repetitious on the part of a student must all be considered when determining the discipline for a student. The primary consideration is correction of a problem by the quickest and most reasonable method so that the instructional program for students may proceed with the least possible disruption.

II. **SCHOOL UNIFORMS**

- A. School uniform policies promote school safety, improve discipline and enhance the learning environment, by helping prevent gang colors and insignia at school, instilling students with discipline, helping parents and students resist peer pressure, helping students concentrate on school work, and helping school officials recognize intruders.
- B. Schools shall be eligible to participate in a mandatory uniform pilot program if the following conditions are met:
 - 1. **Parent/Legal Guardian Vote**
 - a. Upon request made to a school's principal by the School Advisory Council, a parent/legal guardian vote on the proposition to implement a mandatory uniform program at the school shall be scheduled to occur not less than fourteen (14) and not more than thirty (30) calendar days after the request is received.
 - b. Not less than seven (7) days before the vote, the Superintendent shall publish one time in a newspaper of general circulation in the county the location and time of the vote.
 - c. Only parents or legal guardians of students who are currently enrolled at the school, and who will be at the school the following year, and who have been identified through the student registration records shall be eligible to vote; provided, however, that there shall be allowed only one (1) vote per family. If the records show that a family has exceeded their single vote, their votes shall be reduced to one (1) vote if

they have voted the same way. Otherwise, all of the family's votes shall be invalidated.

- d. The proposition shall pass if a majority of eligible voters vote in favor of the proposition.

2. Uniform Selection

- a. At the time of submitting its request for a parent/legal guardian vote in accordance with Section 2(B)(1) of this rule, the School Advisory Council shall recommend a uniform that complies with all other provisions of this rule concerning appropriate attire.
- b. Final uniform selection shall be subject to approval by the Board.

3. Program Implementation

The mandatory uniform policy at the school shall be implemented commencing with the semester immediately following the vote.

4. Financial Considerations

- a. Financial Hardship

No student shall be denied attendance at school or be otherwise penalized for failing to wear clothing that complies with the uniform dress code if such failure is due to financial hardship.

- b. Assistance

Each school's principal and School Advisory Council shall develop procedures and criteria to offer assistance to students who would have or are having difficulty complying with the school's uniform dress code due to financial hardship; and shall develop a program to provide for donations of clothing or financial assistance, or reuse of uniform clothing or similar program that would alleviate such financial hardship.

c. New Students

Students entering the District during the school year shall be granted a two (2) week grace period before being required to comply with the uniform dress code.

III. EXEMPTIONS

Exemptions to the mandatory uniform program may be granted when:

- A. Uniforms of a nationally recognized youth organization such as the Boy Scouts, Girl Scouts or JROTC are worn on regular meeting days.
- C. The wearing of a school uniform violates a student's sincerely held religious belief.

IV. EXEMPTION PROCEDURES

Requests for exemptions shall be made in accordance with the following procedure:

- A. A request is made by mail or in person by the parent or guardian for an Application for Exemption from the Uniform Program ("Application"). The parent or guardian may obtain an Application at the student's school site.
- B. The Application is completed in full and submitted to the school principal. The Application must clearly specify the basis for the requested exemption by reference to section 3 (A) through (C) above, and must contain a detailed justification for the requested exemption.
- C. The school principal or other designated administrator meets with the parent to discuss the uniform policy and the nature of the objections to the policy. The purposes of this meeting include: (1) ensuring that the parent or guardian understand the reason for, and goals of, the uniform policy; (2) verifying the accuracy of the information on the Application; (3) preventing fraud or misrepresentation.
- D. The decision whether or not to grant the exemption rests within the sound discretion of the school principal.

V. PROGRAM COMPLIANCE

The school, having duly instituted a mandatory uniform program, must implement the program by:

- A. Each school shall develop incentives and positive reinforcement measures to encourage full compliance with the uniform policy. Each school should strive to achieve full compliance through use of incentives and positive reinforcement measures, and should resort to disciplinary action only when positive measures fail to ensure compliance. In addition, schools shall communicate with parents so that expectations, rationale, and benefits are fully understood by the student and his or her family.
- B. If necessary, disciplinary action may be taken to encourage compliance with the policy.
- C. A “progressive discipline” approach is to be employed so as to encourage full and consistent compliance with the least amount of disciplinary action.
- D. Prior to initiating any disciplinary action against a student not complying with the policy, a school administrator or counselor shall request a conference with the parent or guardian to solicit cooperation and support.

VI. TERMINATION OF MANDATORY UNIFORM PILOT PROGRAM

The mandatory uniform program at a school may be terminated in accordance with either of the following:

- A. By Board vote; or
- B. Upon the school advisory council’s request, and a majority vote of eligible families, pursuant to the procedures identified section 2(B)(1) of this rule.

F.S. 1001.41, 1001.43, 1006.07

Effective Date: 07/01/05

Amendment Date: 08/15/06

CLEAN AIR ACT/TOBACCO FREE ENVIRONMENT

Smoking and the use of smokeless tobacco products by Board personnel, students, or any other person, shall not be permitted in any building or Board vehicle, on school property or while on duty in the presence of students. This prohibition includes, but is not limited to, all areas delineated pursuant to F.S. 386.205(2)(a), 386.203(6), 235.011(5), Florida Statutes, all Florida Inventory School Housing (FISH) numbered facilities, and all property owned or leased by the Board.

F.S. 386.201, 386.202, 386.204, 386.212, 1001.41, 1001.43
20 U.S.C. 6081 et seq.
Effective Date: 07/01/05

CARE OF SCHOOL PROPERTY

The 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 and reserves the right to withhold a report card or credits from any student whose payment of such fine is in arrears.

The District 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 for the apprehension of any person who vandalizes school property.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

VEHICLE USE BY STUDENTS

Each school shall develop its own parking rule/procedures including appropriate fees. A student shall be permitted to drive his/her automobiles, motor scooter, or motorcycle to school provided a written consent of his/her parent(s) or legal guardian and a written agreement to comply with all Board policies relating to student vehicles if filed with the principal.

Any student violating this policy shall be denied permission to bring his/her vehicle to school until such time as the principal restores the privilege.

The Board shall not be responsible for motor vehicles which are lost, stolen, or damaged, uninsured, unregistered or driven by any unlicensed operator.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

NON DISCRIMINATION AND PROHIBITION OF HARASSMENT

I. **NON-DISCRIMINATION**

Discrimination/harassment against students and applicants for admission on the basis of race, religion, national origin, sex, age, marital status, or disability is prohibited in the delivery of educational services and activities in the District.

No visitor to the District shall be excluded from participation in any educational program or activity provided by the schools in Martin County on the basis of race, religion, national origin, sex, age, marital status or disability.

Any person alleging an act of unlawful discrimination/harassment covered by this policy may use the complaint procedure described in Policy 5517.01.

II. **PROHIBITION OF DISCRIMINATION/HARASSMENT**

A. **General Policy Statement**

It is the policy of the Board to maintain an educational environment which is free from all forms of unlawful discrimination/harassment, including sexual harassment. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful discrimination/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.

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

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

B. Definitions

1. Sexual Harassment

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

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

- a. Submission to such conduct is made either implicitly or explicitly a term or condition of a student’s educational program or activity;
- b. Submission or rejection of such conduct by a student is used as the basis for academic decisions affecting such individual;
- c. Such conduct has the purpose or effect of interfering with the student’s academic performance; of creating an intimidating, hostile, or offensive educational environment; or of interfering with one’s ability to participate in or benefit from a class or an educational program or activity.

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

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

- i. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- ii. Physical assault.
- iii. Threats or insinuations that a student’s academic grade, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of educational

activities which may be adversely affected by not submitting to sexual advances.

- iv. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
 - v. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the educational environment, which may embarrass or offend individuals.
 - vi. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
 - vii. 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.
 - viii. Remarks speculating about a student's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
2. Discrimination/harassment on the basis of other protected characteristics is also strictly prohibited. Under this policy, discrimination/harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward a student because of his/her race, religion, national origin, sex, age, marital status or disability, and that:
- a. has the purpose or effect of creating an intimidating, hostile or offensive educational environment;
 - b. has the purpose or effect of unreasonably interfering with a student's educational performance; or
 - c. otherwise adversely affects a student's educational opportunities.

Harassing conduct includes, but it is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display

or circulation in the educational environment of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

III. OTHER VIOLATIONS OF THE PROHIBITION OF HARASSMENT POLICY

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a student who has made a report or filed a complaint alleging discrimination/harassment, or who has participated as a witness in a discrimination/harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of discrimination/harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's duties.

IV. CONFIDENTIALITY

The right to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred, to the extent possible.

V. SANCTIONS AND MONITORING

The Board shall vigorously enforce its prohibitions against unlawful discrimination/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). In determining whether alleged conduct constitutes discrimination/harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred will be investigated. The Superintendent or designee has the responsibility of investigating and resolving complaints of discrimination/harassment. A substantiated charge against a Board employee shall subject such employee to disciplinary action, including but not limited to, warning, reprimand, suspension or termination, subject to applicable procedural requirements and relevant collective bargaining agreement.

VI. EDUCATION AND TRAINING

In support of this prohibition of discrimination and harassment policy, the Board promotes preventative educational measures to create greater awareness of unlawful harassment and discriminatory practices, which includes training related to the implementation of this policy and its accompanying administrative guidelines.

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

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

42 U.S.C. 1983

29 U.S.C. 794, Non Discrimination under Federal Grants and Programs

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

29 U.S.C. 621, Age Discrimination Act (ADEA)

20 U.S.C. 1681 et seq., Title IX of the Civil Rights Act of 1964

F.S. 760.10 (Florida Civil Rights Act), 1000.05 (Discrimination against students and employees in Florida), 1001.41, 1001.43

Effective Date: 07/01/05

Amendment Date: 07/18/06

DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

This grievance procedure exists to provide formal resolution of complaints that Board Policy 5517 has been violated. It does not prohibit the informal adjustment of any complaint. Although pursuit of an informal adjustment is not a valid reason for missing a filing deadline, a timely filed complaint may be continued by consent of the parties in order to allow pursuit of an informal adjustment.

The Executive Director of Exceptional Student Education/Student Services is hereby designated as the District's equity officer. Her name is Maryellen Quinn-Lunny and she can be contacted by telephone at 219-1200 extension 30427. The equity officer shall be informed of the progress of all informal adjustments and grievances at each step by the District employee responsible for each step of the grievance so that the equity officer may be abreast of all matters concerning this policy and may be ready at any time to report on the same to the Superintendent, Board or an outside agency.

Where a statute or administrative rule provides a scheme for resolution of complaints arising under that statute or rule, this grievance procedure shall not be applicable.

The Board will vigorously enforce its prohibition against discrimination/harassment based on race, religion, national origin, sex, age, marital status, disability, or any other unlawful basis, and encourages those within the District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of discrimination/harassment and in those cases where unlawful discrimination/harassment is substantiated the Board will take immediate steps to end the discrimination/harassment. Individuals who are found to have engaged in unlawful discrimination/harassment will be subject to appropriate disciplinary action.

The procedure for processing a complaint alleging a violation of Policy 5517 shall be as follows:

- A. Within sixty (60) calendar days of the occurrence of an alleged incident of discrimination/harassment, the complainant may file a written complaint with the principal or supervisory administrator setting forth the date of the alleged incident, the nature of the alleged discrimination/harassment, the names of the persons involved, any witnesses to the incident, other details as appropriate, and the remedy sought. Visitor complaints shall be filed with the equity officer for determination. Any complaint not filed within this time period shall be deemed untimely filed and shall not be processed.

- B. The principal, supervisory administrator or equity officer shall investigate the complaint and issue a written ruling within twenty (20) calendar days of receipt of the complaint.
- C. In the event the principal or supervisor is the person involved in the alleged discrimination/harassment the complainant may file a written complaint with the equity officer or next level administrator who shall investigate the complaint and issue a written ruling within twenty (20) calendar days of receipt of the complaint.
- D. The complainant may appeal the ruling to the Superintendent within ten (10) calendar days following receipt by the individual of the ruling. Any appeal not timely filed shall not be processed.
- E. The Superintendent or his/her designee shall review the ruling and conduct such further investigation as may be appropriate. The Superintendent's disposition of the complaint shall be issued within twenty (20) calendar days.
- F. The complainant may appeal the Superintendent's decision to the Board within fifteen (15) calendar days of the receipt by the complainant of the Superintendent's decision, by filing a request for a public hearing before the Board. Any appeal not timely filed shall not be processed.
- G. Deadlines herein are directory only and not mandatory upon the District. If more than twice the allotted time has expired without a response, the appeal may be taken to the next step.
- H. A complainant who fails to comply with the timeliness requirements for filing appeals as contained herein shall be deemed to have accepted the ruling or decision at the given level as satisfactory and acceptable, and to have waived the right to appeal further.

I. **CONFIDENTIALITY**

- 1. The right to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred, to the extent possible.

J. **RETALIATION**

- 1. Retaliating against a person who has made a report or filed a complaint alleging discrimination/harassment, or who has

participated as a witness in a discrimination/harassment investigation, is prohibited.

The complaint process set forth in the policy and in the administrative guidelines is not intended to interfere with the rights of a member of the District community or a third party to pursue a complaint of unlawful discrimination/harassment with the United States Department of Education or the Office for Civil Rights.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/harassment regardless of whether the member of the District community or third party alleging the discrimination/harassment pursues the complaint.

F.S. 120.53(1), 1000.05, 1001.41, 1001.43

Section 504 of the Rehabilitation Act

Title IX of the Civil Rights Act

Americans with Disabilities Act

P.L. No. 101-336(2)(b)

42 U.S.C. 12010 et seq.

Effective Date: 07/01/05

Amendment Date: 11/15/05; 07/18/06; 03/10/09

ANTI-BULLYING

I. STATEMENT PROHIBITING BULLYING AND HARASSMENT

It is the policy of the Martin County School District that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

II. DEFINITION OF BULLYING AND DEFINITION OF HARASSMENT

Bullying means systematically and chronically inflicting severe physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause severe discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:

- A. Teasing
- B. Social Exclusion
- C. Threat
- D. Intimidation
- E. Stalking
- F. Physical violence
- G. Theft
- H. Sexual, religious, or racial harassment
- I. Public humiliation
- J. Destruction of property

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, which is severe and pervasive, that it:

- A. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or 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 encompasses:

- A. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
- B. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - 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 District school system
 - 3. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment

Cyberstalking as defined in s. 784.048(1)(d), F.S., 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.

III. DESCRIPTION OF THE TYPE OF BEHAVIOR EXPECTED FROM EACH STUDENT AND SCHOOL EMPLOYEE OF A PUBLIC K-12 EDUCATIONAL INSTITUTION

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

The School District believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that

encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for District and community property on the part of students, staff, and community members. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior; treat others with civility and respect; and refuse to tolerate bullying or harassment.

The School District upholds that bullying or harassment of any student or school employee is prohibited:

- A. During any education program or activity conducted by a public K-12 educational institution;
- B. During any school-related or school-sponsored program or activity;
- C. On a school bus of a public K-12 educational institution; or
- D. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 education institution.

IV. CONSEQUENCES FOR A STUDENT OR EMPLOYEE OF A PUBLIC K-12 EDUCATIONAL INSTITUTION WHO COMMITS AN ACT OF BULLYING OR HARASSMENT:

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action. Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct. Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment may be disciplined in accordance with District policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. (See State Board of Education Rule 6B-1.006, FAC., *The Principles of Professional Conduct of the Education Profession in Florida*.) Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

V. CONSEQUENCES FOR A STUDENT OR EMPLOYEE OF A PUBLIC K-12 EDUCATIONAL INSTITUTION WHO IS FOUND TO HAVE WRONGFULLY AND INTENTIONALLY ACCUSED ANOTHER OF AN ACT OF BULLYING OR HARASSMENT

Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of bullying or harassment range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct. Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another as a means of bullying or harassment may be disciplined in accordance with District policies, procedures, and agreements. Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

VI. A PROCEDURE FOR REPORTING AN ACT OF BULLYING OR HARASSMENT, INCLUDING PROVISIONS THAT PERMIT A PERSON TO ANONYMOUSLY REPORT SUCH AN ACT

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal's designee.

The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians, how a report of bullying or harassment may be filed either in-person or anonymously and how this report will be acted upon. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment. 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.

Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

VII. A PROCEDURE FOR THE PROMPT INVESTIGATION OF A REPORT OF BULLYING OR HARASSMENT AND THE PERSONS RESPONSIBLE FOR THE INVESTIGATION

At each school in the District, the Procedures for Investigating Bullying and/or Harassment shall include:

- A. The principal or designee selects a designee(s), employed by the school, trained in investigative procedures to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.
- B. The investigator shall collect and evaluate the facts which may include, but are not limited to:
 - 1. Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc.;
 - 2. How often the conduct occurred;
 - 3. Whether there were past incidents or past continuing patterns of behavior;
 - 4. The relationship between the parties involved;
 - 5. The characteristics of parties involved (i.e., grade, age, etc.);
 - 6. The identity and number of individuals who participated in bullying or harassing behavior;
 - 7. Where the alleged incident(s) occurred;
 - 8. Whether the conduct adversely affected the student's education or educational environment;
 - 9. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 - 10. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
- C. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

VIII. A PROCESS TO INVESTIGATE WHETHER A REPORTED ACT OF BULLYING OR HARASSMENT IS WITHIN THE SCOPE OF THE DISTRICT SCHOOL SYSTEM AND, IF NOT, A PROCESS FOR REFERRAL OF SUCH AN ACT TO THE APPROPRIATE JURISDICTION

A principal or designee will assign a designee(s) that is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the School District.

The trained designee(s) will make a determination if an act of bullying or harassment falls within the scope of the District.

- A. If it is within scope of District, move to Procedures for Investigating Bullying and/or Harassment.
- B. If it is outside scope of District, and determined a criminal act, refer to appropriate law enforcement.

IX. A PROCEDURE FOR PROVIDING IMMEDIATE NOTIFICATION TO THE PARENTS/LEGAL GUARDIANS OF A VICTIM OF BULLYING OR HARASSMENT AND THE PARENTS/LEGAL GUARDIANS OF THE PERPETRATOR OF AN ACT OF BULLYING OR HARASSMENT AS WELL AS, NOTIFICATION TO ALL LOCAL AGENCIES WHERE CRIMINAL CHARGES MAY BE PURSUED AGAINST THE PERPETRATOR

The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the bullying incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states "...a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school."

If it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing by no later than the time of completion of the investigation.

X. A PROCEDURE TO REFER VICTIMS AND PERPETRATORS OF BULLYING OR HARASSMENT FOR COUNSELING

A District referral procedure will establish a protocol for intervening when bullying or harassment is suspected or when a bullying incident is reported. The procedure shall include:

- A. A process by which the teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included).
- B. A referral process to provide professional assistance or services that includes:
 - 1. A process by which school personnel or parent/legal 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.
 - 2. A school-based component to address intervention and assistance as determined appropriate by the intervention team that includes:
 - (i) Counseling and support to address the needs of the victims of bullying or harassment.
 - (ii) Research-based counseling/interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management).
 - (iii) Research-based counseling/interventions which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

XI. A PROCEDURE FOR INCLUDING INCIDENTS OF BULLYING OR HARASSMENT IN THE SCHOOL'S REPORT OF DATA CONCERNING SCHOOL SAFETY AND DISCIPLINE DATA REQUIRED UNDER S. 1006.09(6), F.S. THE REPORT MUST INCLUDE EACH INCIDENT OF BULLYING OR HARASSMENT AND THE RESULTING CONSEQUENCES, INCLUDING DISCIPLINE AND REFERRALS. THE REPORT MUST

INCLUDE, IN A SEPARATE SECTION, EACH REPORTED INCIDENT OF BULLYING OR HARASSMENT THAT DOES NOT MEET THE CRITERIA OF A PROHIBITED ACT UNDER THIS SECTION WITH RECOMMENDATIONS REGARDING SUCH INCIDENTS

The School District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment as an incident code as well as bullying-related as a related element code. The SESIR definition of bullying/harassment is 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.

The District will provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.

XII. A PROCEDURE FOR PROVIDING INSTRUCTION TO STUDENTS, PARENTS/LEGAL GUARDIANS, TEACHERS, SCHOOL ADMINISTRATORS, COUNSELING STAFF, AND SCHOOL VOLUNTEERS ON IDENTIFYING, PREVENTING, AND RESPONDING TO BULLYING OR HARASSMENT

The District ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses other non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parents/legal guardians, and students.

Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's Policy and Regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying in schools.

XIII. A PROCEDURE FOR REGULARLY REPORTING TO A VICTIM'S PARENTS/LEGAL GUARDIANS THE ACTIONS TAKEN TO PROTECT THE VICTIM

The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying as defined by this policy to the parent

or legal guardian of all students involved. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

XIV. A PROCEDURE FOR PUBLICIZING THE POLICY WHICH MUST INCLUDE ITS PUBLICATION IN THE CODE OF STUDENT CONDUCT REQUIRED UNDER S. 1006.07(2), F.S., AND IN ALL EMPLOYEE HANDBOOKS

At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.

Each District school shall provide notice to students and staff of this policy through appropriate references in the code of student conduct and employee handbooks, and/or through other reasonable means.

F.S. 1001.41, 1001.43
Effective Date: 11/18/08

ALCOHOL, DRUGS, OR WEAPONS

Alcoholic beverages, drugs, guns, weapons, or any object used as a weapon are not permitted on property owned or controlled by the Board.

Alcoholic beverages, drugs, guns, weapons, or any object used as a weapon are not permitted at school-sponsored activities.

The principal or other Board employee in charge of the above site or activity is responsible to see that no alcoholic beverages, drugs, guns, weapons or any other object used as a weapon are allowed on premises.

The possession, sale, transfer, or use by any individual of any form of alcoholic beverages, drugs with abuse potential, hallucinogens, counterfeit controlled substances, or similar items, except as permitted herein, is prohibited. Drugs with abuse potential are defined as those requiring a physician's prescription, or those drugs whose possession is prohibited by Florida law.

All prescribed medications must be brought to school by the parent/guardian and received by school personnel in original containers. Prescribed medications may only be possessed, used, and administered in accordance with Policy 5330.

Any individual found using, possessing, selling or transferring, or being under the influence of drugs or alcohol in violation of this policy, shall be immediately suspended and referred to the Superintendent for further action.

Any individual found possessing a gun or weapon, or any object used as a weapon in violation of this policy, shall be immediately suspended and referred to the Superintendent for further disciplinary action, up to and including termination of employment or expulsion.

The Superintendent shall ensure that any staff member possessing a weapon or other device designed to inflict serious bodily harm is reported immediately to the appropriate law enforcement agency.

F.S. 1001.41, 1001.43, 1012.22, 1012.27

18 U.S.C. 922

Effective Date: 07/01/05

STUDENT INTERVIEWS

Law enforcement and other authorized officials are encouraged to make arrangements for student interviews with the school resource officer or, in the absence of the school resource officer, with the principal or the principal's designee. See also Policy 9150.

Interviews of students on school premises by authorized representatives of the Department of Children and Families ("DCF") and law enforcement agencies in connection with child protective or criminal investigations shall be governed by the applicable provisions of Part I, General Provisions, and Part III, Protective Investigations, or Chapter 39, Florida Statutes, entitled *Proceedings Relating to Children*.

Principals and all other school personnel shall cooperate, assist, and provide information to DCF or the law enforcement agency to enable DCF or the law enforcement agency to fulfill its responsibilities in conducting such interviews. When the initial interview with the child is conducted at school, the presence of a school staff member shall be allowed only if the following conditions are met:

- A. the school staff member is known to the child;
- B. DCF or the law enforcement official believes that the school staff member could enhance the success of the interview by his or her presence; and
- C. the child requests or consents to the presence of the school staff member at the interview.

The school and school staff members shall not maintain a separate record of the investigation.

School staff shall cooperate when DCF or the law enforcement agency determines it to be appropriate to take photographs documenting abuse or neglect.

Personally identifiable records or reports of a student, and any personal information contained therein, shall not be released to DCF or the law enforcement agency except as expressly authorized or required by applicable

State and Federal law and regulation. The Board's attorney should be consulted where questions arise concerning the release of such records, reports, and information to DCF or the law enforcement agency.

F.S. 1001.41, 1001.43, 1001.54, 1012.28

Fla. Const. Art. I, Section 9

School Resource Officer Handbook

Effective Date: 07/01/05

SAFETY PATROL

Students are encouraged to participate in a safety patrol program. The following criteria shall apply:

- A. The safety patrol shall be the principal's responsibility.
- B. Members of the safety patrol must receive adequate training.
- C. The principal and teacher must instruct the school's students in the patrol's functions and his/her responsibility to follow patrol members' directions.

F.S. 1001.41, 1001.43, 1001.54, 1006.141, 1012.28
Effective Date: 07/01/05

BEHAVIOR MANAGEMENT OF STUDENTS

The principal, or in his/her absence, his/her designee shall have the responsibility for maintaining overall discipline within the school setting. The principal shall share with the teacher the responsibility for maintaining proper school conduct and morale. Further, s/he may delegate to the teachers such responsibility for control and direction of the students as s/he considers desirable, except that corporal punishment shall not be used under any circumstances. When and where student management responsibility has been delegated, the teachers shall be supported in any reasonable action they may take.

Each student enrolled in a school shall, during the time s/he is being transported to or from school at public expense, during the time s/he is attending school, during the time s/he is on the school premises, and during the time s/he is participating in an extra co-curriculum activity, be under the authority of the principal/designee, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal.

The Board shall take reasonable steps within its legal power to protect and support the principal and teachers in their disciplinary roles. This shall include legal support in accordance with F.S. 1012.26. In addition, the Board shall assist the principal, teacher, bus driver and/or other school staff members in establishing and enforcing penalties for the disruption of school functions or assault upon the instructional staff as set forth under F.S. 1006.145.

Professional 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 self and others, to obtain dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

All suspensions or expulsions shall be made in accordance with Florida Statutes and Board policies.

F.S. 1001.41, 1001.43, 1002.20, 1003.31, 1003.32, 1006.07, 1006.08

F.S. 1006.09, 1006.10

Effective Date: 07/01/05

REMOVAL, SUSPENSION, EXPULSION, AND PERMANENT
EXCLUSION OF STUDENTS

I. SUSPENSION OF STUDENTS

A. Suspension normally should be applied only after counseling and parent conference and other interventions have failed to effect a change in the student's behavior, unless the offense is grievous enough to warrant immediate action.

B. Due Process

In the event of suspension (from school or bus transportation), a parent conference may be requested. Whether or not such a conference is arranged, written notice stating the cause and duration of the suspension shall be sent to the student's parents or guardian and to the Superintendent within twenty-four (24) hours, unless the event of suspension occurs on a Friday or other day preceding a holiday wherein notice shall be mailed immediately the following work day. Oral or written notice of the charges must be provided to the student. If s/he denies the charges, an explanation of the evidence against him/her and an opportunity to present his/her side of the story must be provided by the principal or designee. The length of the suspension shall be in direct proportion to the severity of the infraction. Alternative educational programs will be considered and recommended when appropriate.

1. A principal is authorized to suspend a student for not more than ten (10) days per incident for a single infraction as identified in the Code of Student Conduct.
2. With respect to transportation offenses, a principal or designee is authorized to suspend students from the bus for more than ten (10) days consistent with the principle of progressive discipline.
3. Carrying a firearm or deadly weapon on the school ground shall result in immediate suspension and the suspension shall include a mandatory expulsion request to the Superintendent.
4. A committee shall be convened to determine the educational programs of any student who is formally charged with a felony by the State Attorney's Office. Suspension and expulsion determinations shall provide for continuation of educational services.

5. Any student convicted by a court of competent jurisdiction of the sale, possession, use or transfer of any drug with abuse potential, narcotic, hallucinogen or similar items shall be immediately suspended by the principal and recommended to the Superintendent for expulsion.
6. No student who is required by law to attend school shall be suspended from school for unexcused absence or truancy.
7. These procedures shall work in concert with the due process procedures delineated in the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973.

II. **EXPULSION OF STUDENTS**

- A. Any principal who feels that the expulsion of a student is required shall so recommend to the Superintendent in writing, stating the charges against the student in detail, complete with names and witnesses and facts to which each will testify.
- B. Upon receipt of such recommendation for expulsion from a principal the Superintendent shall immediately investigate. If, in the opinion of the Superintendent, such recommendation is well-founded, the Superintendent or designee shall:
 1. Provide an opportunity to the student and parent/guardian to informally review the results of the investigation. If the Superintendent or designee has found that cause exists to recommend the student's expulsion, the Superintendent or designee will offer the student the opportunity to avoid a fact-finding hearing by agreeing not to contest the charges.
 2. Give written notice of the charges, stating specifically the facts and grounds, which, if proven, would justify expulsion under the regulations of the Board; a list of names of witnesses against the student and the facts to which each will be expected to testify; notice that expulsion hearings are exempt from public meetings, but the parent or legal guardian may elect a public hearing; and notice of a hearing date which will provide sufficient time for which the student may have an opportunity to prepare and present his defense against the charges and to produce either oral testimony or written affidavits of witnesses in his behalf. This shall be sent to the student by registered mail, return receipt requested, or hand delivered and receipt signed.

3. Preserve all testimony in the proceedings and provide for transcript of proceedings, if requested in advance of the hearing by the student, at no more than actual cost to the student.
4. Advise the Board's attorney so that arrangements may be made to prosecute the charges brought by the Superintendent in order that the Board's attorney may advise the Board and sit as law officer thereof.
5. If a student is adjudicated guilty of a felony, the Superintendent shall consider a recommendation of expulsion following the above procedures, as authorized in F.S. 1006.09, and with consideration to any handicapping condition of the student.
6. If a student is convicted of assault or battery on school personnel, the Superintendent shall recommend expulsion for a one (1) year period and placement in an alternative school setting.

School Board Policy 5610.01 shall be followed for disabled students.

F.S. 1001.41, 1001.43, 1002.20, 1003.02, 1006.07, 1006.09
18 U.S.C. 921
20 U.S.C. 8921
F.A.C. 6A-03312

See also Goss v. Lopez, 419 U.S. 565 (1975); Dixon v. Alabama State Board of Education, 294 F.2d 150 (5th Cir. 1961); Boynton v. Casey, 543 F.Supp 995 (D.Me. 1982); Department of Health and Rehabilitative Services v. R.W.H., 87-4215C (DOAH 1988)

Effective Date: 07/01/05

EXPULSION OF DISABLED STUDENTS

Expulsion of students with disabilities (as qualified under State and District criteria) constitutes a change of placement and may only be accomplished in accordance with procedural requirements provided by law for students with disabilities and may not result in a complete cessation of educational services to the student.

In the event of a disciplinary infraction by a student with a disability, the usual investigative procedures are to be followed, as for all students. The student will either be determined as not involved, may admit his guilt or involvement or may have to be further provided the opportunity to explain his version.

When a student with a disability is to be recommended for expulsion, the matter shall be forwarded to the child's IEP team for a manifestation determination and functional behavioral analysis, as required by law.

In the event the IEP team determines that the behavior of the child with a disability was a manifestation of the child's disability, the ordinary disciplinary procedures applicable to children without disabilities shall be automatically abated, unless the child requests a hearing before the Board limited to a determination of whether the child engaged in the misbehavior alleged and, if so, whether such behavior would ordinarily be subject to expulsion. Regardless of whether a hearing is requested, the IEP team may proceed to review the child's placement to determine whether a change in placement is appropriate.

In the event that the IEP team determines that the behavior of a child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which it would be applied to children without disabilities, except that the District must provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP. The nature of services is to be determined by the IEP team. All special education and disciplinary records of the disabled child will be provided for consideration by the person or persons making the final determination regarding the disciplinary action.

Notwithstanding anything herein to the contrary, school personnel may order a change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline but for not more than forty five (45) days if:

1. The child carries a weapon to school or to a school function; or
2. The child knowingly possesses or uses illegal drugs or sells or solicits a sale of a controlled substance while at school or a school function.

Notwithstanding anything herein to the contrary, school personnel may report a crime committed by a child with a disability to appropriate authorities or may seek judicial relief to the extent allowed by law.

F.S. 120.57, 1001.41, 1001.42, 1001.43, 1002.20, 1003.02, 1006.07

F.S. 1006.08, 1006.09

18 U.S.C. Section 921

20 U.S.C. 8921

34 C.F.R. 519 *et seq.*

F.A.C. 6A-0331, 6A-0341

Effective Date: 07/01/05

Amendment Date: 11/15/05

IN-SCHOOL DISCIPLINE

If it is necessary to detain a student after school, parents shall be notified at least one (1) day prior to the detention, unless special arrangements have been made with the parent or guardian.

When using detention as a disciplinary measure or to complete work, the teacher and the principal should consider the distance between the student's home and school and the transportation problem involved.

F.S. 1001.41, 1001.43, 1006.07
Effective Date: 07/01/05

PROHIBITION FROM EXTRA-CURRICULAR ACTIVITIES

Participation in extra-curricular activities, including interscholastic sports, is a privilege and not a right. Therefore, the Board authorizes the Superintendent, principals, and assistant principals, or any other authorized personnel employed by the District that supervise or coach a student activity program, to prohibit a student from participating in any particular or all extra-curricular activities of the District for offenses or violations of the Student Code of Conduct/Student Discipline Code for a period not to exceed the remainder of the school year in which the offense or violation of the Student Code of Conduct/Discipline Code 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.

Students prohibited from participation in all or part of any extra-curricular activity are not entitled to further notice, hearing, or appeal rights.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

CLUBS AND ORGANIZATIONS

I. RULES APPLICABLE TO ALL CLUBS AND ORGANIZATIONS

To supplement and strengthen the educational program, schools are authorized to encourage the formation of service, literary, and athletic clubs and honor society. All such clubs and groups within a school, including those sponsored by outside organizations, shall be subject to the following provisions:

- A. Principal approval must be obtained prior to organization. The principal has final authority to decide on the number and type of clubs or organizations to be approved.
- B. A definite purpose shall be established through the adoption of a constitution and by-laws which conforms to the instructional program, policies and philosophy of the school.
- C. The principal shall exercise supervision and final authority over all organization activities.
- D. All organization funds shall be deposited in the school's internal account, to be disbursed only with the approval of the club and principal.
- E. Each club shall have a faculty and/or Martin County School District sponsor who will maintain communication with the principal regarding organization problems and activities.
- F. Meeting schedules must be approved by the principal.
- G. No club or organization may exclude anyone from membership because of race, religion, national origin, sex, marital status or disability.
- H. If a student meets the membership qualifications, he/she shall not be denied such membership.
- I. Social fraternities and sororities are specifically forbidden by Florida law.
- J. Any social function sponsored by a school shall be approved by the principal and properly chaperoned by faculty representatives. Parents may be invited to assist with chaperoning.

II. ADDITIONAL RULES FOR ATHLETIC CLUBS

For purposes of this rule, an “athletic club” refers to a club or group of students engaged in athletic activities, physical exercises, or other activity principally involving strength, agility, coordination and/or other physical skills. “Sports” shall be deemed to include, but not be limited to, all activities recognized by the Florida High School Athletic Association (FHSAA) as either sanctioned, recognized or club sports.

Because all participants of athletic clubs are exposed to the possibility of physical injury and because athletic clubs generally impose a greater demand on the Board’s limited athletic facilities and resources, no athletic club may be approved by a principal after July 1, 2006, unless all of the criteria set forth below are satisfied.

- A. Athletic clubs may only be approved for students to engage in a sport which has been identified by the FHSAA as a “sanctioned” sport.
- B. The club must provide a schedule of games, including a practice schedule with practice times and location. The club must define a starting and ending date for its season.
- C. The club must provide transportation to all events, contests and activities. The School District will not provide transportation for the athletic club’s activities.
- D. The club will be required to pay for the cost to the School District to acquire insurance for all of the club’s participants. The club’s participants must meet all School District requirements that relate to athlete health insurance and physicals.
- E. The club must provide a list of committed participants at the time of application demonstrating, to the principal’s satisfaction, a level of interest adequate to ensure the fielding of a full team for the type of sport involved.
- F. The club must provide all uniforms and necessary equipment, services, workers and officials required for the sport.
- G. All participants must be enrolled as a student in the Martin County School District or meet the requirements for participation of a non-public student in extracurricular activities.
- H. The club must demonstrate to the principal’s satisfaction, that it has an appropriate organization and financial resources to ensure that all of the requirements of this rule will be satisfied.

- I. All approvals of athletic clubs under this rule shall be deemed provisional for the first two years and the club must reapply for recognition after each provisional year after demonstrating compliance with all of this rule's requirements. The School Board reserves the right to terminate the approval of any athletic club.

F.S. 1001.41, 1001.43, 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

Effective Date: 07/01/05

Amendment Date: 03/20/07

SEARCH AND SEIZURE

I. **PRIVACY RIGHTS ON BOARD PROPERTY**

There is no right to expectation of privacy while on Board property. Parents, students, Board employees, and the public shall be informed that public school campuses, including, but not limited to, buildings, parking areas, athletic and recreational areas, and lockers are Board property and no one using said property, whether as a student or in any other capacity, has the expectation of privacy in or around said property.

Parents, Board employees, students and the public shall be informed that automobiles, trucks, vans, or other transportation means located or operated on Board property is a privilege granted by the Board and any person whose vehicles are so located shall not have any expectation of privacy in or around said vehicles.

II. **SEARCH OF STUDENTS**

The Board recognizes that the privacy of students or their belongings may not be violated by 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, including desks and lockers, 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 of 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 providing for 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 policies. 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 a prominent location in each building. Refusal by a student to submit to a search will result in disciplinary action.

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, weapons, or other explosive devices when the Superintendent has reasonable suspicion that illegal drugs, drug paraphernalia, 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.

F.S. 1001.41, 100143, 1006.09
U.S. Constitution, 4th Amendment
Effective Date: 07/01/05

NON-SCHOOL MATERIALS AND PROGRAMS

Faculties, staff, and students shall not be permitted in any manner to distribute material wherein the primary purpose is to advertise or to otherwise promote the interest of any commercial, political, or other non-school agency, individual, or organization.

Programs or materials offered to the schools by outside organizations or persons should be carefully examined as to the value of such programs to the total instructional program. The Superintendent, or designee, will make the decision regarding the propriety of such program or materials.

The Superintendent may announce or authorize to be announced, any program or other community activity of particular educational merit; and, the schools may, upon approval of the Superintendent, cooperate with any governmental agency in promoting activities in the general public interest which are non-partisan and non-controversial and which promote the welfare of the students.

F.S. 790, 1001.41, 1001.43, 1006.07
20 U.S.C. 7151
Effective Date: 07/01/05

FUND RAISING

All fund-raising projects and activities promoted by the school or any group within or connected with or in the name of the school, are to contribute to the educational experience of the students and shall not be in conflict with Board policies or the overall instructional program.

School activity planning and budgeting are required prior to any fund raising projects activity. Each fund-raising project using students to solicit shall be approved by the principal, and should be conducted in such a way to offer the minimum competition to commercial firms. The Director of Student Activities at each senior high school shall be responsible for scheduling all approved fundraising activities at that school. Accountability of fund-raising projects shall be in accordance with provisions of the *Internal Funds Procedures Manual*.

Fund raising activities that are consistent with the aims and objectives of the educational program of the District may be conducted in the school, or on Board property, in accordance with the following guidelines:

- A. The principal must approve in advance all fund raising activities that involve the use of school name, school facilities, school personnel, or students. Games of chance are prohibited pursuant to this policy.
- B. Fund raising activities shall not be conducted during the student's scheduled instructional time unless prior principal approval is obtained. Fund raising activities for which students are charged an admission, including those requiring a specified level of sales as a condition of admission, shall not be presented during school hours.
- C. Fund raising activities must not interfere with the school lunch program as mandated by Federal and State regulations.
- E. Agreements between firms supplying fund raising products and school shall be in writing, and be in compliance with Board Policy 6320.
- F. Any order for merchandise intended for resale shall be in writing and bear the written approval of the principal or designee.
- G. Projects requiring lengthy and excessive commitments of responsibility should be avoided.
- H. School activity planning and budgeting are required prior to any fund raising projects activity.

I. Solicitation by Students

House-to-house solicitation by students is forbidden in all cases; however, personal solicitation of friends and relatives or businesses may be conducted, with prior approval of the principal, in the following circumstances:

Annual fund raising activities for the following organizations: Martin County United Way Fund, March of Dimes and the American Heart Association; PTA's, PTO's and booster organizations; and classes, clubs and athletic teams.

Admission tickets may be sold by senior high schools to concerts and plays.

Advertising may be sold for each high school yearbook; programs for the high school dramatic productions; and programs for high school athletic teams.

Advertising may be sold by senior high school newspapers to provide marketing experience in the field of journalism for students with the approval of the principal.

Sales by students at central points, which merely make available the merchandise to patrons who care to stop and buy, are permitted. The selection of a location for such sales shall be made with the safety of the student in mind.

High school students who are authorized to participate in fund raising activities must have a current student identification card.

J. In-School Solicitation of Students

All in-school solicitations must be approved by the principal. Without prior District approval, however, in-school solicitations are limited to the following:

1. Book fairs shall be limited to two (2) per year at any elementary or middle school.
2. Book fairs shall be limited to one (1) per department per year at any high school.
3. School-wide student picture projects shall be limited to two (2) per year at any school.

K. 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.

L. Commissions or Profits

Funds from commissions such as school pictures, etc., may be credited to the general fund or some designated account. Contracts for such activities must comply with bid requirements and be approved by the principal.

M. Gambling/Games of Chance

Gambling/games of chance are prohibited. No Board facility nor any activity sponsored by the Board shall be used for any raffle, game of cards, keno, roulette, faro, or other games of chance for money or other things of value. The prohibition includes the sale of tickets for other agencies or groups.

N. All fund raising projects by individuals, groups, or organizations that solicit or attract members of the public and that benefit individual students or specified groups of students within the District, must comply with the following:

1. Regardless of the form of fund raising entity, (e.g. school-related groups, non-school related groups, individual or otherwise), gross proceeds from fund raising activities conducted on Board property, using the name of the school or involving Board personnel, must be deposited into school internal accounts and must comply with all State and local rules, laws, and regulations applicable to internal accounts. Local chapters of the National Parent Teachers Association, Environmental Studies Council, and the Martin County Education Foundation are specifically exempt from including fund raising receipts in internal accounts.
2. Except for proceeds which are deposited into school internal accounts in accordance with Item N.1 above, all proceeds raised by non-school related groups are the sole responsibility of the fund raising entity and are exempt from the District's regulations applicable to internal accounts. For purposes of this policy, a "non-school related group" shall be defined as an organization that

does not reference in the organization's name, the District, a school site or the address, and does not publicize or otherwise claim that it collects funds in the name of the school or a school sponsored activity. A non-school related group must clearly state in all advertisement that the organization is a non-school, independent, or incorporated organization raising funds.

3. Charitable contributions of \$250 or more, must be substantiated by a written acknowledgement from the donating organization.
 4. All groups and organizations conducting fund raising activities to benefit District students that fail to adhere to State and local rules, laws and regulations shall be prohibited by the principal from any fund raising activities involving the school's name, personnel, or property. Organizations prohibited from engaging in school fund raising activities may petition the Board for public hearing on the issue. The Board's determination in this matter is a final non-appealable decision.
- O. Donations to a school site, cash or otherwise, can only be accepted upon approval by the site administrators.
- P. Fund raising within the District for charitable and humanitarian purposes must comply with the following:
1. A major community campaign not occurring on an annual basis must be approved by the Board.
 2. Authorization is given for student and staff participation in the December canned goods drive.
 3. The principal may give approval to announce or distribute charity drive information.
 4. Tickets for sale, except those for entertainment given by or for District students or for the benefit of a Martin County school shall not be distributed in the schools.

Advisors 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 for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fund raising activity or a product that will be sold as a fund raiser. In addition, advisors 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 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 Internal Auditor, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Internal Auditor at his/her earliest opportunity.

F.S. 1001.41, 1001.42, 1010.04, 1011.06, 1011.07, 1011.60

F.A.C. 6A-1.087, 6A-1.091

Effective Date: 07/01/05

Amendment Date: 12/12/06

PARADES

All school parades must be authorized by the principal and approved by the Superintendent/designee.

Preliminary arrangements for a school parade should be completed two (2) weeks prior to the date of the parade and must include proper notification of the Chief of Police if the parade will be within the city limits, or the Sheriff, if outside the city limits. Appropriate permits must be obtained.

F.S. 1001.41, 1001.43, 1002.20, 1006.15
Effective Date: 07/01/05

FREEDOM OF SPEECH

A student may wear a button, armband, or other accoutrements to exercise the constitutional right to freedom of speech, unless the button, armband, or other accouterment signifies or is related to gangs, gang membership, or gang activity; or materially disrupts class work, results in substantial disorder, or invades the rights of others.

F.S. 1001.41, 1001.43, 1002.20, 1006.15
Effective Date: 07/01/05

6000	FINANCES
6100	Internal Accounts
6100.01	Fund Raising
6100.02	Direct Support Organizations
6100.03	Contracts for Operation of Vending Machines on School Property
6110	Grants
6112	Educational Enhancement (Lottery) Funds
6144	Investments
6145	Borrowing
6210	Fiscal Planning
6220	Budgets
6230	Tax Budget Hearing
6320	Contracting/Purchasing Procedures
6320.01	Construction Contracting Bid Procedures
6330	Acquisition of Professional Architectural, Engineering, Landscape Architectural, or Land Surveying Services and Construction Managers at Risk
6345	Change Orders
6423	Use of Purchasing Cards and Credit Cards
6460	Procurement Code of Ethics
6470	Payment of Invoices and Contracts
6480	Payroll Expenditures (Pulled for further consideration)
6520	Salary Deductions
6540	Professional Consultant Services
6550	Travel Expense Reimbursement
6620	Petty Cash
6661	Instructional Materials Account
6685	Public Relations and Hospitality Funds
6830	Audit

6900

Educational Impact – New Residential
Construction

INTERNAL ACCOUNTS

In accordance with the Florida Statutes, the Board shall be responsible for the administration and control of the internal accounts for the school system. The Superintendent shall have the responsibility and authority to administer all policies and rules established by the Board pertaining to internal funds in the school system, and shall prescribe administrative guidelines for the supervision and administration of internal accounts.

Internal accounts are those used by a school/department which are not under the direct supervision of the District through regular county school budget sources. Funds of non-school sponsored clubs shall not be processed through the school internal accounts. The internal accounts are administered by each individual school/department in accordance with policies of the Board, Administrative Rules, and Florida Statutes and the guidelines developed by the Superintendent.

I. 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 regulations of the Board and State Board of Education and the *Internal Funds Procedures Manual*. 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.

II. RECEIPTS OF MONIES COLLECTED

All funds collected within the school or department for any purpose shall be deposited with the principal, department head, or designee, together with such substantiating records as may be required.

- A. All money received shall be substantiated by official pre-numbered receipts, auxiliary receipts, class receipts, records, tickets, or other auditable records. In all cases where tickets are used, ticket reports and unsold tickets will be available for audit.
- B. Perpetual inventories shall be maintained for all official pre-numbered receipts.

III. 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.

- A. Funds shall be promptly deposited in the qualified public depository. However, all funds collected must be deposited

whenever cash on hand (cash and/or checks) exceeds two hundred dollars (\$200). In any event, any funds collected must be deposited within five (5) days of receipt. All receipts shall be deposited intact, that is, as received.

- B. Collections made after banking hours (e.g. athletic events) shall be deposited using either the night depository or by the next business day whenever cash on hand (cash and/or checks) exceeds two hundred dollars (\$200). In any event, any funds collected must be deposited within five (5) days of receipt.
- C. All funds received shall be recorded, banked, and reconciled to the proper receipts and accounts.
- D. Bank deposit slips shall be prepared in duplicate, an original for the bank and a duplicate for the internal account records. All checks deposited shall be endorsed with a restrictive endorsement, that is, for deposit only.
- E. All internal account funds shall be kept in interest bearing accounts and the interest shall be credited to the general fund. Excess funds should be invested to earn a higher rate of return.
- F. All internal account funds shall be reconciled with the bank statement each month.

IV. **EXPENDITURES**

All expenditures from school funds shall be made either by check or purchasing card, except that provision may be made by administrative regulations for the use of a small petty cash fund in each school where needed. Invoices or other approved substantiating evidence shall be required for all payments from school funds, including payments from petty cash. All checks are to be signed by two (2) persons, the principal and designee.

A. **Overspending Limitations**

Purchases from internal accounts shall not exceed the resources of the applicable student activity/project account, except for items acquired for resale or items authorized by Board policy. Purchases to support instructional programs may be made from revenue derived from production work of vocational program students.

B. **Regulations Concerning Expenditures**

1. 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.
2. One-Year Term

Contracts for purchases of goods or services over time shall not exceed a term of one (1) year, but may be renewed at the discretion of the principal for consecutive one (1) year terms. All contracts must be signed by the principal for and on behalf of the Board.
3. No school internal fund shall be obligated to pay for any student or teacher expenditure not previously approved in writing by the principal. The 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.
4. Competitive bidding is encouraged whenever practical. However, no purchase may be made by a school amounting to over \$25,000, including series or group purchases, except through obtaining three (3) or more written 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.

C. Expenditures Requiring Prior Approval

The following is a list of expenditures requiring prior written authorization from the Superintendent or designee or by Board when expenditures are in excess of \$25,000 or the amount established for purchase category two in F.S. 287.017:

1. All equipment which is to be attached to the buildings, or requires remodeling, including the installation of utility service other than that which presently exists in the building. Examples of such purchases include, but are not limited to, the following: air-conditioning, ice machines, equipment which uses 220 current where only 110 current service exists, and those that require the installation of water or sewage lines.

2. Buildings, permanent attachments to buildings, or other structures.
3. Bleachers or equipment involving risk to users.
4. Membership in and contributions to any non-educational organization.

D. **Expenditures Prohibited from Internal Funds**

The following is a list of expenditures which cannot be made from internal funds, unless collected for the fund raising activity approved for that purpose.

1. Equipment, supplies, forms and postage for curricular or classroom use for which Board funds are available. However, revenue derived from vocational education production shops may be used for these purposes.
2. Repair or maintenance of Board equipment for which budgeted funds are available. However, revenue derived from vocational education production shops may be used for these purposes.
3. Curricular-related travel; professional, technical, or consultant services; or other items for which Board funds are available. However revenue derived from vocational education production shops may be used for these purposes.
4. Articles for the personal use of any student, employee, or other person; except those items which are identifiable as being in recognition of service or promotion of school activities and those items identified under Rule 6A-1.043, F.A.C., Promotion and Public Relations Expenditures.
5. Personal memberships or subscriptions.
6. Professional books and magazines, except school professional libraries and personal memberships in professional organizations when purchased through trust funds to which employees contribute.
7. Articles or services for personal use of Board employees or other persons.
8. 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.

9. Salaries or other compensation for duties or assignments which are the responsibility of the District.
10. Loans, credits, or accommodation purchases for anyone, including students except as provided in Policy 6550 – Travel and Per Diem.
11. Services or purchases made from any employee of the District.

E. Donations and Remembrances

Designated internal accounts may be established for the following expenditures:

1. Fund raising activities of approved groups, e.g. the March of Dimes, the American Heart Association, or the Red Cross.
2. Flower and gift funds.

F. 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 District. Funds from auxiliary enterprises are defined as profits from enterprise type activities of the District, 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.

Such funds shall be administered in accordance with procedures included in the *Internal Funds Procedures Manual*.

G. Purchases from Internal Funds

Each individual school principal shall have the authority to make purchases from internal funds in the amount of \$25,000 per purchase, or the amount established for purchase category two in F.S. 287.017, whichever is greater. Purchases shall not be

split to avoid this requirement. Purchases must otherwise comply with applicable Board policy, including Board Policy 6100, and District purchasing rules and procedures, as well as with the following provisions:

At the time an individual school enters into contract with a vendor for purchases made from funds handled in trust for students, the provisions shall be complied with as follows:

1. Principal's Responsibility

The school principal shall be responsible for ensuring that purchases are in the best interest of students and the District with regard to price, quality, service, reliability and reputation of vendor and vendor's agent. Whenever reasonably possible, the principal shall secure a minimum of three (3) quotations in order to obtain a competitive price.

2. Notice of Vendors

All vendors with whom the principal desires to negotiate shall be informed in writing by the principal at least four (4) weeks in advance of the date set for contract negotiations.

3. Purchases Made from Internal Trust Funds

Purchases made from funds handled in trust for individuals such as purchases of class jewelry, school annuals, cards and invitations, insignia, caps and gowns, etc., shall be exempt from the foregoing requirements relative to purchases, with the exception of the one-year term contained in Paragraph IV(B)(2); however, all such funds shall be deposited in the internal funds and shall be subject to the regular individual school audit.

4. Purchases Made Directly by Students

When vendors obtain orders directly from students, collect all payments directly from students, and make delivery directly to the students, without involvement by the principal or other school personnel with respect to each purchase, vendors shall file with the respective school bookkeepers a copy of the official receipts issued to students and a record of the sum of the total monies collected from students.

V. **MANAGEMENT OF INTERNAL ACCOUNT FUNDS**

Any remaining balance in the account of a class one (1) year after graduation of that class should be closed out and the balance transferred to the general fund.

The same procedure shall apply to the balance of any club one (1) year after the close of the school year in which the club becomes inactive.

At the beginning of each school year the principal of each school and Department head shall review all accounts that had no activity in the prior year to determine if the accounts should remain active. Balances for those accounts determined to be inactive shall be transferred to the general fund.

VI. **STUDENT TRAVEL**

A. **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.

B. **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, advancement may be made to the faculty sponsor for distribution to the students. Each student shall sign a signature sheet certifying that s/he received their meal or lodging allowance. In such situations, students are to be made aware of the amount of the allowances at least twenty-four (24) hours prior to travel departure so as to permit them to make adequate financial arrangements personally or with their parents.

C. **Limits**

Under no circumstances may the amount paid from District or Internal Funds be in excess of rates established in Florida Statute 112.

VII. **AUDIT OF INTERNAL ACCOUNT FUNDS**

The Board shall provide for an annual audit of internal funds by a qualified auditor or auditors, who shall report directly to the Board. Non-school organizations that engage in school sponsored activities pursuant to Policy 6100.01, and by separate written agreement, and do not maintain these funds in internal accounts, shall submit the organization's audit and monthly statements to the auditor for inclusion in the audit. Non-school organizations failure to comply with this Rule will result in cessation of the organization's permission to engage in school- sponsored activities. The auditor shall submit a signed written report to the Board within twelve (12) months of the close of the fiscal year (June 30th). The report shall include notations of any failure to comply with the requirements of Florida Statutes, State Board Regulations and policies of the School Board, and commentary as to financial management and irregularities and shall be presented to the Board while in public session and filed in the Superintendent's office as a part of the public record.

F.S. 1001.41, 1001.42, 1001.43, 1011.07(1), 1011.18

7 C.F.R. 210 Appendix B(a)(1)

F.A.C. 6A-1.085, 6A-1.091, 6-7.042(2)

DOE's *Financial and Program Cost Accounting and Reporting for Florida Schools* (Red Book)

Effective Date: 07/01/05

FUND RAISING

All fund-raising projects and activities promoted by the school or any group within or connected with or in the name of the school, are to contribute to the educational experience of the students and shall not be in conflict with Board policies or the overall instructional program.

School activity planning and budgeting are required prior to any fund raising projects activity. Each fund-raising project using students to solicit shall be approved by the principal, and should be conducted in such a way to offer the minimum competition to commercial firms. The Director of Student Activities at each senior high school shall be responsible for scheduling all approved fundraising activities at that school. Accountability of fund-raising projects shall be in accordance with provisions of the *Internal Funds Procedures Manual*.

Fund raising activities that are consistent with the aims and objectives of the educational program of the District may be conducted in the school, or on Board property, in accordance with the following guidelines:

- A. The principal must approve in advance all fund raising activities that involve the use of school name, school facilities, school personnel, or students. Games of chance are prohibited pursuant to this policy.
- B. Fund raising activities shall not be conducted during the student's scheduled instructional time unless prior principal approval is obtained.
- C. Fund raising activities must not interfere with the school lunch program as mandated by Federal and State regulations.
- E. Agreements between firms supplying fund raising products and school shall be in writing, and be in compliance with Board Policy 6320.
- F. Any order for merchandise intended for resale shall be in writing and bear the written approval of the principal or designee.
- G. Projects requiring lengthy and excessive commitments of responsibility should be avoided.
- H. School activity planning and budgeting are required prior to any fund raising projects activity.

I. Solicitation by Students

House-to-house solicitation by students is forbidden in all cases; however, personal solicitation of friends and relatives or businesses may be conducted, with prior approval of the principal, in the following circumstances:

Annual fund raising activities for the following organizations: Martin County United Way Fund, March of Dimes and the American Heart Association; PTA's, PTO's and booster organizations; and classes, clubs and athletic teams.

Admission tickets may be sold by senior high schools to concerts and plays.

Advertising may be sold for each high school yearbook; programs for the high school dramatic productions; and programs for high school athletic teams.

Advertising may be sold by senior high school newspapers to provide marketing experience in the field of journalism for students with the approval of the principal.

Sales by students at central points, which merely make available the merchandise to patrons who care to stop and buy, are permitted. The selection of a location for such sales shall be made with the safety of the student in mind.

High school students who are authorized to participate in fund raising activities must have a current student identification card.

J. In-School Solicitation of Students

All in-school solicitations must be approved by the principal. Without prior District approval, however, in-school solicitations are limited to the following:

1. Book fairs shall be limited to two (2) per year at any elementary or middle school.
2. Book fairs shall be limited to one (1) per department per year at any high school.
3. School-wide student picture projects shall be limited to two (2) per year at any school.

K. 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.

L. Commissions or Profits

Funds from commissions such as school pictures, etc., may be credited to the general fund or some designated account. Contracts for such activities must comply with bid requirements and be approved by the principal.

M. Gambling/Games of Chance

Gambling/games of chance are prohibited. No Board facility nor any activity sponsored by the Board shall be used for any raffle, game of cards, keno, roulette, faro, or other games of chance for money or other things of value. The prohibition includes the sale of tickets for other agencies or groups.

N. All fund raising projects by individuals, groups, or organizations that solicit or attract members of the public and that benefit individual students or specified groups of students within the District, must comply with the following:

1. Regardless of the form of fund raising entity, (e.g. school-related groups, non-school related groups, individual or otherwise), gross proceeds from fund raising activities conducted on Board property, using the name of the school or involving Board personnel, must be deposited into school internal accounts and must comply with all State and local rules, laws, and regulations applicable to internal accounts. Local chapters of the National Parent Teachers Association, Environmental Studies Council, and the Martin County Education Foundation are specifically exempt from including fund raising receipts in internal accounts.
2. Except for proceeds which are deposited into school internal accounts in accordance with Item N.1 above, all proceeds raised by non-school related groups are the sole responsibility of the fund raising entity and are exempt from the District's regulations applicable to internal accounts. For purposes of this policy, a "non-school related group" shall be defined as an organization that

does not reference in the organization's name, the District, a school site or the address, and does not publicize or otherwise claim that it collects funds in the name of the school or a school sponsored activity. A non-school related group must clearly state in all advertisement that the organization is a non-school, independent, or incorporated organization raising funds.

3. Charitable contributions of \$250 or more, must be substantiated by a written acknowledgement from the donating organization.
 4. All groups and organizations conducting fund raising activities to benefit District students that fail to adhere to State and local rules, laws and regulations shall be prohibited by the principal from any fund raising activities involving the school's name, personnel, or property. Organizations prohibited from engaging in school fund raising activities may petition the Board for public hearing on the issue. The Board's determination in this matter is a final non-appealable decision.
- O. Donations to a school site, cash or otherwise, can only be accepted upon approval by the site administrators.
- P. Fund raising within the District for charitable and humanitarian purposes must comply with the following:
1. A major community campaign not occurring on an annual basis must be approved by the Board.
 2. Authorization is given for student and staff participation in the December canned goods drive.
 3. The principal may give approval to announce or distribute charity drive information.
 4. Tickets for sale, except those for entertainment given by or for District students or for the benefit of a Martin County school shall not be distributed in the schools.

Advisors 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 for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fund raising activity or a product that will be sold as a fund raiser. In addition, advisors 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 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 Internal Auditor, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Internal Auditor at his/her earliest opportunity.

F.S. 1001.41, 1001.42, 1010.04, 1011.06, 1011.07, 1011.60

F.A.C. 6A-1.087, 6A-1.091

Effective Date: 07/01/05

DIRECT SUPPORT ORGANIZATIONS

I. DEFINITIONS

- A. Board direct-support organization (DSO) means an organization that:
1. is approved by the Board.
 2. is a Florida corporation not for profit, incorporated under the provisions of Chapter 617 and approved by the Department of State; and
 3. 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 community education programs in this State.
- B. **Personal services:**
1. includes full-time or part-time personnel, as well as payroll processing.

II. USE OF PROPERTY

The Board:

- A. is authorized to permit the use of property, facilities, and personal services of the District by a DSO subject to the provisions of this Section.
- B. shall prescribe by rule conditions with which a DSO must comply in order to use property, facilities, or personal services of the District. Adoption of such rules shall be coordinated with the Department of Education. The rules shall provide for budget and audit review and oversight by the Board and the Department of Education.
- C. shall not permit the use of property, facilities, or personal services of a DSO if such organization does not provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

III. BOARD OF DIRECTORS

The Board of Directors of the DSO shall be approved by the Board.

IV. **ANNUAL AUDIT**

Each DSO with more than \$100,000 in expenditures or expenses shall provide for an annual financial audit of its accounts and records, to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to Section 11.45(8) and the Commissioner of Education. The annual audit report shall be submitted within nine (9) months after the fiscal year's end to the Board and the Auditor General. The Commissioner of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority to require and receive from the organization or the District Internal Auditor any records relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of F.S. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of Chapter 119.

F.S. 1001.41, 1001.43, 1001.453

F.A.C. 6A-1.0013

Effective Date: 07/01/05

CONTRACTS FOR OPERATION OF VENDING MACHINES
ON SCHOOL PROPERTY

Principals and department heads shall have authority to enter into contracts with commercial vending machine companies with deposits and expenditures made in internal funds. No such contract shall be in conflict with any District-wide contract for vending services.

I. COMMERCIALLY OWNED OR LEASED VENDING MACHINES

All commercially-owned or leased vending machines located on school property shall be operated under a written contract. The contract shall be on a form approved by the Board, signed by the principal or department head, and an authorized representative of the company. The contract shall contain the legal name of the company, cancellation clause, and the percentage or amount of revenue to be received by the school or department, and provisions for restocking and collecting proceeds from the machines.

II. SALE OF FOOD AND BEVERAGES FROM COMMERCIALLY OWNED OR LEASED VENDING MACHINES

No food or beverages, other than those associated with the District's Food Service Program, are to be sold. The sale of any food and beverages to students during the school day shall be conducted in accordance with Policy 8500.01 Competitive Food Sales, except as provided herein.

- A. In high schools, middle schools, or junior/senior high schools, carbonated beverages, water and 100% fruit juice may be sold to students from commercial vending machines one (1) hour following the close of the last lunch period.
- B. In high schools, middle schools, or junior/senior high schools, foods classified as having minimal nutritional value as defined by the United States Department of Agriculture shall not be sold to students except for one (1) hour following the close of the last lunch period.
- C. The proceeds from vending machines belonging to the Food Service Program will accrue to the Food Service Program. The proceeds from commercial vending machines shall accrue to the school's general internal fund or a specifically designated vending machine account.
- D. For purposes of this rule, school day is defined as midnight until the end of the last class period. In elementary schools, all food and beverage sales to students during the school day shall be through the food service program.

**III. PROFITS FROM THE SALE OF FOOD AND BEVERAGES IN
EMPLOYEE WORK AREAS**

As a benefit to employees, principals are authorized to approve the sale of food and beverages in areas accessible primarily to employees. Monies collected from these sales shall be deposited in the internal funds of schools. Profits from these sales may be expended for the benefit of employees or students according to procedures established in the *Internal Funds Procedures Manual*.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

GRANTS

Subject to grant requirements, grant applications for amounts that do not exceed Twenty Five Thousand Dollars (\$25,000) may be approved by the Superintendent.

Grant applications for amounts that exceed Twenty Five Thousand Dollars (\$25,000), incorporate matching dollars or like kind requirements that exceed Twenty Five Thousand Dollars (\$25,000), or commit to any additional personnel must be approved by the Board. Such grant applications shall ordinarily be approved by the Board prior to submission. Subject to grant requirements, the Superintendent may approve the submission of a grant application pending Board approval when, through no fault of the District, it receives less than thirty (30) days notice before the applicable Board meeting agenda deadline of the availability of the grant. In such event, the Superintendent shall submit the grant application to the Board for final approval and shall report the reason for submission without Board approval at the next meeting of the Board.

F.S. 1001.32, 1001.41, 1001.43, 1001.49, 1001.51, 1012.22
Effective Date: 07/01/05

EDUCATIONAL ENHANCEMENT (LOTTERY) FUNDS

The District annually allocates funds from the Educational Enhancement Trust Fund (Lottery) in accordance with Florida Statutes and specific appropriations. Such funds are to be used for educational enhancement and the implementation of school improvement plans. Enhancement is defined by the Board as the provision of educational programs or related activities above and beyond those programs required by Florida Statutes, F.A.C., or the District's student progression plan.

I. USE OF LOTTERY FUNDS

- A. District-wide enhancement may include elementary school related arts, student services (guidance and health), media services, maintenance of class sizes or existing programs previously funded through categorical funds or State grants, and the prevention of reduction in personnel and services.
- B. Funds shall be allocated according to an annual appropriation act to each school for use at the discretion of the school advisory council. A portion of these funds must be used to implement the school improvement plan approved annually by the Board.
- C. School advisory councils may **not** use these funds for capital project items involving construction, renovation, remodeling, or site improvement.
- D. It is intended that the funds allocated to school advisory councils be expended in the current fiscal year in order to have direct, positive impact on current student learning rather than be set aside for future expenditures. Therefore, these funds may **not** be used for any project or program that has a term of more than one (1) year. However, a school advisory council may independently determine that a program or project formerly funded should receive funds in a following year. Encumbrances at the end of the fiscal year will be liquidated in the following fiscal year through use of the prior year's allocation. Any remaining balance from the prior year will be added to the new year's allocation and subjected to the budgetary decisions of the school advisory council for the new year.
- E. The expenditure of funding for use at the discretion of the school advisory councils is not subject to override by the principal or District staff provided the expenditure is consistent with the provisions of this rule and Florida Statutes.

II. **BENEFITS OF PROJECTS IMPLEMENTED WITH LOTTERY FUNDS**

School advisory councils annually assess the achievement of school improvement plan goals and objectives. The extent to which lottery funds enhance student education shall be considered when strategies and expenditures are identified for each new year's plan.

F.S. 1001.41, 1001.43, 1011.69

Effective Date: 07/01/05

INVESTMENTS

The Superintendent shall be responsible for the investment of surplus funds [as defined in 236.24(2)(b)(3)(d)]. The safety of principal and the liquidity of assets shall be first priority. The optimization of investment returns shall be secondary to the requirements for safety and liquidity.

Unless otherwise specifically provided, idle funds shall be invested in compliance with the investment policy approved by resolution of the School Board.

Assets in the Early Retirement Trust Fund shall be invested in accordance with the "Early Retirement Trust Fund Investment Objectives and Policies."

F.S. 218.415, 1001.41, 1001.42, 1001.51, 1011.18, 1011.19

Effective Date: 07/01/05

Amendment Date: 12/16/08; 06/16/09

BORROWING

Upon the initiative of the Board, the Finance Department 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 for approval.

Funds shall be borrowed from the qualified institution offering the most favorable terms, as approved by the Board.

F.S. 1001.41, 1001.43, 1001.51, 1011.12, 1011.13
Effective Date: 07/01/05

FISCAL PLANNING

Annually, the Board shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the District and to plan for the financial needs of its educational program. The Board shall also maintain both short and long-range projections of District financial requirements.

As required by the Department of Education, the District shall annually provide revenue projection related to student growth and class size reduction. This projection must be provided to and approved by the Department of Education prior to the legislative session where the education budget and requirements are determined.

Pursuant to Florida Statutes, the Board shall develop, advertise, and then approve a budget for each fiscal year and monitor the budget status monthly. In addition, the Board shall also develop a five-year Capital Work Program and a five-year Long-Range Budget Projection.

It shall be the policy of the Board to contain costs 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 (5) percent of the annual resources; any use of such funds to satisfy projected District obligations, such as funding provisions of a union contract or supplementing the capital work program, shall be approved by the Board. Therefore, recurring revenue estimates from existing sources shall serve as the ceiling for the Superintendent's recommended annual budget. Capital expenditures shall be funded from a local millage levy of two (2) mills, the local impact fees, state capital outlay sources, and any other assessment that is capital related, unless the Board specifically directs otherwise in advance of drafting the budget.

As required by Florida Statutes and Board Policy 8310 Public Records, all records related to the annual budget, the five-year Capital Work Program, and the five-year Long Range Budget Projection shall be open to inspection by state officials as well as residents of Florida.

It is understood that the District's records and financial statements shall be audited by the Auditor General, State of Florida, who shall prepare and submit to the Board an annual review and opinion of said records.

The Superintendent shall develop the administrative procedures necessary to provide for an equitable distribution of resources within the District and for

the regular review of the fiscal budget, five-year Capital Work Program, and the five-year Long-Range Budget Projection.

F.S. 1001.41, 1001.42, 1001.43
Effective Date: 07/01/05

BUDGETS

The annual budget for the District shall be developed by the Superintendent and presented to the Board by the date prescribed by law and rules of the State Board of Education.

School budget allocations for non-personnel related expenses will be established by the budget committee composed of representatives of schools and departments. School personnel allocations will be based on the Board adopted staff allocation plan using current year student population data adjusted for anticipated growth. All other cost center budgets will be developed based on projected need.

Tentative school budgets will be provided to the principals and school advisory council chair for review within thirty days after completion of the legislative session. Principals will work with the school advisory council in the preparation and school site finalization of the school budget. The review process will be completed and recommendations for budget administrations will be forwarded to the Superintendent within thirty days of receipt of the tentative budget.

The Superintendent will review school and staff budgets to assure comparability of Title 1 schools and other district schools. It is the Board's intent that there shall be equivalency among schools in numbers of teachers, administrators, and auxiliary personnel as well as in the provision of curriculum and instructional supplies.

The Board shall review the proposed budget, make whatever changes it deems appropriate, and, after advertising and adopting the budget pursuant to law and rules of the State Board of Education, and transmit the budget to the Commissioner of Education for approval.

Budget amendments shall be presented to the Board for approval on an ongoing basis during the school year. End of the year expenditures, however, may cause function/object overruns on a temporary basis. These year end overruns shall be corrected by budget amendments approved by the Board no later than the fiscal reporting dates required by F.A.C. 6A-1.0071(1).

F.S. 200.065, 1001.41, 1001.42, 1001.43, 1001.452(2), 1001.51, 1006.28(3)(d), 1008.385(1)(b), 1010.01, 1010.02, 1011.01, 1011.02, 1011.03, 1011.05, 1011.06, 1011.08 *et seq.*,
Effective Date: 07/01/05

TAX BUDGET HEARING

Annual tax resolution shall be set as required by State law.

F.S. 1001.41, 1001.43, 1011.03

Effective Date: 07/01/05

CONTRACTING/PURCHASING PROCEDURES

I. **SCOPE**

This rule shall generally apply to the District's purchase of products and services, except it shall not apply to:

- A. employment contracts;
- B. construction contracts entered into pursuant to Policy 6320.01 and funded with capital outlay funds or capital grants;
- C. acquisition of architectural, engineering, landscape architectural, construction management at risk, surveying and mapping, or other services pursuant to Policy 6330;
- D. acquisition of auditing services pursuant to F.S. 218.391;
- E. contracts which are exempted, in whole or in part, from this rule's requirements, as set forth below.

II. **CONTRACT APPROVAL**

Contracts shall be approved and executed as follows:

A. **Superintendent/Designee Authority**

The Superintendent or designees are authorized to approve and execute contracts on behalf of the District involving expenditure of public funds in an amount no greater than the amount established for purchase Category Two in F.S. 287.017, so long as the obligation created does not exceed the applicable appropriation within the District budget and the contract is otherwise in compliance with applicable District procedures, rules, and law. Designations of contracting authority by the Superintendent shall be in writing and shall specify the maximum obligation permitted up to the amount established for purchase Category Two in F.S. 287.017. The Superintendent shall report purchase orders in excess of \$25,000 or contracts to the Board for informational purposes at a Board meeting which follows his/her approval.

B. **Board Approval**

The Board shall approve and execute all contracts on behalf of the District involving expenditure of public funds in an amount greater than the amount established for purchase Category Two in F.S. 287.017.

III. **PURCHASE ORDER APPROVAL**

A. **Contracts**

The approval of a contract in accordance with above authorizes the Superintendent to approve and issue any purchase order required to fulfill the District's obligation under the approved contract without further action of the Board. The Superintendent/designee shall inform the Board of the approval of all purchase orders greater than the amount established for purchase Category Two in F.S. 287.017, 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.

B. **Bids/Exceptions**

The Superintendent/designee are authorized to issue purchase orders in accordance with bids awarded pursuant to below without further action of the Board so long as the obligation created does not exceed the applicable appropriation within the District budget. The Superintendent/designee shall inform the Board of the approval of all purchase orders greater than the amount established for purchase Category Two in F.S. 287.017, 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.

C. **Small Dollar Purchase**

The Superintendent is authorized to issue purchase orders less than the amount established for purchase Category Two in F.S. 287.017.

IV. **BIDDING REQUIREMENTS**

Except as otherwise provided by law or this rule, purchases involving expenditure of public funds in an amount greater than the amount established for purchase Category Two in F.S. 287.017, shall be subject to bid as follows:

A. **Bid Solicitation**

The Superintendent is authorized to issue invitations for bids.

B. Bid Publication

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

C. Bid Responses

The invitations to bid must be responded to by three (3) or more qualified vendors/bidders. Exceptions must be approved by the Board.

D. Bid Opening

Bids will be opened in the office designated in the bid advertisement with the Superintendent or his/her designee and at least one (1) other District employee present.

E. Bid Rejection

The Board may reject any or all bids and request new bids. In the acceptance of bids, the Board shall award the bid to the responsible and responsive bidder that submits the lowest responsive bid meeting the requirements and criteria set forth in the invitation to bid.

F. Bid Award

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

V. BID EXCEPTIONS

Notwithstanding anything herein to the contrary, there shall be no requirement to solicit bids and any such requirement is expressly waived for the following:

- A. Purchases made at the unit prices in contracts awarded by other Federal, State, city or county governmental agencies, other

school boards, community colleges, or State university system cooperative bid agreements when the bidder awarded a contract by another entity will permit purchases by the Board at the same terms, conditions, and unit prices awarded in such contract, and such purchases are to the economic advantage of the Board.

- B. Purchases made from prices established by the Department of Management Services, Division of Purchasing through its State negotiated agreement price schedule.
- C. Purchases made through the pool purchase providers in F.S. 1006.27.
- D. The purchase of professional or educational services, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, disc or tape recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the State, a governmental agency, or a recognized educational institution.
- E. When bids have been requested in the manner prescribed by the State Board and the Board has made a finding that no valid or acceptable firm bid has been received within the prescribed time.
- F. Acquisition of information technology resources whether by purchase, lease, lease with option to purchase, rental, or otherwise as defined in F.S. 282.303(13), may be by direct negotiation and contract with a vendor or supplier, as best fits the needs of the District as determined by the Board.
- G. Purchases of insurance, risk management programs, or contracting with third party administrators for insurance related services.
- H. Purchases of food products, required by the Board's food service program and other ancillary food operations, which are exempt from the bid requirements of F.A.C. 6A-7.042(2)(i)(2).
- I. Emergency purchases greater than the amount established for purchase Category Two in F.S. 287.017 with documented approval or the Superintendent or his/her designee.
- J. Purchases of products or services available only from one (1) source, when the products or services are the only ones that will satisfy the Board's requirements and they are available from only one (1) source.

- K. Direct purchases of construction project material by the District, on behalf of the awarded construction contractor/manager, directly from vendors to take advantage of the District's "sales tax" exempt status.

VI. BID PROTEST

Notwithstanding anything herein to the contrary, actions, decisions, or intended decisions governed by this rule shall not be subject to review pursuant to F.S. 120.57(3).

VII. DEBARMENT

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

A. Cause of Debarment

For the purpose of the term "debar" or "debarment" it shall mean to remove a vendor from bidding District work. Cause for debarment includes, but is not limited to the following:

1. conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or sub-contract, or in performance of such contract.
2. conviction under State or Federal statutes for embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property, or any other offense indicating lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a vendor
3. conviction under State or Federal anti-trust statutes arising out of submission of bids or proposals
4. violation of contract provisions, as set forth below:
 - a. deliberate failure without good cause to perform in accordance with specifications or within the time limits provided in the contracts

- b. a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall be considered to be a basis for debarment.
5. refutation of an offer by failure to provide bonds, insurance or other required certificates within the time period as specified in bid/RFP response
6. refusal to accept a purchase order, agreement, or contract, or to perform thereon, provided such order was issued timely and in conformance with the offer received
7. presence of principals or corporate officers in the business of concern who were principals within another business at the time when the other business was suspended within the last three (3) years under the provisions of this section
8. violation of the ethical standards set forth in State law
9. providing anything of value, including, but not limited to, a gift, loan, reward, promise of future employment, favor or service to any employee to influence the award of contract or purchase items from a contractor
10. existence of unresolved disputes between the contractor and the District arising out of or relating to prior contracts between the District and the contractor, work performed by the contractor, or services or products delivered
11. any other cause the Director of Purchasing determines to be so serious and compelling as to affect the credibility as a District vendor, including debarment by another governmental entity for any cause listed in this policy

B. Recommended Decision

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

1. state the reasons for the action taken; and
2. inform the vendor of its right to petition the Board for reconsideration

C. Hearing Procedures for Debarment/Suspension of Vendors and Determination of the Director of Purchasing

1. Right to Request a Hearing

Any person dissatisfied or aggrieved with the notification of the Director of Purchasing determination regarding the resolution of a protested solicitation or proposed award or determination to debar or suspend, must, within ten (10) calendar days of such notification, appeal such determination to the Board in accordance with the hearing procedures contained in this section.

2. Hearing Date

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

F.S. 120.53(5), 120.57(2)(3), 218.391, 282.303(13), 287.017, 287.042, 287.057, 1001.41, 1001.43, 1006.27, 1010.04, 1011.06, 1011.07

F.A.C. 6A-1.012

Effective Date: 07/01/05

CONSTRUCTION CONTRACTING BID PROCEDURES

I. **SCOPE**

This rule shall generally apply to contracts for construction projects which shall mean contracts funded with capital outlay funds or capital grants which relate to new construction, additions, remodeling, or renovations of capital improvements relating to such activities; except it shall not apply to:

- A. acquisition of architectural, engineering, landscape architectural, construction management at risk, design-build, total program management, or surveying and mapping services pursuant to Policy 6330;
- B. contracts which are exempted in whole or part from this rule's requirements as set forth below.

II. **CONTRACTING PROCEDURES**

Contracts governed by this rule shall be approved and executed as set forth below. A "construction project" shall be deemed to include a single contract or group of contracts with the same provider which is directly connected in terms of time, location, or services such that a reasonable person would consider the services to be provided as a single project.

A. **Construction Projects Involving Expenditures of \$0.00 - \$25,000.00**

Contracts for construction projects involving expenditures of \$0.00 - \$25,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require assistance and services of a registered architect/engineer.

2. Direct Negotiations Authorized

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this sub-section do not require solicitation of formal bids. The District may negotiate directly with potential service providers for contracts governed by this sub-section. In order to secure the most efficient and effective contracts, the District is encouraged to secure multiple quotes or to negotiate with

multiple providers before entering into contracts hereunder.

3. Contract Execution

The Superintendent, the Director of Purchasing, and the Director of Facilities are authorized to approve and execute contracts on behalf of the District, which are governed by this subsection.

4. Bonds Not Required

Unless otherwise deemed appropriate by the Director of Facilities, contractors are not required to submit payment and performance bonds for contracts governed by this subsection.

B. Construction Projects Involving Expenditures of \$25,000.01 - \$50,000.00

Contracts for construction projects involving expenditures of \$25,000.01 - \$50,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require assistance and services of a registered architect/engineer.

2. Three Quotations Required

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this sub-section do not require solicitation of formal bids. The District may approve and enter into contracts governed by this subsection after securing three (3) written quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent/designee shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective Proposer.

3. Contract Execution

The Board shall approve and execute all contracts on behalf of the District, which are governed by this subsection.

4. Bonds Not Required

Unless otherwise deemed appropriate by the Director of Facilities, contractors are not required to submit payment and performance bonds for contracts governed by this subsection.

**C. Construction Projects Other Than Electrical Projects,
Involving Expenditures of \$50,000.01 - \$100,000.00**

Contracts for construction projects, other than electrical projects, involving expenditures of \$50,000.01 - \$100,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Contracts governed by this subsection shall require assistance and services of a registered architect/engineer.

2. Three Quotations Required

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may approve and enter into contracts governed by this subsection after securing three (3) written quotes from qualified providers. After securing the quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent/designee shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective Proposer.

3. Contract Execution

The Board shall approve and execute all purchase orders in excess of \$25,000 or contracts on behalf of the District, which are governed by this subsection.

4. Bonds Not Required

Unless otherwise deemed appropriate by the Director of Facilities, contractors are not required to submit payment and performance bonds for contracts governed by this sub-section.

D. **Electrical Projects Involving Expenditures of \$50,000.01 - \$100,000.00**

Contracts for electrical projects involving expenditures of \$50,000.01 - \$100,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Contracts governed by this sub-section shall require assistance and services of a registered architect/engineer.

2. Bid Solicitation Required

Contracts governed by this sub-section shall be advertised in conformance with the procedures outlined in this section.

a. Legal Notice

The District shall publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

b. Bid Bonds Required

Bidders shall submit bid bonds or security equaling five percent (5%) of the base bid. Security shall be in the form of a certified check, cashier's check, treasurer's check, or bank draft of any national or state bank.

c. Rejection of Bids/Waiver of Technicalities

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any and all bids.

3. Contract Execution

The Board shall approve and execute all contracts on behalf of the District, which are governed by this sub-section. The Board shall award contracts governed by this sub-section to the lowest responsible bidder, considering base bid and accepted alternatives. Award of bid by the Board shall only represent an identification by the Board that a bid represents the lowest responsible bid received by the District. Award of bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the District until such time as the Board Chair/designee executes a contract in a form satisfactory to the District.

4. Bonds Required

The successful contractor under this sub-section shall be required to submit payment and performance bonds prior to issuance of a notice to proceed for this project.

E. **Construction Projects Involving Expenditures in Excess of \$100,000.00**

Contracts for projects involving expenditures in excess of \$100,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Contracts governed by this sub-section shall require assistance and services of a registered architect/engineer.

2. Bid Solicitation Required

Contracts governed by this sub-section shall be advertised in conformance with the procedures outlined in this section.

a. Legal Notice

The District shall publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

b. Bid Bonds Required

Bidders shall submit bid bonds or security equaling five percent (5%) of the base bid. Security shall be in the form of a certified check, cashier's check, treasurer's check, or bank draft of any national or state bank.

c. Rejection of Bids/Waiver of Technicalities

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any and all bids.

3. Contract Execution

The Board shall approve and execute all contracts on behalf of the District, which are governed by this sub-section. The Board shall award contracts governed by this sub-section to the lowest responsible bidder, considering base bid and accepted alternatives. Award of bid by the Board shall only represent an identification by the Board that a bid represents the lowest responsible bid received by the District. Award of bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the District until such time as the Board Chair/designee executes a contract in a form satisfactory to the District.

4. Bonds Required

The successful contractor under this sub-section shall be required to submit payment and performance bonds prior to issuance of a notice to proceed for this project.

III. PURCHASE ORDER APPROVAL

The approval of a contract in accordance with above authorizes the Superintendent or designee to approve and issue any purchase order required to fulfill the District's obligations under the approved contract, without further action of the Board. The Superintendent/designee shall inform the Board of the approval of all purchase orders greater than the amount established for purchase category two in F.S. 287.017, 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.

F.S. 120.57(3), 255.05, 287.017, 1001.41, 1001.43, 1013.46, 1013.47
F.A.C. 6A-1.012, 6A-2.004, 6A-2.005, 6A-2.016, 6A-2.019, 6A-2.022
Effective Date: 07/01/05
Amendment Date: 01/20/09

ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING,
LANDSCAPE ARCHITECTURAL, OR LAND SURVEYING SERVICES,
AND CONSTRUCTION MANAGERS AT RISK

I. DEFINITIONS

- A. "Professional Services" mean those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined by the laws of the State, or those performed by any architect, professional engineer, landscape architect, or registered land surveyor in connection with his/her professional employment or practice. Professional services include construction managers at risk as authorized by F.S. 1013.45.
- B. "Board" means the School Board, and describes an agency as defined in State law.
- C. "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or land surveying in the State.
1. "Compensation" means the total amount paid by the Board for professional services.
 2. "PSAC" shall mean the Professional Service Advisory Committee.
 3. "Project" means that fixed capital outlay study, planning activity or facility construction described in the public notice. The Board shall prescribe, in compliance with State law, procedures for the determination of a project under its jurisdiction. Such procedures may also include:
 - a. Determination of a project which constitutes a grouping of minor construction, rehabilitation, or renovation activities.
 - b. Determination of a project which constitutes a grouping of substantially similar construction, rehabilitation, or renovation activities.
 4. A "Continuing Contract" is a contract for professional services entered into in accordance with all the procedures of this policy between the Board and a firm whereby the firm provides professional services to the Board for projects in which construction costs and/or fees for such

professional services do not exceed the dollar values identified in F.S. 287.017 and 287.055(2)(g), or for work of a specified nature as outlined in the contract required by the Board, with no time limitation except that the contract shall provide a termination clause.

II. PROFESSIONAL SERVICE ADVISORY COMMITTEE

- A. The PSAC shall be comprised of one (1) administrator from the Facilities Department, one (1) administrator from the Finance Department, one (1) administrator from the Operations Department, one (1) member designated by the Superintendent, one (1) Board member and one (1) representative from the community.
- B. The Board shall annually appoint one (1) of its members to serve on the PSAC, and shall also designate one (1) of its members as an alternate, who shall attend PSAC meetings when and if the designated member cannot. Additionally, the Board shall annually appoint a member of the community and shall also designate an alternate, who shall attend PSAC when and if the designated community member cannot.
- C. The Superintendent shall appoint one (1) administrator from the Facilities Department, one (1) administrator from the Finance Department, one (1) administrator from the Operations Department, and one (1) other designee.
- D. The Director of Facilities, or his/her designee, shall chair the PSAC.
- E. A majority of the PSAC shall constitute a quorum.
- F. Each member of the PSAC shall attest in writing on a form to be provided that s/he has no conflict of interest pursuant to The Code of Ethics for Public Officers and Employees as codified in F.S. 112.311 et seq.

III. PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES

- A. The Board shall publicly announce, in a uniform and consistent manner, each occasion when professional services are required to be purchased for a project the basic construction cost of which is estimated by the Board to exceed the maximum amount established in F.S. 287.017 for Category Five, or for planning or study activity when the fee for professional services exceeds the maximum amount established in F.S. 287.017 for Category Two, except in cases of valid public emergencies so certified by the

Superintendent. The public notice shall include a general description of the project and shall indicate how interested consultants may apply for consideration.

- B. Local contractors are encouraged to submit proposals, and contractors are encouraged to offer bidding opportunities to local subcontractors. With respect to CMR selection, additional consideration shall be given for the above during the selection procedure.
- C. The Board shall encourage firms engaged in the lawful practice of their professions that desire to provide professional services to the Board to submit annually statements of qualifications and performance data. Failure to submit an RFQ (Request for Qualifications) shall not preclude the Board from purchasing services from any firm engaged in the lawful practice of its profession.
- D. Any firm or individual desiring to provide professional services to the Board should first be certified by the Board as qualified pursuant to law and the regulations of the Board. The Board shall make a finding that the firm or individual to be employed is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.
- E. The evaluation process for professional services shall include, but not be limited to, capabilities; adequacy of personnel; past record; experience; whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985; location; recent, current and projected workloads of the firms; and the volume of work previously awarded to each firm by the Board. One objective shall be to effect an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms and such other factors as may be determined by the Board to be applicable to its particular requirements. When securing professional services, the Board shall endeavor to meet the minority business enterprise procurement goal set forth in F.S. 287.042. To effectuate these purposes the PSAC and the Board shall use the Construction Manager at Risk format in effect on March 1, 2005.
- F. The public shall not be excluded from these proceedings.

IV. COMPETITIVE SELECTION

- A. For each proposed project, the PSAC shall evaluate current statements of qualifications and performance data on file, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by no fewer than (3) firms, regarding their qualifications, approach to the project, and ability to furnish the required services.
- B. For each proposed project involving the construction of a new facility or the rebuild/reconstruction of an existing facility, the PSAC shall use the Construction Manager at Risk format in effect on March 1, 2005 and each voting PSAC member shall award points to each firm in all categories. The points for each firm in each category shall be totaled. The PSAC shall select (short-list) the three (3) firms most highly qualified to perform the required services.
- C. The Board may, in its sole discretion, invite one or more of the finalists to interview with the Board prior to the final ranking by the Board. The Board will evaluate qualifications of the three (3) finalists which evaluation shall include consideration of the written materials submitted by the applicants, performance data on file with the District, written materials submitted by other firms or individuals, and the evaluation of the PSAC. Although the Board shall consider the evaluation of the PSAC, the evaluation shall not be binding on the Board, and the Board retains the sole authority to rank the three finalists, choosing a first, a second, and a third.
- D. The Board, in its sole discretion, reserves the right to request additional presentations from applicants other than the three (3) finalists.
- E. For each proposed project not involving the construction of a new facility or the rebuild/reconstruction of an existing facility the PSAC, if convened, shall rank the finalists. The Board, in its sole discretion, reserves the right to call up the matter for review, conduct such interviews as it deems appropriate, and to re-rank finalists for the benefit of the District.
- F. In the event of a tie for first place, the last place firm shall be eliminated and the vote shall be retaken to break the tie. In the event there is a tie for second place, the vote shall be retaken only with respect to the tied finalists to resolve the issue.

- G. The Board may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations.
- H. This subsection does not apply to a professional service contract for a project the basic construction cost of which is estimated by the Board to be not in excess of the threshold amount provided in F.S. 287.017 for Category Five or for a planning or study activity when the fee for professional services is not in excess of the threshold amount provided in F.S. 287.017 for Category Two.
- I. Nothing in this rule shall be construed to prohibit a continuing contract between a firm and Board.

V. **COMPETITIVE NEGOTIATION**

The Board, or its designee, shall negotiate a contract with the most qualified firm for professional services at compensation which the Board, or its designee, determines is fair, competitive, and reasonable. In making such determination, a detailed analysis of the cost of professional services shall be conducted in addition to considering the scope and complexity of the services required for the project.

- A. A tentative contract shall be negotiated with the most qualified firm for professional services at compensation which the Board's designee(s) determine(s) is fair, competitive, and reasonable. In making such determination, the Board's designee(s) shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For any lump-sum or cost-plus-a-fixed-fee professional service contract that exceeds the maximum amount established by F.S. 287.017 for Category Four, the Board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any professional service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or non-current wage rates and other factual unit costs. All such contract adjustments shall be made within one (1) year following the end of the contract.
- B. Should the Board's designee(s) be unable to negotiate a satisfactory tentative contract with the firm considered to be the most qualified at a price the Board's designee(s) determines to be fair, competitive, and reasonable, negotiations with that firm

shall be formally terminated. The Board's designee(s) shall then undertake negotiations with the second most qualified firm. Failing tentative accord with the second most qualified firm, the Board's designee(s) shall terminate negotiations. The Board's designee(s) shall then undertake negotiations with the third most qualified firm.

- C. Should the Board's designee(s) be unable to negotiate a satisfactory tentative contract with any of the selected firms, the Board's designee(s) may select additional firms in the order of their competence and qualification and continue negotiations in accordance with this subparagraph until a tentative agreement is reached, or may readvertise (for new RFQ's).
- D. When the Board's designee(s) successfully negotiates a tentative contract with a firm considered to be fully qualified at a price the Board's designee(s) determines to be fair, competitive, and reasonable, the tentative contract will be presented to the Superintendent for his/her review and recommendation to the Board. The Board shall either approve or disapprove the tentative contract. Upon Board approval, the approved contract shall be duly executed.

VI. PROHIBITION AGAINST CONTINGENT FEES

Each contract entered into by the Board for professional services shall contain a prohibition against contingent fees as required by F.S. 287.055(6).

VII. REUSE OF EXISTING PLANS

Notwithstanding any other provisions of this rule, there shall be no public notice requirement or utilization of the selection process as provided in this rule for projects in which the Board is able to reuse existing plans from a prior project. However, public notice for any plans which are intended to be reused at some future time shall contain a statement which provides that the plans are subject to reuse in accordance with the provisions of F.S. 287.055(10).

F.S. 287.017, 287.055, 1001.41, 1001.43, 1013.355, 1013.45, 1013.46
Effective Date: 07/01/05

CHANGE ORDERS

The Board believes that thoughtful planning should minimize the change orders that are necessary to a construction contract for any construction or renovation project, but recognizes that all circumstances that might necessitate such changes cannot be anticipated. Therefore, this policy is established to prescribe the manner in which said change orders shall be approved and executed.

The Superintendent is authorized to approve and execute any construction contract change order that will increase/decrease the construction contract amount up to Twenty-Five Thousand Dollars (\$25,000.00). Such change orders shall be binding upon execution by the Superintendent. The Superintendent shall report such change orders that s/he approved to the Board at a Board meeting that follows his/her approval. The Superintendent's approval of the change order shall be entered into the official minutes of the Board.

The Superintendent shall recommend to the Board for its review and approval any change order to a construction contract that will increase the construction contract amount by more than Twenty-Five Thousand Dollars (\$25,000.00). No change order in excess of Twenty-Five Thousand Dollars (\$25,000.00) shall be binding unless and until it is approved by the Board and executed by the Board's Chair.

A proposed change to the construction contract shall not be split so that the resulting change orders do not exceed the Twenty-Five Thousand Dollar (\$25,000.00) limit established by this policy.

The contractor proposing a change order to the construction contract shall, prior to commencing the work involved, provide accurate cost data in sufficient detail to enable the Director of Facilities and the architect and/or engineer involved with the project to evaluate the proposal. The evaluation shall confirm the accuracy of the estimate by establishing a fair market value of the costs for all labor, material, equipment, and incidentals required to accomplish the change.

For all proposed change orders, the architect or engineer of record for the project shall certify in writing to the Superintendent and the Board that the cost of the requested change is fair, reasonable, and in proper proportion to the cost of the original work covered by the contract and shall recommend action thereon.

The cumulative total of all approved change orders to the construction contract for any project shall not increase the original construction contract amount by more than eight percent (8%) or \$100,000.00, whichever is less, without prior Board approval.

All change orders to construction contracts shall be in compliance with Florida Statutes and the State Requirements for Educational Facilities both in form and content.

F.S. 1001.41, 1001.43

F.A.C. 6A-2.0111

Effective Date: 07/01/05

USE OF PURCHASING CARDS AND CREDIT CARDS

The Board recognizes the value of an efficient method of payment and record keeping for certain expenses.

The Board, therefore, authorizes the use of District purchasing cards and credit cards.

The Superintendent shall develop administrative procedures that govern the use of purchasing cards and credit cards.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

PROCUREMENT CODE OF ETHICS

The District hereby adopts the Florida Code of Ethics for Public Officers and Employees, F. S. 112.311 et seq., as the procurement code of ethics for the District.

F.S. 112.317, 1001.41, 1001.43
Effective Date: 07/01/05

PAYMENT OF INVOICES AND CONTRACTS

Expenditures for payment of invoices and/or contracts shall be made by electronic funds transfer, purchasing card, or check. Authorization for such payments shall be deemed approved by the Board if within amounts approved in the Board-adopted District budget or amendment thereto. Approval of individual checks themselves by the Board shall not be required.

- A. Payment 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.
- B. A department head or principal and the Finance Department shall be responsible for the approval of all invoices for supplies, equipment and services.
- C. The Finance Department shall pay promptly all properly authorized accounts payable which are ready for payment. All checks are to be signed by the Board Chairperson and the Superintendent. Signature plates may be used.
- D. Payment for purchases made with the District purchasing card shall be processed using procedures developed by the Superintendent.

F.S. 1001.41, 1001.43, 1011.10
Effective Date: 07/01/05

SALARY DEDUCTIONS

The Board will make the following mandatory deductions from employees' payroll earnings as applicable:

- A. Federal withholding taxes
- B. Florida Retirement - for employees in contributory Florida Teachers Retirement Programs
- C. Social Security - all members of the Florida Retirement System
- D. FICA Replacement Plan - for substitute, temporary, and part-time employees.
- E. Medicare
- F. Garnishments as required by court order or law.

The Board will make the following optional deductions from employees' payroll earnings upon receipt of written authorization from the employee:

- A. health insurance
- B. approved insurance or annuity coverage premiums
- C. union dues
- D. Board authorized charitable donations
- E. optional group life insurance premiums
- F. credit union deposits
- G. approved membership dues for professional organizations (eight (8) pay periods per year only)
- H. membership in Martin Memorial and Y.M.C.A. fitness programs

Deductions will be made from employees' payroll earnings for absences without authorized leave or absences in excess of available sick leave.

F.S. 1001.41, 1001.43, 1012.31, 1012.67
Effective Date: 07/01/05

PROFESSIONAL CONSULTANT SERVICES

The Board shall allow the Superintendent to contract for consulting services to assist the District in staff development and administration.

A contract shall be executed prior to the rendering of services. Contracts in excess of the threshold for Category Two, F.S. 287.017, require the approval of the Board and execution by the Board Chair.

The contract will state date(s), hours, and number of persons to be served.

The contract will state provision for compensation.

The contract will include a statement of compliance with Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act of 1967 (ADEA) which prohibit discrimination on the basis of race, religion, national origin, sex, age, marital status or disability. Failure to comply will result in immediate termination of the contract.

The contract must be signed by the consultant and Board authorized representative.

The completed contract form submitted for payment must state the number of persons served.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

TRAVEL EXPENSE REIMBURSEMENT

Authorized travel for officers and employees of the Board shall be reimbursed as follows:

A. Authority to Incur Traveling Expenses

1. All travel by employees and authorized persons must be authorized and approved by the Superintendent or his/her designated representative. The Superintendent shall not authorize or approve such a request unless it is accompanied by a signed statement (Form 10) by the traveler's supervisor stating that such travel is on the official business of the District and also stating the purpose of the travel.
2. Traveling expenses of public officers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law and must be within the limitations prescribed by Florida Statutes.
3. Reimbursement rates for per diem and subsistence shall be established by the Board as described in Florida Statutes.
4. Reimbursement for mileage shall be at the maximum amount allowable by the Internal Revenue Service Code.

B. In-District Travel

Employees assigned a car owned by the District will not be eligible for reimbursement for personal vehicle expenses. Employees using their personal cars for travel on school business may be paid for the use of their cars at the maximum rate.

C. Out-of-District Travel

1. One-day trips

Expenses for authorized travel by employees, authorized persons, or public officers, on school business which does not require an overnight stay shall be reimbursed at the maximum rate.

2. Overnight trips

Expenses for authorized travel by employees, authorized persons, or public officers on school business requiring absence in excess of one (1) day shall be reimbursed for travel and per diem at the maximum rate.

- D. When more than one (1) employee is going to the same destination, travel shall be pooled when such is practical.
- E. Where a common carrier is used, reimbursement will be made only for the most economical class. The expense of common carrier travel may be processed through the District office on a purchase order or by copies of paid bill(s), attached to the employee's travel voucher.
- F. Reimbursement may be requested for tolls, taxis, registration fees, and limousine service, storage or parking, and communication expenses when properly documented. No reimbursement may be authorized for gratuities. Reimbursement for registration fees shall be reduced by the value of any lodging or meals which are included if such items are claimed elsewhere for reimbursement.
- G. Per diem will be calculated on departure from the place of work or residence with reasonable travel time to destination and return to place of work or residence at the established rate per day as follows:
 - 1. Distance From Place Of Departure To Destination: Less Than 200 Miles
 - a. Leave
 - i. 6:00 a.m. or after when meeting starts 12 noon or after on same day.
 - ii. 12 noon or after on day before meeting when meeting starts from 8:00 a.m. to 12:00 noon.
 - b. Return
 - i. By 6:00 p.m. the same day if meeting ends 8:00 a.m. – 12:00 noon.
 - ii. By midnight the same day if meeting ends 12:00 noon – 6:00 p.m.

- iii. Before 12:00 noon the next day if meeting ends 6:00 p.m. – midnight.
 - 2. Distance From Place Of Departure To Destination: 200-400 Miles
 - a. Leave
 - i. 6:00 a.m. or after on day before meeting when meeting starts from 8:00 a.m. to 12:00 noon.
 - ii. 12:00 noon or after on day before meeting when meeting starts 12:00 noon or after.
 - b. Return
 - i. By midnight the same day if meeting ends 8:00 – 12:00 noon.
 - ii. By 12:00 noon the next day if meetings ends 12:00 noon – 6:00 p.m.
 - iii. By 6:00 p.m. the next day if meeting ends 6:00 p.m. – midnight.
- H. A cash advance, approved by the Superintendent/designee, may be requested from the Finance Department provided the estimated costs of per diem, registration, and other fees exceed One Hundred Fifty Dollars (\$150).
- I. **Out-of-State Travel**

Actual expenses for authorized travel by employees, authorized persons, or public officers not to exceed the single occupancy rate shall be reimbursed for lodging and the scheduled amount for meals.
- J. The Superintendent shall develop procedures which detail travel reimbursement claims and restrictions.

- K. Violations or abuse of District travel policies and/or procedures shall be a basis for employee discipline.

F.S. 112.061(5)(b)(6)(7)(d), 1001.41, 1001.43
Effective Date: 07/01/05

PETTY CASH

Petty cash accounts are provided for schools and staff activities for purchases which cannot, or should not, be made by purchase order, such as payment for postage and purchases of supply items for immediate use. Petty cash fund custodian shall make the decision regarding the necessity of any purchase from the petty cash fund.

Petty cash should be used for purchases less than \$50 in total, in lieu of a purchase order. Individual petty cash purchases may not exceed \$50. Purchase orders should be used for such purchases.

No more than \$200 petty cash shall be provided for any activity.

Purchase of groceries for Home Economics classes are exempted from the \$50 limit on individual petty cash purchases.

The custodian of each petty cash account shall be held personally responsible for any/all unreasonable loss of petty cash funds.

F.S. 1001.41, 1001.43

F.A.C. 6A-1.057

Effective Date: 07/01/05

INSTRUCTIONAL MATERIALS ACCOUNT

In accordance with Florida Statutes, the Board directs the establishment of an account to be known as the Instructional Materials (IM) Account so that it can provide a sufficient number of textbooks or sets of materials serving as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading and literature. Exceptions exist when the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction. As required by State law, the use of the Florida instructional monies allocation shall be accounted for in the IM account. The District allocates the funds to schools based on the number of FTE at each school. School principals shall expend those funds on instructional materials. The funds in this account are to be used strictly for the purchase of textbooks, instructional software and materials, consumables, manipulatives, and other instructional tools. They may be carried forward to future years when planning a new textbook adoption or other appropriate reason. These funds may not be used to purchase computer hardware even if it is bundled with software or other electronic media, nor may such funds be used to purchase equipment or supplies.

The Finance Department shall be responsible for the administration of the account and shall allocate the appropriated budget for IM into the account each year as designated by the Florida Department of Education.

F.S. 1001.41, 1001.43, 1006.28, 1006.40, 1011.67
Effective Date: 07/01/05

PUBLIC RELATIONS AND HOSPITALITY FUNDS

The Superintendent may authorize expenditures for purposes of promotion, public relations activities, and hospitality. Such expenditures are restricted as to the source of funds, amount of annual expenditures, and conditions for expenditures as set forth herein.

- A. Expenditures shall be made from proceeds of enterprise type activities of individual schools or of the District, excluding food service; and undesignated gifts or donations to the District.
- B. Expenditures under this policy shall be limited to the maximum permitted by State law.

F.S. 229.053(1), 237.046, 1001.41, 1001.43, 1010.08

F.A.C. 6A-1.0143

Effective Date: 07/01/05

AUDIT

The Board requires, after the close of the fiscal year (June 30th), that an audit of all accounts of the District be made annually. 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.

The Auditor General of the State of Florida performs the audit of the District's financial statements and generally prepares and publishes a statement of the financial condition of the District at the close of each fiscal year, on or before March 31st of the next succeeding fiscal year.

F.S. 218.39, 1001.41, 1001.42, 1001.43, 1001.453

F.A.C. 6A-1.087

Effective Date: 07/01/05

EDUCATIONAL IMPACT - NEW RESIDENTIAL CONSTRUCTION

I. **STATEMENT OF INTENT AND PURPOSE**

WHEREAS, the Martin County Comprehensive Growth Management Plan establishes the policy that land development shall not be permitted unless adequate capital facilities exist or are assured; and

WHEREAS, the Martin County Comprehensive Growth Management Plan establishes the policy that land development shall bear the full cost of the provision of the new or expanded capital facilities required by such development; and

WHEREAS, the Martin County Comprehensive Growth Management Plan establishes that the imposition of impact fees is a preferred method of regulating land development so as to ensure that it bears the full cost of capital facilities necessary to accommodate development and to promote and protect the public health, safety, and welfare; and

WHEREAS, the Florida Legislature through the enactment of F.S. 163.3201, 163.3202(3) and 380.06(16) has sought to encourage local governments to enact impact fees as land development regulations; and

WHEREAS, the Board has adopted a resolution which requested the County to adopt a School Impact Fee which requires future residential development to contribute its fair share of the cost of capital improvements to the District which are necessary to accommodate such growth; and

WHEREAS, the Board has determined that anticipated revenue sources will not be sufficient to provide the capital improvements to the District which are necessary to accommodate such growth; and

WHEREAS, F.S. 163.3161(3), 163.3164(24), 163.3177(6) and (7) provide that schools are an appropriate subject for comprehensive planning; and

WHEREAS, the implementation of a School Impact Fee promotes the general welfare of the citizens of Martin County in that providing for educational facilities which are adequate for the needs of growth is in the general welfare of all County residents and constitutes a public purpose; and

WHEREAS, the projected capital improvements to the school system and the allocation of projected costs between those necessary to serve existing development and those required to accommodate the educational needs of future residential development as presented in the study entitled "Technical Memorandum of the Methods Used to Calculate the School Impact Fee Proposal for School Board of Martin County, Florida" dated January 8, 1995, has been approved and is found to be consistent with the Comprehensive Growth Management Plan; and

WHEREAS, the Board is required by F.S. 1013.36 to coordinate school site planning with the County's comprehensive plan; and

WHEREAS, F.S. 1013.36 and 1013.33 require the coordination of planning between school boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are coordinated in time and place with plans for residential development and other necessary services;

NOW, THEREFORE,

- A. On July 25, 1995, the Martin County Commission adopted Ordinance Number 474, School Impact Fee Ordinance, O.R. Book 1133, Page 2435, establishing a countywide School Impact Fee Ordinance.
- B. This Ordinance superseded the former School Board Rule 6Gx43-7.14 Educational Impact - New Residential Construction.
- C. The Ordinance effective December 1, 1995 and was codified into Section 6.54 of the County's Land Development Regulations.
- D. Pursuant to the Ordinance and by Interlocal Agreements, Martin County, Town of Jupiter Island, Sewall's Point, Town of Ocean Breeze, and the City of Stuart will collect impact fees. After a deduction of 3% administrative fees, the impact fees will be remitted to the School Board by the 15th day of the calendar month of which the impact fees were collected.
- E. Pursuant to the Ordinance, the County and School Board's Planning Interlocal will delineate Martin County and School Board's coordination and cooperation regarding school site selection and construction.
- F. Section 6.54 of the County's Land Development Regulations, as the same may be amended from time to time, is adopted and incorporated by reference in its entirety in this Board policy.
- G. Past due educational impact fee liens that were due and payable before issuance of a building permit prior to December 1, 1995 shall be released upon payment of the lesser of:
 - 1. the educational impact fee that was due at the time of issuance of the permit plus interest at the rate of fifteen (15%) percent per annum; or

2. the educational impact fee due at the time the obligation is paid.

F.S. 125.01, 163.3161(3), 163.3164(24), 163.3177(6), 1001.41, 1001.43

F.S. 1011.19, 1013.36

Effective Date: 07/01/05

Amendment Date: 05/20/08

7000	PROPERTY
7100	Educational Facilities Planning, Site Selection and Acquisition
7101	Building Permits and the Code Enforcement Office
7105	Prequalification of Contractors
7230	Donated Materials
7250	Naming/Renaming of District Owned Facilities
7320	Tangible Personal Property
7400	Safety and Health
7410	Sanitation and Housekeeping, Maintenance, Pest Management and Inspections
7434	Clean Air Act/Tobacco Free Environment
7440	Plant Security
7510	Use of District Facilities
7530	Equipment for Non-School Use
7540	Technology Privacy
7540.01	District Web Page
7540.02	Network and Internet Acceptable Use and Safety

EDUCATIONAL FACILITIES PLANNING,
SITE SELECTION AND ACQUISITION

I. **SCHOOL SIZE**

In an effort to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities, the District will abide by the following three criteria:

A. **Design Capacity**

The number of students or student stations in each category of school:

Elementary – 750
Middle – 1,200
High School – 1,800

B. Board adopted facility list

C. State Requirements for Educational Facilities Size of Space and Occupant Design Criteria Table

II. **TECHNICAL ADVISORY COMMITTEE (“TAC”)**

The Board shall begin the site selection procedures set forth Interlocal Agreement for School Facility Planning, dated November 17, 2003, by adopting a resolution notifying the County, City and TAC that a school site is needed. The resolution shall identify the type of school needed (that is elementary school, middle school, or high school) and the geographic area to be served by the school. See Paragraphs 5.4 – 5.8 of the Interlocal Agreement.

III. **EDUCATIONAL FACILITY PLANNING**

The Board does hereby establish a District Boundary Advisory Committee (“BAC”) which is created to facilitate input from District staff, parents and community members in the development of student demographics, facility expansion to deal with growth, site selection and acquisition to recommendation of school site boundaries and the determination of age appropriate feeder patterns. The BAC shall be comprised of the following members:

- A. Superintendent or designee (ex officio)
- B. Board Member (ex officio)
- C. Director of Facilities (ex officio)

- D. Five (5) Board appointees, one appointed by each member
- E. Four (4) Superintendent appointees to include:
 - i. Two (2) parents of students of the District.
 - ii. Two (2) additional appointees which may or may not be parents of students of the District.
- F. One (1) County Commission representative
- G. One (1) City of Stuart representative
- H. One (1) representative of Martin County Realtors Association
- I. One (1) representative of Martin County Taxpayers Association
- J. One (1) representative of Martin County Council of Chambers.

Board member and Superintendent appointments will be reviewed on an annual basis.

The general responsibilities of the BAC are as follows:

- A. Provide an annual review of complete student population.
- B. Provide an annual review of countywide population trends and growth patterns.
- C. Provide recommendations regarding new school facilities in accordance with this rule.
- D. Recommend appropriate school site boundaries with consideration given to age and appropriate feeder patterns.
- E. Fulfill any additional roles as assigned by the Board and/or the Superintendent in the future.
- F. Make all decisions giving consideration to the needs of the entire county.

III. SITE SELECTION AND ACQUISITION

The Board is responsible for providing educational facilities that address changing enrollment patterns and sustained high quality educational programs. This responsibility is fulfilled in part through the facilities planning process and the selection and acquisition of appropriate school sites. This policy should be used by the Board, Superintendent and District staff to promote public understanding of educational facility planning, to encourage the community and local government agencies to identify priorities and concerns to guide the educational facilities and planning process and to accomplish site selection and acquisition consistent with such planning.

A. Site Selection Criteria

Site selection shall be subject to the following minimum criteria:

1. Acreage

In selecting sites for schools, the Board shall strive to meet standards for recommended minimum acreage established by both the Florida Department of Education and the Southern Association of Colleges and Schools. Since the recommendations for minimum acreage may vary depending on the educational level of the proposed facility, the Board shall strive to satisfy the requirements of the highest applicable standard. Less than recommended site sizes are allowed if the Board, by a two-thirds (2/3) majority, recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.

2. Cost Considerations

The cost of a proposed school site is always an important consideration. The site with the least expensive purchase price, however, may not be the most economical in the long run. The superior characteristics of the site to meet the long-range needs of the District and the community may outweigh the cost of advantage of an inferior site that only partially meets those needs. Additional cost of acquiring a well located site of adequate shape and size must be weighed in light of the number of years a school will serve the community and any annual savings in operational costs that such a site might enjoy over less favorable alternatives.

3. Governmental Coordination

In accordance with the requirements of F. S. 1013.33 and 163.3177, the District shall coordinate with long range or comprehensive plans of the local, regional and state governmental agencies to ensure the compatibility of such plans with school site planning. The Board shall cooperate with Martin County, and all municipalities within the county, in establishing by interlocal or other formal agreement joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency and an appropriate process to review proposed educational facilities and site plans.

4. Miscellaneous Site Evaluation Criteria

In addition to the foregoing, potential school sites shall be evaluated in light of the following criteria:

- a. Percentage of students existing within 2-mile radius.
- b. Percentage of students proposed within 2-mile radius.
- c. Existing/proposed condition of sidewalk network.
- d. Walkability of 2-mile radius.
- e. Average adopted speed of roadway network within 2-mile radius.
- f. Proximity of existing/planned public park/recreation uses/sites.
- g. Proximity of existing/planned complementary public uses.
- h. Potential to co-locate with proposed school facility, public park/recreation use, or complementary public use.
- i. Ability for noxious uses to locate within 1-mile radius.
- j. Inclusion of site within adopted public sector plan (e.g., CRA or neighborhood plan).

- k. Inclusion of site within adopted private master plan.
- l. Proximity to population centers.
- m. Degree of triangulation.
- n. Opportunity to redevelop existing underutilized site/adaptive re-use.
- o. Ability to maintain diversity of student population.
- q. Size of site as compared to technical standard.
- r. Wetland complications per SFWMD and Martin County LDRs.
- s. Functional hydrology of site.
- t. Impacts to native habitat/uplands.
- u. Availability to water – line proximity.
- v. Water plant capacity.
- w. Sewer plant capacity.
- x. Availability of stormwater.
- y. Transportation costs for Board.
- z. Acquisition complications.
- aa. Inclusion of site with Urban Service District Boundary.

B. Site Selection Report

As soon as reasonably possible after the TAC submits its TAC Report to the BAC, the BAC shall meet to review the TAC Report and prepare a report (“BAC Report”) outlining its preferred ranking of the three to five potential school sites recommended by the TAC in the TAC Report. The BAC shall consider the TAC Report and any other material factors that it deems appropriate but in no case shall the BAC recommend a potential school site that is not among the three to five potential school sites recommended in the TAC Report as outlined in Section 5.7 of the Interlocal Agreement.

Within forty-five (45) days after the TAC submits its TAC Report to the BAC, the BAC shall adopt and submit the BAC Report to the County, the City and Board. The BAC Report shall list the potential school sites in ranked order and include such other narrative information as the BAC deems helpful in explaining its deliberations and conclusions.

C. Board Site Selection

Upon receipt of the TAC and BAC Reports, the Board shall review the reports and consider the ranked school sites.

If the Board selects a school site that is:

1. one of the ranked school sites by the BAC and within a municipality or the County's Primary Urban Service District; or
2. one of the top two ranked school sites by the BAC and within the County's Secondary Urban Service District,

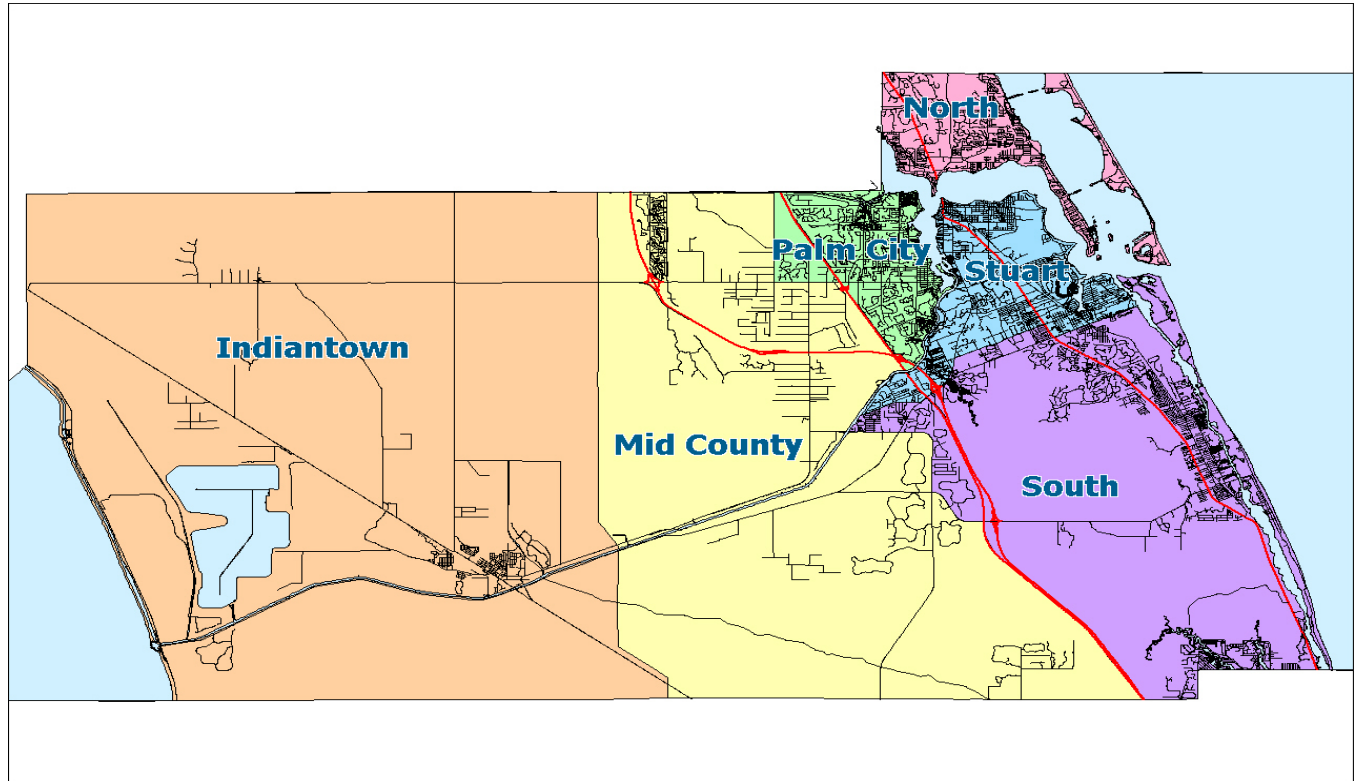
then the development of such school site shall be deemed consistent with the City's and County's Comprehensive Growth Management Plans ("Comprehensive Plans"), as amended, and shall be exempt from the City's and County's land development regulations to the extent allowed by the Comprehensive Plans. The Board shall notify the County and City of the school site chosen within five (5) days of the meeting where the choice is made.

IV. CONCURRENCY SERVICE AREAS

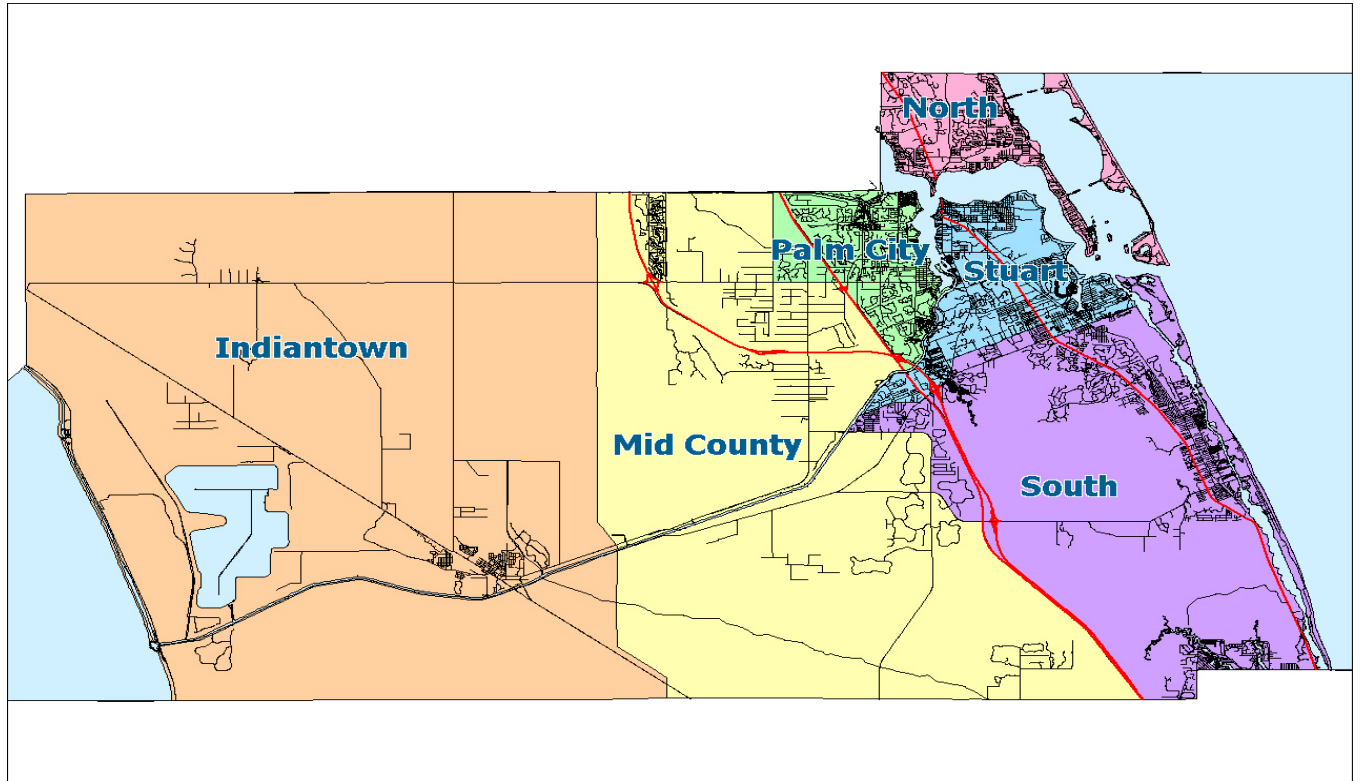
The Board recognizes that designation of the area within which the level of service will be measured is essential requirement for both general planning purposes and development permit review under a concurrency system. This delineation is important for purposes of determining whether the Board has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level-of-service standards.

The Board, therefore, establishes the Concurrency Service Areas set forth below as the areas within which the level of service will be measured.

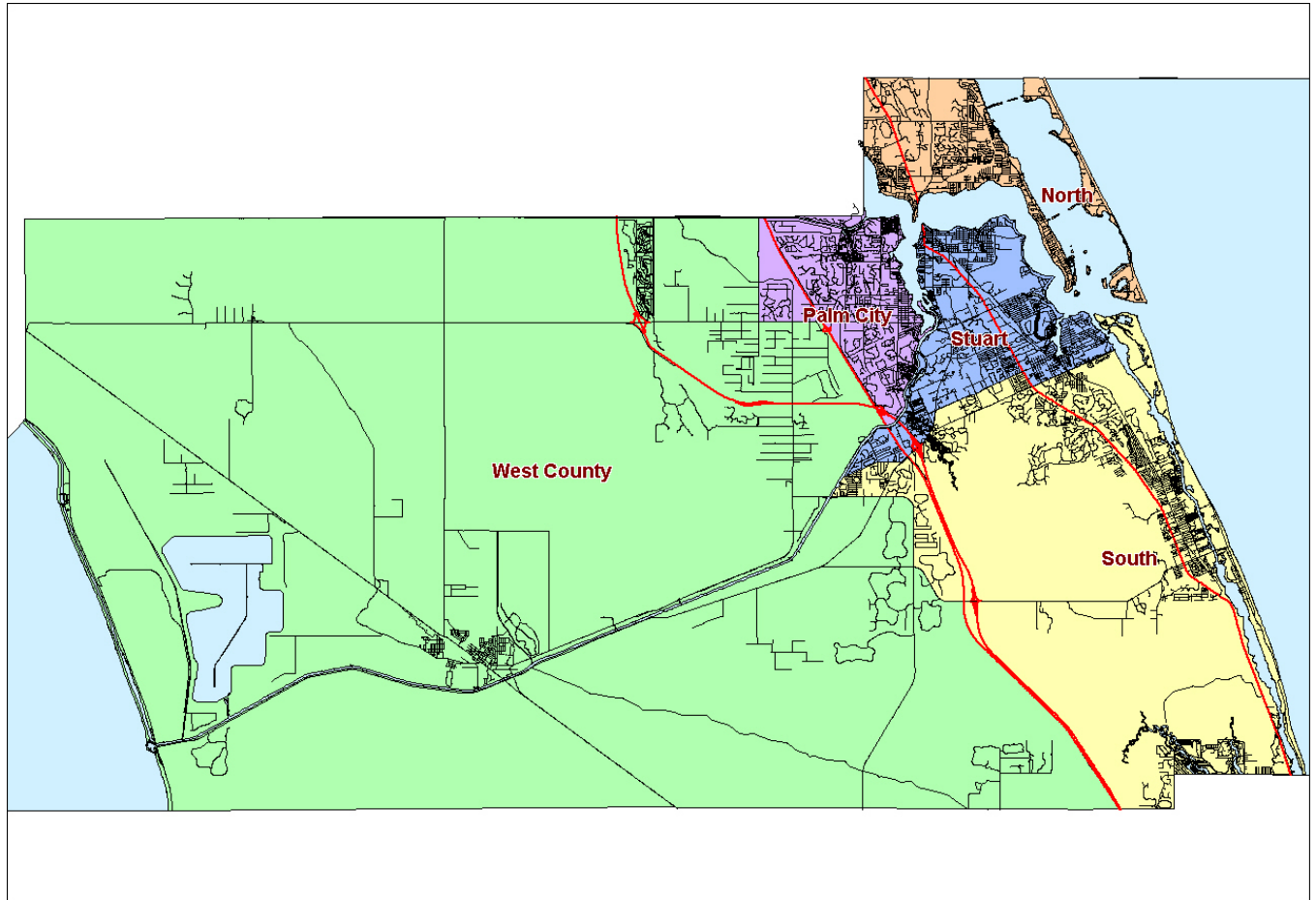
- A. For elementary schools, the Concurrency Service Areas shall be as depicted below in this subsection:



- B. For middle schools, the Concurrency Service Areas shall be as depicted below in this subsection:



- C. For high schools, the Concurrency Service Areas shall be as depicted below in this subsection:



V. LEVEL OF SERVICE

- A. For elementary schools, the Level of Service shall be determined as follows:

Step 1. Aggregating the permanent capacity of all elementary schools within the Concurrency Service Area (CSA). For purposes of this analysis, “permanent capacity” for each elementary school (except for schools designated for receiving Title I assistance) shall mean 100% of the permanent existing satisfactory student stations planned to house students by the end of the third year of the Five Year Capital Improvement Plan (after applying the DOE utilization rate), capped at total capacity of 750 student stations per school. For purposes of this analysis, “permanent capacity” for each elementary school designated for receiving Title I assistance shall mean 85% of the permanent existing satisfactory student stations planned to house students by the end of the third year of the Five Year

Capital Improvement Plan (after applying the DOE utilization rate), capped at total capacity of 750 student stations per school.

Step 2. Adding to the aggregate number of student stations determined above, the CSA's aggregate temporary capacity for elementary schools within the CSA. For purposes of this analysis, each CSA's elementary school "temporary capacity" shall mean the CSA's proportionate share of the number of student stations required on district-wide basis to accommodate elementary school students until the School Board experiences district-wide elementary school student enrollment which is 450 students more than the School Board's district-wide elementary school permanent capacity. Each CSA's proportionate share of such temporary capacity shall be determined by dividing 450 by the total number of elementary schools operating in the district, and then multiplying by the number of elementary schools operating in the CSA.

- B. For middle schools, the Level of Service shall be determined as follows:

Step 1. Aggregating the permanent capacity of all middle schools within the CSA. For purposes of this analysis, "permanent capacity" for each middle school (except for schools designated for receiving Title I assistance) shall mean 100% of the permanent existing satisfactory student stations planned to house students by the end of the third year of the Five Year Capital Improvement Plan (after applying the DOE utilization rate), capped at total capacity of 1200 student stations per school. For purposes of this analysis, "permanent capacity" for each middle school designated for receiving Title I assistance shall mean 85% of the permanent existing satisfactory student stations planned to house students by the end of the third year of the Five Year Capital Improvement Plan (after applying the DOE utilization rate), capped at total capacity of 1200 student stations per school.

Step 2. Adding to the aggregate number of student stations determined above, the CSA's aggregate temporary capacity for middle schools within the CSA. For purposes of this analysis, each CSA's middle school "temporary capacity" shall mean the CSA's proportionate share of the number of student stations required on district-wide basis to accommodate middle school students until the School Board experiences district-wide middle school student enrollment which is 720 students more than the School Board's district-wide middle school permanent capacity. Each CSA's proportionate share of such temporary capacity shall be determined by dividing 720 by the total number of middle

schools operating in the district, and then multiplying by the number of middle schools operating in the CSA.

- C. For high schools, the Level of Service shall be determined as follows:

Step 1. Aggregating the permanent capacity of all high schools within the CSA. For purposes of this analysis, "permanent capacity" for each high school shall mean 100% of the permanent existing satisfactory student stations planned to house students by the end of the third year of the Five Year Capital Improvement Plan (after applying the DOE utilization rate), capped at total capacity of 1800 student stations per school.

Step 2. Adding to the aggregate number of student stations determined above, the CSA's aggregate temporary capacity for high schools within the CSA. For purposes of this analysis, each CSA's high school "temporary capacity" shall mean the CSA's proportionate share of the number of student stations required on district-wide basis to accommodate high school students until the School Board experiences district-wide high school student enrollment which is 1080 students more than the School Board's district-wide high school permanent capacity. Each CSA's proportionate share of such temporary capacity shall be determined by dividing 1080 by the total number of high schools operating in the district, and then multiplying by the number of high schools operating in the CSA.

F.S. 163.3177, 1001.41, 1001.43, 1013.33

Effective Date: 07/01/05

Amendment Date: 01/15/08; 05/20/08

BUILDING PERMITS AND THE CODE ENFORCEMENT OFFICE

The Board recognizes that on March 1, 2002 the 2001 Florida Building Code became effective, and requires that the District establish a Code Enforcement Office, employ a Building Code Administrator (BCA) and/or subcontract for code enforcement services. Approved project plans will be reviewed for code compliance, permits issued, and the work inspected. Two (2) types of permits will be issued; annual facility maintenance permits and/or building permits.

A. Annual Facility Maintenance Permits

Each school or facility may issue an annual facility maintenance permit to facilitate routine maintenance, emergency repairs, building refurbishment, and minor renovations of systems or equipment. Qualifiers for this type of permit will be the Operation and Maintenance Director and/or his/her designee. Permits will be issued in the name of each facility. The amount expended per maintenance project may not exceed \$200,000. A facility maintenance permit is valid for one (1) year. A detailed log of alterations and inspections must be maintained and annually submitted to the BCA. The BCA retains the right to make inspections at the facility site as s/he considers necessary.

B. Building Permits

Building permits are required for new construction, additions, remodeling and renovations. District project managers and/or their contractors will submit application for a permit to the Code Enforcement Office. District project managers will have Phase III documents reviewed as required by Florida Statutes. Upon review by the BCA, a permit will be issued and work inspected. When the work is deemed complete, the BCA will issue a Certificate of Occupancy.

I. DESIGN SERVICES

The Board or volunteer service organization which undertakes any project that includes new construction, addition, remodeling, and structural modifications shall have plans and specifications prepared by a licensed design professional as required by State Requirements for Education Facilities 4.1(2).

Board approved projects will be governed by the standard District contracts. Volunteer project sponsor(s) will submit a standard partnership agreement for project approval prior to commencement of work.

II. **CONTRACTORS**

All construction on Board-owned property including volunteer or service organization projects, shall be performed by State-certified or licensed general contractors and subcontractors, or locally registered subcontractors where their registration is valid, as required by State Requirements for Education Facilities 4.1(5) and shall follow approved processes as described in Florida Statutes.

F.S. 1013.37, 1013.371, 1013.372, 1013.38

F.A.C. 104.1.1

Effective Date: 07/01/05

PREQUALIFICATION OF CONTRACTORS

The Board shall prequalify contractors for a one-year period or for a specific project according to the following rules:

I. **CRITERIA**

Contractors shall be pre-qualified on the basis of the following criteria:

- A. Proof that the contractor holds a contractor's license which authorizes the contractor to supervise work within the scope of the construction project.
- B. Evidence that the applicant has financial resources to start up and follow through on the projects and to respond to damages in case of default as shown by written verification on bonding capacity equal to or exceeding the amount of any project for which the contractor seeks prequalification. The written verification must be submitted by a licensed surety company rated "A" or better in the current A.M. Best Guide and qualified to do business within the State. In the absence of such written verification, the Board may require the applicant to submit any audited financial information necessary to evaluate an applicant's financial ability to perform the project and to respond to damages in the event of default.
- C. Evidence of experience with construction techniques, trade standards, quality workmanship, project scheduling, cost control, management of projects, and building codes for similar or less cost or scope projects, as shown by the successful completion within the past five (5) years of at least two (2) other projects of similar size.
- D. Evidence of satisfactory resolution of claims filed by or against the contractor asserted on projects of the same or similar size within the five (5) years preceding the submission of the application. Any claim against a contractor shall be deemed to have been satisfactorily resolved if final judgment is rendered in favor of the contractor or any final judgment rendered against the contractor is satisfied within ninety (90) days of the date the judgment becomes final.
- E. Type of work for which the contractor is licensed.

II. PROCEDURES

- A. It is the policy of the Board to allow for prequalification of any responsible contractor who, through its submittal to the Board, meets the uniform criteria established by the State Requirements for Educational Facilities (Section I of this policy), whether such contractor is a resident or non-resident of the geographic area served by the Board.
- B. It is the policy of the Board to allow those contractors seeking prequalification to submit all required company financial information separate and apart from the other required submittals, as specifically outlined in the Prequalification Submittals Section of the Request for Qualifications, in order to protect privileged company information from public disclosure.
- C. The Superintendent shall recommend for the Board approval a Contractor Prequalification Review Committee to review and evaluate the submissions and to make recommendations to the Superintendent for the type of project, dollar volume and limits allowed within the scope of prequalification. The committee shall be composed of the following voting members:
 - 1. Superintendent of Schools, or designee
 - 2. Board Member – Facilities Division Liaison
 - 3. Executive Director for Operations Services
 - 4. Director of Facilities
 - 5. Construction Manager
 - 6. One General Contractor familiar with the requirements of the District and the Facilities Department’s program
- D. Notwithstanding anything contained herein, the Board may reject any proposals which, in the Board’s opinion, contain inaccurate information. In addition, the Board shall have the sole discretion to declare a contractor delinquent and to suspend or revoke a pre-qualification certificate.
- E. The Board shall receive and either approve or reject each application for pre-qualification within sixty (60) days after receipt by the District. Approval shall be based on the criteria and procedures established in this policy.

III. APPLICATION

Each contractor, firm or person requesting pre-qualification shall submit separate applications, on an appropriate form which references:

- A. Detailed information setting forth the applicant's competence, past performance, experience, financial resources, and capability, including a Public Entity Crime Statement and references.
- B. Audited financial information current within the past twelve (12) months, such as a balance sheet, statement of operations and bonding capacity. The requirement for financial information may be satisfied by the contractor providing written verification of the contractor's bonding capacity.
- C. General information about the contractor company, its principals and its history, including State and date of incorporation.
- D. Contractor trade categories and information regarding the State and local licenses and license numbers held by the applicant.
- E. A list of all projects completed within the past five (5) years, including dates, clients, approximate dollar value and size.
- F. Certificates of insurance confirming current worker's compensation, public liability and property damage insurance as required by law.
- G. A list of all pending litigation and all litigation within the past five (5) years, including an explanation of each. Litigation initiated by the contractor to protect the contractor's legal rights shall not be used as a basis for rejecting pre-qualification.
- H. The completed application and financial information shall be attested to and signed by an authorized officer of the company, the owner or sole proprietor, as appropriate. The signature shall be notarized.
- I. When two (2) or more prequalified contractors wish to combine their assets for a specific project, they may do so by filing an affidavit of joint venture on Board prescribed forms. Such affidavit shall be valid only for that specific project.

IV. ISSUANCE OF CERTIFICATE

The Board shall issue a certificate valid for one (1) year or for the specific project(s). That certificate shall include the following:

- A. A statement indicating that the contractor may bid for projects during the time period specified.
- B. A statement establishing the total dollar value of work the contractor will be permitted to have under contract at any one time as determined by the contractor's bonding capacity or ten (10) times the net quick assets.
- C. A statement establishing the maximum dollar value of each individual project the contractor will be permitted to have under contract with the Board at any one time. The maximum value of each project may be up to twice the value of the largest project previously completed but shall not exceed the contractor's bonding capacity or ten (10) times the net quick assets.
- D. A statement establishing the type of work the contractor will be permitted to provide.
- E. The expiration date of the certificate.

V. RENEWAL OF CERTIFICATE

Certificates not for a specific project shall be renewed annually.

- A. Financial statements or written verification of bonding capacity on file with the Board shall be updated annually. Failure to submit a new statement or verification of bonding capacity, after at least thirty (30) days written notice by the Board, shall automatically revoke a prequalification certificate.
- B. Prequalified contractors may request a revision of their prequalification status at any time they believe the dollar volume of work under contract or the size and complexity of projects should be increased if experience, staff size, staff qualifications and other pertinent data justify the action.

VI. DELINQUENCY

The decision to declare a contractor delinquent may be made only by the Superintendent and must be ratified by the Board at its next regular meeting following the decision by the Superintendent. Should a contractor be determined to be delinquent, after notice and an opportunity for a fair hearing, the Board shall notify the contractor and its surety, in writing, that

the contractor is disqualified from bidding work with the Board as long as the delinquent status exists. A delinquent condition may be determined to be in effect when one (1) or more of the following conditions occur without justifiable cause.

- A. A substantial or repeated failure to comply with contract documents after written notice of such non-compliance.
- B. A substantial or repeated failure to provide supervision and coordination of subcontractor's work after written notice of such failure.
- C. Substantial deviation from project time schedules after written notice of non-compliance.
- D. Substantial or repeated failure to pay subcontractors after the Board has paid the contractor for the work performed by the subcontractors and in accordance with approved requisitions for payment.
- E. Substantial or repeated failure to provide the quality of workmanship compatible with the trades standards for the community after written notice of such failure.
- F. Substantial or repeated failure to comply with the warranty requirements of previous contracts after written notice of such failure.
- G. Failure to maintain the required insurance coverage after written notice of such failure.

VII. **SUSPENSION OR REVOCATION**

The Board may, for good cause, suspend a contractor for a specified period of time or revoke the pre-qualification certificate. Causes for suspension or revocation shall include, but are not limited to, one or more of the following:

- A. Inaccurate or misleading statements in the application.
- B. Declared in default by the Board.
- C. Adjudged to be bankrupt.
- D. Performance, in connection with contract work, becomes unsatisfactory to the Board, based on the Board asserting and recovering liquidated damages in an action against the contractor.

- E. Payment record, in connection with contract work, becomes unsatisfactory to the Board, based on the contractor's failure to comply with the Construction Prompt Pay Act (F.S. 715.12).
- F. Becomes delinquent on a construction project pursuant to Section VI above.
- G. Contractor's license is suspended or is revoked.
- H. No longer meets the uniform pre-qualification criteria established in this policy.

VIII. APPEAL

A contractor whose application has been rejected or whose certificate has been suspended or revoked by the Board shall be given the benefit of reconsideration and appeal as follows:

- A. The contractor may within ten (10) calendar days after receiving notification of such action, request reconsideration in writing. The contractor may submit additional information at the time of the appeal.
 - 2. The Board shall act upon the contractor's request within thirty (30) calendar days after the filing and shall notify the contractor of its action to adhere to, modify or reverse its original action. The Board may require additional information to justify the reconsideration.

F.S. 240.237, 255.20, 287.055, 1001.41, 1001.43, 1013.02, 1013.03

F.S. 1013.12, 1013.45, 1013.37, 1013.371, 1013.372, 1013.46

F.A.C. 6A2-2.0111

State Requirements for Educational Facilities Section 4.1

Effective Date: 07/01/05

DONATED MATERIALS

The Board is duly appreciative of public interest in and good will toward the schools manifested through gifts, grants and bequests. The Board reserves the right, however, to specify the manner in which gifts are made; to define the type of gift, grant, or bequest which it considers appropriate; and to reject those which it deems inappropriate or unsuitable.

Any material or equipment donated to the schools by any person or organization becomes the sole property of the Board.

The principal/director shall notify the Property and Inventory Control Department when they receive donations which must be marked and accounted for, as set forth in F.S. 274, in compliance with Chapter 10.400 of the Rules of the Auditor General. Notification shall be via completed Form #330 (Equipment Acquired Through Internal Funds/Donations).

The principal/director will be responsible for establishing true market value using an appropriate source of information and recording the figure in the cost section. Written documentation of how market value was established is required. Acceptance of donation estimated to exceed \$5,000.00 shall be conditioned upon the receipt of a qualified appraisal or other documentation acceptable to the Executive Director of Finance.

Form #330 for donations involving vehicles, boats, and trailers should be forwarded to the Transportation Department along with the title bearing the notarized signature of the person making the donation. Titles can not be accepted if a value has been written on the title.

F.S. 1001.41, 1001.43, 1001.51
Effective Date: 07/01/05

NAMING/RENAMING OF DISTRICT OWNED FACILITIES

The prerogative for the naming or renaming of District owned or operated buildings and other facilities shall reside with the Board. After approval by the Board for the naming or renaming of a building or other facility, it will be dedicated by appropriate ceremony under the direction of the Board.

I. NAMING OR RENAMING ALL OR PART OF A FACILITY WITH AN EXISTING SCHOOL ADVISORY COUNCIL

- A. A Board member or the Superintendent may at any time request that an existing building or any part thereof be named or renamed in recognition of an outstanding civic or educational leader, the location or history of the facility or its educational mission. Any such request to name or rename any facility with an existing School Advisory Council ("SAC") shall be referred to the SAC for review.
- B. Within forty-five (45) days of receipt of the request to name or rename a facility, the SAC shall consider the request to name or rename a facility and submit a recommendation regarding the request to the Board. The consideration and recommendation of the SAC may extend beyond the specific name requested and may result in a recommendation for a different name than originally requested. In the event that the SAC fails to act within the time prescribed by this section, the Board, in its discretion, may act upon the request without a recommendation from the SAC.
- C. Except as authorized by a majority vote of the Board, due to exigent circumstances or other good cause, no request for the naming or renaming of a facility shall be acted upon by the Board until there has been substantial compliance with this policy.

II. NAMING OR RENAMING ALL OR PART OF A NEW SCHOOL OR OTHER FACILITY WITHOUT AN EXISTING SCHOOL ADVISORY COUNCIL

- A. The Board shall establish the procedures for naming or renaming all or part of a new school or other facility without an existing SAC on a case-by-case basis as the Board determines are in the best interest of the District and the community.

TANGIBLE PERSONAL PROPERTY

The District shall acquire, mark, maintain records, conduct inventories, and dispose of “property” as defined and required by F.S. 235.04(2), 273 and 274 and rules of the Auditor General.

In addition, acquisition, record keeping and use of tangible personal property will comply with related Board policies 7230, 7530 and 6100 and internal procedures as long as they are not less restrictive than the applicable statute and rules.

F.S. 273.02, 273.03, 273.04, 273.05, 273.055, 274.02, 274.03, 274.04,
274.05, 274.06, 274.07, 1001.41, 1001.43, 1013.28

Rules of the Auditor General 10.300, 10.350, 10.360, 10.365, 10.370, 10.380

Effective Date: 07/01/05

SAFETY AND HEALTH

All personnel shall be alert to and report to the appropriate school personnel any conditions in the school which may affect health or safety such as:

- A. hazardous conditions in classrooms or on grounds
- B. dangerous equipment

All personnel shall take every possible precaution to prevent accident or injury from fire, machinery, and temporary hazards, such as maintenance or improvement activities on school property.

In accordance with Florida Statutes, all personnel driving District-owned, rented, or leased vehicles or driving personal vehicles in the course of their assigned duties are required to wear the occupant restraint system where provided. Failure to wear the occupant restraint system is a prohibited act that may result in reduced benefits from the District's workers compensation program for injury as a result of a crash while conducting District business or on approved travel status.

In accordance with Florida Statutes, all students being transported in District-owned, rented, or leased vehicles or in personal vehicles arranged by school sponsors shall be expected to wear the occupant restraint system. Students riding in District school buses will be expected to wear occupant restraint system where provided.

I. ENVIRONMENTAL HEALTH AND SAFETY PROGRAM

- A. The environmental health and safety program shall comply with applicable laws and regulations, designed to prevent injury and illness to employees, students, and the general public, and to prevent damage to property or the environment arising from the District's operations.

The principal and/or plant operator are responsible for the environmental health and safety program at their school or facility and for correction of "operation of plant" deficiencies within the time period specified.

SANITATION AND HOUSEKEEPING,
MAINTENANCE, PEST MANAGEMENT AND INSPECTIONS

I. **SANITATION AND HOUSEKEEPING**

Appropriate sanitation and housekeeping shall be maintained in all schools and facilities pursuant to law.

II. **MAINTENANCE**

The fixed assets of this District represent a significant investment of this community and their maintenance is of prime concern to the Board.

Continuous inspection, maintenance, preventative maintenance and rehabilitation for the preservation of all school buildings and equipment shall be conducted.

III. **INTEGRATED PEST MANAGEMENT**

The District shall implement a pest management program in accordance with the U.S. Environmental Protection Agency's Integrated Pest Management (IPM) in schools guidelines.

IV. **INSPECTIONS**

The Superintendent shall provide for periodic inspection, other than fire safety inspection, of each educational and ancillary plant at least once during each fiscal year to determine compliance with standards of sanitation and casualty safety prescribed in the rules of the State Board of Education.

Fire safety inspections of each educational and ancillary plant must be made annually by persons certified by the Division of State Fire Marshal to be eligible to conduct fire safety inspections in public educational and ancillary plants.

F.S. 1001.41, 1001.42, 1001.43, 1013.12, 1013.38
Effective Date: 07/01/05

CLEAN AIR ACT/TOBACCO FREE ENVIRONMENT

Smoking and the use of smokeless tobacco products by Board personnel, students, or any other person, shall not be permitted in any building or Board vehicle, on school property or while on duty in the presence of students. This prohibition includes, but is not limited to, all areas delineated pursuant to F.S. 386.205(2)(a), 386.203(6), 235.011(5), all Florida Inventory School Housing (FISH) numbered facilities, and all property owned or leased by the Board.

F.S. 386.201, 386.202, 386.204, 386.212, 1001.41, 1001.43
20 U.S.C. 6081 et seq.
Effective Date: 07/01/05

PLANT SECURITY

Pursuant to State law, there shall be provision for the security of the school buildings, school grounds, and school equipment. This may include, but not be limited to, security alarm devices, monitoring devices, video surveillance equipment, and other detection device.

Every effort shall be made to apprehend those who knowingly cause physical harm to District property and to require such persons to rectify the damage or pay all costs of the repairs. A reward may be offered for apprehending such persons.

Appropriate authorities will be contacted in the case of such offenses.

F.S. 1001.41, 1001.43
Effective Date: 11/15/05

USE OF DISTRICT FACILITIES

I. USE OF AUDITORIUMS

Civic, charitable, non-profit organizations, veteran's groups, youth organizations, church groups, and governmental agencies shall be permitted to use an auditorium upon approval of the Board. The Superintendent may approve such use of the facility on a case-by-case basis under circumstances where time constraints make it impossible to obtain Board approval prior to the scheduled date of the event; provided, however, that the Superintendent shall report, in writing, the fact of and the reason for the approval at the next meeting of the School Board. In either event, the approval shall be subject to terms and conditions established within an approved agreement. Such terms and conditions shall include, but not be limited to, the following.

- A. The fee schedule for non-school organizations will comply with the Form 92 and 92A.
- B. All organizations, groups and persons must agree:
 1. to provide a copy of the liability insurance policy or certificate of insurance showing applicable bodily injury and property damage coverage, limits or liability and date policy is in force;
 2. that there will be no alcoholic beverages sold, possessed, and/or consumed on school premises;
 3. to return the facilities to the same condition as received;
 4. to follow proper procedures in requesting use of school equipment other than tables, chairs, desks, and/or blackboards in the requested facilities;
 5. to accept liability for damages to the facilities and to reimburse the Board for all damages incurred through persons/organizations using the facilities; and
 6. except as expressly provided by this subsection, to refrain from placing, installing, erecting or maintaining any sign on school district property that is visible from the outside of the interior of rooms or facilities that were approved for use in the Use of Facilities form. Despite this prohibition, an approved user may post up to four (4) temporary, directional signs per room or facility that were approved for use in the Use of Facilities form, subject to the following:
 - a. no sign may be placed on a day when school is in session until after 5:00 PM;

- b. no sign may be placed on district property earlier than two (2) hours before the approved time for start of the scheduled event;
- c. any sign posted must be removed from the property no later than two (2) hours after the scheduled time for the end of the event;
- d. no sign shall exceed sixteen (16) square feet in total area;
- e. the top of the sign shall be no higher than five (5) feet from the nearest ground;
- f. no sign shall cover any preexisting sign on the property; and
- g. the content of the sign shall be limited to the name of the user, the name of and schedule for the scheduled activity; and directions to the rooms or facilities that were approved for use in the Use of Facilities form.

“Sign” means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise; announce or identify the purpose of a person or entity; or to communicate information of any kind to the public.

II. USE OF SWIMMING POOL AT MCHS

Civic, charitable, non-profit organizations, veteran’s groups, youth organizations, church groups, and governmental agencies shall be permitted to use the swimming pool at Martin County High School upon approval of the Board. The Superintendent may approve such use of the facility on a case-by-case basis under circumstances where time constraints make it impossible to obtain Board approval prior to the scheduled date of the event; provided, however, that the Superintendent shall report, in writing, the fact of and the reason for the approval at the next meeting of the Board. In either event, the approval shall be subject to terms and conditions established within an approved agreement. Such terms and conditions shall include, but not be limited to, the following.

- A. The fee schedule for non-school organizations will comply with the Form 92B.
- B. Request for the use of the swimming pool at Martin County High School will be originated with the manager of the swimming pool.
- C. All organizations, groups and persons must agree:
 - 1. to provide a copy of the liability insurance policy or certificate of insurance showing applicable bodily injury and property damage coverage, limits or liability and date policy is in force;

2. that there will be no alcoholic beverages sold, possessed, and/or consumed on school premises;
3. to return the facilities to the same condition as received;
4. to follow proper procedures in requesting use of school equipment other than tables, chairs, desks, and/or blackboards in the requested facilities; and
5. to accept liability for damages to the facilities and to reimburse the Board for all damages incurred through persons/organizations using the facilities.

III. **OCCASIONAL USE OF FACILITIES**

Civic, charitable, non-profit organizations, veterans' groups, youth organizations, church groups and governmental agencies shall be permitted to use school facilities in accordance with the following provisions:

- A. All organizations or groups desiring to use buildings and grounds for meetings and activities must make a request in writing (Form #92), which shall be forwarded to the Superintendent for recommendation for Board action. The Superintendent may approve such use of the facility on a case-by-case basis under circumstances where time constraints make it impossible to obtain Board approval prior to the scheduled date of the event; provided, however, that the Superintendent shall report, in writing, the fact of and the reason for the approval at the next meeting of the Board. In either event, the approval shall be subject to terms and conditions established within an approved agreement. Youth and community education groups are exempt from the requirement of Board approval.
- B. Requests for facilities on a recurring basis shall not exceed six (6) months per request. Joint approval of the principal and the designated community school coordinator is required. If food service equipment or kitchens are to be used, there must be a member of the food service staff present. Thus, the Director of Food Service shall be notified in advance in order to schedule needed personnel.
- C. No individual group or organization may use school facilities for private profit. However, non-profit organizations shall be permitted to use school facilities for fund-raising purposes. Requests should be made in writing (Form #92) with joint approval by the principal and community school coordinator. Requests will then be forwarded to the Superintendent for his/her recommendation for Board action.

- D. The fee schedule for non-school organizations will comply with the Form 92 and 92B.
- E. Additional charges may accrue in connection with use of facilities for actual use by District employees or resources as established by the Board.
- F. Fees shall be waived for activities sponsored by the Adult and Community Education Department. These activities include community service and community youth programs.
- G. All organizations, groups or persons must agree:
 - 1. to provide a copy of the liability insurance policy or certificate of insurance showing applicable bodily injury and property damage coverage, limits or liability and date policy is in force;
 - 2. that there will be no alcoholic beverages sold, possessed, and/or consumed on school premises;
 - 3. to return the facilities to the same condition as received;
 - 4. to follow proper procedures in requesting use of school equipment other than tables, chairs, desks, and/or blackboards in the requested facilities;
 - 5. to accept liability for damages to the facilities and to reimburse the Board for all damages incurred through persons/organizations using the facilities; and
 - 6. except as expressly provided by this subsection, to refrain from placing, installing, erecting or maintaining any sign on school district property that is visible from the outside of the interior of rooms or facilities that were approved for use in the Use of Facilities form. Despite this prohibition, an approved user may post up to four (4) temporary, directional signs per room or facility that were approved for use in the Use of Facilities form, subject to the following:
 - a. no sign may be placed on a day when school is in session until after 5:00 PM;
 - b. no sign may be placed on district property earlier than two (2) hours before the approved time for start of the scheduled event;
 - c. any sign posted must be removed from the property no later than two (2) hours after the scheduled time for the end of the event;

- d. no sign shall exceed sixteen (16) square feet in total area;
- e. the top of the sign shall be no higher than five (5) feet from the nearest ground;
- f. no sign shall cover any preexisting sign on the property; and
- g. the content of the sign shall be limited to the name of the user, the name of and schedule for the scheduled activity; and directions to the rooms or facilities that were approved for use in the Use of Facilities form.

“Sign” means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise; announce or identify the purpose of a person or entity; or to communicate information of any kind to the public.

- I. Smoking is forbidden on Board property.

IV. **SHORT-TERM LEASING OF FACILITIES**

- A. A government agency, or non-profit, tax exempt Florida corporation engaged in providing social services with a Certificate of Tax-Exempt status issued by the Internal Revenue Service pursuant to IRS Code 501(c)(3) may apply for short-term leasing of Board facilities (land, building, portable classroom) and such request will be considered by the Board on a case-by-case basis.
- B. In reviewing such application, the Board will first make a determination that the facility in question is not currently needed for District purposes, and is not anticipated to be needed during the current fiscal year.
- C. The purpose of the requested use must be clearly stated in the application and reflect that such use will (1) benefit the community or (2) benefit the District or (3) benefit the children of Martin County.
- D. A non-profit applicant must also provide:
 - 1. proof of applicable licensing and insurance;
 - 2. any proposed or actual fee schedule and the basis on which the fee schedule was developed;
 - 3. disclosure of any conviction of State or Federal law violations by the officers or employees of the applicant; and

4. copies of monitoring reports from State or local agencies or accrediting organizations.
- E. The lease agreement shall include, but not be limited to, the following elements:
1. Description of the premises, facility, land, building, portable classroom which is the subject of the lease.
 2. The term of the lease which shall expire no later than June 30th of the fiscal year following the fiscal year in which the lease was executed.
 3. A provision that the lease agreement may be terminated unilaterally, without cause, by either party upon no less than sixty (60) days prior written notice to the other party.
 4. The rental amount and any other charges to be paid by the applicant as lessee.
 5. Any obligations assumed by the lessee, e.g., renovation of premises, payment to relocate, install, and ultimately remove a portable classroom, etc. Any plans for alterations or renovations must first be approved in writing by the Superintendent or his/her designee.
 6. Property damage, casualty, liability, and personal injury insurance in amounts as specified by the Board to be carried by the applicant/lessee, with the Board listed as an additional insured as its interests may appear. The applicant/lessee shall deliver a certificate evidencing such insurance to the Superintendent prior to taking occupancy of the facility.
 7. A provision obligating the applicant/lessee to hold harmless and indemnify the Board from all loss and damage and any and all claims, demands, suits, liabilities, and payments arising out of the acts or omissions of the lessee's employees, agents or invitees, arising out of the operation and use of the facility under the lease. For government agencies, this requirement may be satisfied by an adequate insurance or self-insurance program.
 8. The obligation of the applicant/lessee to maintain and repair the facility, to pay all maintenance repair, custodial and utility costs, and to return such facility to the Board in as good or better condition than when delivered to applicant/lessee, normal wear and tear excepted.

9. A prohibition against the applicant/lessee assigning or sub-letting the facility or premises to another.
10. Any other conditions applicable to the situation which may be required by the Board.

F. Each lease agreement shall be submitted to the Board for approval.

F.S. 1001.41, 1001.43, 1013.10

Effective Date: 07/01/05

Amendment Date: 03/10/09

EQUIPMENT FOR NON-SCHOOL USE

Equipment owned by the District may be borrowed for non-school use from the Instructional Material Center as long as the use of the equipment is by a non-profit group.

Equipment assigned to individual schools/departments may be borrowed only with the permission of the principal/director and if the above conditions are met.

It is necessary that Form #335 (Temporary Loan of School Board Property) be prepared for all equipment loaned from the school/department site.

The user of District-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.

F.S. 1001.41, 1001.42, 1001.43, 1001.51
Effective Date: 07/01/05

TECHNOLOGY PRIVACY

The 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 District's property and are to be used primarily for business purposes. The District 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 District's computer 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 District 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 District 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 District-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.

Because the District's computer and voice mail systems are to be used solely for business purposes, staff members are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

This policy is necessary to ensure that District resources are used properly. Review of computer files, electronic mail, and voice mail will only be done in the ordinary course of business and will be motivated by a legitimate business reason. 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 District. 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 District computer and may not bring software from outside sources for use on District 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.

F.S. 1001.42, 1001.43
Effective Date: 07/01/05

DISTRICT WEB PAGE

The Board authorizes the creation of web sites by employees and students of the District to be published on the World Wide Web. The creation of web sites by students must be done under the supervision of a professional staff member. These web sites must reflect the professional image of the District, its employees, and students. The content of all pages must be consistent with the Board's Mission Statement and is subject to prior approval of the Superintendent or designee.

The purpose of such web sites is to educate, inform, and communicate. The following criteria should be used to guide the development of such web sites:

A. **Educate**

Content provided in the web site 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.

B. **Inform**

Content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

C. **Communicate**

Content may communicate information about the plans, policies and operations of the District to members of the public and other persons who may be affected by District matters.

The information contained on the web site should reflect and support the Board's Mission Statement, Educational Philosophy, and the School Improvement Process.

All links included on the pages must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, Children's Internet Protection Act).

Under no circumstances is the District web site 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 web pages contained on the District's web site may: (1) include statements of 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 web site or another organization if the other web site 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 organizations.

Pages should reflect an understanding that both internal and external audiences will be viewing the information.

An employee, volunteer, contractor or booster club of the District who creates a web site about the District or its students must locate the web site on Board-affiliated servers.

Procedures shall be established defining the standards permissible for web-site use.

The Board retains all proprietary rights related to the design of web sites and/or pages that are hosted on the Board's servers, absent written agreement to the contrary.

Except as otherwise provided by FERPA and State law:

- A. Under no circumstances shall students be identified by name, nor shall information relating to and/or photographs of students be posted on the District website or on websites created by District employees;
- B. Furthermore, under no circumstances shall student class work be displayed on the District website or on websites created by District employees.

Children's Internet Protection Act of 2000
F.S. 1001.41, 1001.42, 1001.43, 1006.07, 1006.28
Effective Date: 07/01/05

AUTHORIZED INTERACTIVE TELECOMMUNICATION USE

This policy will provide guidelines for the District schools' participation in and use of telecommunication services and networks for administrative and instructional purposes. District use of such networks is intended to advance and promote a world class public education in Martin County for all students. Telecommunication services and networks permit access and exchange of information between and among schools, school offices and members of the Martin global community. Collaboration and exchange of information between and among students/teachers/expert resources statewide, nationally, and world-wide; the Florida Department of Education; other state, national and international educational entities; and electronic bulletin boards are also a part of this service.

- A. District participation in any telecommunication services networks shall provide for the following elements:
 - 1. Accessibility for the user via properly equipped microcomputers from a range of vendors;
 - 2. Opportunities for wider networking (interstate and international) by promoting appropriate access and use of full Internet and other telecommunication services where economically feasible;

- B. All use of telecommunication services and networks shall be consistent with the mission, goals, policies, and priorities of the District. Successful participation in a network requires that its users regard it as a shared resource and that members conduct themselves in a responsible, ethical, and legal manner while using the network.
 - 1. District accounts shall be used only by the authorized users of the accounts for the purposes specified. Misuse shall result in the removal of participant access rights and authorization. Authorized users shall be ultimately responsible for all activity under their account and password.
 - 2. Any use of telecommunication services or networking for illegal, inappropriate, or obscene purposes, or in support of such activities, shall be prohibited. Illegal activities shall be defined as a violation of local, State, and/or Federal laws. Inappropriate use shall be defined as a violation of the intended use of the district's mission, goals, policies or procedures.

3. Any use of telecommunication services or networks for non-educational purposes, including but not limited to, commercial purposes, product advertisement or political lobbying shall be prohibited.
4. No use of telecommunication services or networks shall serve to disrupt the use of the network by other users.
5. Unlimited and open-ended use of the telecommunication services or networks in terms or access time can not be accommodated inasmuch as supportive financial resources remain finite. Users shall exercise prudence and "fairness" in the shared use of limited resources.
6. No guarantee can be made for the privacy of any communication on the network; however, authorized system administrators may access private correspondence and files if a user is believed to be in violation of this policy.
7. All network users shall adhere to the rules of copyright regarding software, information and the attribution of authorship. Reposting personal communications without the author's permission or bulletin board messages without proper attribution shall also be prohibited.
8. Where instructionally appropriate, all members of the school community shall be granted free and equal access to as many network services as school resources and availability of technology may permit.
9. To the extent reasonably possible, users of school sponsored telecommunication services and networks shall be protected from harassment or unsafe, unwanted or unsolicited contact. Users shall be made aware, and shall acknowledge their awareness that the designers of the network cannot eliminate, or in some cases properly restrict the possibility of unwanted access to users. Nor can users be completely prevented from accessing services or information that is offensive to or inappropriate for certain groups of users. Individual users must be responsible for their own access and conduct in using telecommunication services and networks. This responsibility and accountability for such conduct will be clarified through the access authorization forms and training.

10. Public school student use of the telecommunication services or networks through school equipment or authorization shall be properly supervised and shall require prior written approval from parents/guardians.
- C. The Superintendent or his/her designee shall be responsible for authorizing use of telecommunication services or networks in accordance with this policy.
1. Specific procedures for school and district individual staff, student or parent use of telecommunication services and networks shall be developed and periodically reviewed for effectiveness at the district level.
 2. Each school or site administrator shall designate a person responsible for distributing access forms, authorizing access and maintaining all appropriate documentation.

F.S. 1001.41, 1001.43, 1006.28, 1006.34(2)(b)
Effective Date: 07/01/05

8000	OPERATIONS
8110	Business Office
8130	School Hours
8210	School Calendar
8220	Media Centers
8310	Public Records Inspection and Examination
8310.01	Records Management
8311	Social Security Number Management
8320	Personnel Files
8330	Student Records
8400	Environmental Health and Safety Issues
8401	Safety and Health Loss Control Program
8403	Energy Management Conservation
8405	School Safety Education Program
8406	Gun-Free Schools
8419	Emergency Closing of Schools
8420	Emergency Evacuation of Schools
8425	Vandalism or Theft of District Property
8442	Workers' Compensation Accident Reporting
8462	Child Abuse and Neglect
8480	Disruption of School
8500	Food and Nutritional Services
8500.01	Competitive Food Sales
8500.02	Foods Brought on Campus
8520	Wellness
8600	Transportation
8601	Student Eligibility for Transportation
8602	Bus Capacity
8615	Hazardous Walking Conditions
8620	Bus Operator Telecommunication Use
8640	Use of Buses
8641	Bus Idling
8645	Transportation Agreement to Share Expenses
8660	Private Vehicle Transportation

8710	Insurance
8760	Voluntary Student Accident Insurance
8810	The American Flag

BUSINESS OFFICE

The Board and Superintendent's offices shall be open 8:00 a.m. – 5:00 p.m. Monday through Friday. Hours shall be posted.

District offices shall be open daily for eight (8) hours. Hours shall be posted.

School offices on scheduled workdays shall be open daily for eight (8) hours. Opening and closing times will be determined by the Superintendent and shall be convenient to the session schedules.

Summer hours may vary as established by the Board.

F.S. 1001.32, 1001.41, 1001.42, 1001.43
Effective Date: 07/01/05

SCHOOL HOURS

The Superintendent shall recommend the time for the daily opening and closing of schools.

Any principal wishing to vary the normal school day shall submit the need in writing to the Superintendent for approval and notify all areas affected

F.S. 1001.41, 1001.43

Effective Date: 07/01/05

SCHOOL CALENDAR

An Advisory Committee shall provide input regarding the school district calendar to the Superintendent. The Superintendent shall provide a copy of the calendar(s) recommend by the Advisory Committee and recommend a school district calendar to the Board not later than December 30th.

- A. Membership on the advisory committee will include:
1. Board member (ex officio)
 2. Superintendent or designee (ex officio)
 3. Five (5) Board appointees, one appointed by each member
 4. Four (4) Superintendent appointees to include the following:
 - a. One (1) parent of a District elementary school student
 - b. One (1) parent of a District middle school student
 - c. One (1) parent of a District high school student
 - d. One (1) additional appointee
 5. Two (2) teachers appointed by MCEA
 6. One (1) non-instructional employee appointed by AFSCME
 7. Board student representative.

Staff representation shall be assigned by the Superintendent and serve as ex-officio members.

- B. The school calendar shall determine:
1. Opening date of school
 2. Teacher work days
 3. In-service days
 4. Parent-teacher conference day
 5. School holidays

6. Closing date of school
7. Dates of high school graduation
8. At least the number of student attendance days required by law
9. Summer school schedule.

F.S. 1001.41, 1001.42, 1001.43, 1001.51

Effective Date: 07/01/05

Amendment Date: 02/19/08

MEDIA CENTERS

The media center will be an inviting area to encourage use by students, teachers, and staff. Current print and audio-visual materials will be maintained and nationally accepted media center guidelines used.

A. **Media Center Hours**

The school media center will be open at least fifteen (15) minutes before school, throughout the school day, and at least fifteen (15) minutes after school. The media center will be open and available every school day.

B. **Schedules**

There shall be no regularly scheduled classes (other than library classes) in the media center. Complete classes must be previously scheduled and supervised by the teacher. Individuals and small groups may come at any time as space and conditions permit.

C. **Area Use**

Use of the media center is for educational pursuits and not for disciplinary reasons or as a “holding area”.

D. **Number of Books**

A student may check out any reasonable number of books at any time as determined by the media specialist. An exception to this rule shall concern “on reserve” units as requested by teachers.

E. **Reference Books**

Sets or parts of sets may be checked out from the media center provided the media center owns more than one set.

F. **Curriculum**

The media specialist should be involved in curriculum development and be informed of needs.

G. **Inventory**

A physical count of the books and materials shall be made at the close of each school year and submitted to the principal and district director of media on the proper form. The media centers are to remain open during inventory.

H. **Discards**

Books no longer in condition for media center use may be removed from inventory and disposed of properly. A shelf list of discarded books should be kept.

I. **Budget**

Each media specialist should be informed and kept current on budget amounts related to the media center and be responsible for keeping expenditures within the same. Purchase order copies will be made available to the media specialist.

J. **Selection of Materials**

Each school is to establish a Selection Committee to review and recommend the purchase of new materials to the media specialist. Approval rests with the Coordinator of Media and Technical Equipment or Director of Secondary or Elementary Education.

K. **Objectionable Materials**

Any complaint or objection to the use or the selection of a library book will be brought to the attention of the principal. A Request for Reconsideration of Instructional or Library Materials will be completed, and the same procedure followed as for any other instructional materials.

PUBLIC RECORDS INSPECTION AND EXAMINATION

I. **PURPOSE**

The purpose of this policy is to provide guidelines for responding to public records requests in accordance with the provisions of Art. I, § 24, Florida Constitution, and the Public Records Act, Chapter 119, F.S.

II. **POLICY**

It is the policy of the Board that all public records made or received in connection with the official business of the Board and the District be made available upon request of any person for inspection, examination and copying in accordance with applicable law and the following policy guidelines:

1. All public records shall be available for inspection or copying under the supervision of the custodian (or designee) of the public records at any reasonable time during normal office hours of the District office or other office in which records are maintained. All public records that are presently provided by law to be confidential or prohibited from being inspected by the public, whether by general or special law, are exempt from production.
2. The Superintendent may from time to time direct that public records requests be handled in a specific manner in order to ensure that the public records are protected, that requests are complied with as expeditiously as is reasonably possible given the nature and scope of the request, and that confidential and exempt records are not disclosed except as required by law. Such directives must not be used in any way to hinder, delay or circumvent a person's right of access to the public records.
3. The fact that the originator of a public record asks or directs that it remain confidential does not in fact make that document confidential. Such record is still subject to disclosure unless the law makes it confidential or exempt. Except in the case of student records, if a public record contains information that is confidential or exempt by law, a true and correct copy of the original record shall be made, the confidential or exempt portions of copy shall be redacted, and the redacted copy of the record shall be made available to the requesting party. In the case of student records, the entire record is confidential and exempt and shall not be disclosed except as required or permitted by applicable law.
4. The requesting party need not demonstrate any special or legitimate interest in the requested public record. Requests for

public records shall be complied with regardless of the motivation of the requesting party.

5. The requesting party shall not be required to identify himself/herself as a condition to compliance with the request, nor shall the requesting party be required to reduce the request to writing, as a condition to compliance with the request.
6. No automatic waiting period shall be imposed. The only delay permitted is that which is reasonably necessary to allow the custodian to compile the requested records and protect against disclosure of those records or portions of records that are confidential and exempt.
7. The District shall not refuse to provide a public record on the ground that the record is also maintained by another agency.
8. Public records made or received by a third party pursuant to a contract or agreement with the District shall be subject to disclosure to the same extent as public records in the physical custody of the District.
9. If a public records request is insufficient to identify the records sought, the requestor shall be promptly notified that more information is needed in order to produce the records. The District shall offer reasonable assistance to the requestor in describing the nature and extent of such information.
10. The sum of fifteen cents (15¢) per page or twenty cents (20¢) per two-sided copy, and an additional sum of one dollar (\$1.00) per copy for a certified copy, shall be charged and collected before as a condition to production. The requesting party shall also be charged the cost of mailing or delivering the records, when requested to do so. The requesting party shall be advised of these costs in advance of the duplication of the requested records.
11. In the absence of a statutory exemption, all public records requested shall be produced regardless of the number of records involved or the time and inconvenience associated with the production. However, in addition to the actual cost of duplication, a reasonable service charge shall be imposed for the cost of the extensive use of information technology resources or of clerical or supervisory personnel, where such extensive use is required because of the nature or volume of public records to be inspected, examined or copied. The requesting party shall be given an estimate of the cost before the services are undertaken. Such estimated cost shall be collected from the requestor before

duplication of the public records. In the event that the actual cost exceeds the estimate, the difference shall be collected from the requestor before production of the public records. If the actual cost is less than the estimate, the requestor shall be reimbursed the difference at the time the public records are produced. For purposes of this rule, "extensive" means that it will take more than thirty (30) minutes to identify, locate, compile, review, copy and re-file the requested records. This service charge shall be computed to the nearest quarter hour exceeding thirty (30) minutes based on the current rate of pay of the District employee(s) and/or supervisors who perform these services.

Public records requests shall be directed to the Superintendent's office.

12. Questions concerning public records requests, and compliance therewith, including questions concerning exemptions and confidentiality, should be addressed to the Board Attorney.

III. **DEFINITIONS**

A. **Public Records**

The term public records includes 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 or transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the District. Public records encompass all materials used to perpetuate, communicate, or formalize knowledge, regardless of whether they are in final form.

B. **Public Records Request**

The term public records request means a request by any person, whether written or verbal, for inspection, examination or copying of public records.

C. **Request for Information**

A request for information, as distinguished from a public records request, is one which the requested information does not already exist in public record form. For example, a person may request staff to create a document that does not already exist (such as by compiling into one document information contained in multiple documents) or to provide a history, to research an issue, or to produce an employee to answer questions. Such requests are not covered by the Public Records Act and are not legally

enforceable. Nevertheless, such requests may be honored, purely as a public service, when the work involved can be accomplished quickly, or when answering requests of a certain nature are part of the District's duties and responsibilities. Since the Public Records Act does not cover requests for information, there is no prohibition against imposing conditions on the honoring of such requests, except as may otherwise be provided by the District's own rules, practices and procedures. Therefore, it is appropriate to ask that such request be put in writing.

F.S. 119.07, 119.011, 286.011(8), 447.605, 1001.41, 1001.43, 1002.22
F.S. 1012.31, 1013.14
Effective Date: 07/01/05

RECORDS MANAGEMENT

I. REPRODUCTION AND DESTRUCTION OF SCHOOL DISTRICT RECORDS

The Superintendent may photograph, microfilm, or reproduce documents, records, data, and information of a permanent nature and will destroy records according to state guidelines. A list of all records destroyed will be maintained. A signed statement attesting to the agency's compliance with records disposition laws, rules and procedures will be submitted to the Bureau of Archives and Records Management, Florida Department of State, annually. A records management program shall be developed, implemented, and maintained by a designated records manager.

II. REPORTS AND FORMS CONTROL

The Superintendent will establish a reports and forms control management system, which the designated records manager shall develop and operate.

F. S. 119.01, 119.021, 119.041, 1001.51, 1001.52, 1008.385

F.A.C. 1B-24.003

Effective Date: 07/01/05

SOCIAL SECURITY NUMBER MANAGEMENT

I. **COLLECTION**

- A. Social security numbers shall be collected only when allowed by law or when necessary for the performance of the school system's duties.
- B. The District shall collect the social security number of each applicant and employee for the following purposes:
 - 1. Verification of citizenship or immigration status, as required by the U.S. Department of Homeland Security or other governmental agencies.
 - 2. Employee benefit processing, including membership in the Florida Retirement System, health insurance, prescription insurance, or other benefits offered to employees by the School Board.
 - 3. Compliance with reporting requirements of the I.R.S., U.S. Social Security Administration, Florida Agency for Work Force Innovation, and such other official reporting responsibilities imposed by law.
 - 4. Processing pre-employment and post-employment criminal background checks required by law.
 - 5. For such other purposes as may be directed by the employee, such as direct deposit of wages or salary, etc.
- C. Social security numbers or federal employer identification numbers shall be collected from all vendors to facilitate vendor record keeping by the School Board and to permit compliance with income reporting requirements of the U.S. Internal Revenue Code, including but not necessarily limited to issuance of U.S. Internal Revenue Form 1099.
- D. Social security numbers may be collected from students:
 - 1. As required by § 1008.386, Florida Statutes;
 - 2. To facilitate proper processing of student scholarship applications;
 - 3. As otherwise consented to by the student or the student's parent.

II. NOTIFICATION

- A. Applicants for employment and employees shall be notified of the requirement for providing their social security number prior to the time of the completion and submission of the application for employment, the submission of their recommendation for employment to the school board and the purposes for which an applicant/employee's number will be used.
- B. Students and their parents shall be notified that they will be asked to provide their social security number at the time of enrollment, however, students and their parents shall also be notified that a student is not required to provide a social security number as a condition of enrollment or graduation. Further, that student social security numbers will be used for the purposes above stated.

III. REVIEW

The Superintendent shall review the collection of social security numbers to ensure that the reasons for collection and the process for collection and maintenance are consistent with Florida Statutes. The Superintendent shall report his/her findings as required by law.

IV. CONFIDENTIALITY

- A. A social security number shall be considered confidential and exempt from public inspection in accordance with Florida Statutes. Social security numbers may be disclosed to another agency or governmental entity if it is necessary for the receiving entity to perform its responsibilities.
- B. Student social security numbers are confidential and will only be released in accordance with the consent requirement set forth at § 1002.22(3)(d), Florida Statutes, or as otherwise provided by that section.

V. RELEASE TO COMMERCIAL ENTITIES

- A. Non-student social security numbers may be released to a commercial entity as permitted by law. The commercial entity must state the reason for requesting the social security numbers.
 - 1. A commercial entity is any corporation, partnership, limited partnership, proprietorship, sole proprietorship, firm, enterprise, franchise, or association that performs a commercial activity in this state.

2. Release of social security numbers shall be processed as required by § 119.071(5), Florida Statutes.

B. The School Board shall annually report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives the identity of all commercial entities that have requested social security numbers during the preceding year and the reasons for the requests. If no requests have been received during the preceding year, the report shall so state. The report shall be filed by January 31st of each year.

F.S. 119.071, 1001.41, 1001.42, 1001.43, 1012.23,
Effective Date: 09/16/08

PERSONNEL FILES

I. DEFINITION OF PERSONNEL FILES

The term personnel file means all records, information, data, or materials maintained by the Board anywhere, in any form whatsoever, with respect to any of its employees, which are uniquely applicable to that employee, whether maintained in one or more locations.

II. ACCESS TO PERSONNEL FILES

A. The complete file is open to:

1. Board member
2. Superintendent
3. principal
4. employee
5. designees of above
6. law enforcement personnel involved in a lawful criminal investigation

B. The limited file is open to anyone who files and signs an appropriate request. After the request is made an effort shall be made to provide current records within a reasonable time.

C. All material in the personnel file is subject to public review except as noted below for the period of time indicated:

Item(s)	Timeline
1. A complaint or any material relating to the investigation of a complaint.	Until the preliminary investigation is complete or ceases to be active.
2. Evaluation prepared prior to July 1, 1983.	Permanently exempt.
3. Evaluations prepared on or after July 1, 1983.	Exempt until the end of the school year following the school year during which the evaluation is made.

4. Derogatory materials. Exempt until 10 days after the employee has been notified of the presence of such materials as per Special Handling for Certain Materials Contained in Personnel Files Item "D".
5. Payroll deductions, medical, psychiatric, and psychological information. Permanently exempt except to a hearing officer of panel.

III. SPECIAL HANDLING FOR CERTAIN MATERIALS CONTAINED IN PERSONNEL FILES

- A. No anonymous letters or materials shall be placed in the file.
- B. Derogatory materials pertaining to an employee may be placed in a personnel file only if they pertain to work performance or other matters that may be cause for discipline, suspension or dismissal.
- C. Materials relating to work performance or other such matters that may be cause for discipline, suspension or dismissal must be reduced to writing within forty-five (45) days of the administration's becoming aware of the facts reflected in the material and signed by a person competent to know the facts or make the judgment. Additional material may be added to clarify or amplify as needed.
- D. A copy of all such materials to be placed in the personnel file shall be provided to the employee either:
 1. by certified mail; return receipt requested to his/her address of record; or
 2. by personal delivery to the employee.Employees' signature on a copy of the material signifies receipt only.
- E. The employee has the right to answer in writing any material in the personnel file.
- F. Upon a written request by an employee, the Superintendent or his/her designee will make an informal inquiry regarding materials in a personnel file the employee believes to be false. The official making the inquiry shall attach a written report of

findings to the material in the file and send a copy to the employee.

- G. All forms and material necessary for normal business transactions shall be made a part of each employee's personnel file.

IV. GENERAL INFORMATION

- A. Any employee may receive a copy of any material in his/her file at the allowable cost.
- B. The custodian of the personnel files will maintain a record in each file of persons reviewing the file each time it is reviewed.
- C. All requests for information from the public must be in writing, subject to approval by the appropriate supervisor in the finance or personnel department.

V. INVESTIGATIONS

- A. A preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.
- B. A preliminary investigation of a complaint must terminate in any of the following ways:

- 1. with a finding that there is no probable cause to proceed further.

A statement to that effect signed by a responsible investigating official shall be attached to the complaint.

- 2. with a finding that there is probable cause to proceed further or with disciplinary action taken or charges filed.
- 3. with the investigation ceasing to be active.

An investigation shall be presumed to be inactive if no finding relating to probable cause is made within sixty (60) days after the complaint is made.

F.S. 1001.41, 1001.43, 1012.31, 1012.33
Effective Date: 07/01/05

STUDENT RECORDS

In order to provide appropriate educational services and programming, the 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.

I. **MAINTENANCE OF STUDENT RECORDS**

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

Each school shall maintain a permanent cumulative record for every student enrolled in the school, which shall contain the data as prescribed by State law. These records will be housed at the school of attendance in a fire-resistant cabinet, or shelved in a vault. All records of students no longer in membership in Martin County schools will remain at the student's last school attended for a time period determined by the Records Manager or designee. At the end of the designated time period, records will be transferred to the Central Records Office. Each student's cumulative record shall include the following type of data:

A. **Category A Records, Permanent Information**

1. Student's full legal name
2. Authenticated birthdate, place of birth, race and sex
3. Last known address of student
4. Names of student's parents or guardians
5. Name and location of last school attended
6. Number of days present and absent, date enrolled and date withdrawn
7. Courses taken and record of achievement, such as grades, units or certification of competence
8. Date of graduation or date of program completion

B. Category B Records, Temporary Information

1. Health information
2. Family background data
3. Standardized test scores
4. Educational and vocational plans
5. Honors and activities
6. Work experience reports
7. Teacher/counselor reports
8. Reports of student services or exceptional student staffing committees, including all information required by F.S. 1001.42.
9. Correspondence from community agencies or private professionals
10. Driver education certificate
11. List of schools attended
12. Written agreements of corrections, deletions, or expunctions as a result of meetings or hearings to amend educational records.

II. DIRECTORY INFORMATION

Directory information may be released to appropriate local, State, and Federal agencies, including military or college recruiters, scientific, health, and education organizations and for approved school activities such as yearbooks, athletic programs, and graduation lists and school related events without specific notification to or approval of the parent(s)/guardian(s) or student(s) involved.

The Superintendent shall give public notice of the categories of information designated as directory information at least once annually. An alternative method will be developed to inform parent(s)/guardian(s) or adult student(s) unable to comprehend the written notice published in English and Spanish. Parents/guardians will be notified of the option to request that directory information not be disclosed without prior written consent. A period of fifteen (15) days from time of notice shall be allowed for the parent/guardian of a student to submit a written request that any or all directory information, not

be released. Such requests must be submitted to the Superintendent or designee, 500 East Ocean Boulevard, Stuart, Florida 34994.

Directory information includes:

- A. Student's name
- B. Address
- C. Telephone number (if listed)
- D. Date and place of birth
- E. Major field of study
- F. Participation in officially recognized activities and sports
- G. Weight and height of members of athletic teams
- H. Dates of attendance
- I. Degrees and awards received
- J. The most recent previous educational agency or institution attended by the student
- K. Grade level

III. **RIGHTS OF PARENT, GUARDIAN OR STUDENT**

The Superintendent shall give notice at least once annually to parents/guardians and adult students of their rights regarding educational records and personally identifiable information as follows:

A. **Right of Access:**

Parents/Guardians and adult students shall have access for inspection and review of educational records when requested in writing. The District shall comply within thirty (30) days of receipt of request. Copies of any or all of these records will be furnished to the parent/guardian or student upon request. Fees may be charged for copies.

B. Right of Waiver of Access to Confidential Letters or Statements:

Parents/guardians and adult students shall have the right to waive the right of access to letters or statements or recommendations or evaluations, except that such waiver shall apply to recommendations or evaluations only if:

1. The parent/guardian or student is, upon request, notified of the names of all persons submitting confidential letters or statements; and
2. Such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

C. Right to Challenge and Hearing:

Those parents/guardians and adults students who have been properly given access to the educational records shall have an opportunity for a hearing to challenge the content of such student's educational records and to submit a written explanation refuting the portions of the records in dispute.

D. Right of Privacy:

Educational records and personally identifiable information shall not be released without written consent of the student's parent/guardian except to the following:

1. School officials who have a legitimate educational interest in examining the information. School officials are employees of the Board that have the legal, professional and assigned responsibility to initiate, maintain, and disseminate student records and data in order to facilitate instruction, guidance, and the educational process of students. They are:
 - a. Board members and the District Board, sitting as a corporate body
 - b. The District Superintendent
 - c. District administrative personnel
 - d. The professional staff of a school

- e. The clerical staff of a school or department assigned the duties of student record keeping by the principal, department administrator and/or Superintendent
2. Individuals or organizations conducting studies for or on behalf of an institution or board of education
3. Officials of another school in which the student seeks or intends to enroll
4. Authorized representatives of Federal, State and local departments of health, education and welfare, law enforcement and other agencies subject to interlocal agreements with the Board
5. School officials connection with a student's application for financial assistance
6. Authorized persons collecting information to aid in the development of student aid programs, testing programs or further benefit instruction.
7. For use as evidence in student expulsion hearings conducted by a district school board pursuant to the provisions of Chapter 120, F.S.
8. Appropriate parties who seek information to aid in a health or safety emergency involving the student or other persons.
9. Accrediting organizations to carry out their functions
10. The Auditor General in connection with his/her official function
11. A court of competent jurisdiction or attorney of record in response to a court order or lawfully issued subpoena.
12. A United States Assistant Attorney General, or higher ranking official, in response to a special court order relevant to a terrorism investigation (the District shall not be liable for records produced, in good faith, in accordance with a special court order.)

NOTE: The information received by the requesting agency or organization shall not be released from that agency to any other agency, individual, organization or governmental entity without prior written consent of the parent/guardian or adult student.

IV. THE AMENDMENT OF EDUCATIONAL RECORDS

The provisions for challenging the content of any record which the adult student or the parent/guardian of a pupil believes to be inaccurate, misleading or otherwise in violation of their privacy or other rights, and provisions for an opportunity for correction, deletion or expunction of such information shall include the following:

- A. Informal meetings or discussions shall be held between parent/guardian, pupil or student and school officials. These officials shall include the school principal/director, or designee, the Coordinator of Student Services and the Coordinator of Exceptional Education or designee when applicable.
- B. If the parties at such meetings agree to make corrections, to make deletions, to expunge material or to add a statement of explanation or rebuttal to the file, such an agreement shall be reduced to writing and signed by the parties. The Coordinator of Student Services or designee shall take the necessary actions to implement the agreement.
- C. If the parties cannot reach an agreement as a result of these informal meetings and discussions, upon the request of either party, a hearing shall be held on such challenge.
 1. The hearing shall be conducted within a reasonable period of time following the request.
 2. The hearing may be conducted by any individual, including a school official (Superintendent/designee), who does not have an interest in the outcome of the hearing.
 3. The parent/guardian or student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised.
 4. The decision shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.
 - a. If, as a result of the hearing, the Superintendent/designee decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, he/she shall amend the education records accordingly and inform the parent/guardian or eligible student in writing.

- b. If, as a result of the hearing, it is found that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the parent/guardian or eligible student shall be informed of their right to place a statement in the education records commenting on the contested information and/or set forth any reasons for disagreeing with the decision of school officials and/or the Coordinator of Student Services.
5. The appropriate school official shall take the necessary actions to implement the decision.
- D. Any statement placed in the educational records of the student under Paragraph 3.d.ii of this section shall:
 1. Be maintained by the educational agency with the contested part of the record for as long as the record is maintained; and
 2. Be disclosed by the educational agency whenever it disclosed the portion of the record to which the statement relates.
- E. When dealing with the records of exceptional education students, it will be necessary to contact the Coordinator of Exceptional Education for assistance in meeting the County procedures as well as state and federal guidelines for exceptional students.

V. TRANSFER OF STUDENT RECORDS

The student's permanent cumulative records will be housed at the school of his/her attendance, and upon written request, may be reviewed by the parent/guardian or adult student, under supervision by school staff. However, all requests for copies of the records will be processed through the Central Records Office.

A fee may be assessed to the parents/guardians, eligible students, court officers, attorneys or other authorized individuals requesting reproduction of student records in compliance with Florida Statutes.

There is no charge for student records transferred to another Martin County school, private school, or another school system, including post secondary schools.

F.S. 1001.41, 1001.43, 1002.22

F.A.C. 6A-1.0955

Effective Date: 07/01/05

ENVIRONMENTAL HEALTH AND SAFETY ISSUES

The Board recognizes its responsibility relative to student, employee, and visitor health and safety, and the need for development and implementation of a comprehensive program designed to provide a healthy, safe, and secure environment on District property and at District-sponsored activities. To achieve this, it is the intent of the Board that the District will consider the most current, proven technologies in the fields of health, safety, and environmental sciences.

The District shall develop and implement an environmental health and safety program that is positive, proactive, and integrates responsibilities within the District.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

SAFETY AND HEALTH LOSS CONTROL PROGRAM

The Board authorizes the development and administration of a Safety and Health Loss Control Program that provides for:

- A. A safe and healthful educational environment for the student population;
- B. A safe and healthful work place free from recognized hazards for each employee;
- C. Safe use of facilities by the general public;
- D. Protection of the environment and natural resources from any foreseeable or preventable impairment related to District activities and operations;
- E. The reduction of property, worker's compensation, and general liability losses; and

The primary goal of the Safety and Health Loss Control Program shall be eliminate all accidental losses of human resources and physical assets. The program will be administered under the direction of the Superintendent or designee.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

ENERGY MANAGEMENT CONSERVATION

The District believes it is our responsibility to ensure that every effort is made to conserve energy and natural resources while exercising sound financial management.

The implementation of this policy is the joint responsibility of the School Board, administrators, teachers, students and support personnel and its success is based on cooperation at all levels.

The District will maintain accurate records of energy consumption, cost of energy and the goals and progress of the energy conservation program.

The principal will be accountable for energy management on his/her campus with energy audits being conducted and conservation program outlines being updated. Judicious use of the various energy systems of each campus will be the joint responsibility of the principal and plant operator/lead custodian to ensure that an efficient energy posture is maintained on a daily basis.

To ensure the overall success of the energy management program, the following specific areas of emphasis will be adopted:

1. All District personnel will be expected to contribute to energy efficiency in our District. Every person will be expected to be an "energy saver" as well as an "energy consumer".
2. The success of the Energy Management Program will be measured and evaluated for each site in the District.
3. Administrative energy guidelines will be distributed made available to all employees.

To maintain a safer and healthier learning environment and to complement the energy management program, the District shall develop and implement a preventive maintenance and monitoring plan for its facilities and systems, including HVAC, building envelope, and moisture management.

F.S. 1001.41, 1001.43
Effective Date: 04/18/06

SCHOOL SAFETY EDUCATION PROGRAM

Each school shall implement a program of education which shall include, but not be limited to, pedestrian, vehicle, fire, tornado, hurricane, lockdown and other safety concerns for the protection of students from physical injury.

F.S. 1001.41, 1001.43, 1006.08, 1006.28
Effective Date: 07/01/05

GUN-FREE SCHOOLS

**I. POSSESSION OF FIREARM BY A SCHOOL DISTRICT
EMPLOYEE/CONTRACTOR/VISITOR ON SCHOOL DISTRICT PROPERTY**

- A. It is the intent of this policy to clearly state that possession of firearms will not be tolerated on School District property.
- B. **Definitions**
 - 1. “Firearm” means any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon, any destructive device; or any machine gun.
 - 2. “Independent Contractor” means any person or company other than a School District employee, who provides goods and/or services to the School District and enters into a contractor agreement with the School District.
 - 3. “Employee” means any person hired by the School District after completing the personnel procedures required by the School District.
 - 4. “Visitor” means any business or personal invitee including, but not limited to, parents, volunteers, family members of School District employees, or friends of School District employees.
- C. No person may possess or bring a firearm on School District property. Employees who possess or bring a firearm on School District property shall be terminated.
- D. No person who has a firearm in their vehicle may park their vehicle on School District property. Employees who park on School District property, with a firearm in their vehicle, will be subject to disciplinary action up to and including termination.
- E. If any employee of an Independent Contractor or Sub-Contractor is found to have brought a firearm on School District property, said employee will be terminated from the School District project by the Independent Contractor or the Sub-Contractor. If the Sub-Contractor fails to terminate said employee, the Sub-Contractor’s Agreement with the Independent Contractor for the School District project shall be terminated. If the Independent Contractor fails to terminate said employee or fails to terminate the

Agreement with the Sub-Contractor who fails to terminate said employee, the Independent Contractor's Agreement with the School District shall be terminated.

- F. Except to the extent allowed by law, any visitor found to have brought a firearm on School District property shall be notified that all subsequent visits to School District property will be by appointment only, and that visits without prior appointment may result in a criminal action for trespass.
- G. This policy does not apply to any Law Enforcement Officer as defined in Section 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14), Florida Statutes.
- H. The Director of Facilities will post "gun-free zone" signs at all District facilities.

F.S. 790.115, 1001.32, 1001.41
Effective Date: 02/17/09

EMERGENCY CLOSING OF SCHOOLS

In the event of an emergency involving the welfare and safety of children, the Superintendent may suspend any part of these regulations, provided that he/she shall report the fact of and reason for the suspension at the next meeting of the Board, and provided further, that the suspension shall expire at the time of such report unless continued in effect by action of the Board.

- A. In case of an emergency, the Superintendent may close any or all schools. The members of the Board shall be informed immediately of any event or condition which required the closing of a school or schools in the District, and when the public interest requires Board action, the Superintendent shall call a special meeting of the Board.
- B. Administrative procedures to accommodate emergencies including closing of school(s) will be developed by the Superintendent and approved by the Board.

F.S. 1001.32, 1001.33, 1001.41, 1001.42, 1001.43
Effective Date: 07/01/05

EMERGENCY EVACUATION OF SCHOOLS

The Board recognizes that its responsibility for the safety of students extends to possible natural and man-made disasters and that such emergencies are best met by preparedness and planning.

The Board authorizes a system of emergency preparedness which shall ensure that:

- A. The health and safety of students and staff are safeguarded;
- B. Embraces a collaborative effort with community emergency responders;
- C. The time necessary for instructional purposes is not unduly diverted;
- D. Minimum disruption to the educational program occurs;
- E. Students are taught self-reliance and trained to respond sensibly to emergency situations;
- F. The system is supported by ongoing training that will include practical application and appropriate “drills” as required by F.S. 1001.42;
- G. Evacuation drills should represent actual emergencies, including, but not limited to firearm, natural disasters, bomb threats and acts of terrorism;
- H. Floor plans of each school must be provided to all community emergency responders in support of evacuation procedures.
- I. In the event that a bomb threat is received, the school will be evacuated pursuant to administrative procedures, and all appropriate precautions will be taken to ensure the safety and welfare of students and staff.

I. **EMERGENCY DRILLS**

- A. One emergency building fire exit drill shall be held every month that the school is in session. Two (2) such drills are required within the first month of the school year.
- B. Tornado emergency drills will be held in September and February each year. Plans and procedures must be developed through joint efforts of the principal and the Safety Officer.

- C. School bus emergency exit drills shall be held at least twice yearly.
- D. Each school shall provide a written report using appropriate forms for fire drills, tornado drills and lockdown drills, to the Superintendent or Superintendent's designee and file one copy in the principal's office for each drill conducted, indicating the month, day, hour, number of pupils, evacuation time and any other pertinent information.
- E. An appropriate plan of evacuation for disabled students, employees, and visitors must be developed through joint efforts of the principal, the Safety Officer, and other appropriate District administrative staff.

All threats to the safety of District facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

F.S. 1001.42, 1013.13, 1006.07(4)
Effective Date: 07/01/05

VANDALISM OR THEFT OF DISTRICT PROPERTY

Any act of vandalism or theft must be reported immediately, by the principal or supervisor, to the appropriate law enforcement agency and to the Director of Facilities. The immediate area of damage must be left undisturbed until the police have completed their investigation. As soon as possible, the principal or supervisor shall complete appropriate forms, in detail, and return to Educational Technology (ET).

F.S. 1001.32, 1001.41, 1001.43
Effective Date: 07/01/05

WORKERS' COMPENSATION ACCIDENT REPORTING

Reporting occupational accidents or illness is required. In case of accident or illness, the injured employee or volunteer shall report the accident to the principal or supervisor, who in turn will report the accident to the Risk Management Office within forty-eight (48) hours of the accident.

Accidents should be reported immediately, or as soon as possible thereafter, on day of accident. If this is impossible due to the time of the accident, it should be reported the next day.

The form entitled "First Report of Injury" (DWC-1) must be filled out after every work-related injury whether medical assistance is required or not. This form must be filed with the Risk Management Office within forty-eight (48) hours of the accident. The principal or supervisor is required to complete appropriate forms).

The Superintendent or designee shall develop administrative procedures for the handling of all workers' compensation claims.

F.S. 440.03, 1001.41, 1001.43
Effective Date: 07/01/05

CHILD ABUSE AND NEGLECT

Principals shall post in a prominent place in the school a notice that pursuant to Chapter 39 all employees or agents of the District have:

- A. an affirmative duty to report all actual or suspected cases of child abuse or neglect;
- B. immunity from liability if they report such cases in good faith;
- C. a duty to comply with child protective investigations and all other provisions of law relating to child abuse and neglect.

The notice shall also include the statewide toll free telephone number of the State's Central Abuse Registry.

The Superintendent/designee, in cases of suspected child abuse or neglect or unlawful sexual offenses involving a child, at the request of the Martin County Sheriff's Office (MCSO) and Department of Children and Family Services (DCFS), will act as a liaison to MCSO and DCFS and the child protection team, as defined in F.S. 39.01(13), when the case is referred to such a team.

When releasing children into protective custody of the Department of Children and Family Services (DCFS) the following shall apply:

- A. The authorized agents of the department may take a child into custody if the agent has reasonable grounds to believe that the child has been abandoned, abused, neglected, is suffering from illness or injury, or is in immediate danger from his/her surroundings and that his/her removal is necessary to protect the child, or pursuant to an order of the Circuit Court.
- B. Before releasing a child to the custody of an agent of DCFS, the principal shall ensure the following:
 - 1. The identity of the person as an agent of DCFS.
 - 2. That the agent has been authorized by DCFS to take children into protective custody (Refer to DCFS list of authorized agents).
- C. That the agent has in his/her possession either (1) a certified copy of an Order of the Circuit Court for the Nineteenth Judicial Circuit, authorizing the protective custody of the child by DCFS, with a copy of this order to be kept by the principal; or alternatively, (2) the authorized DCFS agent shall have a notarized affidavit reciting his/her authority under law and

acknowledging receipt of the child into his/her custody and releasing the Board and its employees from liability.

F.S. Chapter 39, 415.501 through 415.522, 1001.41, 1001.43, 1006.061
Effective Date: 07/01/05

DISRUPTION OF SCHOOL

It is unlawful for any person to advise, counsel, encourage, or instruct any student or school employee to disrupt any school function or classroom.

It is unlawful for any person to engage in any disruption or disturbance which interferes with the educational process.

Any person engaged in such activity shall be reported to the appropriate law enforcement agency.

Soliciting student support for employee organizations is strictly prohibited in the District.

F.S. 1001.41, 1001.43, 1006.145
Effective Date: 07/01/05

FOOD AND NUTRITIONAL SERVICES

The Board shall, upon the recommendation of the Superintendent, establish the necessary staff and provide procedures for the operation of a food service program in each school. The food and nutritional services program shall participate in the National School Lunch Program and comply with all Federal and State regulations pertaining to the program.

I. **FOOD SERVICE PROGRAM**

The District recognizes the importance of good nutrition to each student's educational performance.

This program shall be operated primarily as a service to students by providing:

- A. attractive and nutritious meals for students;
- B. food service facilities designed to achieve the maximum in efficiency and cleanliness;
- C. worthwhile learning experiences which will contribute to the emotional, spiritual, aesthetic, and social development of students;
- D. the opportunity for developing in the students good eating and social habits.

II. **STAFFING**

A. **Administrative Responsibility**

The direct responsibility for supervision and administration of the food and nutritional services program shall be delegated to a director of District-wide food services who shall provide system-wide coordination and supervision directed toward the most efficient, appetizing, and nutritional operation at the lowest possible cost to the student.

B. **Cost of Meals**

The food and nutritional services program shall be operated on a nonprofit and self supporting basis. The price of meals shall be set annually by the Board upon recommendation of the Superintendent. Food and nutritional services employees are given a lunch as part of their salary; other adults shall pay the Board adopted sale price for adult meals. Lunches will be made

available, free of charge, to senior citizens who are serving as volunteers to the District.

C. Eligibility for Free and Reduced-Price Meals

1. National School Lunch Program

It is the intent of the Board to participate in the National School Lunch Program and to offer free or reduced-price meals in accordance with the United States Department of Agriculture Guidelines.

F.S. 1001.41, 1001.43, 1006.06

F.A.C. 6A-7.042(2)(b)

Effective Date: 07/01/05

COMPETITIVE FOOD SALES

No food or beverages, other than those associated with the District's food service program, are to be sold. Secondary schools may sell food and beverages one (1) hour following the close of the last lunch period with the Board's approval (F.A.C. 6A-7.042(2C)). Foods and beverages sold via vending machines that are unassociated with the food service program, but located in student areas, will be placed on timers to comply with the competitive food sales rule (F.A.C. 6A-7.042(2) and United States Department of Agriculture Regulation Part 210.11-2b).

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

FOODS BROUGHT ON CAMPUS

1. The principal may encourage parents to forgo commercially prepared foods in favor of those prepared by the food and nutritional services department on school grounds.
2. As per Martin County Health Department, Administrative Code, Food Hygiene, Rule 64E-11.009 Temporary Food Service Events, all food and beverages served at temporary food service events shall be from approved sources in accordance with Rule 64E-11.003 which states food prepared in a private home shall not be used.

F.S. 1001.41, 1001.43

F.A.C. 64E-11.003, 64E-11.009

Effective Date: 07/01/05

WELLNESS

As required by law, the Board of Education establishes the following wellness policy for the Martin County School District.

The Board recognizes that good nutrition and regular physical activity affect the health and well being of the District'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, supporting the development of good eating habits, and promoting increased physical activity both in and out of school.

The Board, however, believes this effort to support the students' development of healthy behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone. 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 District shall be included in the sequential, comprehensive Health curriculum in accordance with the curriculum standards and benchmarks established by the State.

Furthermore, with the objectives of enhancing student health and well being, and reducing childhood obesity, the following guidelines are established:

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.

All foods available to students in the dining area during school food service hours shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods available to student ala carte or from vending machines.

The Board designates the building principals as the individuals charged with operational responsibility for measuring and evaluating the District's implementation and progress under this policy.

The Superintendent shall report on the District's compliance with this policy and the progress toward achieving the goals set forth herein when requested to do so by the Board.

I. SPECIFIC GOALS FOR NUTRITION

Nutrition education shall be included in the sequential, comprehensive Health curriculum in accordance with the curriculum standards and benchmarks established by the State.

Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.

The school cafeteria shall serve as a learning lab by allowing students to apply the knowledge, attitudes, and skills taught in the classroom when making choices at mealtime.

Nutrition education shall reinforce lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate.

II. SPECIFIC GOALS FOR PHYSICAL ACTIVITY

A. Physical Education

A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the standards and benchmarks established by the State.

The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.

Planned instruction in physical education shall meet the needs of all students, including those who are not athletically gifted.

Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, or harassment of any kind.

B. Physical Activity

The withholding of participation in physical education class as punishment, or the use of physical education class time to complete assignments from other classes shall be prohibited.

Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day.

The school shall provide information to families to encourage and assist them in their efforts to incorporate physical activity into their children's daily lives.

**III. SPECIFIC GOALS FOR OTHER SCHOOL-BASED ACTIVITIES
DESIGNED TO PROMOTE STUDENT WELLNESS**

The schools may provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the school dining areas.

Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.

Students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.

The schools shall provide adequate time daily for students to eat.

**IV. NUTRITION GUIDELINES FOR ALL FOODS AVAILABLE ON CAMPUS
DURING THE SCHOOL DAY**

In accordance with Policy 8500, entitled Food and Nutritional Services, 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.

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.

All foods available to students in the dining area during school food service hours shall comply with the current USDA guidelines for foods with minimum nutritional value, including competitive foods available to student ala carte or from vending machines.

The food service program shall be administered by a qualified nutrition professional.

V. PROGRAM MONITORING

The principal or designee will ensure compliance with the wellness policy in his/her school and will report on the school's compliance to the superintendent or designee. An annual report of progress and compliance will be submitted to the School Board and the district Food Service Department.

VI. POLICY REVIEW

To assist with the initial development of the district's wellness procedures, each school in the district will conduct a baseline assessment of the school's existing nutrition and physical activity environments and procedures. The results of those school-by-school assessments will be compiled at the district level to identify and prioritize needs.

Fla. Stat. 1001.41, 1001.43

42 U.S.C. 1751, Sec. 204

42 U.S.C. 1771

Effective Date: 06/20/06

Amendment Date: 11/21/06

TRANSPORTATION

It is the policy of the Board to provide transportation for those students whose distance from their school makes this service within the limitations established by State law and the regulations of the State of Florida.

The responsibilities of the Director of Transportation shall include, but not be limited to, the following:

- A. to counsel with school bus drivers regarding safety and efficiency of services to schools and to make recommendations to them for improvement in service.
- B. to instruct school bus drivers in procedures to be followed in conducting school bus emergency evacuation drills and to confer with each school principal regarding scheduling, conducting, and documenting school bus evacuation drills.
- C. to counsel with bus drivers regarding driver responsibility and authority.
- D. On or before the 15th day of September each year, the Director of Transportation shall cause a survey to be made and a written report prepared and submitted to the Board of all hazards on or near public sidewalks, streets, etc.

In the event the survey reveals hazards, such report shall be promptly submitted to the appropriate governmental agency (city, county, or State) having jurisdiction to investigate and correct such hazards, with a request from the Superintendent to do so as soon as possible and to request their response to the Board of corrective action taken.

F.S. 1001.41, 1001.43, 1006.21, 1006.22
F.A.C. 6A-3.001, 6A-3.0121, 6A-3.017
Effective Date: 07/01/05

STUDENT ELIGIBILITY FOR TRANSPORTATION

In accordance with Florida Statutes, students, grades K-12, are eligible for bus transportation to their zoned school if they live more than two (2) miles from that school.

- A. In order to calculate the distance to a school, a measurement shall be taken from the closest pedestrian entry point of the property where the student resides to the closest pedestrian entry point of the zoned school building or to the assigned bus stop. The pedestrian entry point of the residence shall be where the private property meets the public right-of-way. The District shall determine the shortest pedestrian route whether or not it is accessible to motor vehicle traffic.

An elementary student whose grade level does not exceed six (6) may be eligible for transportation provided by the District when the student lives within the two (2) mile limit of their zoned school if the walk path (see above) meets the criteria set forth in Policy 8615 and F.S. 1006.23.

As provided by F.S. 1006.21, students that are enrolled in the District's teenage parent program and the children of those students are eligible for transportation.

As provided by F.S. 1006.21, the Board may provide for student transportation by authorizing limited compensation for use of a passenger car for the transportation of small groups when the transportation is for physically handicapped or isolated students (see Policy 8600).

Parents are responsible for transporting students that attend a school other than their zoned school, except that the student may ride from an existing bus stop, if space is available. If the space is no longer available, or the bus route is eliminated, the parent is then responsible for transportation. Students being transported to theme or charter schools within the District are exempt from the foregoing provisions of this subsection, and transportation of students to such schools shall be performed as authorized by the Board.

In order to calculate the distance to a bus stop, a measurement shall be taken from the closest pedestrian entry point of the property where the student resides to the closest bus stop. School bus stops shall be no more than one and one-half (1½) miles from the entry point of the property where the student resides. The distance will be measured along the route the student would walk, whether or not it is accessible to motor vehicle traffic.

Students who are eligible for transportation shall be transported from the stop closest to their residence and back to the same stop. In cases of

emergency, the stop location used can change on a temporary basis if written authorization is provided to the bus driver by the principal or designee.

- A. School bus operators do not have the authority to changes routes and stops.
- B. Parent stop change requests should be made at the student's school office and forwarded to Transportation on the appropriate form.

Parents are responsible for transporting students that attend a daycare center other than the extended day care program in their school. Upon written authorization by the principal, daycare provider and the parent, students that are not eligible for the District's extended day program in their school due to age restriction may ride to an existing bus stop, if space is available.

- A. Existing bus stops at daycare facilities designated as 501(c)(3) tax exempt will be allowed to continue as long as they remain at the current location. If space is no longer available or the bus route is eliminated, the parent is then responsible for transportation. A daycare center that is located on the direct path of an existing bus route and between two (2) active bus stops may request the creation of a new bus stop at their location which will be evaluated in accordance with the District's policy.

Parents are responsible for the assistance, protection, and supervision of their child while enroute to and from the bus stop and while at the bus stop until the student boards the school bus and upon exit from the school bus.

The Superintendent or his/her designee will issue special permits granting permission to a child, who is temporarily disabled, to ride the bus. All students applying for special permits will be required to present a letter from a licensed doctor stating his/her findings and reason school bus transportation is necessary.

F.S. 1001.41, 1001.42, 1001.43
F.A.C. 6A-3.0141, 6A-3.0171
Effective Date: 07/01/05

BUS CAPACITY

The Director of Transportation shall be notified, by both the operator or school affected, of any bus that exceeds seventy-seven (77%) percent for high school, eighty-five (85%) percent for middle, and one hundred (100%) percent for elementary of the rated capacity of a school bus.

The routing and scheduling of school buses shall be planned in such a manner as to eliminate the necessity for children to stand while a school bus is in motion. When circumstances of an emergency nature temporarily necessitate transporting children on school buses in excess of the rated seating capacity, such buses shall proceed at such a reduced rate of speed as shall maximize safety of the students, taking into account existing traffic conditions.

The Board is responsible for prompt relief of the emergency condition by providing additional equipment, bus routing, bus rescheduling, or other appropriate remedial action.

F.S. 1001.41, 1001.43, 1001.49, 1006.21, 1006.22, 1006.27

F.A.C. 6A-3.001, 6A-3.017, 6A-3.018

Effective Date: 07/01/05

HAZARDOUS WALKING CONDITIONS

Subject to the procedures of F.S. 1006.23, elementary school students whose grade level does not exceed grade six (6) may be eligible for transportation provided by the District when the student lives within the two (2) mile limit of their zoned school if the walk path on which the student would use to walk to school meets the criteria set forth in F.S. 1006.23.

F.S. 1001.41, 1001.43, 1006.21, 1006.22

F.A.C. 6A-3.001, 6A-3.0121, 6A-3.017

Effective Date: 07/01/05

BUS OPERATOR TELECOMMUNICATION USE

Bus operators are not permitted to use cellular telephones while the school bus is in motion. Bluetooth's, wireless audio adapter, or Bluetooth headsets are also prohibited to be worn by any bus operator while on a school bus. Employees may be subject to discipline for these violations.

The above does not preclude the use of the two-way radio units that are installed in District buses and are used to better facilitate transporting students to and from school.

F.S. 1001.41, 1001.43, 1006.21, 1006.22

F.A.C. 6A-3.0171

Effective Date: 07/17/07

USE OF BUSES

I. USE FOR FIELD TRIPS AND OTHER SCHOOL SPONSORED ACTIVITIES

Such use is subject to the following:

- A. The use of buses connected with or sponsored by a District school is not to be approved for any occasion unless proper supervision is provided. A sponsor, coach, or director must be on the bus whenever students are present.
- B. Only active District employees with an up-to-date license with proper endorsements may drive District-owned school buses.
- C. Application for use of the bus must be approved by the principal or designee and the Director of Transportation.
- D. The bus request must be in the hands of the Director of Transportation seven (7) student attendance days prior to the trip, with the exception of rescheduling, inclement weather, tournaments and reasonable unforeseen events.
- E. The use of the bus and operator must not interfere with regular home to school to home transportation.
- F. Scheduled bus to arrive fifteen (15) minutes prior to departure.
- G. A bus must be left in the same condition it was found. Any and all costs for cleaning or repairs resulting from user actions will be charged to the appropriate school or agency.
- H. The fee for such service shall be based on the applicable per hour and per mile charge from the time the bus leaves the bus garage or parking area until its return.
- I. The school or agency will be notified of any charge after trip has been completed. The principal or requestor of the bus shall be responsible for prompt payment of all expenses incurred.
- J. No glass containers, live or dead animals, or gasoline or other flammable liquids will be allowed to be transported on any school bus. Assistive animals may be transported if required as a related service in a student's individual educational plan.
- K. As required by Florida Statutes, all students are expected to wear the occupant restraints as provided by the manufacturer.

II. USE FOR PUBLIC PURPOSES

- A. Except as otherwise provided within this policy, the use of buses shall not be permitted for transportation of any groups not connected with and sponsored by a District school.
- B. The Board may enter into agreements with the governing body of a county or municipality in the District or any State agency or agencies established or identified to assist the transportation disadvantaged for the use of the school buses of the District.
- C. The Board may enter into agreements with nonprofit corporations and nonprofit civic associations and groups to allow the use of school buses to transport school-age children for activities sponsored by such associations and groups. Such agreements may govern a specific use or generally authorize use by an entity under the terms of the agreement.
- D. In the event that the agreement generally authorizes use by an entity, the Superintendent may authorize use of school buses in accordance with the agreements.
- E. The fee for service for any entity not connected with and sponsored by a District school shall be based on a per hour and per mile basis, counted from the time the bus leaves the bus garage or parking area, until its return. The operator shall receive a minimum fee for night trips. Agreements will provide for reimbursement in full of both the fixed and operating costs incurred by the District attributable to the use of buses in accordance with the agreement.
- F. Said groups will complete a District Transportation Service Agreement and provide the necessary insurance in accordance with Florida Statutes. The nonprofit corporation or nonprofit civic organization or group, or an agency established or identified to assist the transportation disadvantaged shall indemnify and hold harmless the District from any and all liability by virtue of the use of the buses pursuant to the Transportation Service Agreement.
- G. Only active District employees with an up-to-date license may drive District-owned school buses.

- H. No glass containers, live or dead animals, or gasoline or other flammable liquids will be allowed to be transported on any school bus. Assistive animals may be transported if required as a related service in a student's individual educational plan.

- I. As required by Florida Statutes, all students are expected to wear the occupant restraints as provided by the manufacturer.

F.S. 1001.41, 1001.43, 1006.21, 1006.261

F.A.C. 6A-3.001

Effective Date: 07/01/05

BUS IDLING

To the extent practicable, bus drivers shall turn off vehicles when waiting or parked in the vicinity of students.

School buses should not park “nose to tail” when it can be avoided and no school bus should be idling at any time when loading or unloading students. Unless the School District has determined that alternative parking locations interfere with traffic, impair student safety or are not cost-effective, school buses should not park on school grounds near a building’s air-intake system. No bus should run without the driver being within three feet of the bus.

F.S. 1001.41, 1001.43

F.A.C. 6A-3.0171

Effective Date: 07/15/08; 11/18/08

TRANSPORTATION AGREEMENT TO SHARE EXPENSES

As provided by the Department of Education when students live in isolated areas, or require specialized transportation services and as provided by F.S. 1006.21, the District may make arrangements to share the expenses.

When the transportation is for physically disabled or isolated students and the District is providing for the transportation of the student through written or oral contracts or agreements, the students may be transported by means other than school buses.

- A. Vehicles of the type commonly called passenger cars need not meet the requirements for specifications of school buses.
- B. Such transportation must be provided in designated seating positions in a passenger car not to exceed eight (8) students or in a multipurpose passenger vehicle designed to transport ten (10) or fewer people which meets all applicable Federal motor vehicle safety standards.
- C. Multipurpose passenger vehicles classified as utility vehicles with a wheelbase or one hundred ten (110) inches or less which are required by Federal motor vehicle standards to display a rollover warning label may not be used.
- D. Students will be transported in passenger cars as defined by the National Highway Traffic Safety Administration, 49 CFR Part 571, and which meet all applicable Federal motor vehicle safety standards.

F.S. 1001.41, 1001.43, 1001.49, 1006.21, 1006.22, 1006.27

49 C.F.R. Part 571

F.A.C. 6A-3.001, 6A-3.017, 6A-3.018

Effective Date: 07/01/05

PRIVATE VEHICLE TRANSPORTATION

I. **GENERAL REQUIREMENTS**

When transporting students for school sponsored activities District-owned vehicles shall be used whenever possible. Privately owned vehicles may be used for student transportation for school sponsored activities when approved by the principal or administrative designee in cases where such transportation is the most practical or only available method of transportation. Prior to approval, the principal or administrative designee shall ensure that:

- A. Vehicles shall be privately owned and licensed motor vehicles designed to carry eight (8) passengers or less, used to transport one or more student(s) for school purposes, as authorized by the principal or administrative designee. The principal or designee, themselves, must approve vehicles.
- B. Drivers can be either school employees or non-employees. However, drivers may not be K-12 students. Drivers must be over the age of 18 years and possess a valid Florida drivers' license that has not been suspended or revoked. Drivers must certify that they have never been convicted of operating a motor vehicle while impaired (i.e. D.U.I. or D.W.I.). Any private vehicle used for the transportation of students must be owned by the approved driver or the spouse of the approved driver and must conform to the registration requirements of the State of Florida. Drivers shall sign appropriate forms and agreements, including Form #32 (Parental or Guardian Permission Slip) and Form #222 (Application for Transportation of Students in Private Vehicles) as required by the District. Copies of vehicle registration, valid driver's license, and insurance policy are required to be submitted a minimum of three (3) days in advance to allow sufficient time for motor vehicle license check when appropriate.
- C. Drivers must have the principal or administrative designee's signature of approval on Form #222 prior to the trip. All required forms and copies of documents must be verified by the principal and kept on file at the school.
- D. The parent of each student riding in private vehicles must consent, thereto, on Form #32 provided by the District. A file shall be maintained in each school which shall contain the permission and authorization forms submitted as required in this policy. Such forms shall be retained for a period of at least two (2) years.

- E. Insurance requirements of the State of Florida shall be observed. However, the following minimum coverage shall be demonstrated to be in effect for each vehicle prior to its use:
1. Liability: \$100,000 each person/\$300,000 each accident;
 2. Property damage: \$50,000 each accident (or \$300,000 combined single limit liability);
 3. Personal Injury Protection (PIP): \$10,000, no deductible;
 4. Medical coverage: (medical payments) \$5,000 each person

Parents, guardians, or other responsible adults who provide approved transportation, under the provisos of this policy, in privately owned vehicles shall have the same exposure to, and protection from, risks of personal liability as do District employees acting within the scope of their employment, provided all requirements of this policy are met. The primary insurance coverage with respect to automobile insurance is the insurance on the particular automobile regardless of the fact that the privately owned automobile may be used to transport students.

As provided by F.S. 1006.21, the Board may provide for student transportation by authorizing limited compensation for use of a passenger car for the transportation of small groups when the transportation is for physically handicapped or isolated students.

The school will provide, upon request, the name of the driver and description of the vehicle to the parent of any participating student.

When transportation is authorized in privately owned vehicles, students shall only be transported in designated seating positions. Also, students shall be required to use the occupant crash protection system (seat belt, shoulder harness, etc.) provided by the manufacturer.

II. **EMERGENCY TRANSPORTATION**

In cases of emergency, students may be transported in private vehicles without complying with the provisions of this rule, but only if there is real and imminent danger to persons or property or:

- A. When a student is ill or injured and must be taken home or to a medical treatment facility under nonemergency circumstances; and

- B. The school has been unable to contact the student's parent or the parent or responsible adult designated by the parent is not available to provide the transportation;
- C. Proper adult supervision of the student is available at the location to which the student is being transported;
- D. The transportation is approved by the school principal, or a school administrator designated by the principal to grant or deny such approval, or in the absence of the principal and designee, by the highest ranking school administrator or teacher available under the circumstances; and
- E. If the school has been unable to contact the parent prior to the transportation, the school shall continue to seek to contact the parent until the school is able to notify the parent of the transportation and the pertinent circumstances.

F.S. 1001.41, 1001.43, 1006.09, 1006.10, 1006.21, 1006.22
Effective Date: 07/01/05

INSURANCE

The Superintendent or designee shall negotiate with commercial insurance carriers for the insurance policies necessary to protect the District from major financial losses.

Insurance purchase shall include, but need not be limited to, the following types of losses:

A. **Errors and Omissions**

Loss or damage from liability for the general acts or errors and omissions of District officers, employees, or volunteers. To include the expenses of defending any claim against Board members, officers, or employees of this District arising out of and in the course of performance of their duties.

B. **Athletic Student Accident**

Excess medical expense insurance for athletic injuries, intramural sports, elementary track, basketball, extended day, headstart and ROTC.

C. **Governmental Property Safekeeping Bond**

Coverage for government property used in association with the ROTC programs.

D. **Student Malpractice Medical**

Coverage for high school students participating in medical professional classes.

E. **Pollution Liability**

Coverage for above and underground storage tanks to include third party corrective action.

F. **Elected Officials Bond**

Pursuant to F.S. 114.01, bond for the Superintendent and Board members.

Insurance for a given coverage shall be obtained at the lowest possible cost, assuming that service and company reliability are satisfactory.

The Superintendent or designee may choose to retain the cost of certain liabilities (self-insure) through a risk management program as found in F.S. 768.28. These items may include, but not need be limited to the following:

A. **Blanket Property Coverage**

Full replacement coverage of Board buildings. Contents, electronic data processing (hardware and software) and contractor/mobile equipment and ACV on owned or leased vehicle fleet.

B. **Flood Insurance**

ACV on specified properties within NFIP Zone A. All other properties and excess of NFIP will be included under the property coverage.

C. **Boiler and Machinery**

Comprehensive coverage for owned boilers, air conditioning, and turbine equipment including extra expense.

D. **Crime Insurance**

Employee dishonesty including faithful performance of duty, computer and funds transfer fraud, forgery or alteration, theft, disappear, or destruct.

E. **Automobile Liability**

Bodily injury and property damage CSL for operation of motor vehicles on school business.

F. **General Liability**

Bodily injury and property damage CSL for the District's premises and operations.

G. **Worker's Compensation and Employers Liability**

Coverage for worker's compensation liabilities under F.S. 440.

H. **Catastrophic Student Accident**

Excess form for accidental death and dismemberment, accident medical expenses, and disability.

F.S. 768.28, 1001.41, 1001.43

Effective Date: 07/01/05

VOLUNTARY STUDENT ACCIDENT INSURANCE

The Board recognizes that some parents wish to purchase group accident insurance. Therefore, at the beginning of each school year, the Board may offer parents the opportunity to participate in voluntary student group accident insurance at the expense of the parents.

The Superintendent may recommend suitable and qualified insurance carriers and notify all parents of its availability.

F.S. 1001.41, 1001.43
Effective Date: 07/01/05

THE AMERICAN FLAG

I. **SALUTE TO THE FLAG**

The Pledge of Allegiance to the American Flag shall be rendered daily. It is the responsibility of the principal and teacher to provide an opportunity for all students to recite the Pledge of Allegiance each day.

Students may be excused from reciting the Pledge of Allegiance when their parent or legal guardian files with the principal a written request which cites a constitutionally protected reason for refusal to participate.

II. **DISPLAY OF THE FLAG**

A. **Out-of-Doors**

The Flag of the United States shall be displayed daily upon the grounds of each school on a suitable flagstaff when weather permits.

B. **In-the-Classroom**

Each classroom shall display the Flag of the United States.

F.S. 1000.06, 1001.41, 1001.43
Effective Date: 07/01/05

9000	COMMUNITY RELATIONS
9130	Student Surveys
9150	School Visits and Student Interviews
9300	School Volunteer Program
9550	Charter Schools

STUDENT SURVEYS

The District shall comply with State and Federal requirements for the collection and reporting of certain information by means of student surveys, while at the same time protecting student privacy.

It is the policy of the District to notify parents of upcoming surveys that reveal information concerning one or more of the following items:

- A. political affiliations or beliefs of the student or the student's parents
- B. mental and psychological problems of the student or the student's family as well as general health practices
- C. sexual behavior or attitudes
- D. illegal, anti-social, self-incriminating, or demeaning behavior
- E. critical appraisals of other individuals with whom respondent have close family relationships
- F. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers
- G. religious practices, affiliations, or beliefs of the student or student's parent
- H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

I. **PARTICIPATION VOLUNTARY**

No student shall be required to participate in such a survey if the student or the student's parents, if the student is a minor, objects to participation. Parents will be given the opportunity to opt their child out of participation. Written parental permission must be obtained before a student participates in any survey conducted by the United States Department of Education.

II. **RIGHT TO INSPECT**

A student or the student's parent, if the student is less than eighteen (18) years of age, has the right to inspect any such survey instrument, and instructional material used as part of educational curriculum for students and to be advised of arrangements that will be made to protect student privacy, before the survey is administered or distributed to students, if a request is made within a reasonable period of time.

III. NOTIFICATION OF PARENTS

Parents will be notified of this policy annually at the beginning of the school year and within a reasonable period of time if any substantive change is made to this policy. Such notice shall include the specific or approximate dates during the school year when any such survey will be administered.

F.S. 1001.41, 1001.43
20 U.S.C. 1232H
PL 107-110, No Child Left Behind Act of 2001
34 CFR Part 98 and Part 99
Effective Date: 07/01/05

SCHOOL VISITS AND STUDENT INTERVIEWS

The control of the school is vested with 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 determine whether a parental visit shall or shall not take place. 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. The principal shall ensure the school environment is safe, conducive to learning, and free from disruption. When the principal determines that school environment is jeopardized due to inappropriate parent behavior, the principal has the authority to have the parent removed from the campus.

Unauthorized presence on school premises is strictly prohibited. All visitors desiring access to school premises must first receive permission from the principal or the principal's designee, 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 or the principal's designee.

Parents and guardians desiring to visit their child or ward 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.

Observation of a teacher's class by a parent or guardian shall be allowed only after the consent of the building principal and a twenty-four (24) hour notice, unless the teacher agrees to less notice.

Law enforcement and other authorized officials are encouraged to make arrangements for student interviews with the school resource officer or, in the absence of the school resource officer, with the principal or the principal's designee.

Interviews of students on school premises by authorized representatives of the Department of Children and Families ("DCF") and law enforcement agencies in connection with child protective or criminal investigations shall be governed by the applicable provisions of Part I, General Provisions, and Part III, Protective Investigations, or Chapter 39, Florida Statutes, entitled *Proceedings Relating to Children*.

Principals and all other school personnel shall cooperate, assist, and provide information to DCF or the law enforcement agency to enable DCF or the law enforcement agency to fulfill its responsibilities in conducting such interviews. When the initial interview with the child is conducted at school, the presence of a school staff member shall be allowed only if the following conditions are met:

- A. the school staff member is known to the child;
- B. DCF or the law enforcement official believes that the school staff member could enhance the success of the interview by his or her presence; and
- C. the child requests or consents to the presence of the school staff member at the interview.

The school and school staff members shall not maintain a separate record of the investigation.

School staff shall cooperate when DCF or the law enforcement agency determines it to be appropriate to take photographs documenting abuse or neglect.

Personally identifiable records or reports of a student, and any personal information contained therein, shall not be released to DCF or the law enforcement agency except as expressly authorized or required by applicable state and federal law and regulation. The Board's attorney should be consulted where questions arise concerning the release of such records, reports, and information to the department or law enforcement agency.

F.S. 1001.41, 1001.43, 1001.54; 1012.28
Fla. Const. Art. I, Section 9
See School Resource Officer Handbook
Effective Date: 07/01/05

SCHOOL VOLUNTEER PROGRAM

The Board encourages volunteer participation by individuals and groups in local schools, central and area offices, and supervised off-school activities before, during, and after school hours.

A. **Definition**

A volunteer is a non-paid person functioning under the sponsorship of the Board and at the direction of the responsible administrator.

B. The Supervisor of Volunteer Services shall be responsible for the direction of the program and its compliance with all laws pertaining to volunteers, which shall include the recruitment of volunteers and the evaluation of the program.

C. Volunteers registered with the school volunteer office are protected by the Board's worker's compensation and general liability self-insured program the same as regular employees.

1. All schools shall maintain a log, which will record names, dates and hours of service(s) and tasks assigned. All volunteers shall sign in and out when volunteering in a school or in a school-related activity.
2. Volunteers shall register each year.
3. Volunteers must wear an identification badge while on school property.
4. Volunteers may be screened through the Florida Department of Law Enforcement or other Board approved background screening service.
5. All volunteers will be screened against the sexual predators and offenders list.

D. **Categories**

1. Instructional Volunteers

Provide services to students and staff on a regular basis.

2. Resource Volunteers

Provide curriculum enrichment for students on an occasional basis. Discuss jobs, demonstrate crafts, share collections or hobbies with classes, etc.

3. Organizational Volunteers

Comprise the school community organizations (PTA, boosters, School Advisory Committee, civic groups, etc.).

4. Business/Education Partnerships

The Volunteer Services Office will serve as a clearinghouse for business/education partnerships (mentor programs, etc.).

5. Mentors for Students

Work with individual students encouraging academic remediation, communication skills, and goal development.

E. Responsibilities

1. Work within guidelines established by the responsible administrator.
2. Perform any task assigned by their supervisors and approved by the responsible administrators, excluding access to student cumulative records.
3. Work under the direction and supervision of teachers or other members of the staff.
4. Maintain strict confidentiality with information to which they have access while performing their duties.
5. Be aware of all State and local policies, procedures, and laws relevant to volunteer responsibilities.

CHARTER SCHOOLS

The District, pursuant to Florida Statute 1002.33, establishes charter schools with the following considerations:

- A. Charter schools in Florida shall be guided by the following principles:
 - 1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.
 - 2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.
 - 3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.
- B. Charter schools shall fulfill the following purposes:
 - 1. Improve student learning and academic achievement.
 - 2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.
 - 3. Encourage the use of innovative learning methods.
 - 4. Require the measurement of learning outcomes.
- C. Charter schools may fulfill the following purposes:
 - 1. Create innovative measurement tools.
 - 2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.
 - 3. Expand the capacity of the public school system.
 - 4. Mitigate the educational impact created by the development of new residential dwelling units.
 - 5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

- D. Charter School Committee. Each Board member shall recommend one committee member. The Superintendent shall recommend one community representative and one staff member. The Board shall approve all recommended appointments. The Charter School Committee will make findings and recommendations to the Board regarding all charter school applications.

F.S. 121.021; 121.051; 228.056, 229.053; 1001.41, 1001.43

Effective Date: 07/01/05

Amendment Date: 07/15/08

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