

Summary Points for Recommended Board Policy Changes			
Policy #	Policy Title	Summary Points	Owner
8810	The American Flag	Revised. This policy was revised to specify that, as required by 2018-6, the District will display the official motto of the State of Florida ("In God We Trust") in a conspicuous place in all schools in the District and in each building used by the board.	Superintendent
2371	Hope Scholarships	<b>New.</b> We are proposing this new policy as a result of 2018-6. This law provides that students in public schools are eligible to apply for a Hope Scholarship if they are subjected to an "incident" as that term is defined in F.S. 1002.40(3). The policy outlines provisions related to eligibility, required investigations, parental notification, statewide assessments, and the term of a Hope Scholarship. Importantly, because of issues with the wording of the Hope Scholarship statute, there is confusion statewide as to whether it must be established that a student was actually subjected to (as opposed to simply reported) an incident in F.S. 1002.40(3) in order to be eligible for a Hope Scholarship. Please note that the premise upon which this new policy template is based is that students are eligible for a Hope Scholarship if it is established that the student was subjected to and subsequently reported an "incident." Finally, the statute requires Districts to provide notice to parents of their right to participate in the Hope Scholarship Program upon the conclusion of an investigation of an incident or within fifteen (15) days, whichever is sooner. To avoid any timing issues, we have included policy language requiring that the District provide the required notice (1) upon the conclusion of an investigation and a finding that the student was subjected to an incident or (2) after fifteen (15) days. Thus, Policy 2371 requires District staff to complete their investigations within fifteen (15) days because, based upon Neola's analysis of the statute, a student is not eligible to receive the required notice if the District investigates and concludes within fifteen (15) days that the student who reported the "incident" was not actually subjected to the "incident."	C&I

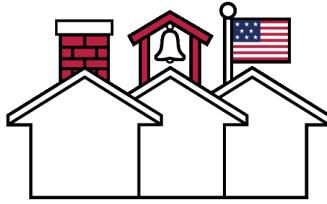
Summary Points for Recommended Board Policy Changes			
Policy #	Policy Title	Summary Points	Owner
2623	Student Assessment	This policy was revised to include required language pertaining to the District's responsibility to make industry certification examinations, national assessments, and Statewide assessments available to students in Florida Virtual School. These revisions are the result of 2018-6.	C&I
5112	Entrance Requirements	Revised. The revisions to this policy specify when the superintendent may or may not require evidence of the age of a child in the District. These revisions are the result of 2018-134.	C&I
5113	School of Choice Options	Replaced. The revisions to this policy are primarily technical; that is, we have replaced references to the "No Child Left Behind Act" with the "Elementary and Secondary Education Act, as amended." Additionally, we deleted policy language that is specific to the No Child Left Behind Act. (Staff felt it was more efficient to replace the policy than insert and delete language throughout the document.)	C&I
5200	Attendance	Revised. The revisions to this policy are the result of statutory amendments outlined in 2018-134 regarding activities that the District must undertake when no valid reason is found for a student's non-enrollment. We also revised other provisions of the policy simply to make the policy clearer and to outline options the District may take when dealing with students who are absent from school.	C&I
5460	Graduation Requirements	Revised. Revisions to this policy include additional options for students to earn credit when completing an apprenticeship or pre-apprenticeship program registered with the Florida Department of Education. Additionally, we included provisions specifying that certain computer science courses may be taken to satisfy high school graduation requirements (see also the revisions above to Policy 2215). These revisions are the result of 2018-150 and 2018-154.	C&I

Summary Points for Recommended Board Policy Changes			
Policy #	Policy Title	Summary Points	Owner
5780	Student/Parent Rights	Revised. Revisions to this policy reference the availability of the Hope Scholarship Program and Reading Scholarships as outlined in 2018-6.	C&I
8462	Student Abuse and Neglect	Revised. This policy was revised to clarify that employees who report abuse, abandonment and/or neglect of a student may be entitled to certain statutory liability protections as set forth in F.S. 39.203. These revisions are the result of 2018-5.	C&I
9800	Charter Schools	Revised. The revisions to this policy are in accord with the revisions to F.S. 1002.33 (see 2018-6).	C&I
6233	District Budget	Revised. Revisions to this policy are the result of 2018-6 and include revisions to the available types of categorical appropriations.	Finance

Summary Points for Recommended Board Policy Changes			
Policy #	Policy Title	Summary Points	Owner
6320	Purchasing and Contracting for Commodities and Contractual Services	<p>Revised. The only revision to this policy is the recommended deletion of the optional language permitting Districts to exempt the purchase of food products and milk from competitive solicitation.</p> <p>Importantly, Florida Administrative Code Rule 5P-1.003(2)(i) was revised and transferred to 5P-2.002 on June 21, 2018. Prior to June 21, 2018, the rule provided that Boards had authority to adopt policies exempting the purchase of food products and milk from the bid requirements of Florida Administrative Code Rule 6A-1.012. In the post-June 21, 2018, version of Rule 5P-2.002, this language was removed from the rule. Please note: the rule was revised by the Florida Department of Agriculture and Consumer Services, Division of Food Nutrition and Wellness, because that agency now has authority over certain school nutrition issues. In sum, because our optional policy language was based on the authority in Rule 5P-1.003(2)(i), and such authority was removed in Rule 5P-2.002, we have elected to remove the language as an option. We will continue to monitor rulemaking in the event the deletion of the language by the Department of Agriculture and Consumer Services is addressed in another rule.</p>	Finance
6322	Construction Contracting and Bidding	Revised. The revisions to this policy are the result of statutory changes and work with other client Districts. Specifically, pursuant to 2018-6, the	Finance
6325	Procurement - Federal Grants/Funds	Revised. The revisions to this policy are intended to clarify certain requirements related to procurement when utilizing federal grants/funds, including modifications to certain monetary thresholds.	Finance
7310	Disposition of Surplus Instructional Property	Revised. This policy was revised as a result of 2018-6 to make clear that tangible personal property may be made available to charter schools under certain circumstances.	Finance

Summary Points for Recommended Board Policy Changes			
Policy #	Policy Title	Summary Points	Owner
1590	Personnel File	Revised. Multiple bills were passed during the 2018 legislative session (2018-5 and 2018-150) that strongly enhance the responsibilities of Boards to address misconduct. As you will observe from the revisions, the Legislature was very concerned with acts of misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student. To assist District staff, we have proposed adding language to these policies regarding what information must be contained in personnel files, including performance-related documents and information clearly indicating when an employee resigns or is terminated before an investigation of alleged misconduct by the employee affecting the health, safety, or welfare of a student. Likewise, we also included references to the requirement that the District report legally sufficient complaints to the Florida Department of Education within thirty (30) days of the date on which the subject matter of the complaint comes to the attention of the District. These revisions are the result of 2018-150. Although these additions are not required to be set forth in policy, Neola believes the additions will better assist District staff in complying with their responsibilities to maintain complete and accurate personnel files.	HR
3590	Personnel File	Revised. See #1590.	HR
4162	Drug and Alcohol Testing of Employees Who Perform Safety Sensitive Functions	Revised. This policy was revised as a result of an audit conducted in an out-of-state school district. The audit concluded that our policy template language needed to be revised to include all elements outlined in 49 C.F.R. 382.601 with respect to educational materials related to certain federal regulations, Board policies, and procedures. The proposed revisions address the concerns raised in the audit.	HR
4590	Personnel File	Revised. See #1590.	HR

Summary Points for Recommended Board Policy Changes			
Policy #	Policy Title	Summary Points	Owner
8141	Mandatory Reporting of Misconduct by Certificated Employees	Revised. The Superintendent is now mandated by law to notify law enforcement of any misconduct that would result in disqualification from educator certification or employment. Also, Districts are now required to provide parents with notification of alleged acts of misconduct that affect the health, safety or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, or any conduct that would result in disqualification from educator certification or employment. We strongly recommend that you pay close attention to the requirements related to parental notification of alleged misconduct. Finally, we also included required language that notifies employees who report misconduct which affects the health, safety or welfare of a student that they are entitled to certain statutory liability protections under Florida law.	HR
8420	Emergency Evacuation of Schools	Revised. This policy was revised to clarify that emergency egress and relocation drills (including fire drills) are required to be conducted in accordance with the requirements of the Florida Fire Prevention Code, the Fire Code, and the Life Safety Code. We believe that referring to these different authorities will assist the District in determining the frequency with which these drills must be conducted.	Operations
8500	Food Service Program	Revised. The revisions to this policy are a result of our work in another District. Specifically, Neola has been advised that the USDA's position is that an appropriate "team" is required to approve any dietary modification to the school's USDA-reimbursable meal pattern for a student, whether or not that student has a disability or is eligible for a Section 504 plan. The revisions specify the manner in which such decisions will be made.	Operations



Book	Policy Manual
Section	Vol. 19, No. 1 - REVISED
Title	Copy of THE AMERICAN FLAG
Code	*po8810 BD 12 20 18
Status	
Adopted	August 13, 2013

## 8810 - THE AMERICAN FLAG AND OFFICIAL MOTTO OF THE STATE OF FLORIDA

### Salute to the Flag

The Pledge of Allegiance to the American Flag shall be rendered daily according to the provisions of F.S. 1003.44.

### Display of the Flag

#### A. Out-of-Doors

The flag of the United States shall be displayed daily upon the grounds of each school on a suitable flag staff when the weather permits. If the flag is display outdoors for twenty-four (24) hours, it must be illuminated.

#### B. In the Classroom

Each classroom shall display the flag of the United States on an appropriate staff.

### Flying the Flag at Half-Staff

Etiquette regarding the U.S. Flag says, "The flag is to be flown at half-staff in mourning for designated, principal government leaders and upon **presidential** or **gubernatorial** order."

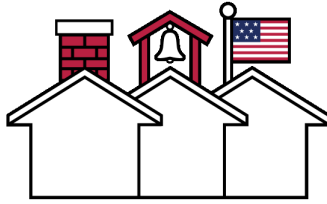
### Display of the Official Motto of the State of Florida

- The official motto of the State of Florida, "In God We Trust", shall be displayed in a conspicuous place in all schools in the District and in each building used by the School Board

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Legal	F.S. 1000.06, 1001.41, 1003.44
	U.S. Public Law No. 623, as amended by U.S. Public Law No. 829

Last Modified by Brenda Davis on December 20, 2018



Book Policy Manual

Section Vol. 19, No. 1 - REVISED

Title NEW POLICY - VOL. 19, NO. 1 - HOPE SCHOLARSHIPS

Code \*po2371 LTM/bd 12 18 18

Status

### **NEW POLICY - VOL. 19, NO. 1**

#### **2371 - HOPE SCHOLARSHIPS**

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

#### **Eligibility**

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

- A. battery;
- B. harassment (see Policy 5517.01 - Bullying and Harassment);
- C. hazing (see Policy 5516 - Student Hazing);
- D. bullying (see Policy 5517.01 - Bullying and Harassment);
- E. kidnapping;
- F. physical attack;
- G. robbery;
- H. sexual offenses (including harassment, assault, or battery) (see Policy 5517.02 - Sexual Violence);
- I. threat or intimidation; or
- J. fighting.

#### **Investigation and Parental Notification of Hope Scholarship Program**

Upon receipt of a report from a student of any of the incidents set forth herein, the Principal shall provide a copy of the report to the parent of the student and investigate the incident within fifteen (15) days to determine if the incident must be reported to the Florida Department of Education's (FLDOE) Automated Student Information System.

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

Upon conclusion of the investigation and a finding that the student was subjected to any of the incidents set forth herein, the District shall notify the parent of the existence of the Hope Scholarship Program using the Hope Scholarship Notification Form (Form IEPC-

HS1) developed by the FLDOE.

In the event an investigation is not concluded within fifteen (15) days, the District shall notify the parent of the existence of the Hope Scholarship Program using the Hope Scholarship Notification Form (Form IEPC-HS1) developed by the FLDOE.

### **Parent Notification of Withdrawal to Eligible Private School**

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

### **Statewide Assessments**

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

### **Term of Hope Scholarship**

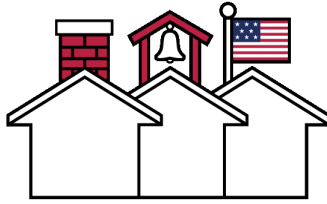
A Hope Scholarship shall remain in force until the student graduates from high school.

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Legal	F.S. 1002.40 F.A.C. 6A-6.0951
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Cross References	po5516 - STUDENT HAZING po5517.01 - BULLYING AND HARASSMENT po5517.02 - SEXUAL VIOLENCE
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Last Modified by Brenda Davis on December 19, 2018



Book	Policy Manual
Section	Vol. 19, No. 1 - REVISED
Title	Copy of STUDENT ASSESSMENT
Code	*po2623 CT/bd 12 21 18
Status	
Adopted	August 13, 2013
Last Revised	December 11, 2018

## 2623 - **STUDENT ASSESSMENT**

The School Board shall assess student achievement and needs in all program areas in compliance with the law and rules of the State Board of Education. The purpose will be to determine the progress of students and to assist them in attaining student performance objectives and the educational achievement goals of this District. Each student must participate in the Statewide, standardized assessment program required by law.

Student performance data shall be used in developing objectives for the school improvement plan, evaluating instructional personnel and administrative personnel, assigning staff, allocating resources, acquiring instructional materials and technology, implementing performance-based budgeting, and promoting and assigning students to educational programs. The analysis of student performance data will identify strengths and needs in the educational program and trends over time, and be used in conjunction with budgetary planning and development of remediation programs.

The Board shall require the following:

- A. mandatory participation by all eligible students as defined by State Board of Education rules;
- B. industry certification examinations, national assessments, and Statewide assessments offered by the District be made available to all Florida Virtual School students in the District;
- C. industry certification examinations, national assessments, and Statewide assessments be taken at the student's regularly assigned school, unless an alternative site is mutually agreed to by the District and the Florida Virtual School or authorized contractor;

The District will notify students of the date and time of the administration of each examination or assessment.

- D. parents be informed of the testing program of the schools and of the Statewide, standardized tests or the local assessments that are to be administered to their children;
- E. data regarding individual test scores on either the Statewide, standardized tests or the local assessments be entered on the student's cumulative record, where it will be subject to the policy of this Board regarding student records;
- F. school and District test results will be reported to the public annually;
- G. the Superintendent shall develop procedures for the annual assessment of first, second, third, and fourth grade students on their reading proficiency and identify those students who are reading below grade level. S/He shall ensure that each student's teacher is involved in the assessment and in the identification of those students who are reading below grade level.

The District will notify the parent of each student who exhibits a deficiency in reading, shall consult with the parent in the development of a progress monitoring plan, and will provide intensive reading instruction to the student until the deficiency is corrected.

### **Statewide Standardized Assessment**

The Board shall administer the Statewide, standardized assessments to students at the grade levels and for the subjects designated by the Florida Commissioner of Education. The Statewide standardized assessment program consists of Statewide standardized comprehensive assessments, end-of-course (EOC) assessments, and the Florida Standards Alternate Assessment.

A Statewide standardized EOC assessment must be used as the final cumulative examination for its associated course. No additional final assessment may be administered in a course with a Statewide, standardized EOC assessment. A District-required local assessment may be used as the final cumulative examination for its associated course in accordance with Board policy.

### **Local Assessments**

The District shall administer a local assessment that measures student mastery of course content at the necessary level of rigor for the grade levels/subjects that are not included in the subjects and grade levels measured under the Statewide, standardized assessment program. The course content that will be measured by the local assessments is set forth in the State standards that are required by F.S. 1003.41 and in the course description.

The District will provide a student's performance results on District-required local assessments to the student's teachers and parents no later than thirty (30) days after administering such assessments unless the superintendent determines in writing that extenuating circumstances exist and report the extenuating circumstances to the Board.

### **Scheduling of Assessments**

- A. The Board will establish schedules for the administration of any Statewide, standardized assessments and District-required assessments and approve the schedules as an agenda item at a Board meeting. The Board will publish the testing schedules on its website using the Department of Education's uniform calendar with the information required by State law.

The Board will submit the schedules to the Department of Education by October 1<sup>st</sup> of each year. Each District school will publish the schedules for Statewide, standardized assessments and District-required assessments on its website using the uniform calendar.

- B. The Board will not schedule more than five percent (5%) of a student's total school hours in a school year to administer Statewide, standardized assessments and District-required local assessments. The Board will secure written consent from a student's parent before administering District-required local assessments that, after applicable Statewide standardized are scheduled, exceed the five percent (5%) test administration limit for that student. The five percent (5%) test administration limit for a student may be exceeded if necessary to provide test accommodations that are required by an IEP or are appropriate for an English language learner who is currently receiving services in the District's English language learner program.

### **Assessment Preparation**

No school in this District may suspend the regular program of curricula to administer practice assessments or engage in other assessment-preparation activities for a Statewide, standardized assessment. However, the Board authorizes schools to:

- A. distribute to students sample assessment books and answer keys that are published by the Florida Department of Education;
- B. provide individual instruction in assessment taking strategies without suspending the school's regular program of curricula for a student who scores at Level 1 or Level 2 on a prior administration of the Statewide assessment;
- C. provide individualized instruction in the content knowledge and skills assessed, without suspending the school's regular program of curriculum for a student who scores at Level 1 or Level 2 on a prior administration of the Statewide assessment or a student who, through a diagnostic assessment administered by the District is identified as having a deficiency in the content knowledge and skills assessed; and
- D. administer a practice assessment or engage in other assessment preparation activities for the Statewide assessment which are determined necessary to familiarize students with the organization of the assessment, the format of the assessment items, and the assessment directions, or which are otherwise necessary for the valid and reliable administration of the assessment, as set forth in rules adopted by the State Board of Education.

### **Students with Disabilities**

## **A. Participation in Statewide Standardized Assessments with or without Accommodations**

All students with disabilities will participate in the Statewide standardized assessment program based on State standards, pursuant to F.A.C. 6A-1.09401, without accommodations unless the student's individual educational plan (IEP) team, or the team that develops the plan required under Section 504 of the Rehabilitation Act, determines and documents that the student requires allowable accommodations during instruction and for participation in a Statewide standardized assessment.

"Accommodations" are defined as adjustments to the presentation of the Statewide standardized assessment questions, methods of recording examinee responses to the questions, scheduling for the administration of a Statewide standardized assessment to include amount of time for administration, settings for administration of a Statewide standardized assessment, and the use of assistive technology or devices to facilitate the student's participation in a Statewide standardized assessment. Accommodations that negate the validity of a Statewide standardized assessment are not allowable.

The provision of accommodations for students with disabilities shall be provided in accordance with section 4 (a) through (e) of F.A.C. 6A-1.0943 and applicable State and Federal laws.

## **B. Florida Standards Alternate Assessment**

A student with a disability, as defined in F.S. 1007.02(2), for whom the IEP Team determines that the Statewide standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such a waiver shall be designated on the student's transcript. The statement of waiver shall be limited to a statement that performance on an assessment was waived for the purpose of receiving a course grade or a standard high school diploma, as applicable.

The alternative assessment program is designed for a student with a significant cognitive disability and includes the Florida Standards Alternate Assessment (FSAA) – Performance Task and the FSAA – datafolio assessments. The decisions of whether a student is eligible to participate in the alternative assessment program and whether the student should participate in the FSAA – Performance Task or FSAA – datafolio assessments is determined by the student's IEP team and delineated on the student's IEP. Such determination must be in accordance with the criteria set forth in Florida law including, but not limited to, F.S. 1008.212 and F.A.C. 6A-1.0943 and 6A-1.09430.

## **C. Extraordinary Exemptions**

A student with a disability for whom the IEP team determines is prevented by a circumstance or condition, as those terms are defined in F.S.1008.212, from physically demonstrating the mastery of skills that have been acquired and are measured by the Statewide standardized assessment, a Statewide standardized end-of-course assessment, or an alternate assessment pursuant to F.S. 1008.22(3)(c) shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability or the receipt of services through the homebound or hospitalized program is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

Once an IEP Team determines that a student with a disability is prevented by a "circumstance" or "condition" as defined in F.S. 1008.212 from physically demonstrating the mastery of skills that have been acquired and are measured by the Statewide standardized assessment, a Statewide standardized end-of-course assessment, or an alternate assessment under F.S. 1008.22(3)(c), the IEP Team, which must include the parent, may submit to the superintendent a written request for an extraordinary exemption from the administration of the assessment pursuant to F.S. 1008.212.

The written request for an extraordinary exemption may be made at any time during the school year but not later than sixty (60) days before the first day of the administration window of the assessment for which the request is made. The request must include the following information:

1. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
2. Written documentation of the most recent evaluation data.
3. Written documentation, if available, of the most recent administration of Statewide standardized assessments.
4. A written description of the circumstances' or conditions', as defined above, effect on the student's participation in Statewide standardized assessments.
5. Written evidence that the student has had an opportunity to learn the skills being tested.
6. Written evidence that the student has been provided appropriate instructional accommodations.

7. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of a Statewide standardized assessment.
8. Written evidence of the circumstance or condition as defined above.
9. The name, address, and phone number of the student's parent.

The superintendent will recommend to the Commissioner of Education whether the request should be granted or denied, and the Commissioner will grant or deny the requested exemption within thirty (30) calendar days of receipt of the superintendent's request. A copy of the District's procedural safeguards as required in F.A.C. 6A-6.03311 shall be provided to the parent. If the parent disagrees with the IEP Team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent.

#### **D. Exemption Options for Students with a Medical Complexity**

In addition to the exemption option available under F.S. 1008.212, a student with a medical complexity as defined in F.S. 1008.22 may be exempt from participating in Statewide standardized assessments, including the Florida Standards Alternate Assessment. If a parent consents in writing and the student's IEP team determines that the student should not be assessed based on medical documentation that confirms that the student meets the criteria of medical complexity, the parent may select from the assessment exemption options set forth in F.S. 1008.22.

#### **Florida Tax Credit Scholarship Program**

If a student who resides in the District and qualifies for a Florida Tax Credit Scholarship attends an eligible private school, pursuant to State law, that has chosen not to administer the Statewide, standardized assessments, the District shall designate, upon the request of the parent, an assessment site where the student can participate in the Statewide, standardized assessment. The parent is responsible for providing transportation to the assessment site.

#### **Test Administration and Security**

The District may contract with qualified contractors to administer and proctor Statewide, standardized assessments or local assessments required under State law. Assessments may be administered or proctored by qualified contractors at sites that meet criteria established by rules of the State Board of Education and adopted pursuant to State law to implement these contracting requirements.

The District may use District employees, such as education paraprofessionals, to administer and proctor Statewide, standardized assessments or assessments associated with Florida approved course under F.S. 1003.499. District employees will be trained according to rules of the State Board of Education before performing such duties.

The Board shall take appropriate and necessary actions against any employee who knowingly and willfully violates test security rules adopted by the FLDOE for any Statewide, standardized assessments.

The Superintendent shall develop administrative procedures for test security that will maintain and ensure the integrity of District and State assessments.

Revised 3/4/14  
Revised 3/24/15  
Revised 4/12/16  
Revised 12/11/18

Legal

F.S. 1002.37

F.S. 1002.395

F.S. 1003.4282

F.S. 1008.212

F.S. 1008.22

F.S. 1008.23

F.S. 1008.24

F.S. 1008.25

F.A.C 6A-1.09422

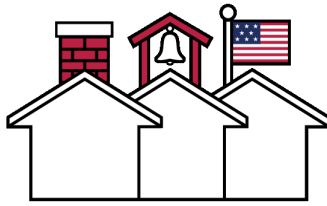
F.A.C. 6A-1.0943

F.A.C. 6A-1.09430

F.A.C. 6A-1.09431

F.A.C. 6A-1.09432

Last Modified by Brenda Davis on December 21, 2018



Book	Policy Manual
Section	Vol. 19, No. 1 - REVISED
Title	Copy of ENTRANCE REQUIREMENTS
Code	*po5112 LTM/bd 01 09 19
Status	
Adopted	August 13, 2013
Last Revised	December 11, 2018

#### 5112 - **ENTRANCE REQUIREMENTS**

The School Board hereby establishes entrance age requirements for students which are consistent with statute and sound educational practice and requires the equitable treatment of all eligible children.

Pursuant to State law, all children who have attained the age of six (6) years or who will have attained the age of six (6) years by February 1<sup>st</sup> of any school year or who are older than six (6) years of age but who have not attained the age of sixteen (16) years, except as otherwise provided in Florida statute, are required to attend school regularly during the entire school term. Further, all children enrolling in a District school shall meet the immunization requirements set forth in F.S. 1003.22, as well as provide evidence of a physical exam as required by State law.

The Superintendent may require evidence of the age of any child who seeks to enroll in the District or who the Superintendent believes to be within the limits of compulsory attendance as provided by law; however, the Superintendent will not require evidence from any child who meets regular attendance requirements by attending any of the following schools or programs:

- A. a parochial, religious, or denominational school;
- B. a private school supported in whole or in part by tuition charges or by endowments or gifts;
- C. a home education program that meets the requirements of F.S. Chapter 1002; or
- D. a private tutoring program that meets the requirements of F.S. Chapter 1002.

In addition, consistent with rules adopted by the State Board of Education, children with disabilities who have attained the age of three (3) years shall be eligible for admission to the District's special education programs and for related services. Children with disabilities younger than three (3) years of age who are deaf or hard of hearing, visually impaired, dual sensory impaired, orthopedically impaired, other health impaired, who have experienced traumatic brain injury, who have autism spectrum disorder, established conditions, or who exhibit developmental delays or intellectual disabilities may be eligible for special programs and may receive services in accordance with rules of the State Board of Education. The identification of established conditions for children birth through two (2) years of age and developmental delays for children birth through five (5) years of age shall be in accordance rules adopted by the State Board of Education.

Further, as required by F.S. 1003.22 and Policy 5320, Immunization and Health Examination, all children enrolling in a District school shall meet the immunization requirements set forth in State law, as well as provide evidence of a physical exam as required by State law.

#### **Kindergarten**

Children entering kindergarten in this District for the first time must comply with F.S. 1003.21 regarding entry age. A child must be five (5) years old on or before September 1<sup>st</sup>, in order to meet the Florida age requirement for kindergarten. A child under age six (6) who is enrolled in kindergarten will be considered of compulsory school age.

### **First Grade**

Children entering first grade in this 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 1<sup>st</sup> 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 1<sup>st</sup> 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. Home education is not an option. Verification forms are available at each elementary school.

### **Initial Entry**

- A. Children entering the District for the first time must comply with F.S. 1003.21 and with the District's *Student Progression Plan*. Students must have an immunization record on file at the school. Any student who does not have the proper immunization shall be temporarily excluded from attendance until compliance has been documented.
- B. Each child who is entitled to admittance to kindergarten or is entitled to any other initial entrance into a public school in the District must have a certification of a school-entry health examination performed within one (1) year before enrollment in school. Students transferring into the District from a school within the State of Florida who have completed physical examination form as part of their school record need not be re-examined. Examinations taken out-of-state may be accepted if performed within one (1) year of entry and include documentation and reported on the official forms of the physician. A student shall have up to thirty (30) school days to present a certification of a school-entry health examination. Children and youths who are experiencing homelessness and children who are known to the Department as homeless, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days. The school health services plan shall contain provisions to assist students in obtaining the health examinations.
- C. A child may be exempt from the required health examination and/or immunization upon written request of the parent or guardian of such child stating an objection to examination and/or immunization on religious grounds or for medical reasons certified by a competent medical authority.
- D.
  - A. Any student and/or his/her parent(s) who enters the District for the first time must disclose the following information at the time of enrollment:
    - 1. prior school expulsions;
    - 2. arrests resulting in a charge;
    - 3. juvenile justice actions; and
    - 4. referrals to mental health services.

Any student who discloses any of the above-referenced matters is subject to the provisions of the Code of Student Conduct, Policy 5500, and Policy 5610 relating to disciplinary placement and/or assignment of students.

### **MAXIMUM AGE FOR ATTENDANCE IN THE REGULAR HIGH SCHOOL PROGRAM**

A student reaching the age of twenty (20) years on or before September 1<sup>st</sup> of any year shall be considered ineligible for attendance in high school. The student shall be informed of opportunities to continue his/her education in a different environment, including, but not limited to, adult education and high school equivalency examination preparation. However, exceptional education students may remain in school until the student earns a standard diploma up through and including the school year in which the student turns twenty-two (22) years of age.

- A. Any parent/guardian of a student under the age of eighteen (18) or an adult student when initially enrolling in a District school for the first time shall be required to present:
  - 1. certification of immunization as required by the Department of Health; (An exemption may be granted as provided in F.S. 1003.22)

2. evidence of date of birth pursuant to F.S. 1003.21;
3. evidence of health examination pursuant to F.S. 1003.22;
4. proof of residency in Indian River County; and
5. a report card from the last school attended if the student has previously been enrolled in another school. (In the absence of a report card the student shall be temporarily assigned to the grade deemed appropriate until a copy of the official record is received.)

The person enrolling the student will be required to complete the enrollment form. The form includes a section that identifies the persons authorized to remove the student from school for proper and legitimate purposes other than the students' parents. The number of authorized adults is limited to six (6). Only the person enrolling the student has the right to change the name(s) of the person(s) on the list. Each parent will have the right to pick-up, visit, and meet with his/her student at school, without the need for consent, unless the school has received a certified copy of an enforceable court order that provides to the contrary. A certified copy of an enforceable court order is also required to change names on the enrollment form.

B. Voluntary Pre-Kindergarten—A student who has attained or will attain the age of four (4) years on or before September 1<sup>st</sup> of the school year shall be eligible for admission to voluntary pre-kindergarten.

C. Students, who are participating in a home education program in accordance with F.S. 1002.41, may be admitted to the public schools of this District on a part-time basis. Admission consideration is restricted to middle and high schools and the following shall apply:

1. Students in home education who wish to attend public schools must have met the criteria for a home education program during the entire semester immediately prior to the time of admission, meet the same registration requirement as full-time students, and enroll for and attend at least one (1) regularly scheduled class period at the zoned school. Such students must register prior to the start of the semester they will attend. Students enrolled in public school full time will be given priority in course registration. Homeschooled students who are excluded from a class/course at their zoned school due to space limitation may attend another school if space in that class/course is available and a variance is granted. Students in exceptional student education will be provided services as required by law.
2. Students enrolled in home education programs who have requested to participate in an extra-curricular activity that requires enrollment in a curricular program will be allowed to register for the program immediately with no requirement for one (1) full prior semester of home education enrollment. The student's eligibility to participate in extra-curricular activities shall be governed by F.S. 1006.15.
3. The District is not responsible for the transportation of students in a home education program to or from the school. The school Principal will establish the time and place for arrival and departure of home education students. Students who attend school on a part-time basis are subject to all applicable rules and regulations pertaining to full-time students, including required immunization. Attendance on a part-time basis does not entitle the student to participate in non-interscholastic, extra-curricular activities, including graduation events.

### **Verification of Residence**

Verification of a parent or guardian's residence shall be required at the time the child registers in a District school. Verification of residence may also be required at any other time at the discretion of the Superintendent, ~~or designee.~~

### **Notification of in Loco Parentis**

In cases in which a student is temporarily not residing with his/her parents or legal guardian for a short period of time, the parent or legal guardian of the student shall designate in writing that adult person with whom the student resides who stands in loco parentis to the student in order for him/her to be admitted or continue in school. This statement shall be notarized and presented to the principal.

Revised 3/24/15  
 Revised 7/28/15  
 Revised 4/12/16  
 Revised 12/11/18

Legal

F.S. 1003.01

F.S. 1003.21

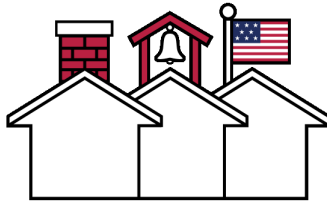
F.S. 1003.22

F.S. 1006.07

F.S. 1012.584

F.A.C. 6A-1.0985

Last Modified by Brenda Davis on January 9, 2019



Book	Policy Manual
Section	Vol. 19, No. 1 - REVISED
Title	Replacement Copy of SCHOOL OF CHOICE OPTIONS
Code	*po5113 LTM/bd 2 28 19
Status	
Adopted	August 13, 2013

### **REPLACEMENT POLICY - VOL. 19, NO. 1**

#### **5113 - SCHOOL OF CHOICE OPTIONS PROVIDED BY FEDERAL LAW**

The School Board acknowledges that the Elementary and Secondary Education Act, as amended, provides for students attending a "persistently dangerous" school, as defined by Florida law, have the right to transfer to another "safe" school in the District. If there is not another "safe" school in the District providing instruction at the student's grade level(s), the Superintendent shall contact neighboring counties and request that they permit students to transfer to a school in one (1) of those counties.

Furthermore, a student who is a victim of a "violent crime" on school property also has the right to transfer to another school. If there is not another school in the District providing instruction at the student's grade level, the Superintendent shall contact neighboring counties and request that they permit that student to transfer to a school in one (1) of those counties providing instruction at the student's grade level.

The Superintendent shall develop, and revise as necessary, administrative procedures necessary to implement this policy. Furthermore, the Board authorizes such transfers in accordance with the administrative procedures.

Children who transfer in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at the school.

Every Student Succeeds Act

F.S. 1002.20

F.S. 1002.38

F.S. Chapter 1008

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#### **5113 - SCHOOL OF CHOICE OPTIONS**

##### **Parental Choice of Schools**

~~This plan of school choice is based on the fundamental belief that informed parents and students can make good decisions regarding academic preparation that best meets the particular needs of that student.~~

- ~~A. Background—All students in the School District are assigned a specific school location. Parents may elect to apply for school transfers within the guidelines of this school choice policy, as stated below. A map of boundary lines for each attendance area is available in the Attendance Office.~~

- B. ~~Exceptions—This plan does not apply to a grade level change or a student who qualifies for certain exceptional student education programs. Parents may discuss the policies and procedures that address these issues with their principal. In addition, certain advanced level courses have some prerequisite course work as well as other selection criteria.~~
- C. ~~Space Availability—Magnet schools will follow class size amendment requirements. Student selections to magnet schools are based on a lottery process conducted before the kindergarten year. After that time, applications are filed by date received. Programs, especially those of a unique nature, will be available to secondary students in the District on a space available basis, as determined by class size amendment requirements, and may also require prerequisites or levels of performance for students to be eligible.~~
- D. ~~Request for Out of Zone Attendance Waiver—The District will utilize a Request for Out of Zone Attendance Waiver Form completed and signed by the parents. This request will include the reason for the request for transfer, either medical or undue hardship. Class size amendment requirements apply. A request to attend or transfer into an overcrowded school or one that is approaching the criteria for an overcrowded school shall not be granted. Out of zone requests must be approved annually. Once a student has transferred to another school, s/he may only transfer back to the original school at the end of the year. Beyond that, no additional request for transfer will be honored. Disruptive or other students not engaged in their academic program may lose access to choice the following year. If an out of zone attendance request is denied, the parent can request an appeal to the District level appeal committee. An appeal to the committee must be received ten (10) working days from the date of the letter of notification of denial from the District office. The committee shall consider the appeal and timely notify the parents of the outcome with a letter. This constitutes the final administrative decision.~~
- E. ~~Racial Diversity—The District strongly adheres to the principle of school desegregation. Transfer requests will only be accepted if student ethnic/racial population remains within accepted parameters of any binding court desegregation order.~~
- F. ~~Extra-Curricular Recruiting—Florida High School Activities Association does not allow student recruiting. Consequently, the School District will not allow students to transfer to another school for the sole purpose of participation in an extra-curricular activity. The School District forbids any employee from attempting to encourage a student to select a school on this basis. Principals may refuse to sign a Waiver of Eligibility Form if they suspect recruiting.~~
- G. ~~Equity of Resources—The District will take aggressive measures to ensure curricular standards and equity of resources.~~
- H. ~~Student Population Diversity—The School District will promote choice and re-draw boundary lines as appropriate to balance student population.~~
- I. ~~Transportation—The School District is not obligated to provide transportation for Out of Zone Attendance Waiver students. Parents who request a transfer are doing so with the full understanding that they provide transportation to the requested school. Students who attend magnet schools may be provided transportation on a limited basis through zoned bus stops.~~
- J. ~~Charter Schools~~

#### **No Child Left Behind Transfer**

~~Students attending a "persistently dangerous" school, as defined by State law, have the right to transfer to another "safe" school in the District. If there is not another "safe" school in the District providing instruction at the student's grade level(s), the Superintendent shall contact neighboring counties and request that they permit students to transfer to a school in one (1) of those counties.~~

~~Additionally, a student who is a victim of a "violent crime" on school property also has the right to transfer to another school. If there is not another school in the District providing instruction at the student's grade level, the Superintendent shall contact neighboring counties and request that they permit that student to transfer to a school in one (1) of those counties providing instruction at the student's grade level.~~

~~The Superintendent shall develop, and revise as necessary, administrative procedures necessary to implement this policy.~~

~~Furthermore, the Board authorizes such transfers in accordance with the administrative procedures.~~

~~Children who transfer in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at the school.~~

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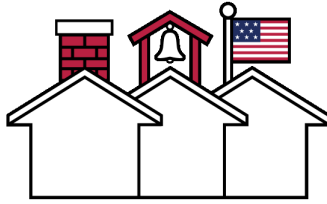
Legal

P.L. 107-110

F.S. 120.536, 120.54, 120.81, 1001.41, 1001.42(17), 1001.43, 1001.49, 1001.51

F.S. 1002.20, 1002.38

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Last Revised	April 24, 2018

## 5200 - **ATTENDANCE**

The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Attendance shall be required of all students enrolled in the schools during the days and hours that the school is in session. School attendance is the responsibility of parents and students. Absences shall be reported to the school attendance office by the parent or adult student as soon as practicable.

In accordance with statute, the Superintendent shall require, from the parent of each student of compulsory school age or from an adult student who has been absent from school or from class for any reason, a statement of the cause for such absence. The School Board reserves the right to verify such statements and to investigate the cause of each single absence.

In addition, educators have the responsibility to encourage regular attendance of students, maintain accurate attendance records, and follow reporting procedures prescribed by the Superintendent. Schools will record absent and tardy student in the automated student attendance recordkeeping system.

The recording of student attendance for the purpose of administering the full-time equivalent program and other State purposes shall be as herein prescribed.

- A. The presence or absence of each student shall be determined daily at a period prescribed by the Principal. It shall be the duty of the Principal to determine that the teacher is notified when a student reports to school after the attendance check is made. All tardy and absent students shall be documented. No alternate system of recording student attendance may be used except as provided in State regulations and upon authorization of the School Board.
- B. Attendance may be counted if the student is actually present at school or away from school on a school day and is engaged in an educational activity which constitutes a part of the school approved educational program for the student. Attendance may include field trips, athletic contests, musical festivals, and similar activities when officially authorized under policies of the Board; but shall not include activities supervised or sponsored by a private individual or group. Under no conditions shall a student be required or permitted to answer roll call and then be excused from school attendance as a means of circumventing the law and regulations. Any falsification of attendance or a false report of FTE shall be deemed grounds for seeking the revocation of the teacher certificate as provided by law.
- C. Attendance of students for at least 180 days of instruction or the equivalent, as provided by law and regulations of the State Board of Education, shall be required except for absences due to illness or as otherwise provided by law, Board policies, and the *Code of Student Conduct*, which is incorporated by reference into this policy. A student who is enrolled in school shall be required to attend school regularly whether or not the compulsory attendance law applies.
- D. All required attendance documents shall be retained on the automated attendance system.
- E. Required attendance documents may not be destroyed except upon the authorization of the Board as provided in State regulations.

- F. The Principal shall be responsible for the administration of all laws, State Board of Education regulations, and Board regulations pertaining to student attendance and shall assure that all teachers and clerks are instructed in proper record keeping and will monitor as necessary. Any attendance report containing any material inaccuracies resulting from negligence of the Principal shall be considered a false report for which the Principal shall be subject to penalties as provided by law.
- G. Parent/Guardian verification of absence. The parent/guardian shall notify the school of his/her child's absence consistent with the provisions of the *Code of Student Conduct*, which is incorporated by reference into this policy.
- H. Attendance checks for administrative purposes. If a student is reported present during the school day and subsequently is absent without excuse, the Principal shall take appropriate action.
- I. Student absences and tardies. The general school attendance procedures contained in the *Code of Student Conduct* shall govern student tardies, excused absences, unexcused absences, and procedures for students who are beyond the compulsory attendance age. Specific attendance procedures for high school students contained in the *Code of Student Conduct* shall apply to students in grades 9-12.

Unexcused absences shall not be grounds for suspension from school but may result in detention or placement in existing alternative programs.

Provision shall be made for promoting school attendance through adjustment of personal problems, education of parents, and enforcement of the compulsory attendance laws and related child-welfare legislation. Accordingly:

- A. absences must be reported to the school by the parent or adult student as soon as practicable

Failure to report and explain the absence(s) shall result in unexcused absence(s). The final authority for determining acceptability of the reason for the absence(s) shall rest with the principal.

- B. upon each unexcused absence, or absence for which the reason is unknown, the principal shall contact the student's parent to determine the reason for the absence;
- C. teachers shall record absentees each period of the school day and report absences, excused and unexcused, as required by the school;
- D. ~~parents will be contacted using available contact information when a student has three (3) unexcused or unexplained absences to prevent the of patterns of nonattendance;~~
- E. when a student has at least five (5) unexcused absences or absences for which the reasons are unknown, within a calendar month, or ten (10) unexcused absences, or absences for which the reasons are unknown, within an ninety (90) calendar day period, the teacher shall report to the Principal that the child may be exhibiting a pattern of nonattendance. Unless there is clear evidence that the absences are not a pattern of nonattendance, the Principal will refer the case to the school's Multi-tiered System of Supports (MTSS)/Individual Problem Solving Team to determine if early patterns of truancy are developing. If the MTSS/Individual Problem Solving Team finds that a pattern of nonattendance is developing, a meeting with the parent must be scheduled to identify potential remedies. If the problem is not resolved, MTSS/Individual Problem Solving Team will implement interventions set forth in, and act in accordance with, the requirements as provided in F.S. 1003.26. If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the Superintendent shall refer the case to the case staffing committee pursuant to F.S. 984.12 and the Superintendent may file a truancy petition pursuant to the procedures in F.S. 984.151.
- The Superintendent shall give written notice that requires enrollment or attendance within three (3) days after the date of notice, in person or by return-receipt mail, to the parent when no valid reason is found for a student's nonenrollment in school.
1. If a parent refuses to participate in the remedial strategies determined by the MTSS because s/he believes that the strategies are unnecessary or inappropriate, the parent may appeal to the Board.
  2. The appeal will be heard by a hearing officer who will make recommendations for final action to the Board.
  3. If the notice and requirement are ignored, the Superintendent may refer the case to the MTSS at the school the student would be assigned according to attendance area policies or to the case staffing committee, established pursuant to F.S. 984.12.
- F. ~~absences must be reported to the school by the parent or adult student as soon as practicable. Failure to report and explain the absence(s) shall result in unexcused absence(s). The final authority for determining acceptability of the reason for the absence(s) shall rest with the principal.~~

A. The MTSS shall diligently facilitate intervention services and shall report the case back to the Superintendent only when all reasonable efforts to resolve the nonenrollment behavior are exhausted.

B. If the parent still refuses to cooperate or enroll the child in school, the Superintendent shall take such steps as are necessary to bring criminal prosecution against the parent. Subsequently, the Superintendent shall give written notice in

person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The Superintendent may file a truancy petition, as defined in F.S. 984.03, following the procedures outlined in F.S. 984.151. C. If the Board's final determination is that the strategies of the MTSS are appropriate, and the parent still refuses to participate or cooperate, the Superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to F.S. Chapter 1002, the Superintendent shall provide the parent a copy of F.S. 1002.41 and the accountability requirements set forth in F.S. 1003.26. The Superintendent shall also refer the parent to a home education review committee composed of the District contact for home education programs and at least two (2) home educators selected by the parent from a District list of all home educators who have conducted a home education program for at least three (3) years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by F.S. 1002.41, every thirty (30) days during the District's regular school terms until the committee is satisfied that the home education program is in compliance with F.S. 1002.41(1)(d). The first portfolio review must occur within the first thirty (30) calendar days of the establishment of the program. The following provisions shall also occur if the committee does not determine that the home education program is in compliance with F.S. 1002.41(1)(d):

1. If the parent fails to provide a portfolio to the committee, the committee shall notify the Superintendent.
2. The Superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under F.S. 1003.01(13)(a), (b), (c), or (e) within three (3) days.
3. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days.
4. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of F.S. 1003.21 and may result in criminal prosecution under F.S. 1003.27(2).
5. Nothing contained herein shall restrict the ability of the Superintendent to review the portfolio pursuant to F.S. 1002.41(1)(e).

Each school shall also establish procedures to promote good attendance consistent with the policy.

### **Make-Up for Absences**

For any absences excluding truancy the student shall have two (2) days to make up work for each day missed. Principals may grant time extensions to the student for extenuating circumstances.

For unexcused absences, each principal shall establish site-specific policies that encourage both regular attendance and high academic achievement, and shall review and modify these policies from time-to-time as required to maintain and improve their effectiveness.

### **Excused Absences**

The Board considers the following factors to be reasonable excuses for time missed at school:

- A. Personal illness of the student (medical evidence may be required by the principal or designee for absences exceeding five (5) consecutive days).
- B. Court appearance of the student.
- C. Medical appointment of the student.
- D. An approved school activity.
- E. Insurmountable conditions. Insurmountable conditions are extreme weather conditions, communicable disease outbreak, and local conditions determined by the School District which, after taking into account the material circumstances, would render impracticable a student's attendance at school (F.A.C. 6A-1.09513).
- F. All other reasonable absences with prior approval of the Principal or designee.
- G. Attendance at a center under Children and Families Services supervision.

H. Significant community events with prior permission of the Principal.

I. Religious instruction or religious holiday.

J. Death in the immediate family.

K. Out-of-school suspension

L. Confinement at a detention center

M. Pregnancy related issues (see also Policy 5751).

N. Appointments for a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to Florida law for the treatment of autism spectrum disorder including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

Students shall not be given excused absences to remain out of school for the purpose of working, unless the job is an integral part of the student's instructional program.

Absences not included in excused absences listed above shall be unexcused.

### **Discipline**

No student will be suspended for unexcused tardiness, lateness, absence, or truancy.

Any student who fails to attend any regularly scheduled class and has no excuse for absence should be referred to the appropriate administrator. Disciplinary action should include notification to parents or guardians.

A student's grade in any course is based on his/her performance in the instructional setting and shall not be reduced for reasons of conduct. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned.

The Superintendent shall develop administrative procedures that:

- A. provide the student and his/her parents the opportunity to challenge the attendance record prior to notification and that such notification complies with applicable Board rules;
- B. require a school session that is in conformity with the rules of the State Board;
- C. govern the keeping of attendance records in accordance with the rules of the State Board;
- D. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- E. require that students whose absence has been excused have an opportunity to make up work they missed and receive credit for the work, if completed;
- F. require that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 or other appropriate accommodation.

### **Habitual Truancy**

Whenever any student has a total of fifteen (15) unexcused absences from school within ninety (90) calendar days, with or without the knowledge or consent of the parent, s/he will be considered habitually truant. The Board authorizes the Superintendent to inform the student and his/her parents of the record of excessive absences as well as the District's intent to notify the Department of Highway Safety and Motor Vehicles, if appropriate. The Superintendent is authorized to file a truancy petition under F.S. 984.151 if a student has accrued at least five (5) unexcused absences, or absences for which the reasons are unknown, within a calendar month or ten (10) unexcused absences, or absences for which the reasons are unknown within a ninety (90) calendar day period or has had more than fifteen (15) unexcused absences in a ninety (90) calendar day period.

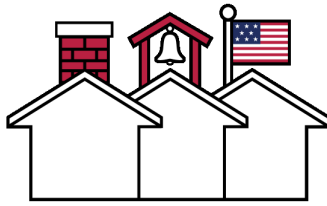
Revised 7/28/15

Revised 11/22/16

Revised 4/24/18

Legal	F.S. 984.151
	F.S. 1002.20
	F.S. 1003.02
	F.S. 1003.21
	F.S. 1003.23
	F.S. 1003.24
	F.S. 1003.26
	F.S. 1003.27
	F.A.C. 6A-1.044, Pupil Attendance Records
	F.A.C. 6A-1.09512, Equivalent Minimum School Term for Compulsory Attendance Purposes
	F.A.C. 6A-1.09513, Parents' Responsibility for School Attendance
	F.A.C. 6A-1.09514, Excused Absences for Religious Instruction or Holiday

Last Modified by Brenda Davis on January 24, 2019



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Last Revised	April 24, 2018

#### 5460 - **GRADUATION REQUIREMENTS**

It shall be the policy of the School Board to acknowledge each student's successful completion of the instructional program appropriate to the achievement of District goals and objectives as well as personal proficiency by the awarding of a diploma at fitting graduation ceremonies.

##### **Standards for Graduation**

Beginning with students entering grade 9 in the 2013-14 school year, receipt of a standard high school diploma requires successful completion of twenty-four (24) credits, an International Baccalaureate curriculum, or an Advanced Placement curriculum.

The twenty-four (24) credits shall be distributed as follows:

<b>Subject</b>	<b>Credits</b>
English Language Arts	4
Social Studies	3
Mathematics	4
Science	3
Fine or performing arts, speech and debate, or practical arts or career & technical	1
Electives	7.5
Basic Physical education	1
Health (including CPR/AED instruction)	.5

**A student who earns credit upon completion of an apprenticeship or pre-apprenticeship program registered with Florida Department of Education (FLDOE) under F.S. Chapter 446 may use such credit to satisfy the high school graduation credit requirements for one (1) fine or performing arts, speech and debate, or practical arts, or two (2) electives.**

**High school students will be provided opportunities to take "computer science" courses to satisfy high school graduation requirements.**

Computer science courses that may be taken to satisfy high school graduation requirements include, but are not limited to, the following:

- A. High school computer science courses of sufficient rigor, as identified by the FLDOE, such that one (1) credit in computer science and the earning of related industry certifications constitute the equivalent of up to one (1) credit of the mathematics requirement, with the exception of Algebra I or higher-level mathematics, or up to one (1).

credit of the science requirement, with the exception of Biology I or higher-level science, for high school graduation.

- B. High school computer technology courses in 3D rapid prototype printing of sufficient rigor, as identified by the FLDOE, such that one (1) or more credits in such courses and related industry certifications earned may satisfy up to two (2) credits of mathematics required for high school graduation with the exception of Algebra I.

### **Online Course Requirement**

At least one (1) course within the twenty-four (24) credits required must be completed through online learning. Students are not required to take the online course outside the school day or in addition to a student's courses for a given semester. An online course taken in grade 6, grade 7, or grade 8 if a high school course. This requirement is met through an online course offered by the Florida Virtual School, a virtual education provider approved by the State Board of Education, a high school, or an online dual enrollment course. A student who is enrolled in a full-time or part-time virtual instruction program pursuant to Policy 2370.01 - Virtual Instruction Program meets this requirement.

The virtual instruction options available through the District are outlined in Policy 2370.01 – Virtual Instruction.

Students may satisfy online course requirements in one of the following three (3) ways:

- A. completing a blended learning course;
- B. completing a course in which the student earns a nationally recognized industry certification in information technology that is identified on the CAPE Industry Certification Funding List pursuant to F.S. 1008.44; or
- C. passing the information technology certification examination without enrolling in or completing the corresponding course or courses, as applicable.

This requirement does not apply to a student who has an individualized education plan (IEP) pursuant to Policy 2460 - Exceptional Student Education which indicates that an online course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has one (1) academic year or less remaining in high school.

The required credits may be earned through equivalent, applied, or integrated courses or career education courses as defined in F.S. 1003.01(4), including work-related internships approved by the State Board of Education and identified in the course code directory. However, any must-pass assessment requirements must be met. An equivalent course is one (1) or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon review of the Next Generation Sunshine State Standards and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas.

For courses that require Statewide standardized end-of-course assessments, a minimum of thirty percent (30%) of a student's course grade shall be comprised of performance on the Statewide standardized end-of-course assessment.

In order to graduate, students must earn passing scores on the State mandated testing or scores on a standardized test that are concordant with passing scores on the State mandated testing. Additionally, a student must earn a cumulative GPA of 2.0 on a 4.0 scale.

### **High School Diploma**

The Board shall award a standard high school diploma to every student enrolled in this District who meets the requirements of graduation established by this Board or who properly completes the goals and objectives specified in his/her IEP including either the exemption from or the requirement to complete the State-mandated tests and the recommendation of the IEP Team.

Each student's standard high school diploma will include, as applicable, the following designations, if the student meets the criteria:

#### **A. Scholar Designation**

In order to earn the Scholar Designation, the student must, in addition to the requirements for a standard high school diploma, satisfy the following:

1. Mathematics - Earn one (1) credit in Algebra II and one (1) credit in statistics or an equally rigorous course.
2. Science - Pass the Statewide standardized Biology I end-of-course assessment and earn one (1) credit in chemistry or physics and one (1) credit in a course equally rigorous to chemistry or physics.

3. Social Studies - Pass the Statewide standardized United States History end-of-course assessment.
4. Foreign Language - Earn two (2) credits in the same foreign language.
5. Electives - Earn at least one (1) credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.

#### **B. Merit Designation**

In order to earn the Merit Designation, a student must, in addition to the requirements for a standard high school diploma, attain one (1) or more industry certifications on the Florida Department of Education's current "Industry Certification Funding List".

Students and parents shall be provided information about diploma designations through an online education and career planning tool, which allows students to monitor their progress toward the attainment of each designation.

#### **Honorary Diploma**

An honorary diploma may be awarded in the case of such unfortunate circumstances as the severe disability or death of a student prior to graduation. The student must have been a senior in good standing to meet the requirements of graduation established by the Board at the time of the disability/death.

#### **Early Admission Program**

The high school graduation by means of the Early Admission to College Program is an alternative for the college-bound student during the normal senior year in high school. When the prescribed District conditions have been met, the student shall be awarded a high school diploma with the regular high school graduating class. The official college transcript shall be made a part of the student's high school permanent record file.

When students leave high school as Early Admission to College Program students, they may participate in graduation exercises with their graduation class and may be ranked in class using District policy regarding weighting of dual enrollment courses.

#### **Early High School Graduation**

For the purposes of this policy, the term "early graduation" means graduation from high school in less than eight (8) semesters or the equivalent by completion of the required number of credits.

A student who meets the requirements of F.S. 1003.4282(3)(a)-(e), earns three (3) credits in electives (a total of eighteen (18) credits), and earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard high school diploma.

A student also has the option of early graduation if the student has completed a minimum of twenty-four (24) credits and otherwise meets the requirements for graduation.

#### **Academically Challenging Curriculum to Enhance Learning (ACCEL)**

The following ACCEL options are available: whole-grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade-level subjects; and the Credit Acceleration Program described below. Additional options may be available.

Students shall be advised of courses through which they can earn college credit, including Advanced Placement, International Baccalaureate, Advanced Placement curriculum, dual enrollment, and early admission courses, and career academy courses, and courses that lead to industry certification, as well as the availability of course offerings through virtual instruction.

#### **Credit Acceleration Program (CAP)**

High school credit in courses required for high school graduation may be earned through passage of an end-of-course assessment administered under F.S. 1008.22, an advanced placement examination, or a College Level Examination Program (CLEP). Course credit shall be awarded to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding end-of-course assessment, advanced placement examination, or CLEP. Public school or home education students in the District shall take the assessment or examination during the regular administration of the assessment or examination.

The District, along with each high school, shall notify the parent of a student who is eligible to graduate early.

A student who graduates early may continue to participate in school activities and social events and to attend and participate in graduation events with the student's cohort. The student will be included in class ranking, honors, and award determinations for the

student's cohort. The student must comply with Board rules and policies regarding access to the school facilities and grounds during normal operating hours.

### **High School Equivalency Diploma**

The Board shall offer the high school equivalency diploma examination and the subject area examinations to all candidates pursuant to the rules of the State Board of Education. To be eligible to be a candidate for a high school equivalency diploma, a student must be at least eighteen (18) years of age on the date of the examination. However, if the student resides or attends school in the District, the student may take the examination after reaching the age of sixteen (16). All high school equivalency diplomas have equal status with other high school diplomas. A student may be awarded a standard high school diploma pursuant to Florida Department of Education rules.

### **Certificate of Completion**

A student who completes the minimum number of credits and other requirements for graduation but cannot earn a passing score on the FCAT, achieve a cumulative grade point average of 2.0 on a 4.0 scale or its equivalent, or complete all other applicable requirements prescribed by the Board pursuant to Florida statutes shall be awarded a certificate of completion in a form prescribed by the State Board of Education.

A student who is entitled to a certificate may elect to remain as a full-time student or a part-time student for up to one (1) additional year and receive special instruction designed to remedy the student's identified deficiencies.

### **Notice to Students and Parents**

The District will notify students and parents, in writing, of the requirements for a standard high school diploma, available designations, and the eligibility requirements for State scholarship programs and postsecondary admissions.

### **Commencement Exercises**

Commencement exercises will include only those students who have successfully completed requirements for a standard high school diploma, Early Admission to College Program, a special diploma, or a certificate of completion for graduation as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

### **CREDIT (AS DEFINED IN F.S. 1003.436)**

These requirements are established to provide that students graduating from high school have the necessary academic skills for success in the workplace and postsecondary education. One (1) full credit means 135 hours of bona fide instruction. The hourly requirements for one-half (1/2) credit are one-half (1/2) the requirement for a full credit. Each course in grades 9 through 12 for which credit toward high school graduation is awarded shall have student performance standards identified. Students must demonstrate performance mastery before credit is awarded. A student may be awarded credit for less than 135 hours of instruction provided that the student has mastered course requirements and the Next Generation Sunshine State Standards/Common Core State Standards. This may include awarding credit for courses taken during summer school, through performance-based instruction, or course modifications that combine courses.

Credit will be earned in a subject when the teacher certifies that the student has satisfactorily met the student performance standards for that course. Course credit will be awarded on a semester basis. All courses are offered as semester courses. In order to earn one (1) full credit in a one (1) credit course as described in the Florida Course Code Directory, a student must pass both semesters of the course. Failure to pass a semester will result in loss of one-half (1/2) credit. A passing grade in the course will denote mastery of the standards. Teacher observations, classroom assignments, performance testing, and examination may be considered appropriate methods of assessing student mastery.

The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment that satisfy the requirements of the District's inter-institutional articulation agreement and that equal one (1) full credit of the equivalent high school course. (F.S. 1003.235, 1007.271)

### **HIGH SCHOOL STANDARD DIPLOMA GRADUATION CREDIT REQUIREMENTS**

Except as otherwise authorized pursuant to F.S. 1003.429, for accelerated high school graduation options, beginning with students entering their first year of high school in the 2007-08 school year, graduation requires the successful completion of a minimum of twenty-four (24) credits, or an International Baccalaureate curriculum. Students will be advised of eligibility for the State scholarship program and post-secondary admissions.

The twenty-four (24) credits required for graduation may be earned through applied, integrated, and combined courses approved by the Department of Education.

## **CAREER & PROFESSIONAL ACADEMIES**

A "career and professional academy" is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board. The SDIRC offers a variety of career and professional academies at each traditional high school. (F.S. 1003.493)

## **SELECTION OF AN ACCELERATED GRADUATION OPTION**

Prior to selecting an accelerated graduation program described in F.S. 1003.429 a student and the student's parent must meet with designated school personnel to receive an explanation of the relative requirements, advantages, and disadvantages of each program option, and the student must also receive the written consent of the student's parent.

The Board shall provide each student in grades 6-9 and their parents with information concerning the three (3) year and four (4) year graduation options including the respective curriculum requirement for these options.

The selection of one (1) of these graduation options must be completed by the student prior to the end of grade 9 and is exclusively up to the student and parent, subject to requirements in F.S. 1003.429(2).

The deadline will be extended to the end of the student's first semester of grade 10 for a student who enters a Florida public school after grade 9 upon transfer from a private school, from another state, or who was previously prevented from choosing a graduation option due to illness during grade 9. If the student and parent/guardian fail to select a graduation option, the student shall be considered to have selected the twenty-four (24) general requirements for high school graduation specified in F.S. 1003.429(1)(a).

The District will not establish requirements for accelerated three (3) year high school graduation options in excess of the requirements in statute. (F.S. 1003.429)

## **REQUIRED GRADE POINT AVERAGE FOR STANDARD HIGH SCHOOL GRADUATION**

Students are required to have a cumulative grade-point average of 2.0 on a 4.0 scale or its equivalent.

Any course grade not replaced according to the forgiveness policy will be included in the cumulative grade point average even if the student has more than the twenty-four (24) credits required for graduation.

"Grade forgiveness" for required courses shall be limited to replacing a grade of "D" or "F" with a grade of "C" or higher earned subsequently in the same or comparable course. Forgiveness for elective courses shall be limited to replacing a grade of "D" or "F" with a grade of "C" or higher earned subsequently by retaking the same or comparable course or another course. Any course not replaced according to this policy will be included in the GPA.

Special assistance to obtain a regular high school diploma or equivalency diploma pursuant to F.S. 1003.43(5)(c) may be given when the student has completed all requirements for graduation except the attainment of the required cumulative grade point average. These may include but are not limited to the forgiveness policy, summer school attendance, tutoring and study skills sessions. (F.S. 1003.43)

Refer to the *IRCSD Student Progression Plan* for additional information regarding graduation requirements and other options.

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F.S. 1003.4281

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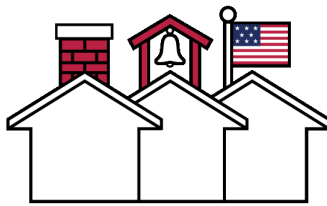
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#### 5780 - **STUDENT/PARENT RIGHTS**

The School Board recognizes that students possess not only the right to an education but the rights of citizenship as well. Federal and State law prohibit the Board from adopting any policy or rule, or from entering into any agreement, that infringes upon or waives the rights of freedoms afforded to students by the United States Constitution.

In providing students the opportunity for an education to which they are entitled, the District shall attempt to offer nurturing, counseling, and custodial care appropriate to their age and maturity. The District shall, at the same time, guarantee that no student is deprived of the basic right to equal treatment and equal access to the educational program, due process, a presumption of innocence, free expression and association, and the privacy of his/her own thoughts.

Attendant to the rights guaranteed to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the procedures and rules of the District.

The Board realizes that as students differ in age and maturity, so they differ in ability to handle both the rights of citizens and the concomitant responsibilities. The exercise of each right shall be granted, therefore, with due regard for the degree of responsibility possessed by the student and the student's need for the continuing guidance and control of those responsible for his/her education.

Since a student who has reached the age of majority possesses the full rights of an adult, s/he may authorize those school matters previously handled by his/her parents, but s/he also assumes the responsibility for his/her performance in school, attendance, and compliance with school rules.

All K-12 students in Florida are entitled to a uniform, safe, secure, efficient, and high quality system of education, one that allows students the opportunity to obtain a high quality education. Parents are responsible to ready their children for school; however, neither the State of Florida nor the District can be a guarantor of any individual student's success.

#### **Parental Access at School**

Each parent has the right to pick-up, visit, and meet with his/her student at school, without interference of or the need for consent from the other parent, unless the school has received a certified copy of an enforceable court order that provides to the contrary. The principal may restrict the times, location, frequency, and length of parent visitations at school, based on legitimate pedagogical or scheduling reasons. The District will abide by enforceable "no contact orders" issued by a court of law which have been provided to the school.

#### **Educational Decisions**

Both parents have an equal right to make decisions about the education and welfare of their student, unless the school has received a certified copy of an enforceable court order that specifies that one of the parents, or someone else, has the sole right to make educational and/or general welfare decisions for the student.

If the parents cannot agree on a significant decision about the student's education or on matters affecting the health, safety, or welfare of the student, the school will take action based on what it considers to be in the best interests of the child.

## **Attendance**

### **A. Termination of Enrollment**

A student who attains the age of sixteen (16) years during the school year has the right to file a formal declaration of intent to terminate school enrollment if the declaration is signed by the parent. The parent has the right to be notified by the District of its receipt of the student's declaration of intent to terminate school enrollment. (see also Policy 5130 - Withdrawal from School)

### **B. Married or Pregnant**

Students who become or have become married or who are pregnant and parenting have the right to attend school and receive the same or equivalent educational instruction as other students. (see also Policy 5751 - Parental-Married Status of Students)

### **C. Compulsory Attendance**

Parents of students who have attained the age of six (6) years by February 1<sup>st</sup> of any school year but who have not attained the age of sixteen (16) years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program. (see also Policy 5112 - Entrance Requirements and Policy 5200 - Attendance)

### **D. Absence for Religious Purposes**

A parent of a student may request and be granted permission for absence of the student from school for religious instruction or religious holidays. (see also Policy 5223 - Absences for Religious Instruction and Policy 5225 - Absences for Religious Holidays)

### **E. Dropout Prevention and Academic Intervention Programs**

The parent of a student has the right to receive written notice by certified mail prior to placement of the student in a dropout prevention and academic intervention program. The parent will be notified in writing and entitled to an administrative review of any action by school personnel relating to the student's placement.

### **F. Absence for Treatment of Autism Spectrum Disorder**

A parent of a student may request and be granted permission for absence of the student from school for an appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to Florida law for the treatment of autism spectrum disorder including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

## **Health Issues**

### **A. School-Entry Health Examinations**

The parent of any student shall be exempt from the requirement of a health examination upon written request stating objections on religious grounds. (see also Policy 5112 - Entrance Requirements)

### **B. Immunizations**

The parent of any student shall be exempt from the school immunization requirements upon meeting any of the specified exemptions. (see also Policy 5320 - Immunization and Health Examinations and Policy 5112 - Entrance Requirements)

### **C. Biological Experiments**

Parents may request that their child be excused from performing surgery or dissection in biological science classes.

### **D. Reproductive Health and Disease Education**

A public school student whose parent makes written request to the school principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS. (see also Policy 2417 - Comprehensive Health Education)

#### **E. Contraceptive Services to Students**

Students may not be referred to or offered contraceptive services at school facilities without the parent's consent.

#### **F. Career Education Courses Involving Hazardous Substances**

High school students must be given plano safety glasses or devices in career education courses involving the use of hazardous substances likely to cause eye injury.

#### **G. Substance Abuse Reports**

The parent of a student must be timely notified of any verified report of a substance abuse violation by the student.

#### **H. Inhaler Use**

Asthmatic students whose parent and physician provide their approval to the school principal may carry a metered dose inhaler on their person while in school. The school Principal shall be provided a copy of the parent's and physician's approval. (see also Policy 5330.01 - Self-Administered Medication and Epinephrine Use)

#### **I. Epinephrine Use and Supply**

A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, if the school has been provided with written parental and physician authorization.

The School District shall be indemnified by the parent of a student who is authorized to carry an epinephrine auto-injector for any and all liability with respect to the student's use of an epinephrine auto-injector pursuant to this policy.

The District and its employees and agents, including the physician who provides the standing protocol for school epinephrine auto-injectors are not liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:

1. unless the trained school personnel's action is willful and wanton;
2. notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the School District is not liable; and
3. regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician's assistant, or advanced registered nurse practitioner.

(see also Policy 5330.01 - Self-Administered Medication and Epinephrine Use)

#### **J. Diabetes Management**

The District may not assign a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have trained diabetes personnel.

Diabetic students whose parent and physician provide their written authorization to the school Principal may carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education rule. The written authorization shall identify the diabetic supplies and equipment that the student is authorized to carry and shall describe the activities the child is capable of performing without assistance, such as performing blood-glucose level checks and urine ketone testing, administering insulin through the insulin-delivery system used by the student, and treating hypoglycemia and hyperglycemia.

The District and its employees and volunteers shall be indemnified by the parent of a student who is authorized to carry diabetic supplies or equipment for any and all liability with respect to the student's use of such supplies and equipment pursuant to this policy.

(see also Policy 5330.01 - Self-Administered Medication and Epinephrine Use)

#### **K. Use of Prescribed Pancreatic Enzyme Supplements**

A student who has experienced or is at risk for pancreatic insufficiency or who has been diagnosed as having cystic fibrosis may carry and self-administer a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, if the school has been provided with written authorization from the student's parent and prescribing practitioner.

The District and its employees and volunteers shall be indemnified by the parent of a student who is authorized to use prescribed pancreatic enzyme supplements for any and all liability with respect to the student's use of the supplements under this policy.

(see also Policy 5330.01 - Self-Administered Medication and Epinephrine Use)

#### **L. Notification of Involuntary Examinations of Students**

The principal or the principal's designee shall immediately notify a parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463. The principal or the principal's designee may delay notification for no more than twenty-four (24) hours after a student is removed if the principal or principal's designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect.

(see also Policy 2410 - School Health Services)

#### **M. Sun-protective Measures in School**

A student may possess and use a topical sunscreen product while on school property or at a school-sponsored event or activity without a physician's note or prescription if the product is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.

### **Discipline**

#### **A. Suspension**

A student may be suspended only as provided by policy of the District. A good faith effort must be made to immediately inform the parent by telephone of the student's suspension and the reason. Each suspension and the reason must be reported in writing within twenty-four (24) hours to the parent by United States mail or given to the parent in person. A good faith effort must be made to use parental assistance before suspension unless the situation requires immediate suspension. (see also Policy 5610 - Removal, Out-of-School Suspension, and Expulsion of Students)

A student with a disability may only be recommended for suspension or expulsion in accordance with State Board of Education rules.

#### **B. Expulsion**

Public school students and their parents have the right to written notice of a recommendation of expulsion, including the charges against the student and a statement of the right of the student to due process. (see also Policy 5610 - Removal, Out-of-School Suspension, and Expulsion of Students)

### **Safety**

Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender, both at school and during school transportation.

### **Educational Choice**

#### **A. Public School Choices**

Parents may seek whatever public school options are applicable and available to students in the School District.

These options may include:

1. controlled open enrollment
2. virtual instruction programs

3. magnet schools
4. alternative schools
5. advanced placement
6. dual enrollment
7. International Baccalaureate
8. CAPE digital tools
9. CAPE industry certifications
10. collegiate high school programs
11. the Florida Virtual School

Options also include the public educational choice options of the [Hope Scholarship Program \(see Policy 2371 - Hope Scholarships\)](#), the Opportunity Scholarship Program, and the McKay Scholarships for Students with Disabilities Program. (see also Policy 2370 - Educational Options, Policy 2370.01 - Virtual Instruction, and Policy 5113 - School Choice Options-~~Provided by the No Child Left Behind Act~~)

## **B. Private Educational Choices**

Parents may seek private educational choice options under certain programs.

1. Under the McKay Scholarships for Students with Disabilities Program, the parent of a public school student with a disability may request and receive a McKay Scholarship for the student to attend a private school in accordance with State law.
2. Under the Florida Tax Credit Scholarship Program, the parent of a student who qualifies for free or reduced-price school lunch or who is currently placed, or during the previous State fiscal year was placed, in foster care may seek a scholarship from an eligible nonprofit scholarship-funding organization in accordance with State law.
3. Under the Gardiner Scholarship Program, the parent of a student with a qualifying disability may apply for a Gardiner Scholarship to be used for individual educational needs in accordance with State law.
4. [Under the Hope Scholarship Program, the parent of a student who was subjected to and reported battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school, as defined in F.S. 1006.09\(6\), may seek to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school. \(see Policy 2371 - Hope Scholarships\).](#)

## **C. Home Education**

The parent may choose to place the student in a home education program, in accordance with State law. (see also Policy 9270 - Home Education Programs)

## **D. Private Tutoring**

The parent of a student may choose to place the student in a private tutoring program in accordance with State law.

## **E. [Reading Scholarships](#)**

[The parent of a student in grades 3 through 5 who scored below a Level 3 on the third or fourth grade Statewide, standardized English Language Arts \(ELA\) assessment in the prior school year may seek a reading scholarship in accordance with State law.](#)

[By September 30th of each year, the District will notify the parent of each student in grades 3 through 5 who scored below a Level 3 on the Statewide, standardized ELA assessment in the prior school year of the process to request and receive a reading scholarship, subject to available funds.](#)

## **F. Request to Transfer to Different Classroom Teacher**

Although parents do not have a right to choose a specific classroom teacher, parents may request that their child be transferred to a different classroom teacher. As part of the request, the parent must state with specificity the grounds supporting the request. Requests must be in writing utilizing Form 5780 F2. A completed, signed Form 5780 F2 must be provided to principal.

All requests for a student to be transferred to another classroom teacher shall be considered by the Principal or his/her designee. Within two (2) weeks of receiving a completed Form 5780 F2, the Principal or his/her designee shall notify the parent in writing as to whether the request is approved or denied. If denied, the Principal or his/her designee shall specify the reasons for the denial.

#### **G. Request to Transfer to In-Field Classroom Teacher**

A parent whose student is assigned an out-of-field teacher may request that their child be transferred to an in-field classroom teacher within the school and grade in which the student is currently enrolled. Although parents do not have a right to choose a specific classroom teacher, parents may request that their child be transferred. As part of the request, the parent must complete Form 5780 F3. A completed, signed Form 5780 F3 must be provided to principal.

All requests for a student to be transferred to another classroom teacher shall be considered by principal. Within two (2) weeks of receiving a completed Form 5780 F3, the principal shall notify the parent in writing as to whether the request is approved or denied.

If an in-field teacher for the student's course and grade level is employed by the school and the transfer would not violate maximum class size requirements, the request shall be approved. The student shall be transferred no later than two (2) weeks from the date Form 5780 F3 is received.

If denied, the principal shall specify the reasons for the denial.

#### **Nondiscrimination**

All education programs, activities, and opportunities offered by the District are available without discrimination on the basis of race, ethnicity, national origin, gender, disability, marital status, sexual orientation, or transgender identity. (see also Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability)

#### **Students with Disabilities**

##### **A. Notice and Due Process**

Parents of students with disabilities and parents of students in residential care facilities are entitled to notice and due process. (see also Policy 2460 - Exceptional Student Education)

##### **B. Graduation**

Students with disabilities are provided the opportunity to meet the graduation requirements for a standard high school diploma. Certain students with disabilities may be awarded a special diploma upon high school graduation. (see also Policy 2623 - Student Assessment)

##### **C. Meetings with District Personnel**

Parents of students with disabilities, or eligible students with disabilities, may be accompanied by another person of their choice at any meeting with District personnel.

District personnel will not object to the attendance of such adult or discourage or attempt to discourage through any action, statement, or other means, parents or an eligible student, from inviting another person of their choice to attend any meeting. Parents, eligible students, or other individuals invited to attend such meetings by parents or eligible students on school grounds shall sign-in at the front office of such school as a guest.

Parents, or eligible students, and District personnel shall sign Form 5780 F1 at the meeting's conclusion which states whether or not any District personnel have prohibited, discouraged, or attempted to discourage the parents, or eligible student from inviting a person of their choice to the meeting pertaining to their child's, or their own, educational environment, placement, or discipline.

#### **Blind Students**

Students who are blind have the right to an individualized written education program and appropriate instructional materials to attain literacy.

## **Limited English Proficient Students**

Limited English proficient students have the right to receive English for Speakers of Other Languages (ESOL) instruction designed to develop the student's mastery of listening, speaking, reading, and writing in English as rapidly as possible. The students' parents have the right of parental involvement in the ESOL program.

## **Students with Reading Deficiencies**

Each elementary school shall regularly assess the reading ability of each K-3 student. The parent of any K-3 student who exhibits a reading deficiency shall be immediately notified of the student's deficiency with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading; shall be consulted in the development of a progress monitoring plan; and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected.

## **Pledge of Allegiance**

A student will be excused from reciting the pledge of allegiance, including standing and placing hand over his/her heart, upon written request by the student's parent, in accordance with State law.

## **Student Records**

- A. Each parent has an equal right of access, right to waive access, right to challenge and hearing and right of privacy in the education records of his or her student who is a minor or a dependent adult pursuant to law, unless the school has received a certified copy of an enforceable court order that provides to the contrary. (see also Policy 8330 - Student Records)
- B. A student is not required to provide his/her social security number as a condition for enrollment or graduation. (see also Policy 8330 - Student Records)

## **Student Report Cards**

Students and their parents have the right to receive student report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance.

## **Student Progress Reports**

Parents shall be informed at regular intervals of the academic progress and other needed information regarding their child, including ways they can help their child to succeed in school. (see also Policy 5420 - Reporting Student Progress)

## **Student Accountability and School Improvement Rating Reports**

Parents of public school students are entitled to an easy-to-read report card about the school's grade designation or, if applicable, school's improvement rating, and the school's accountability report, including the school financial report.

## **High School Athletics**

### **A. Eligibility**

A student is eligible in the school in which s/he first enrolls each school year, the school in which the student makes himself/herself a candidate for an athletic team by engaging in practice before enrolling, or the school to which the student has transferred with approval of the Board, in accordance with State law. (see also Policy 2431 - Interscholastic Athletics)

### **B. Medical Evaluation**

Students must satisfactorily pass a medical evaluation each year before participating in athletics, unless the parent objects in writing based on religious tenets or practices, in accordance with State law. (see also Policy 2431 - Interscholastic Athletics)

## **Extra-Curricular Activities**

### **A. Eligibility**

Students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities. (see also Policy 2430 - District-Sponsored Clubs and Activities)

### **B. Home Education Students**

Home education students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the public school to which the student would be assigned or could choose to attend according to Board policies, or may develop an agreement to participate at a private school.

#### **C. Charter School Students**

Charter school students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the school to which the student would be assigned or could choose to attend according to Board policies, unless such activity is provided by the student's charter school.

#### **D. Florida Virtual School Full-Time Students**

Florida Virtual School full-time students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the public school to which the student would be assigned or could choose to attend according to Board policies.

### **Instructional Materials**

#### **A. Core Courses**

Each student is entitled to sufficient instructional materials in the core courses of mathematics, language arts, social studies, science, reading, and literature.

#### **B. Curricular Objectives**

The parent of each student has the right to receive effective communication from the school principal as to the manner in which instructional materials are used to implement the school's curricular objectives.

#### **C. Dual Enrollment Students**

Instructional materials purchased by the District or a Florida College System institution board of trustees on behalf of dual enrollment students is available to the dual enrollment students free of charge.

### **Juvenile Justice Programs**

Students who are in juvenile justice programs have the right to receive educational programs and services, in accordance with State law.

### **Parental Input and Meetings**

#### **A. Meetings with School District Personnel**

Parents may be accompanied by another adult of their choice at a meeting with School District personnel.

#### **B. District Educational Facilities Program**

Parents and other members of the public have the right to receive proper public notice and opportunity for public comment regarding the District's educational facilities work program, in accordance with State law.

### **Transportation**

#### **A. Transportation to School**

Students are provided transportation to school in accordance with the provisions of State law. (see also Policy 8600 - Transportation)

#### **B. Hazardous Walking Conditions**

Students in grades K-6 are provided transportation if they are subjected to hazardous walking conditions, in accordance with State law.

#### **C. Parental Consent**

Each parent of a public school student must be notified in writing and give written consent before the student may be transported in a privately owned motor vehicle to a school function in accordance with State law. (see also Policy 8660 - Transporting Students by Private Vehicles)

## **Orderly, Disciplined Classrooms**

Students will be in orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students. (see also Policy 5600 - Student Discipline)

## **Economic Security Report**

Prior to registration, each middle school and high school student or the student's parent will be provided a two (2) page summary of the Department of Economic Opportunity's economic security report of employment and earning outcomes and electronic access to the report.

Revised 3/24/15

Revised 7/28/15

Revised 4/12/16

Revised 2/14/17

Revised 4/24/18

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Legal	F.S. 39.201
	F.S. 381.0056
	F.S. 394.463
	F.S. 1000.05
	F.S. 1002.20
	F.S. 1002.22
	F.S. 1002.385
	F.S. 1002.39
	F.S. 1002.395
	F.S. 1002.41
	F.S. 1002.43
	F.S. 1003.01(13)
	F.S. 1003.02
	F.S. 1003.21
	F.S. 1003.22
	F.S. 1003.3101
	F.S. 1003.32
	F.S. 1003.42
	F.S. 1003.44
	F.S. 1003.4505
	F.S. 1003.47
	F.S. 1003.52
	F.S. 1003.53
	F.S. 1003.55
	F.S. 1003.56
	F.S. 1003.57
	F.S. 1003.58
	F.S. 1006.062(7)
	F.S. 1006.00

F.S. 1006.09

F.S. 1006.13

F.S. 1006.15

F.S. 1006.20

F.S. 1006.21

F.S. 1006.22

F.S. 1006.23

F.S. 1006.28

F.S. 1006.40

F.S. 1007.271

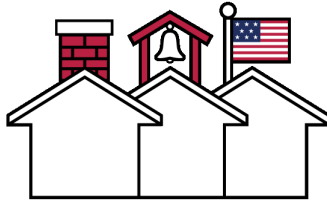
F.S. 1008.22

F.S. 1008.25

F.S. 1008.386

F.S. 1012.42

Last Modified by Brenda Davis on January 11, 2019



Book	Policy Manual
Section	Vol. 19, No. 1 - REVISED
Title	Copy of STUDENT ABUSE, ABANDONMENT, AND NEGLECT
Code	*po8462 LTM/bd 12 18 18
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Adopted	August 13, 2013
Last Revised	April 12, 2016

#### 8462 - **STUDENT ABUSE, ABANDONMENT, AND NEGLECT**

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

##### **Reporting Suspected Cases**

- A. Any person, including teachers, administrators, support personnel, and other District and school personnel who knows, or has reasonable cause to suspect that a child or a student has been abused, abandoned, or neglected by a parent, legal custodian, caregiver, adult, or other person responsible for the child's welfare or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the Department of Children and Families in a manner prescribed by law.

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

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

- B. The proper procedure for reporting known or suspected cases of child abuse, abandonment, and neglect is:

1. Make a report immediately to the Department of Children and Families central abuse hotline, using the single Statewide toll-free telephone number: 1-800-96-ABUSE (1-800-962-2873), or via fax, web-based chat, or web-based report. School employees reporting such cases are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential and exempt as provided by law.
2. As soon as practicable after making the report, the school staff member shall inform the principal or supervisor of his/her knowledge or suspicions, and advise that individual that the report has been made.

- C. School employees are to be advised that reporting their knowledge or suspicions of suspected abuse to a principal, or supervisor, or other school or District personnel does not comply with the mandatory reporting requirements of the law. The principal, supervisor, and other school or District personnel who are informed of suspected abuse, abandonment, and neglect likewise have an obligation to report to the central abuse hotline as required by law.

- D. No employee of the District shall be subject to reprisal or discharge because of his/her actions in reporting abuse or neglect pursuant to the requirements of F.S. 39.203.

E. No Board employee may agree, as a condition of receiving information about child abuse, neglect, or abandonment from a victim, a perpetrator, witness, or other person, that the Board employee will not report this information as required by law and this Board policy.

F. If the person accused of the abuse or neglect is an employee of the Board and acting in their official capacity:

1. The principal or the principal's designee will report or cause to be reported suspected cases of child abuse, neglect, or abandonment to the appropriate law enforcement agency that come to the attention of school teachers, other school officials, or personnel. This notification must be made immediately.
2. The appropriate law enforcement agency is the agency which has law enforcement jurisdiction throughout the municipality (municipal law enforcement) or the unincorporated area (sheriff's department) where that alleged abuse occurred. The law enforcement agency having jurisdiction will issue to the reporter an incident report number to document that reporting notification. Include that incident report number, as well as the date and time of notification, as a reference for school-based documentation.
3. Immediately after notifying law enforcement, report the suspected Board employee involved case by telephone to the Department of Children and Families central abuse hotline, using the single Statewide toll-free telephone number 1-800-96-ABUSE (1-800- 962-2873). School personnel reporting such cases are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential as provided by law.

### **False Reports**

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

### **Posting of Notices**

Each school in the District shall:

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

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

- B. post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators;
- C. post in a prominent place, in a clearly visible location and public area of the school, readily accessible to and widely used by students, a sign in English and Spanish that contains:

1. the Statewide toll-free telephone number of the central abuse hotline as provided in F.S. Chapter 39;
2. instructions to call 911 for emergencies; and
3. directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, neglect, and exploitation.

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

### **Training**

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

### **Liaison**

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

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

### **Liability**

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

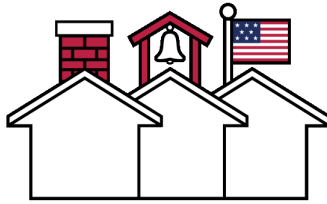
Revised 3/24/15

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Legal	F.S. 39.01(47), 39.201, 39.202, 39.203, 39.204, 39.205, 39.206, 39.303
	F.S. 383.402, 1001.41, 1006.061, 1012.98

Last Modified by Brenda Davis on December 18, 2018



Book	Policy Manual
Section	Vol. 19, No. 1 - REVISED
Title	Copy of CHARTER SCHOOLS
Code	*po9800 CT/bd
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Adopted	August 13, 2013
Last Revised	April 24, 2018

#### 9800 - **CHARTER SCHOOLS**

F.S. 1002.33 empowers the School Board with oversight responsibility for all charter schools situated within Indian River County. The Board designates the Superintendent to receive and review all charter applications. The Superintendent shall recommend to the Board the approval or denial of each charter application and charter contract as required by State law. The Board shall have final authority, by majority vote, to approve or deny any application and charter contract.

Approved charter schools are public schools and shall receive goods and services from the Board as required by law and/or specified through a contract with the Board.

If approved, the initial charter shall be for a term of ~~four (4) or~~ five (5) years, excluding two (2) planning years. The Board may renew charters under the conditions and for terms as set forth in State law.

In addition, a charter school that satisfied the requirements set forth in State law for designation as a high-performing charter school may receive a modification of its term to fifteen (15) years or a fifteen (15) year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school.

The Board shall enter into a charter with a charter operator and the focus is on three (3) areas of charter school operation: academic accountability, fiscal management, and governance. The Board, as sponsor, shall perform the duties provided in F.S. 1002.33.

Student academic achievement for all students is the most important factor when determining whether to renew or terminate a charter. Additionally, the Board has the right to non-renew or terminate any charter if the Board finds that one (1) of the following grounds exists by clear and convincing evidence ~~charter school:~~

- A. fails to participate in the State's education accountability system created in F.S. 1008.31, or fails to meet the requirement for student performance as specified in the charter;
- B. fails to meet generally accepted standards of fiscal management;
- C. materially violates the law;
- D. materially breaches the charter, as described in State law; and/or
- E. for other good cause shown.

#### **Application Procedure**

Potential applicants should send letters notifying the Board of their intent to submit an application to open a public charter school not later than July 1st. Such correspondence should be directed to the office of the Superintendent.

Failing to send the letter of intent will in no way negatively impact the application.

#### **A. Final Charter School Application**

Final applications for a public charter school that are to be opened at the beginning of the District's next school year, or to be opened at a time agreed to by the application and the District, will be accepted no later than 4:00 p.m., on the submission deadline of August 1st, or before. If the submission deadline falls on a non-business day, the deadline shall be postponed to 4:00 p.m. on the next business day. Applications may be mailed or hand delivered but receipt by the Board must be on or before the deadline. Beginning in 2018 and thereafter, the District shall receive and consider applications received on or before February 1st of each calendar year for charter schools to be opened eighteen (18) months later at the beginning of the District's school year, or to be opened at a time ~~determined~~~~agreed to~~ by the applicant ~~and the District~~. The District will not refuse to receive an application submitted before February 1st and will not accept applications received later than February 1st.

The following pertains to the submission of an application:

1. An individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this State anticipating submission of an application are urged to contact the District assigned charter school liaison for assistance prior to completion of an application.
2. Charter school applicants must participate in training provided by the Florida Department of Education (FLDOE) before filing an application, unless they have participated in qualified training provided by the District.
3. The Board and/or any of its designees shall not take unlawful reprisal against another Board employee because that employee is either directly or indirectly involved with a charter school application.
4. Applicants must submit an application on the FLDOE's Standard Florida Charter School Application template and forms.
5. The Board shall not charge any fees for processing or consideration of a charter school application. The Board's approval of a charter shall not be predicated on the promise of any future pay of any kind.
6. The applicant and Board may mutually agree, in writing, to extend the statutory timeline to consider the charter application. Such agreement shall detail the extension date or timeframe.
7. Charter schools shall not use or bear the name of an existing traditional public, charter, or private/parochial school in Indian River County.

B. The following pertains to the submission of an application:

Applications shall be submitted to:

The Superintendent of Schools  
6500 57th Street  
Vero Beach, Florida 32967

The Board shall review all applications using the evaluation instrument developed by the FLDOE.

#### **Application Contents**

##### **A. State Application Form**

Applications must be submitted using the Standard Charter School Application form developed and distributed by the FLDOE.

##### **B. Statement of Assurances**

Applicants are required to sign under the penalties of perjury the Statement of Assurances form contained within the Standard Charter School Application developed and distributed by the FLDOE, thereby attesting to the following:

1. The charter school will be nonsectarian in its programs, admission policies, employment practices, and operations.

2. The charter school will enroll any eligible student who submits a timely application unless the school receives a greater number of applications than there are spaces for students, in which case students will be admitted through a random selection process.
3. The charter school will adhere to the antidiscrimination provisions of F.S. 1000.05.
4. The charter school will adhere to all applicable provisions of State and Federal law relating to the education of students with disabilities, including the Individuals with Disabilities Education Act; Section 504 of the Rehabilitation Act of 1974; and Title II of the Americans with Disabilities Act of 1990.
5. The charter school will adhere to all applicable provisions of Federal law relating to students who are limited English proficient, including Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974.
6. The charter school will participate in the Statewide assessment program created under F.S. 1008.22.
7. The charter school will comply with Florida statutes relating to public records and public meetings, including F.S. Chapter 119 and F.S. 286.011 which are applicable to applicants even prior to being granted a charter.
8. The charter school will obtain and keep current all necessary permits, licenses, and certifications related to fire, health, and safety within the building and on school property.
9. The charter school will provide for an annual financial audit in accordance with F.S. 218.39.

#### **C. Draft Charter**

The application must include a draft of the proposed charter and all forms required by the FLDOE. The information contained in the proposed charter must be in substantially the same format as the Florida Standard Charter Contract Form prescribed by the FLDOE.

#### **D. Proposed Contracts for Services**

Applicants anticipating a request for District services (i.e., transportation, payroll services, use of facilities, etc.) must include a proposed contract for each service desired.

#### **Final Application Evaluation Process**

- A. The District shall receive and review all applications using an evaluation instrument developed by the FLDOE.
- B. The Board shall evaluate all timely applications as submitted. During the evaluation process, 1) applications cannot be amended and 2) missing documentation and unsolicited information will not be accepted or considered. However, as required by law, the Board shall allow the applicant, upon receipt of written notification, seven (7) calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to corrections of grammatical, typographical, and like errors or to add missing signatures, if such errors are identified as cause to deny the application.
- C. The Board shall deny any application that does not comply with the statutory requirements and/or Board's instructions for charter school applications.

#### **D. Additional Information**

1. The Board may solicit information regarding 1) history and background of individual applicants and/or founding/governing boards and its individual members including, but not limited to, a demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform professional services; and 2) the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that the financial resources are properly managed must be included. This information may be used to evaluate the applicant's ability to operate a charter school.
2. The Board may solicit additional information during the review and evaluation of the charter school application such as whether the applicant currently operates charter schools in Florida and if the proposed school will be a replication of an existing school design. This information may be used to evaluate the applicant's ability to operate a charter school.

3. The applicant may provide evidence of prior experience in establishing and operating public charter schools. Evidence of prior experience and success in establishing and operating charter schools shall be weighed in making a determination to recommend approval or denial of an application.

E. Application Review Committee (ARC).

The purpose of this committee is to identify deficiencies in the written application and/or areas that require clarification to fully evaluate the quality of the application or the capacity of the group to properly implement the proposed plan.

The ARC shall be comprised of members of the Superintendent's cabinet or their appropriate designees, and other representatives from the following areas of expertise:

1. School Liaison (chair)
2. Curriculum and Instruction
3. Facilities
4. Financial Operations
5. Human Resources
6. Exceptional Student Education
7. Student Services
8. Risk Management
9. Federal Programs
10. Assessment and Accountability
11. Technology
12. Food and Nutrition
13. Transportation

A majority of the entire membership constitutes a quorum for voting purposes. The chair shall be a non-voting member except in case of a tie vote.

Applicants shall be notified and given the opportunity to attend the review. The applicant will be encouraged to have at least one (1) governing board member present. The ARC may, at its sole discretion, evaluate the application without any additional input from the applicant if at least one (1) governing board member of the charter school is not available.

By majority vote, the ARC shall make a recommendation to the Superintendent to approve or deny each application.

All applications will be submitted to the Board by the Superintendent with a recommendation for approval or denial no later than ninety (90) calendar days after the application is received, unless the applicant and the Board mutually agree, in writing, to postpone the vote to a specific date, at which time the Board shall approve or deny the application.

An application submitted by a high-performing charter school that has satisfied the requirements set forth in State law for such designation, a high-performing charter school system as set forth in F.S. 1002.332, may be denied by the Board only if the Superintendent demonstrates by clear and convincing evidence that the application failed to meet one (1) or more of the criteria set forth in F.S. 1002.33(6)(b)(3)(b):

1. The application of a high-performing charter school does not materially comply with the requirements set forth in F.S. 1002.33(3)(a) or, for a high-performing charter school system, the application does not materially comply with F.S. 1002.332(2)(b).
2. The charter school proposed in the application does not materially comply with the requirements in F.S. 1002.33(9).

3. The proposed charter school's educational program does not substantially replicate that of the applicant's high-performing charter school.
4. The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process.
5. The proposed charter school's educational program and financial management practices do not materially comply with the requirements of F.S. 1002.33.

If the Board denies an application submitted by a high-performing charter school, the specific reasons or a high-performing charter school system, based upon the criteria set forth in F.S. 1002.33(3)(b), for the denial shall be provided in writing to the applicant and the FLDOE within ten (10) calendar days after such denial.

### **Appeal of a Decision to Deny an Application**

Pursuant to State law, an applicant may, no later thirty (30) calendar days after receiving the Board's final order denying an application or upon the Board's failure to act on an application, appeal the Board's decision to the State Board of Education. The applicant shall notify the Board of the appeal.

Such appeals shall be conducted in accordance with F.S. 1002.33(6) and applicable State Board rules.

In accordance with State Board rule, the State Board of Education shall by majority vote accept or reject the decision of the Board no later than ninety (90) calendar days after the appeal is filed. The State Board of Education shall remand the application to the Board with its written decision that the Board approve or deny the application. The Board shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act.

If the Board denies an application submitted by a high-performing charter school or a high-performing charter school system, the Board shall, within ten (10) calendar days after such denial, state in writing the specific reasons, based upon the criteria of F.S. 1002.33 supporting its denial of the final application and must provide the letter of denial and supporting documentation to the applicant and to the Department. The applicant may appeal the Board's denial of the application in accordance with F.S. 1002.33.

### **Appeal of a Proposed Termination or Nonrenewal of a Charter**

At least ninety (90) days before renewing, nonrenewing, or terminating a charter, the Board shall notify the charter school's governing board in writing of its proposed action. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the charter school's governing board may, within fourteen (14) calendar days after receiving the notice, request a hearing. The hearing shall be conducted by an administrative law judge assigned by the Florida Division of Administrative Hearings. The hearing shall be conducted within ninety (90) days after receipt of the request for a hearing and in accordance with F.S. Chapter 120. The administrative law judge's final order shall be submitted to the Board. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals. at the Board's election by the Board within sixty (60) days after the request for a hearing. The hearing shall be conducted in accordance with F.S. 120.569 and 120.57. The Board shall decide the matter by majority vote. The outcome of the Board's vote shall be issued as a final order, and recorded as such.

~~The final order shall state the specific reasons for the Board's action and shall be provided to the charter school's governing board and the FLDOE no later than ten (10) calendar days after it is issued.~~ The charter school's governing board may, within thirty (30) calendar days after receiving the ~~Board's~~ final order, appeal the decision pursuant to F.S. 120.68.

A charter may be terminated immediately if the Board sets forth in writing the particular facts and circumstances indicating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists. The Board's determination is subject to the procedures set forth in F.S. 1002.33(8)(b) and (c), except that the hearing may take place after the charter has been terminated. The Board shall notify in writing the charter school's governing board, the charter school principal, and FLDOE if a charter is terminated immediately. The Board shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination when appropriate. Upon receiving written notice from the board, the charter school's governing board has ten (10) calendar days to request a hearing. A requested hearing must be expedited and the final order must be issued within sixty (60) days after the date of request. The Board shall assume operation of the charter school throughout the pendency of the hearing unless the continued operation of the charter school would material threaten the health, safety, or welfare of the students.

### **Charter School Obligations Upon Initial Notification of Nonrenewal, Closure, or Termination of a Charter**

Upon initial notification of nonrenewal, closure, or termination of its charter, a charter school may not expend more than \$10,000 per expenditure without prior written approval from the District unless such expenditure was included within the annual

budget submitted to the District pursuant to the charter contract, is for reasonable attorney fees and costs during the pendency of any appeal, or is for reasonable fees and costs to conduct an independent audit.

An independent audit shall be completed within thirty (30) days after notice of nonrenewal, closure, or termination to account for all public funds and assets.

A provision in a charter contract that contains an acceleration clause requiring the expenditure of funds based upon closure or upon notification of nonrenewal or termination is void and unenforceable.

A charter school may not enter into a contract with an employee that exceeds the term of the school's charter contract with the District.

A violation of this section triggers a reversion or clawback power by the District allowing for collection of an amount equal to or less than the accelerated amount that exceeds normal expenditures. The reversion or clawback plus legal fees and costs shall be levied against the person or entity receiving the accelerated amount.

### **Charter Contract and Contract Negotiation Process**

A standard charter contract shall be consistent with this policy and approved by the Contract Review Committee to be used as the basis for all charters approved under this policy. All contracts and contract amendments, as approved by the CRC, must be presented to the Board for approval. The charter contract must contain all information set forth in the Florida Standard Charter Contract Form prescribed by the FLDOE.

#### **A. Initial Charter Contract**

1. Initial contract shall be for a term of four (4) or five (5) years unless a longer term is specifically required by law.
2. Before a recommendation regarding whether or not the Board should approve an initial contract, evidence of the following shall be provided:
  - a. Evidence of a proper legal structure (e.g., articles of incorporation, bylaws, municipal charter). The applicant shall be a not for profit organized pursuant to F.S. Chapter 617.
  - b. Except for virtual charter schools, actual locations and evidence that a facility has been secured for the term of the charter, or a deadline for submitting evidence that a facility has been secured. Evidence should include, but is not limited to:
    1. letter of intent from the landlord or mortgagee indicating property usage and term of occupancy;
    2. executed lease or certification of occupancy; and/or
    3. use or occupational license indicating proper use.

All facilities must meet the requirements set forth in F.S. 1002.33.

#### **B. Charter Contract Negotiations**

The Board shall have thirty (30) days after approval of an application to provide an initial proposed charter contract to the charter school. The applicant and the Board shall have forty (40) days thereafter to negotiate and notice the charter contract for final approval by the Board unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least seven (7) calendar days prior to the date of the meeting at which the charter is scheduled to be voted upon by the Board. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except disputes regarding charter school application denials. If the Commission of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Florida Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, a charter termination, or a charter nonrenewal and shall award the prevailing party reasonable attorney's fees and costs incurred during the mediation process, administrative proceeding, and any appeals to be paid by the losing party.

### C. Request to Extend Negotiations/School Opening

1. The applicant and Board may mutually agree to extend the statutory timeline to negotiate and consider approval of the charter contract for a period not to exceed one (1) year from the approved opening date in the charter school application. Requests shall be submitted to the Charter School Liaison, in writing, by an authorized agent of the charter school, detailing the reason for the requested extension.
2. In the event that the statutory timeline to negotiate and enter into a charter contract is extended, the applicant shall update its charter school application prior to resuming negotiations with regard to: (1) updated budget; and (2) applicable application revisions necessitated by the delay.
3. The application shall be automatically rescinded, without further action by the Board, if the applicant does not enter into contract negotiations or open the school within: (1) the timeframe specified by law, or (2) the date of extension which has been mutually agreed upon in writing by both parties.
4. Upon approval of an application, the initial startup shall commence with the beginning of the Board's school calendar. A charter school may defer the opening of the school's operations for up to two (2) years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the Board and the parents of enrolled students at least thirty (30) calendar days before the first day of school. In the event that the opening of the approved applicant's charter school is deferred, the applicant shall update its charter school application prior to the opening of the charter school with regard to: (1) updated budget; and (2) applicable application revisions.
5. An approved contract shall be automatically revoked, without further action by the Board, if the applicant does not open the school:
  - a. on the first day of school of the initial school year indicated in the contract; or
  - b. on the first day of the school year indicated in the approved deferral.

### D. Charter Contract Amendments/Modifications

1. A charter may be modified during its initial term or any renewal term upon the recommendation of the Board or the charter school's governing board and the approval of both parties to the agreement. All modifications must be mutual and in writing. Unilateral modification made by the charter school is grounds for termination or non-renewal. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board ~~and physically located on the same campus~~, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the District as a consolidation.
2. Modifications may be considered by the Board for a number of reasons, which may include, but is not limited to, protect the health, safety, or welfare of the students.
3. All contract amendment requests shall be submitted in writing to the Charter School Liaison by an authorized agent of the charter school. Additional information or documentation may be requested for consideration of any amendment requests.
4. The charter school shall provide evidence of governing board approval for all proposed amendments (e.g., governing board resolution, governing board meeting minutes).
5. Requirements for Amendment Requests
  - a. Education Program Amendments

Significant changes in the curriculum or changes in grade levels constitute a change in the educational program and shall require an amendment that is mutually acceptable and approved by both parties.

Requests for such amendments shall include the following information and supporting documentation:

1. justification for change

2. effective date of the change
3. evidence that financial implications, feasibility, and student access issues have been addressed, including provisions for all required resources, staff, and materials
4. evidence of parental support

A high-performing charter school that has met the requirements set forth in State law for such designation shall notify the sponsor of any increase in enrollment by March 1st of the school year preceding the increase. The written notice shall specify the grade levels that will be added. Student enrollment may not exceed ~~current facility~~ capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of grade level expansion shall include any improvements to an existing facility in which a majority of the students of the high-performing charter school will enroll. If a charter school notifies the District of its intent to expand, the District shall modify the charter within ninety (90) days to include the new enrollment maximum and may not make any other changes. The District may deny a request to increase the enrollment of a high-performing charter school if the Commissioner of Education has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the District shall have forty (40) days after receipt of that request to provide an initial draft charter to the charter school. The District and charter school shall have fifty (50) days thereafter to negotiate and notice the charter contract for final approval by the District.

b. Location Amendments

1. Changes in locations or addition of location (i.e., relocation, secondary campus, satellite locations) shall include the following information and supporting documentation:
  - a. description of location, including identification as permanent or temporary
 

If the relocation will be temporary, the request shall include the period of time during which the school will be at the temporary location.
  - b. effective date of the relocation
  - c. evidence that financial implications, feasibility, and student access issues have been addressed
  - d. evidence of parental support for the new facility
  - e. evidence of the school's property interest in the facility (owner or lessee)
  - f. a disclosure affidavit in accordance with F.S. 286.23, if the school leases the facility
2. Nothing in this policy or State law obligates the Board to agree to an increase the number of facilities, campuses, and/or locations associated with a charter school's operations.
3. The charter school shall not change or add facilities or locations at any time during the term of the charter contract without prior approval of the Board through the contract amendment process. Violation of this provision constitutes a unilateral amendment or modification of this contract and good cause for termination.
4. If the request for a location amendment involves a facility in which other schools are operating, the names of the school(s), the grade levels, number of classrooms, number of students in each class, and the number of students enrolled in each school shall be included in the request, in addition to the information and documentation described in paragraphs a and b above.
5. No later than thirty (30) days prior to the opening of schools or the initial use of the facility by the school, the school shall have an approved contract and evidence of all necessary permits, licenses, zoning, use approval, facility certification and other approvals required for use of the facility by the local government. A certificate of occupancy or a temporary certificate of occupancy must be provided to the Board no later than fifteen (15) calendar days before the first day of school.

c. Enrollment Capacity Amendments

Changes to enrollment capacity shall include the following information and supporting documentation:

1. justification for change
2. effective date of the change
3. evidence of proper facility approvals and/or allowable facility capacity
4. evidence that financial implications, feasibility, and student access issues have been addressed
5. evidence of parental support

A high-performing charter school that has met the requirements set forth in State law for such designation shall be required to notify the Board in writing by March 1st of its intent to increase enrollment the following school year. The written notice shall specify the amount of the enrollment increase. The District shall not require a charter school to identify the names of students to be enrolled or to enroll those students before the start of the school year as a condition of approval or renewal of a charter.

6. When a contract is amended or renewed, it shall be updated to comply with this policy and the current standard charter contract.

### **Controlled Open Enrollment**

If a charter school in the District chooses to offer controlled open enrollment, the charter school shall comply with all Florida controlled open enrollment laws (F.S. 1002.31).

### **Pre-Opening Requirements**

No later than thirty (30) days prior to the initial use of the facility by the school, the school shall have an approved contract and provide evidence of all necessary permits, licensing, zoning, use approval, facility certification and other approvals required for use of the facility by the local government. Failure to comply may result in automatic rescission of the contract, with no further action by the Board. A certificate of occupancy or a temporary certificate of occupancy must be provided to the Board no later than fifteen (15) calendar days before the first day of school.

### **School Governance/Management**

- A. Charter schools shall organize or be operated by a not for profit organized pursuant to F.S. Chapter 617, a municipality, or another public entity, as provided by law.

- B. Charter School's Governing Board Requirements

1. The charter school's governing board shall be solely responsible for the operation of the charter school which includes, but is not limited to, school operational policies; academic accountability; and financial accountability.

As required by State law, each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. Furthermore, this representative must reside in the District in which the charter school is located. The individual serving as the parental involvement representative must reside in the District and may be a governing board member, charter school employee, or an individual with whom the charter school contracts to represent the board in this capacity. If the governing board oversees more than one charter school in the District, a representative to facilitate parental involvement shall be appointed for each school. The name and contact information for the representative must be provided in writing to parents of children enrolled in the charter school at least annually and must also be prominently posted on the charter school's website. Governing board members are not required to reside in the District if the charter school otherwise complies with the terms of this paragraph.

The charter school's governing board shall hold at least two (2) public meetings per school year in the District. The meetings must be noticed, open, and accessible to the public and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative to facilitate parental involvement and the principal or director or his/her equivalent must be physically present at each meeting. Members of the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission under F.S. Chapter 120.

2. Governing board members must:

- a. notify the Board of changes in membership within forty-eight (48) hours of change; and
- b. successfully fulfill a background check by the Board, as specified by law upon appointment to the governing board.

Costs of background screening shall not be borne by the charter school.

3. Governing board members must develop and approve by-laws that govern the operations of the board and the charter school prior to execution of the charter contract and annually consult with charter school staff to refine overall policy decision-making of the charter school as it regarding curriculum, financial management, and internal controls.
4. Governing board members and their spouses are prohibited by State law from serving as an employee of the charter school or receive compensation, directly or indirectly, from the charter school's operations, including but not limited to: grant funds; lease/mortgage payments; or contracted service fees.
5. Governing board members must participate in FLDOE sponsored charter school governance training to ensure that each board member is aware of his/her duties and responsibilities, pursuant to State Board Rule F.A.C. 6A-6.0784:
  - a. Each governing board member must complete a minimum of four (4) hours of instruction focusing on Government in the Sunshine, conflicts of interest, ethics, and financial responsibility as specified in F.S. 1002.33(9)(k). After the initial four (4) hour training, each member is required, within the subsequent three (3) years and for each three (3) year period after that to complete a two (2) hour refresher training on the four (4) topics above in order to retain his/her position on the charter school board. Any member who fails to obtain the two (2) hour refresher training within any three (3) year period must take the four (4) hours of instruction again in order to remain eligible as a charter school board member.
  - b. New members joining a charter school board must complete the four (4) hour training with ninety (90) days of appointment to the board.

#### 6. Dispute Procedures (Board versus Charter School Governing Board)

Application, nonrenewal, and termination decisions are not subject to this dispute resolution process and must follow the procedures in F.S. 1002.33, Board policy, and the charter contract. Nothing contained herein shall operate to limit a charter school's rights to utilize the dispute resolution procedures set forth in F.S. 1002.33.

- a. The Board and the charter school agree that the existence and the details of a dispute notwithstanding, both parties shall continue without delay their performance under the charter contract, except for any performance, which may be directly affected by such dispute.
- b. Either party shall notify the other party that a dispute exists between them. The notification shall be in writing and shall identify the article and section of the contract that is in dispute and the grounds for the position that such article and section is in dispute. The matter shall be immediately submitted to the Board and the charter school's director for further consideration and discussion to attempt to resolve the dispute.
- c. Should the representatives named in paragraph b above be unable to resolve the dispute within ten (10) days of receipt of written notification by one to the other of the existence of such dispute, then the matter may be submitted by either party to the Superintendent and to the school's governing board chair for further consideration and discussion to attempt to resolve the dispute.
- d. Should the parties still be unable to resolve their dispute within thirty (30) days of the date of receipt of written notification by one to the other of the existence of such dispute, then either party may proceed with utilizing the dispute resolution procedures set forth in F.S. 1002.33.

#### 7. Conflict Resolution (Charter School versus Parents/Legal Guardians, Employees, and Vendors)

- a. All conflicts between the charter school and the parents/legal guardians of the students enrolled at the charter school shall be handled by the charter school or its governing board. The procedures for handling such conflicts must be set forth in the charter contract.
- b. Evidence of each parent's acknowledgement of the charter school's Parent Conflict Resolution Process shall be available for review upon request by the Board.

- c. All conflicts between the charter school and the employees of the charter school shall be handled by the charter school or its governing board.
- d. All conflicts between the charter school and vendors of the charter school shall be handled by the charter school or its governing board.
- e. The Board shall be provided with the name and contact information of the parties involved in the charter school's conflict resolution process. The Board shall be notified immediately of any change in the contact information.

#### C. Management Companies

- 1. If a management company or a combination of contracted professionals will be managing the charter school, the contract(s) between the charter school and company(ies) shall be submitted to the Board for review prior to the approval of the charter school's contract. If a decision to hire any of these entities occurs subsequent to the execution of the charter contract or amendment, the contract(s) between the charter school and company(ies) shall be submitted to the Board at least ten (10) days before any payment is made to any of the entities.
- 2. Any proposed amendments to the contract with the management company shall be submitted to the Board for approval prior to execution of that amended contract with the management company by the charter school. A copy of all executed contracts must be provided to the Board within the timeframe provided by the charter contract.
- 3. All management company contracts with the charter school must make it clear that the charter governing body shall retain and exercise continuing oversight over all charter school operations and must contain provisions specifying the ability for the charter school to terminate the contract and must comply with terms as stated in the charter contract between the charter school and the Board. Any default or breach of the terms of the charter contract by the management company(ies) shall constitute a default or breach of the charter contract by the charter school.
- 4. Neither employees of the management company nor "relatives" of the management company's employees as defined in F.S. 1002.33 shall serve on the charter school's governing board or serve as officers of the charter school.

#### D. Voluntary Closure of Charter School

A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and Board of the public meeting in writing before the public meeting. The governing board must notify the Board, parents of enrolled students, and FLDOE in writing within twenty-four (24) hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to Florida law.

#### **Employees of Charter Schools**

A charter school shall employ or contract with employees who have undergone background screening as provided in F.S. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in F.S. 1012.32 upon appointment to the governing board.

A charter school shall disqualify instructional personnel and school administrators, as defined in F.S. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment under F.S. 1012.315.

Charter school personnel may not appoint, employ, promote, or advance any relative, or advocate for appointment, employment, promotion, or advancement of any relative to a position in the charter school in which the personnel are serving or over which the personnel exercises jurisdiction or control. An individual may not be appointed, employed, promoted, or advanced in or to a position in a charter school if such appointment, employment, promotion, or advancement has been advocated by charter school personnel who serve in or exercise jurisdiction or control over the charter school and who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the governing board of which a relative of the individual is a member. For purposes of this policy, the definition of relative shall be as it is defined in F.S. 1002.33(24)(a)(2).

Full disclosure of the identity of all relatives employed by the charter school shall be in accordance with F.S. 1002.33.

The governing board of a charter school shall adopt policies establishing standards of ethical conduct for instructional personnel and school administrators.

The policies must require all instructional personnel and school administrators, as defined in F.S. 1012.01, to complete training on the standards of ethical conduct; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under F.S. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel or school administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

Before employing instructional personnel or school administrators in any position that requires direct contact with students, a charter school shall conduct employment history checks of each of the personnel's or administrators' previous employer(s), screen the instructional personnel or school administrators through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

The Board shall terminate a sponsor's charter if the sponsor knowingly fails to comply with F.S. 1002.33(12)(g).

### **School Operations**

- A. The Board shall not impose any policies or practices to limit charter school enrollment except as may be permitted in accordance with State law.
- B. The Board may document, in writing, any discrepancies or deficiencies--whether fiscal, educational, or related to school climate--and the steps and timelines for correction and additional monitoring. At a minimum, copies will be provided to the charter school's governing board chair, charter school principal and appropriate Board staff.
- C. The charter school shall obtain the appropriate facility capacity approvals from the jurisdictional authority where the facility is located (i.e., county, municipality, or both). The Board, at its discretion, may accept a letter from the architect of record specifying the capacity if the capacity is not provided by the facility's jurisdictional authority. The Board may withhold monthly payments for FTE that exceed capacity specified by the charter contract or approved facility capacity.
- D. The charter school's calendar will be consistent with the beginning of the Board's calendar for the first school year and must provide instruction for the minimum number of days and minutes required by law for other public schools. Should the charter school elect to provide a summer program or year-round school, the charter school shall notify the Board, in writing, each year to ensure appropriate record keeping.
- E. Student Code of Conduct, Student Handbooks, Parent Contracts, and Application of Board Policies
  - 1. Only the Board may expel a student.
  - 2. Admission or dismissal must not be based on a student's academic performance.
  - 3. The charter school may follow the Board's Student Code of Conduct or an alternate code of conduct approved by the Board. The charter school shall provide the Board with a copy of an approved alternate student code of conduct annually. Any amendments must be approved by the Board prior to implementation. Evidence of governing board approval is required for amendments.
  - 4. Any student/parent handbooks and parent contracts shall also be submitted to the Board for approval prior to implementation. Any amendments must be approved by the Board, prior to implementation. Evidence of governing board approval is required for amendments.
  - 5. The charter school may be required to provide proof of parent/guardian's receipt of student code of conduct, handbook, or parent contract.
  - 6. Violations of parent contracts shall not result in involuntary withdrawal of a student in the same school year of the violations. Violations of the parent contract may result in the student not being re-enrolled or loss of enrollment

preference for the following school year.

7. The Board shall not apply its policies to a charter school unless mutually agreed to by both the Board and the charter school. If the Board subsequently amends any agreed-upon Board policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.
8. The Superintendent or designee shall have ongoing responsibility for monitoring all approved charter schools with regard to the charter school's progress towards achieving the goals established in the charter. The Superintendent shall have access to the charter school at all times.
9. The Board shall monitor adherence to the educational and related programs as specified in the approved application, charter, curriculum, instructional methods, any distinctive instructional techniques to be used, reading programs and specialized instruction for students who are reading below grade level, compliance with State standards, assessment accountability, and achievement of long- and short-term goals. An analysis comparing the charter school's standardized test scores to those of similar student populations attending other public schools in the District will also be conducted.
  - a. In the event a charter school earns a grade of "D" or "F" in the grading system set forth in State law, the director and a representative of the governing board of the charter school shall appear before the Board to present information concerning each contract component having noted deficiencies and shall prepare and submit to the Board for approval a proposed School Improvement Plan to raise student achievement. The proposed School Improvement Plan must meet the requirements set forth in State law. The charter school shall implement the proposed School Improvement Plan once approved by the Board.
  - b. If a charter school earns three (3) consecutive grades below a "C", the charter school governing board shall take corrective action as set forth in F.S. 1002.33. The corrective action must be implemented in the school year following receipt of a third consecutive grade below a "C". If the charter school does not improve to a "C" or higher after two (2) full school years of implementing the corrective action, the charter school must select and implement a different corrective action in accordance with F.S. 1002.33. If the charter school does improve to a "C" or higher, it is no longer required to implement the corrective action; however, the charter school must continue to implement strategies identified in the School Improvement Plan.
  - c. Upon publication by the FLDOE of the list of charter schools that meet the criteria set forth in paragraphs I.2.a. and b. above, the Board shall notify, in writing, each charter school in the District that appears on the list that it is required to submit a School Improvement Plan and to appear before the Board. Pursuant to State Board rule, such notification may be delivered electronically, provided there is proof of receipt.

The notification shall include the following:

1. The date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school governing board shall appear before the Board. For purposes of this requirement, "director" shall mean charter school director, principal, chief executive officer, or other management personnel with similar authority. The appearance shall be no earlier than thirty (30) calendar days and no later than ninety (90) calendar days after the Board's notification is received by the charter school.
  2. The date by which the charter school must submit its proposed School Improvement Plan to the Board for review by staff, which shall be no earlier than thirty (30) calendar.
  3. Whether the charter school is required to select a corrective action.
- d. The Board shall notify the charter school, in writing, within ten (10) calendar days of its decision to approve or deny the School Improvement Plan.
    1. The Board may deny a School Improvement Plan if it does not meet the requirements of State law. If denied, the Board shall provide the charter school, in writing, the specific reasons for denial and the timeline for its resubmission.

2. Either the charter school or the Board may request mediation pursuant to State law if the parties cannot agree on a School Improvement Plan.
  - e. As required by State law, the Board will review the School Improvement Plan annually to monitor the charter school's continued improvement.
    1. The director and a representative of the governing board of the charter school shall appear before the Board at least once per year to present information regarding the progress of intervention and support strategies implemented by the charter school pursuant to the School Improvement Plan and, if applicable, to review the corrective actions taken pursuant to I.2.c above.
    2. At the meeting, the Board will identify the services that the District will provide to the charter school to assist the charter school in addressing its deficiencies, and following the meeting, these services will be communicated, in writing, to the director.
    3. A charter school that improves at least one (1) letter grade is not required to submit a new School Improvement Plan but must continue to implement the strategies identified in the approved School Improvement Plan and continue to report annually to the Board. The Board shall notify, in writing, each charter school implementing a School Improvement Plan of the requirement to appear before the Board to present information regarding the progress of the approved School Improvement Plan. The notification shall include the date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school shall appear.
  - f. A charter school's contract shall be automatically terminated if the school earns two (2) consecutive grades of "F" after all school grade appeals are final, unless one of the exceptions set forth in State law is applicable. If no exceptions apply, the Board will notify the charter school's governing board, the charter school principal, and FLDOE in writing when the charter contract is terminated under this subparagraph.
  - g. The laws applicable to School Improvement Plans and corrective actions do not limit the Board's authority to terminate the charter at any time in accordance with State law.
10. The charter school shall make annual progress reports to the Board.
11. Exceptional Student Education (ESE)
- a. The Board is the Local Educational Agency (LEA) for all Board-approved charter schools and will serve ESE students in the same manner as students attending other public schools in the District. ESE students attending Board-approved charter schools shall be provided supplementary and related services on site at the charter school to the same extent to which the Board has a policy or practice of providing such services on site to its other public schools. The Board shall provide funds under Part B of the IDEIA to Board-approved charter schools on the same basis as the School District provides funds to the Board's other public schools.
  - b. ESE students will be educated in the least restrictive environment. The charter school shall ensure that ESE students are provided with programs and services implemented in accordance with Federal, State, and local policies and procedures and specifically the IDEIA, Section 504 of the Rehabilitation Act of 1973, and other related statutes and State Board of Education rules. If an IEP team determines that the charter school cannot meet the needs of an ESE student, the charter school and the Board agree to provide the ESE student with the appropriate placement as determined by the IEP team in accordance with State and Federal law.
  - c. The Board shall provide ESE administration services to charter schools which shall be set forth in more detail in the charter.
  - d. With respect to the provision of special education and related services, the charter shall set forth the specific roles and responsibilities of the charter school and the Board with respect to exceptional student education.
  - e. Non-compliance may result in the Board's withholding of subsequent payments to the charter school without penalty of interest (including State capital payments), and may result in non-renewal or termination for good cause.

12. English Language Learners (ELL) -- Students who are of limited proficiency in English will be served by ESOL certified personnel. The charter school shall demonstrate an understanding of State and Federal requirements regarding the education of English language learners, be committed to serving the full range of needs of ELL students, create and implement sound plans for educating ELL students that reflect the full range of programs and services required to provide all students with a high quality education, and demonstrate capacity to meet the school's obligations under State and Federal law regarding the education of ELL students.
13. The Board may, in accordance with State law, require all charter schools to submit to the Board a school improvement plan to ensure a plan to maintain or raise student academic achievement within the timelines specified by the Board and the FLDOE.

#### F. Charter School Student Transfers

The process for student transfers can be found in Policy 2431.01.

#### G. Food Service and Transportation

Transportation and food services are the responsibility of the charter school. These services must be provided according to District, State, and Federal laws, rules, and regulations.

#### H. Facility Leases

1. If a charter school will be leasing or subleasing a facility, the contract(s) between the charter school and landlord or sub-lessor shall be submitted to the Board for review and approval.
2. Any amendments to the lease shall be submitted to the Board for review prior to execution, by the charter school.
3. A copy of all executed contracts must be provided to the Board within the timeframe provided by the charter contract.
4. Any default or breach of the terms of the charter contract by the lessor/sub-lessor may constitute a default or breach of the charter contract by the charter school.

#### I. Financial Accountability

1. In order to provide comparable financial information to that reported for other public schools, charter schools shall maintain all financial records in accordance with the accounts and codes prescribed in the most recent issuance of the publication titled, *Financial and Program Cost Accounting and Reporting for Florida Schools*. Charter school governing boards shall also annually adopt and maintain an operating budget as required by F.S. 1002.33(9)(h). Charter schools shall provide annual financial reports and program cost report information by the deadlines specified in the charter contract, in the State-required formats for inclusion in the Board's reporting in compliance with F.S. 1011.60(1) and 1002.33(9)(g). The financial statements are to be prepared in accordance with Generally Accepted Accounting Principles using governmental accounting, regardless of corporate structure F.S. 1002.33(9)(g). The annual financial audit must be in the State-required format.

At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to the requirement set forth in the paragraph above.

High-performing charter schools are required to submit financial statements in accordance with and within the timeframes stated in F.S. 1002.33.

2. Financial Policies: The charter school shall establish and implement accounting and reporting policies, procedures, and practices for maintaining complete records of all receipts and expenditures. The charter school shall provide a copy of these policies to the Board annually.
3. Payments to charter schools by Board
  - a. The Board shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special State and Federal funding for which they may be eligible. Payments of funds as described in F.S. 1002.33(17)(b) shall be made monthly or twice a month, beginning

with the start of the Board's fiscal year. Each payment shall be 1/12 or 1/24, as applicable, of the total State and local funds described in F.S. 1002.33(17)(b) as adjusted. For the first two (2) years of the charter school's operation, if a minimum of seventy-five percent (75%) of the projected enrollment is entered into the Board's student information system by the first day of the current month, the Board shall distribute funds to the charter school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than seventy-five percent (75%) of the projected enrollment is entered into the Board's student information system by the first day of the current month, the Board shall base payments on the actual number of student enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payments shall be issued no later than ten (10) working days after the Board receives a distribution of State or Federal funds or the date the payment is due pursuant to F.S. 1002.33(17)(e). Timing of receipt of local funds by the Board shall not delay payment to the charter school of the funds identified in F.S. 1002.33(17)(b).

- b. Capital Outlay Payments – The Board shall make payments to the school upon receipt of all required supporting documentation as referenced in section 8.h. – Capital Outlay Payment Process. Charter schools must be located in the State of Florida to be eligible for public educational capital outlay (PECO) funds.
- c. Miscellaneous Payments – The Board shall make timely miscellaneous payments to the charter school upon receipt of funding from FLDOE for various programs including Title I and MAP. The Board's payment is subject to the charter school's fulfillment of its responsibilities under the applicable State and Federal laws.

Unless otherwise mutually agreed to by the charter school and the District, and consistent with State and Federal rules and regulations governing the use and disbursement of Federal funds, the District shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for Federal funds available to the District for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the District. Such Federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the District at least thirty (30) days before the monthly date of reimbursement set by the District. In order to be reimbursed, any expenditure made by the charter school must comply with all applicable State rules and Federal regulations, including, but not limited to, the applicable Federal Office of Management and Budget Circulars, the Federal Education Department General Administrative Regulations, and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the District for approval of the use of the funds in accordance with applicable Federal requirements. The District has thirty (30) days to review and approve any plan submitted pursuant to this paragraph.

- d. Conditions for Non-payment – The Board may withhold payment, without penalty of interest, for violation of law or as specified in the charter school contractual agreement. This includes, but is not limited to: failure to comply with financial requirements, failure to provide proper banking wiring instructions, exceeding contracted enrollment capacity or allowable facility capacity, insufficient instructional minutes and/or days, inappropriate facility licenses, approvals and/or permits, and failure to obtain successful background clearance for potential employees, contractors, and/or governing board members.
4. Financial Reports: Charter schools shall provide the District, upon approval of the charter contract, a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The Board shall review each monthly or quarterly financial statement to identify whether any of the conditions in F.S. 1002.345(1)(a) exist. Charter schools shall maintain and provide financial accountability information as required in this section.

## 5. Annual Financial Statements

- a. Unaudited June 30th year-end financial statements shall be submitted to the Board within the timelines specified by the charter contract. These financial statements must be prepared in accordance with Generally Accepted Accounting Principles using governmental accounting.
- b. Annual Financial Audit - The charter school agrees to submit to and pay for an annual financial audit, in compliance with Federal, State, and Board regulations, showing all revenue received, from all sources, and all expenditures for services rendered. The audit shall be conducted by an independent certified public

accountant or auditor selected by the governing board of the charter school, and shall be delivered to the Board in compliance with the charter contract. If the charter school's audit reveals a deficit financial position, the auditors are required to notify the charter school's governing board, the Board and the Florida Department of Education in the manner defined in the charter contract. No later than May 1st of each year, the charter school must formally notify the Board of the name, address, and phone number of the auditor engaged to perform the year end audit.

1. Selection Procedures -- Charter schools shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit pursuant to the processes described in F.S. 218.39 and 218.391, which includes, but is not limited to: the establishment of an audit committee and request for proposal (RFP) for audit services, public advertisement of RFP, and development of evaluation and selection criteria.

2. Requirements -- Pursuant to F.S. 218.391, the procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. An engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

- a. a provision specifying the services to be provided and fees or other compensation for such services
- b. a provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract
- c. a provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed
- c. Failure to comply with the timely submission of all financial statements in the required format specified by the Board, shall constitute a material breach of the charter contract and may result in the Board's withholding of subsequent payments to the charter school without penalty of interest, (including state capital payments), and may result in non-renewal or termination for good cause.

#### 6. Capital Outlay Funding

Pursuant to F.S. 1013.62(5), the application for, approval of, and process for documenting expenditures from charter school capital outlay funds shall be in accordance with the procedures and requirements specified by the Commissioner of Education.

Before receiving capital outlay funds the charter school governing board must enter into a written agreement with the Board. Such agreement must provide for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the Board, as provided for in F.S. 1013.62(4), if the charter school terminates operations. Any funds recovered by the State shall be deposited in the General Revenue Fund.

As required by State law, the Board shall remit capital outlay funds to a charter school no later than February 1st of each year, as required by F.S. 1002.32(3)(e), based on the amount of funds received by the Board. ~~within ten (10) business days of the receipt of said funds.~~

#### 7. Review and Audit

a. The Board has the right at any time to review and audit all financial records of the charter school to ensure fiscal accountability and sound financial management pursuant to F.S. 1002.33. The charter school shall provide the Board with a copy of the management letter from any audits as well as any responses to the auditor's findings with a corrective plan that shall be prepared and submitted within thirty (30) days from the date of the management letter.

b. Deteriorating Financial Condition and Financial Emergencies (F.S. 1002.345)

1. Deteriorating Financial Condition – "Deteriorating financial condition" means a circumstance that significantly impairs the ability of a charter school or a charter technical career center to generate enough revenues to meet its expenditures without causing the occurrence of a condition described

in F.S. 218.503(1).

- a. A charter school shall be subject to an expedited review by the Board upon the occurrence of any of the conditions specified in F.S. 1002.345(1)(a)(1)-(4).
  - b. The Board shall notify the governing board within seven (7) business days after one or more of the conditions set forth in F.S. 1002.345(1)(a)(1)-(4) are identified or occur.
  - c. The governing board and the Board shall develop a corrective action plan and file the plan with the Commissioner of Education within thirty (30) business days after notification is received as provided in paragraph 9(b)(1)(b) herein. If the governing board and the Board are unable to agree on a corrective action plan, the Commissioner of Education shall determine the components of the plan. The governing board shall implement such plan.
  - d. Failure to implement the corrective action plan within one (1) year shall result in additional action prescribed by the State Board of Education, including the appearance of the chair of the governing board before the State Board of Education.
2. Financial Emergency – If a financial audit conducted by a CPA in accordance with F.S. 218.39 reveals that one (1) or more of the conditions in F.S. 218.503(1) have occurred or will occur if action is not taken to assist the charter school, the auditor shall notify the governing board of the charter school, as appropriate, the Board, and the Commissioner of Education within seven (7) business days after the finding is made. If the charter school is found to be in a state of financial emergency pursuant to F.S. 218.503(4), the charter school shall file a financial recovery plan pursuant to F.S. 218.503 with the Board and the Commissioner of Education within thirty (30) days after being notified by the Commissioner of Education that a financial recovery plan is needed.
  3. Annual progress of the corrective action plans and/or financial recovery plans shall be included in an annual progress report to the Board.
  4. The Board may require periodic appearances of governing board members and charter school representative.
- c. A Financial Recovery Plan Staff Group (FRSG) shall be appointed by the Board and convened to review and monitor financial statements, corrective action plans and financial recovery plan(s) submitted by the charter school(s). The FRSG shall report progress and when applicable, make recommendations to the Chief Auditor. At least one (1) representative of the charter school must be available to answer questions.
    1. The FRSG shall be comprised of the District's Charter School Liaison, staff members from the Financial Department, and, when appropriate, the Office of Management and Compliance Audits.
    2. The Chief Auditor will present the FRSG's recommendation to the Board's independent Audit Committee for review and recommendation to the Board.
    3. Inability to cure a deteriorating financial condition and/or status of financial emergency may result in termination of the charter school contract.

## 8. Grants

- a. If the Board is required to be the fiscal agent for a grant, the charter school shall comply with the Board's grant procedures as indicated in the charter contract.
- b. The Board shall receive written approval from the charter school to include the charter school in a District-wide grant. The appropriate pro-rata share of grants will be allocated to the charter school, as defined by the grant awarded.
- c. The charter school is required to maintain adequate records to support grant-funded programs for the minimum years prescribed by the law. The Board may review these records, upon reasonable notice.

## 9. Health, Safety, and Welfare of Staff and Students

Carefully planned and executed fire exit drills shall be conducted at the beginning of each semester, at times

designated by the principal, following instruction of all classes regarding exits to be used in case of fire. At least one (1) fire exit drill shall be conducted every month school is in session. Any emergency evacuation drill (e.g., "crisis event"), completely performed, may be substituted for a required fire exit drill in a given month. All drills and all deficiencies affecting egress shall be documented in writing.

Inspections of all buildings including educational facilities, ancillary plants, and auxiliary facilities for casualty safety, and sanitation shall be conducted at least once during each fiscal year. Conditions that may affect environmental health and safety or impair operation of the plant will be reported, with recommendations for corrective action.

Each school cafeteria must post in a visible location and on the school website the school's semiannual sanitation certificate and a copy of its most recent sanitation inspection report.

Under the direction of the fire official appointed by the Board, fire-safety inspections of each educational and ancillary plant located on property owned or leased by the charter school's governing board, or other educational facilities operated by the charter school's governing board, shall be made no sooner than one (1) year after issuance of a certificate of occupancy and annually thereafter. Such inspections shall be made by persons properly certified by the Division of State Fire Marshal to conduct fire-safety inspections in public educational and ancillary plants.

A copy of the fire safety inspection report shall be submitted to the Board and the county, municipality, or independent special fire control district providing fire protection services to the school facility within ten (10) business days after the date of the inspection, in accordance with Florida statute.

Alternate schedules for delivery of reports may be agreed upon between the charter school's governing board, the Board, and the county, municipality, or independent special fire control district providing fire protection services to the site in cases in which delivery is impossible due to hurricanes or other natural disasters. Regardless, if immediate life-threatening deficiencies are noted in the report, the report shall be delivered to the Board and to the county, municipality, or independent special fire control district providing fire protection services immediately.

#### **J. Charter School Website**

Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to F.S. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.

#### **Board Annual Report Submission**

The Board shall submit an annual report to the FLDOE in a web-based format to be determined by the FLDOE. The report shall include the:

- A. number of draft applications received on or before May 1st and each applicant's contact information;
- B. number of final applications received on or before August 1st and each applicant's contact information;
- C. date each application was approved, denied, or withdrawn; and
- D. date each final contract was executed.

Each year the Board shall submit to the FLDOE the information set forth in A through D.

#### **Nonexclusive Interlocal Agreements**

The Board may enter into nonexclusive interlocal agreements with Federal and State agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the District to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, the District for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the Board to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to F.S. 1002.33(20).

#### **Services**

The Board will provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services, exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the Board at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the Board; test administration services, including payment of the costs of State-required or Board-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the District. Student performance data for each student in a charter school, including, but not limited to, State mandated testing scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the Board to a charter school in the same manner provided to other public schools in the District.

The Board may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in F.S. 1002.33(17)(b) calculated based on weighted full-time equivalent students. If the charter school services seventy-five percent (75%) or more exceptional education students as defined in F.S. 1003.01(3), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

A. Up to five percent (5%) for the following:

1. enrollment of up to and including 250 students in a charter school as defined in F.S. 1002.33(20);
2. enrollment of up to and including 500 students within a charter school system which meets all of the following:
  - a. includes conversion charter schools and nonconversion charter schools;
  - b. has all of its schools located in the same county;
  - c. has a total enrollment exceeding the total enrollment of at least one (1) school district in Florida;
  - d. has the same governing board for all of its schools; or
  - e. does not contract with a for-profit service provider for management of school operations;
3. enrollment of up to and including 250 students in a virtual charter school.

B. Up to two percent (2%) for enrollment of up to and including 250 students in a high-performing charter school as defined in F.S. 1002.331.

The Board will not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this policy.

The Board shall provide the FLDOE by no later than September 15th of each year the total amount of funding withheld from charter schools pursuant to this policy and Florida law for the prior fiscal year.

If goods and services are made available to the charter school through the contract with the Board, they shall be provided to the charter school at a rate no greater than the Board's actual cost unless mutually agreed upon by the charter school and the Board in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings~~for a dispute resolution hearing before the Charter School Appeal Commission.~~ The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals to be paid by the party whom the administrative law judge rule against. To maximum the use of State funds, the Board shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

The governing body of the charter school may provide transportation through an agreement or contract with the Board. The charter school and the Board shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

### **Interpretation**

If a court or agency of competent jurisdiction invalidates any provision of this policy or finds a specific provision to be in conflict with the Florida Constitution, Florida statutes, the Florida Administrative Code, or any rule or policy prescribed by FLDOE, then all of the remaining provisions of this policy shall continue unabated and in full force and effect.

In the event that an existing charter school contract provision is found to be inconsistent with this policy, the charter contract provision prevails. Any charter approved after the adoption of this policy is required to be fully consistent with this policy.

Technical Change 1/14/16

Revised 2/14/17

Revised 4/24/18

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Legal

F.S. 39.203

F.S. Chapter 120

F.S. 218.39

F.S. 218.391

F.S. 218.503

F.S. 286.23

F.S. 768.095

F.S. 1001.10(5)

F.S. 1001.41

F.S. 1002.31

F.S. 1002.33

F.S. 1002.345

F.S. 1008.31

F.S. 1008.34

F.S. 1011.60

F.S. 1012.01

F.S. 1012.315

F.S. 1012.32

F.S. 1013.12

Chapter 96-186(1) Laws of Florida

F.A.C. 6A-1.0081

F.A.C. 6A-1.099827

F.A.C. 6A-2.0020

F.A.C. 6A-6.0781

F.A.C. 6A-6.0784

F.A.C. 6A-6.0786

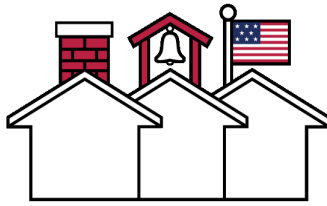
F.A.C. 6A-6.07862

F.A.C. 6A-6.0787

F.A.C. 6A-6.0788

FLDOE Forms IEPC-M1, IEPC-M2, IEPC-SC, IEPC-VI, IEPC-V2, IEPC-M1A

Last Modified by Brenda Davis on February 19, 2019



Book	Policy Manual
Section	Vol. 19, No. 1 - REVISED
Title	Copy of DISTRICT BUDGET
Code	*po6233 MR/bd 01 10 19
Status	
Adopted	August 13, 2013

## 6233 - **DISTRICT BUDGET**

The Constitution of the State of Florida requires that the District operate under a balanced budget. The School Board understands that there may be unforeseen circumstances that can result in increases or decreases in revenue and/or expenditures. These circumstances would thereby impact the financial stability of the District.

### **A. Preparation**

The budget shall be prepared and administered in accordance with Florida statutes and in accordance with Policy 6220.

### **B. Implementation of Budget**

Implementation of the Board adopted budget shall give appropriations and reserves therein the force and effect of fixed appropriations and reserves, and the same may only be altered, amended, or exceeded as authorized by Florida statutes or Board policy.

Expenditures may exceed the amount budgeted by function or object provided the Board approves the expenditures and amends the budget no later than the annual due date established by the State Department of Education for submitting the District's annual financial report.

Pursuant to State law, if the Board finds and declares in a resolution adopted at a regular meeting of the Board that the funds received for any of the following categorical appropriations are urgently needed to maintain Board specified academic classroom instruction, or improve school safety, the Board may consider and approve an amendment to the School District operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. funds for student transportation;
2. ~~funds for safe schools;~~
3. ~~funds for supplemental academic instruction;~~
4. funds for research-based reading instruction;
5. funds for instructional materials.

Such a transfer can only be recommended by the Superintendent and approved by the Board if all instructional materials necessary to provide update materials aligned to Florida adopted State Standards and benchmarks and that meet statutory requirements of content and learning have been purchased for that fiscal year, and such a transfer is recommended by the Superintendent and approved by the Board no sooner than March 1<sup>st</sup> of the fiscal year. Pursuant to State law, funds for instructional materials available after March 1<sup>st</sup> may be used to purchase hardware for student instruction.

### **C. General Fund Ending Fund Balance**

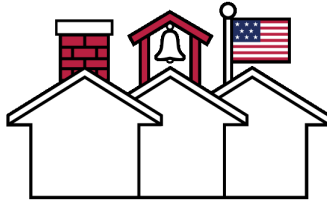
Each year the Board's adopted budget shall include a reserve for contingencies of not less than five percent (5%) of the District's general fund revenues. In the event the contingency reserve decreases to less than five percent (5%) of the District's general fund budget, the Superintendent shall prepare for Board approval a financial plan and timeline to restore the unreserved fund balance to the minimum amount set forth herein.

The Superintendent shall provide written notification to the Board and to the Commissioner of Education if at any time the portion of the general fund's ending fund balance not classified as restricted, committed, or nonspendable in the District's operating budget is projected to fall below projected revenues as prescribed by law.

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Legal                      F.S. 1001.42, 1001.43, 1011.01, F.S. 1011.035 1011.051, 1011.62  
                                 F.A.C. 6A-1.002, 6A-1.006

Last Modified by Brenda Davis on January 10, 2019



Book	Policy Manual
Section	Vol. 19, No. 1 - REVISED
Title	Copy of PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES
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Status	
Adopted	August 13, 2013
Last Revised	December 11, 2018

#### 6320 - **PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES**

Any School Board employee who has purchasing authority shall consider first the interests of the Board in all purchases and seek to obtain the maximum value for each dollar expended; not solicit or accept any gifts or gratuities from present or potential suppliers which might influence or appear to influence purchasing decisions; and refrain from any private business or professional activity that might present a conflict of interest in making purchasing decisions on behalf of the Board.

No person, unless authorized to do so under this policy, may make any purchase or enter into any contract involving the use of school funds. The Board will not approve expenditures for any unauthorized purchase or contract.

Purchases may be made through an online procurement system, an electronic auction service, or other efficient procurement tool.

#### **Scope**

This policy shall generally apply to the District's purchase of commodities and contractual services, except it shall not apply to:

- A. employment contracts;
- B. acquisition of architectural, engineering, landscape architectural, construction management at risk, registered surveying and mapping, or other services pursuant to Policy 6330 - Acquisition of Professional Architectural, Engineering, Landscape Architectural, or Land Surveying Services;
- C. acquisition of auditing services pursuant to F.S. 218.391;
- D. acquisition of professional consultant services, including but not limited to services of lawyers, accountants, financial consultants and other business or operational consultants, which shall be governed by Policy 6540 - Consultant Agreements;
- E. contracts which are exempted, in whole or in part, from this policy's requirements, as set forth below;
- F. proposals and agreements for public-private partnerships with private entities for qualifying projects pursuant to F.S. 287.05712.

#### **Definitions**

- A. "Competitive solicitation" means purchasing made through the issuance of an invitation to bid, request for proposals and invitation to negotiate. Competitive solicitations are not required for purchases made through the pool purchase provisions of F.S. 1006.27.
- B. "Invitation to bid" means a written or electronic solicitation for competitive sealed bids. The invitation to bid is used when the Board is capable of specifically defining the scope of work for which a contractual service is required or when the Board is

capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.

- C. "Invitation to negotiate" means a written or electronically posted solicitation for competitive sealed replies to select one (1) or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the Board determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.
- D. "Proposer" means those vendors submitting bids or responses to a competitive solicitation.
- E. "Request for proposals" means a written or electronically posted solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the Board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the Board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.
- F. "Superintendent" means the "Superintendent or designee".
- G. "Request for Quotations" means an informal process to solicit three (3) or more price quotes on commodities or contractual services with standard specifications and valued under the threshold requiring formal competitive solicitations. Quotations may be obtained verbally or via facsimile or e-mail.
- H. A "Confirming Purchase Order" is a P.O. that released after goods and services have already been rendered. Confirming Purchase Orders are only authorized in the event of a declared emergency as defined by this policy.

## **CONTRACT APPROVAL**

Contracts shall be approved and executed as follows:

### **A. Superintendent/Designee Authority**

The Superintendent or designee(s) 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 \$50,000.00 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, policies, and law. For purposes of this policy, any group of contracts/purchase orders to the same provider which are connected in terms of time, location and services such that a reasonable person would view them as a single contract shall be deemed a single contract. The Superintendent or his/her designee shall not divide the procurement of goods or contractual services so as to avoid the monetary cap imposed by this policy. Designations of contracting authority by the Superintendent shall be in writing and shall specify the maximum obligation permitted in an amount no greater than the amount \$50,000.00.

### **B. Emergency Purchases**

Notwithstanding the general limit on the Superintendent's authority to enter into contracts involving expenditure of public funds in an amount no greater than the amount of \$50,000.00 the Superintendent is authorized to approve or execute contracts on behalf of the District involving expenditure of public funds in an amount greater than \$50,000.00 when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the School District requires emergency action. Such written documentation shall be provided to the Board within three (3) business days and reported at the next scheduled Board meeting.

All emergency purchases in an amount greater than \$50,000.00 shall be summarized and presented to the Superintendent who shall submit the matter to the Board for ratification. The Board minutes shall show the need to initiate emergency purchasing procedures and that regular purchasing procedures would cause a delay and be contrary to the public interest.

### **C. Board Approval**

Except as expressly provided herein, the Board shall approve and execute all contracts on behalf of the District involving expenditure of public funds in an amount greater than \$50,000.00.

- D. Before making any purchase of commodities or contractual services which the Superintendent is authorized by the Board to make or before recommending any purchase to the Board, the Superintendent shall, insofar as possible, propose standards and specifications. S/He shall see that the commodities or contractual services conform to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.

## **PURCHASE ORDER APPROVAL**

## **A. Contracts**

The approval of a contract in accordance with the 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 shall inform the Board of the approval of all purchase orders in an amount no greater than the amount indicated in Category 2 of 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 is authorized to issue purchase orders in accordance with bids awarded pursuant to below and the annually approved recurring vendor list without further action of the Board so long as the obligation created does not exceed the applicable appropriation within the District budget.

## **Standards and Specifications**

Before making any purchase of commodities or contractual services which the Superintendent is authorized by the Board to make or before recommending any purchase to the Board, the Superintendent shall, insofar as possible, propose standards and specifications. S/He shall see that the commodities or contractual services conform to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.

## **Pre-Purchasing Review of Available Purchasing Agreements and State Term Contracts for Nonacademic Commodities and Contractual Services**

Before purchasing nonacademic commodities and contractual services, the Board authorizes the Superintendent to review the purchasing agreements and State term contracts available under F.S. 287.056 to determine whether it is in the Board's economic advantage to use the agreements and contracts.

Each bid specification for nonacademic commodities and contractual services must include a statement indicating that the purchasing agreements and State term contracts available under F.S. 287.056 have been reviewed. The Board may use the cooperative State purchasing programs managed through the regional consortium service organizations pursuant to F.S. 1001.451. This policy does not apply to services that are eligible for reimbursement under the Federal E-rate program administered by the Universal Service Administrative Company.

## **Competitive Solicitation Requirements for Commodities and Contractual Services Other Than Construction Contracting**

Except as authorized by law or policy, competitive solicitations shall be requested from three (3) or more sources for the purchase of any authorized commodities or contractual services in an amount greater than \$50,000.00.

## **Purchases of Commodities and Services up to and including \$5,000.00**

Multiple quotes are not necessary; however, Purchasing may request informal quote solicitation if an opportunity to save money exists.

## **Purchases of Commodities and Services \$5,000.01 to \$50,000.00**

Solicit a written price quote from three (3) different sources if possible. If deemed appropriate by the Director of Purchasing, the requirement to solicit three quotes can be waived. See the section of this policy entitled "[Exception to Competitive Bidding Requirements](#)" for specific examples of when it may be appropriate to waive competitive quote solicitation.

## **Nonacademic Commodities and Services**

Before purchasing nonacademic commodities and contractual services, each district school board and Florida College System institution board of trustees shall review the purchasing agreements and state term contracts available under F.S. 287.056 to determine whether it is in the Board's or the board of trustees' economic advantage to use the agreements and contracts. Each bid specification for nonacademic commodities and contractual services must include a statement indicating that the purchasing agreements and state term contracts available under F.S. 287.056 have been reviewed. Each district school board may also use the cooperative State purchasing programs managed through the regional consortium service organizations pursuant to their authority under s. 1001.451.(3).

## **Purchases of Commodities and Services greater than \$50,000.00**

The procurement of commodities or contractual services may not be divided so as to avoid this monetary threshold requirement.

#### **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 District 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's 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.

#### **F. Bid Award**

In acceptance of responses to invitations to bid, the Board may accept the proposal of the lowest responsive, responsible proposer. The Board may also choose to award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees, from whom commodities or contractual services would be purchased, should the primary awardee become unable to provide all of the commodities or contractual services required by the Board during the term of the contract. Nothing herein is meant to prevent multiple awards to the lowest responsive and responsible bidders, when such multiple awards are clearly stated in the bid solicitation documents.

For a bidder to be considered responsive, the proposal must respond to all bid specifications in all material respects and contain no irregularities or deviations from the bid specifications which would affect the amount of the bid or otherwise provide a competitive advantage.

For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

1. the experience (type of product or service being purchased, etc.) of the bidder;
2. the financial condition;
3. the conduct and performance on previous contracts (with the District or other agencies);
4. the bidder's facilities;
5. management skills;
6. the ability to execute the contract properly;
7. a signed affidavit ensuring that neither the bidder nor any subcontractor has entered into an agreement with any labor organization regarding the public improvement project.

Award of a 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 a 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.

#### **Identical/Tie Low Bids**

When identical low bids are received from an out-of-District vendor and a local vendor, the local vendor shall be recommended for award. The term "local vendor" means a vendor who has an established business presence in the District indicated by the following:

- A. has a physical business location within the District for at least six (6) months immediately prior to issuance of the competitive solicitation.
- B. provides customer access at the business location.
- C. holds any required business license through a jurisdiction in the District.
- D. employs one (1) full-time or two (2) part-time employees in the District, or if the business has no employees, is at least fifty percent (50%) owned by one (1) or more persons whose primary residence(s) is located within the District.

When two (2) or more local vendors present tie low bids on the same items, the company receiving the larger dollar award of the total bid shall be recommended for tie items.

In the event two (2) or more local vendors present exact tie low bids and the dollar award is not a criterion, the successful bidder shall be selected by applying the following criteria in order:

- A. drug-free workplace program in accordance with Florida law
- B. minority business enterprise (MBE) certified by the State of Florida Office of Supplier Diversity
- C. veteran business enterprise, certified by the State of Florida Department of Management Services
- D. by lot or other method the Board may select

When two (2) out-of-District vendors submit identical low bids, the criteria noted above shall be used to determine the successful bidder.

### **Florida Vendor Preference**

If a competitive solicitation response for personal property is from a vendor whose principal place of business is outside of the State of Florida, then the preference requirements of F.S. 287.084 shall be applied by District staff or the selection committee in making the final recommendation for an award.

### **Vendor Preference For Certified Veteran Business Enterprises**

As authorized by F.S. 295.187, "The Florida Veteran Business Enterprise Act", the Board shall provide a vendor preference in favor of certified veteran business enterprises.

The certification of a veteran business enterprise shall be granted by the Department of Management Services, with the assistance of the Department of Veterans' Affairs, as required by State law.

When two (2) or more bids, proposals or replies for procurement of commodities or contractual services, which are equal with respect to all relevant considerations, including price, quality, and service, are submitted and at least one (1) is from a certified veteran business enterprise, priority for award shall be given to the certified veteran business enterprise as defined by F.S. 295.187. In the event two (2) or more certified veteran business enterprises are entitled to the preference, then the award shall be given to the business having the smallest net worth.

To the extent that this provision is inconsistent with the provisions of this or any other Board policy, this provision shall prevail.

### **Exception to Competitive Bidding Requirements**

Notwithstanding anything in this policy to the contrary, the Board may make certain purchases without the requirement for competitive solicitations, under the following conditions:

- A. In lieu of requesting competitive solicitations from three (3) or more sources, the Board may make purchases at or below 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 proposer awarded a contract by another entity will permit purchases by the Board at the same terms, conditions, and unit prices (or below such prices) awarded in such contract, and such purchases are to the economic advantage of the Board.
- B. The Superintendent is authorized to purchase commodities and contractual services where the total amount does not exceed \$50,000 and does not exceed the applicable appropriation in the budget.

C. Competitive solicitations are not required for pool purchases made as provided in F.S. 1006.27.

D. The State Board has waived the requirement for requesting competitive solicitations from three (3) or more sources for purchases by the Board of:

1. Professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services not subject to F.S. 218.391; legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; provided nothing herein shall be deemed to authorize the superintendent to acquire professional consultant services without Board approval as required by Board Policy 6540;
2. Educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, DVDs, disc or tape recordings, digital 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;
3. Commodities and contractual services when:

a. competitive solicitations have been requested in the manner prescribed by this policy; and

b. the Board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time.

When such a finding has been officially made, the Board may enter into negotiations with suppliers of such commodities and contractual services and may execute contracts with such vendors under whatever terms and conditions as the Board determines to be in its best interests.

4. Commodities and contractual services when fewer than two (2) responsive proposals are received. The Board may then negotiate on the best terms and conditions or decide to reject all proposals. The Board will document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the District in lieu of re-soliciting proposals.

E. Information technology resources, whether by purchase, lease, lease with option to purchase, rental, or otherwise as defined in F.S. 282.0041(15), may be acquired by competitive solicitation or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the District as determined by the Board.

F. Purchases of insurance, risk management programs, or contracting with third party administrators for insurance-related services may be through competitive solicitation or by direct negotiation and contract with a vendor or supplier.

G. ~~Purchases of food products, required by the Board's food service program and other ancillary food operations, except milk from competitive bid requirements.~~

H. ~~Purchase of milk is exempt from competitive bid requirements if:~~

1. ~~the Board has made a finding that no valid or acceptable firm bid has been received within the prescribed time;~~
2. ~~The Board has made a finding that an emergency situation exists.—~~

~~The Board may then enter into negotiations with suppliers of milk and has the authority to execute contracts under whatever terms and conditions the Board determines to be in the best interest of the District.~~

I. The Board may dispense with requirements for competitive solicitation for the emergency purchase of commodities or contractual services when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the District requires emergency action. After the Superintendent makes such a written determination, the Board may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from at least two (2) prospective vendors, which must be retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the District.

J. Commodities or contractual services available only from a single source may be exempted from the competitive solicitation requirements. When the Board believes that commodities or contractual services are available only from a single source, the Board will electronically post a description of the commodities or contractual services sought for a period of at least seven (7)

business days. The description will include a request that prospective vendors provide information about their ability to supply the commodities or contractual services described. If it is determined in writing by the Board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the Board shall provide notice of its intended decision to enter a single source contract in the manner specified in Policy 6326 - Bid Protests, and may negotiate on the best terms and conditions with the single source vendor.

K. The Board may make purchases of construction project materials directly from vendors, on behalf of the awarded construction contractor/manager, to take advantage of the District's "sales tax" exempt status.

L. A contract for commodities or contractual services may be awarded without competitive solicitations if State or Federal law, a grant or a State or Federal agency contract prescribes with whom the Board must contract or if the rate of payment is established during the appropriations process.

M. A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.

## **Contract**

Each Board contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

- A. keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;
- B. provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - Public Records;
- C. ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;
- D. meet all requirements for retaining public record and, upon termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements;

All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems.

- E. the contractor shall furnish a copy of any public records request or request for records in any way relating to the District, immediately upon receipt to the District's Director of Purchasing.

Each contract must also include the following statement, in substantially the following form, identifying the contact information of the District's custodian of public records in at least fourteen (14) point boldface type: "IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF F.S. CHAPTER 119 TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS, MRS. BRENDA DAVIS, AT PHONE - 772-564-3149, EMAIL - [brenda.davis@indianriverschools.org](mailto:brenda.davis@indianriverschools.org), OR MAIL: Mrs. Brenda Davis, SCHOOL DISTRICT OF INDIAN RIVER COUNTY, 6500 57th Street, Vero Beach, FL 32967."

## **Debarment**

The Director of Purchasing shall have the authority to debar a person/corporation, for cause, from consideration or award of further contracts. The debarment shall be for a period commensurate with the seriousness of the cause, generally not to exceed three (3) years. If a 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**

The term "debar" or "debarment" means to remove a vendor from bidding on District work. Causes for debarment include, but are 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, including:
  - a. deliberate failure, without good cause, to perform in accordance with specifications or within the time limits provided in the contract(s); and
  - 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 not 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 or offering to provide 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 credibility as a District vendor, including debarment by another governmental entity for any cause listed in this policy

#### **B. Notice of 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 reason(s) for the action taken; and
2. inform the vendor of its right to petition the Board for reconsideration.

#### **C. Right to Request a Hearing**

Any person who is dissatisfied or aggrieved with the notification of the determination to debar or suspend must, within ten (10) calendar days of such notification, appeal such determination to the Board.

#### **D. 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.

Revised 3/4/14  
Revised 11/22/16  
Revised 12/11/18

Legal

F.S. 119.0701

F.S. 255.05

F.S. 255.0516

F.S. 255.0518

F.S. 287.056

F.S. 287.084

F.S. 287.087

F.S. 287.132

F.S. 287.133

F.S. 295.187

F.S. 1001.43

F.S. 1001.451

F.S. 1010.04

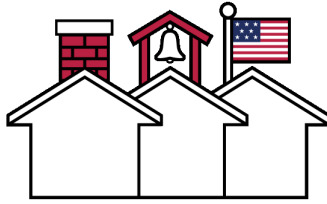
F.S. 1010.07(2)

F.S. 1010.48

F.A.C. 6A-1.012, Purchasing Policies

F.A.C. 5P-1.003, Responsibilities for the School Food Service Program

Last Modified by Brenda Davis on January 10, 2019



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#### 6322 - **CONSTRUCTION CONTRACTING AND BIDDING**

All School District construction bids shall be the immediate responsibility of the Superintendent or his/her designee. All applicable laws, State Board of Education State Regulations for Educational Facilities (SREF) regulations, the Florida Building Code, and policies of the School Board shall be observed in school construction bidding. The Superintendent shall develop procedures to implement this policy.

This policy shall generally apply to contracts for construction projects that shall be funded with capital outlay funds or capital grants that relate to new construction, additions, remodeling, renovations, maintenance, or repairs to existing facilities.

This policy shall not apply to acquisition of architectural, engineering, landscape architectural, construction management at risk, design-build, total program management, or surveying and mapping services, which shall be acquired pursuant to Policy 6330 - Acquisition of Professional Architectural, Engineering, Landscape Architectural or Land Surveying Services.

The Board may contract for construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities, through means including, but not be limited to:

- A. competitive bids;
- B. design-build pursuant to F.S. 287.055;
- C. selecting a construction management entity, pursuant to F.S. 255.103 or 287.055, that would be responsible for all scheduling and coordination of both the design and construction phases, and would be responsible for the successful, timely, and economical completion of the construction project;
- D. selecting a program management entity, pursuant to F.S. 255.103 or 287.055, that would act as the agent of the Board and would be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services;
- E. proposals to enter into a public-private partnership with a private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of a qualifying project pursuant to F.S. 255.065~~287.05712~~;

The Superintendent shall be responsible for submitting proposed public-private partnership agreements to the Board for consideration, including unsolicited proposals from private entities. The Board shall evaluate and consider all proposed public-private partnership agreements pursuant to the guidelines set forth in F.S. 255.065~~287.05712~~.

- F. day-labor contracts not exceeding \$280,000 for construction, renovation, remodeling, or maintenance of existing facilities.

Beginning January 2009, this amount shall be adjusted annually based upon changes in the Consumer Price Index.

For purposes of this policy, "day-labor contract" means a project constructed using persons employed directly by the Board or by contracted labor.

## **Bonds**

### **A. For Projects Costing Less than \$200,000**

In order to encourage participation in construction, remodeling, and renovation projects by small, woman owned, and minority owned businesses, no bid security or performance or payment bond shall be required for bids in an amount less than \$200,000, unless it is determined necessary by the Superintendent. If bonds are required, the information will be specified in the project documentation and the provisions of subsection B below will apply.

### **B. For Projects Costing \$200,000 or Greater**

Bonds may be required as specified in the bids for construction, remodeling, and renovation of District facilities must be accompanied by a bid security meeting the following requirements, for bids \$200,000 or greater:

1. Bid security shall be a certified check, cashier's check, Treasurer's check, bank draft, or bid bond acceptable to the Board in a form and manner that is acceptable to the Board.
2. Should the accepted bidder refuse to enter into the contract or fail to furnish performance and materials and payment bonds, the amount of the bid security may be forfeited to the District.

The accepted bidder must deliver performance and payment bonds equal to the contract price, no later than the date of execution of the contract or the first request for payment under the contract, whichever is first. Bonds must be issued by surety companies admitted to do business in the State of Florida and listed in the Federal Register of the U.S. Department of Treasury for Surety Companies Acceptable on Federal Bonds.

## **Notice and Terms**

The Superintendent or designee shall be responsible for preparing the legal notice for bids and shall determine that such notice meets the requirements of Florida statutes and State Board of Education Rules and contains the information needed by the prospective bidders, to including the following:

- A. date, time, and place relating to submitting of bids;
- B. procedures for presenting bids;
- C. conditions and terms for receiving bids;
- D. procedures to be followed in opening and presenting bids to the Board; and
- E. conditions for awarding contracts based on bids.

These provisions shall be followed for construction bids:

- A. The bid time and date shall be established by the Superintendent or designee.
- B. Bids by telegram or facsimile shall not be accepted nor shall any other type of bid be accepted which cannot be classified as a sealed bid. Bids received by mail shall be stamped with the time and date received by the District office.
- C. Bids shall be opened at the designated time in the invitation to bid. At the designated time, the person presiding shall inquire if all bids have been received; no other bids shall be accepted and no bid may be withdrawn after the deadline.
- D. All bids shall be opened, read aloud, and recorded.
- E. Unless all bids are rejected by the Board for valid reasons, the contract shall be awarded to the lowest responsible bidder meeting all requirements and specifications.

**All bid requests shall include a notification to bidders that failure to file a bid protest within the time and in the manner prescribed by Florida statutes and Policy 6320 - Purchasing and Contracting for Commodities and Contractual Services, shall constitute a waiver of any further right to protest such bid award.**

## **Competitive Solicitation Requirements for Construction Contracting**

Contracts governed by this policy shall be approved and executed as set forth below. A "construction project" shall be deemed to include a single contract or group of contracts with the same provider which is directly connected in terms of time, location, or services, such that a reasonable person would consider the services to be provided as a single project.

### **A. Construction Projects Involving Expenditures of \$0.00 - \$35,000.00**

Contracts for construction projects involving expenditures of \$0.00 - \$35,000.00 shall be approved and executed as follows:

#### **1. Architect/Engineer Services**

Unless otherwise deemed appropriate by the building official, 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 subsection do not require solicitation of formal bids. The District may negotiate directly with potential service providers for contracts governed by this subsection. In order to secure the most efficient and effective contracts, the District is encouraged to secure multiple quotes or to negotiate with multiple providers before entering into contracts hereunder.

#### **3. ~~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 \$35,000.01 - \$50,000.00**

Contracts for construction projects involving expenditures of \$35,000.01 - \$50,000.00 shall be approved and executed as follows:

#### **1. Architect/Engineer Services**

Unless otherwise deemed appropriate by the building official, contracts governed by this subsection do not require assistance and services of a registered architect/engineer.

#### **2. Three (3) Quotations Required**

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may approve and enter into contracts governed by this subsection after securing three (3) written quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective proposer.

#### **3. ~~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 Involving Expenditures of \$50,000.01 - \$100,000.00 and Electrical projects \$50,000.01 - \$75,000.00**

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 (3) Quotations Required**

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may approve and enter into contracts governed by this subsection after securing three (3) written quotes from qualified providers. After securing the quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective proposer.

## **3. 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.~~

## **D. Electrical Projects Involving Expenditures of \$75,000.01 - \$100,000.00**

Contracts for electrical projects involving expenditures of \$75,000.01 - \$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. Bid Solicitation Required**

Contracts governed by this subsection shall be advertised in conformance with the procedures outlined in this section.

#### **a. Legal Notice**

The District shall publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

#### **b. 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. Bonds Required**

~~The successful contractor under this subsection 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 subsection shall require assistance and services of a registered architect/engineer.

### **2. Bid Solicitation Required**

Contracts governed by this subsection shall be advertised in conformance with the procedures outlined in this section.

**a. Legal Notice**

The District will publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

**b. Bid Bonds Required (in excess of \$200,000.00).**

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. Bonds Required**

The successful contractor under this subsection shall be required to submit payment and performance bonds prior to issuance of a notice to proceed for this project.

**F. Construction Projects Involving Fifty Percent (50%) or More State-Appropriated Funds**

For a competitive solicitation for construction services in which fifty percent (50%) or more of the cost will be paid from State-appropriated funds which have been appropriated at the time of the competitive solicitation, the Board will not use a policy that provides a preference based upon the contractor's:

1. maintaining an office or place of business within a particular local jurisdiction;
2. hiring employees or subcontractors from within a particular local jurisdiction; or
3. prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

For any such competitive solicitation, the Board will disclose in the solicitation document that any applicable local policy does not include any of the preferences listed above.

G. Contracts for projects involving expenditures in excess of \$300,000.00 shall be approved and executed as follows:

**1. Architect/Engineer Services**

Contracts governed by this subsection shall require assistance and services of a registered architect/engineer.

**2. Bid Solicitation Required**

Contracts governed by this subsection shall be advertised in conformance with the procedures outlined in this section.

**a. Pre-Qualification**

For construction projects in excess of \$300,000 all participating bidders must be pre-qualified in accordance with SREF 4.1.

**b. Legal Notice**

The District shall publish notice of projects governed by this section in a local newspaper with general circulation strict 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.

**c. 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.

#### **d. 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.

#### **Exception to Construction Requirements**

The Board may, with a super majority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one (1) or more of the exceptions to the educational facilities construction requirements described below.

Before voting on the resolution, the Board will conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the Board achieves cost savings, improves the efficient use of District resources, and impacts the life-cycle costs and life span for each educational facility to be constructed, as applicable, and demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction.

The Board will conduct at least one (1) public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, to begin no earlier than 5 p.m. The workshop may occur at the same meeting at which the resolution will be voted upon.

The Board's resolution may propose implementation of exceptions to requirements of the uniform Statewide building code for the planning and construction of public educational and ancillary plants relating to the following:

- A. Interior non-load bearing walls by approving the use of fire-rated wood stud walls in new construction or remodeling for interior non-load bearing wall assemblies that will not be exposed to water or located in wet areas.
- B. Walkways, roadways, driveways, and parking areas by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.
- C. Standards for relocatables used as classroom space by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.
- D. Site lighting by approving construction specifications for site lighting that:
  - 1. Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
  - 2. Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.
  - 3. Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than one (1) foot-candle.
- E.
  - 1. [Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to F.S. 1002.33\(18\) so long as the regional planning council determines that there is sufficient shelter capacity within the District as documented in the Statewide Emergency Shelter Plan.](#)

#### **Change Orders**

The Board believes that thoughtful planning should minimize the change orders for any construction or renovation project, but recognizes that all circumstances that might necessitate such changes cannot be anticipated. Any and all change order to construction contracts must be in compliance with Florida statutes and the State Requirements for Educational Facilities both in form and content.

#### **Opening of Competitive Bids**

Notwithstanding F.S. 119.071(1)(b), in any competitive solicitation for construction or repairs on a Board building or facility, the Superintendent will:

- A. open the sealed bid, or the portion of the sealed bid that includes the price submitted, at a public meeting conducted in compliance with F.S. 286.011 and Board Bylaw 0164 - Notice of Meetings, and Bylaw 0168 - Minutes;
- B. announce the name of each bidder and the price submitted in the bid at that meeting; and

C. make available the name of each bidder and the price submitted in the bid, upon request.

### **Receipt of Less than the Minimum Two (2) Responses**

In the event the Board receives less than the minimum number of responses, the Board may negotiate on the best terms and conditions or decide to reject all proposals. The Board shall document the reasons for the decision to negotiate terms and conditions with the sole proposer in lieu of resoliciting proposals.

### **Contract Execution**

Contracts governed by this policy shall be awarded to the lowest responsive and responsible bidder, considering base bid and accepted alternatives; and be executed pursuant to Policy 6320 - Purchasing and Contracting for Goods and Services. 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.

Each Board contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

- A. keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;
- B. provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - Public Records;
- C. ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;
- D. meet all requirements for retaining public record and, upon termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems.

### **Certified Copy of Recorded Bond**

Before commencing the work or before recommencing the work after a default or abandonment, the contractor shall provide to the Board a certified copy of the recorded bond. Notwithstanding the terms of the contract or any other law governing prompt payment for construction services, the Board may not make a payment to the contractor until the contractor has complied with this paragraph. This paragraph applies to contracts entered into on or after October 1, 2012.

Revised 3/4/14

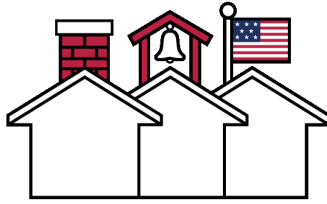
Revised 11/22/16

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Legal	F.S. 255.05
	F.S. 255.0516
	F.S. 255.0518
	F.S. 255.0991
	F.S. 1001.43
	F.S. 1010.04
	F.S. 1010.07(2)
	F.S. 1010.48
	F.S. 1013.385
	F.S. 1013.45
	F.S. 1013.46
	F.S. 1013.47
	Purchasing Policies, F.A.C. 6A-1.012
	Educational Facilities, F.A.C. 6A-2.0010

Last Modified by Brenda Davis on December 20, 2018



Book Policy Manual  
Section Vol. 19, No. 1 - REVISED  
Title Copy of PROCUREMENT – FEDERAL GRANTS/FUNDS  
Code \*po6325 JC/bd 12 20 18  
Status

**Unless a specific policy has been amended and the date the policy was revised is noted at the bottom of that policy, the bylaws and policies of The School Board of Indian River County were adopted on August 13, 2013.**

#### 6325 - PROCUREMENT – FEDERAL GRANTS/FUNDS

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, School Board policies, and administrative procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2)

- A. 1. a. 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Policy 6320 and AP 6320A.
- All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1129, Policy 3129, and Policy 4129 – Conflict of Interest.
- The District will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.
- To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

#### Competition

All procurement transactions paid for from Federal funds or District matching funds shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- a. unreasonable requirements on firms in order for them to qualify to do business
- b. unnecessary experience and excessive bonding requirements

c. noncompetitive contracts to consultants that are on retainer contracts

d. organizational conflicts of interest

E specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement

F. any arbitrary action in the procurement process

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list annually.

The District shall require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals. The Board will not approve any expenditure for an unauthorized purchase or contract.

#### Procurement Methods

The District shall utilize the following methods of procurement:

##### A. Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed ~~\$10,000~~ \$5,000. To the extent practicable, the District shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if Superintendent considers the price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

##### B. Small Purchases

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold of \$50,000. Small purchase procedures require that price or rate quotations shall be obtained pursuant to School Board Policy 6320.

##### C. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to \$50,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed \$50,000.

In order for sealed bidding to be feasible, the following conditions shall be present:

1. a complete, adequate, and realistic specification or purchase description is available;
2. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
3. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

1. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
5. The Board reserves the right to reject any or all bids for sound documented reason.

#### D. Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
2. Proposals shall be solicited from an adequate number of sources.
3. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications- based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

#### E. Noncompetitive Proposals

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. the item is available only from a single source
2. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
3. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District
4. after solicitation of a number of sources, competition is determined to be inadequate

The District shall perform a cost or price analysis in connection with every procurement action in excess of \$50,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

#### Time and Materials Contracts

The District uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

#### Suspension and Debarment

The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as

(1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 C.F.R. Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at [www.sam.gov](http://www.sam.gov); collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

#### Maintenance of Procurement Records

The District maintains records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection, or rejection, and the basis for the contract price (including a cost or price analysis).

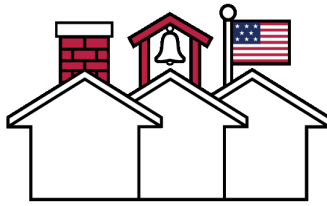
2 C.F.R. 200.317 - .326

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#### 7310 - **DISPOSITION OF SURPLUS INSTRUCTIONAL PROPERTY**

The School Board requires the Superintendent to review the property of the District periodically and to dispose of that material and equipment that is no longer usable in accordance with the terms of this policy.

##### A. Instructional Material

The District shall review instructional materials (i.e. textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum
2. information that may not be current
3. worn beyond salvage

##### B. Equipment

The District shall inspect the equipment used in the instructional program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment no longer readily available
2. repair records indicate equipment has no usable life remaining
3. repair costs
4. obsolescence
5. some potential for sale at a District auction
6. creates a safety or environmental hazard

##### C. Disposition

The Superintendent is authorized to dispose of obsolete instructional property by selling it to the highest bidder, by donation to appropriate parties, or by proper waste removal. Disposal of surplus property purchased with Federal funds shall be

disposed of in accordance with Federal procedures.

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the District shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made in accordance with disposition instructions of the Federal awarding agency.

Except as provided in Section 200.312, Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$500 or ten percent (10%) of the proceeds, whichever is less, for its selling and handling expenses.

The District may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the District shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

**D. Availability of Facilities and Property Identified as Surplus, Marked for Disposal, or Otherwise Unused**

District facilities and property (including tangible personal property) identified as surplus, marked for disposal, or otherwise unused shall be made available to charter schools on the same basis as it is made available to other District schools. A charter school receiving property from the District may not sell or dispose of such property without the District's written permission. For an existing District school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the Board to the parents and teachers organizing the charter school. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to Board standards. Any school, including District and charter schools, receiving District property must maintain such property in good working condition and order, excepting normal wear and tear. District and charter schools who cause damage to District property shall be required to reimburse the District for the cost of replacement.

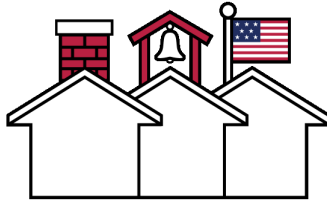
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	F.S. 274.07
	F.S. 1012.33
	F.S. 1013.28
	F.A.C. 69I-73.005
	2 C.F.R. 200.312
	2 C.F.R. 200.313

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#### 1590 - **PERSONNEL FILE**

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

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

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

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

Pursuant to State law, a complaint of misconduct against a District employee, and all information obtained pursuant to an investigation by the District of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the District provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the District has either:

- A. concluded the investigation with a finding not to proceed with disciplinary action or file charges, or
- B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the District shall also file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

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

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

- A. by certified mail, return receipt requested, to his/her address of record; or

B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

No record in a personnel file which is confidential and exempt from inspection and copying pursuant to applicable law shall be disclosed except as provided by applicable law.

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

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

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

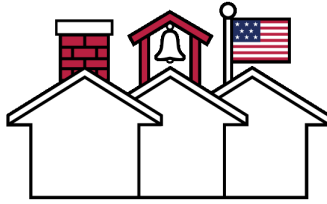
The related procedures manual is entitled Personnel File Procedures.

Revised 3/4/14

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Legal F.S. 119.011, 119.07, 119.071, 1012.31

Last Modified by Brenda Davis on December 12, 2018



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Adopted	August 13, 2013
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### 3590 - **PERSONNEL FILE**

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

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

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B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

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

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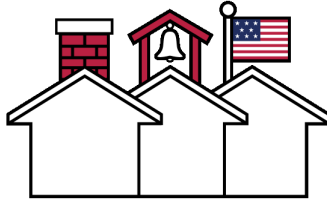
The related procedures manual is entitled Personnel File Procedures.

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Book	Policy Manual
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Adopted	August 13, 2013
Last Revised	December 11, 2018

#### 4162 - **DRUG AND ALCOHOL TESTING OF EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS**

The School Board believes that the safety of students is of utmost importance and is the responsibility of the employee. To fulfill such a responsibility, employees, who perform safety-sensitive functions must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' and students' health and well-being.

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

- A. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.
- B. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
- C. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- D. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of Board-owned vehicles and other functions as assigned by the superintendent where impaired judgment puts in jeopardy the safety of employees or students.
- E. The term *while on duty* means all time from the time the employee begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

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

The Board directs the Superintendent to establish a drug and alcohol testing program whereby any staff member performing safety-sensitive functions, is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:

- A. Marijuana
- B. Cocaine
- C. Opioids

D. Amphetamines

E. Phencyclidine (PCP)

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

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

Candidates shall also be tested for the presence of alcohol in their system prior to employment.

Any staff member who is subject to drug tests in accordance with this policy and who tests positive shall be:

- A. prohibited from performing safety-sensitive functions;
- B. referred to the District's Employee Assistance Program;
- C. subject to discipline, up to and including discharge, in accordance with District procedures and the terms of any applicable collective bargaining agreements.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then the test will be considered positive.

Any staff member who refuses to submit to a test shall be prohibited from performing or continuing to perform his/her safety-sensitive functions and may be subject to disciplinary action up to and including termination.

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

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

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

Prior to the beginning of the testing program, the District shall provide a drug-free awareness program which will inform each employee holding a safety-sensitive position about:

- A. the dangers of illegal drug use and controlled substance and alcohol abuse;
- B. Board Policy 4124 - Drug-Free Workplace, Policy 4161 - Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;
- C. the sanctions that may be imposed for violations of Policy 4124.

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

Alcohol and drug test results shall be protected as confidential medical records as appropriate under the Americans With Disabilities Act (i.e. test results shall be provided on a right to know basis).

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

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

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

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

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

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

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

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

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

- A. the contact information for the Coordinator of Risk Management ~~name of the person~~ designated by the Board to answer questions about the education materials
- B. a statement that all CDL license holders and other employees who perform safety-sensitive functions are subject to 49 C.F.R. 382.601, which is a Federal regulation that addresses the misuse of alcohol and other controlled substances
- C. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations
- D. information concerning prohibited ~~what~~ conduct ~~is prohibited~~
- E. the circumstances under which employees are subject to testing for alcohol and/or controlled substances
- F. the procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee, including post-accident information, procedures, and instructions required under Federal regulations
- G. the requirement that staff members must submit to alcohol and controlled substance testing as required by the regulations
- H. an explanation of what constitutes a refusal to be tested for alcohol or controlled substances and the attendant consequences

- I. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment
- J. the consequences for a test indicating an alcohol concentration greater than 0.02, but less than 0.04 ~~and~~
- K. information concerning the effects of alcohol and drug misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management), and
- L. information regarding the requirement that certain personal information collected and maintained under 49 C.F.R. 382.601 be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member must sign a statement certifying receipt of these materials. Each employee (and labor organization representing Board employees) shall receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering employee questions about the materials.

### **Return-to-Duty (Safety-Sensitive Positions)**

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

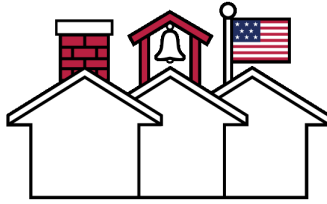
Subject to any collective bargaining agreement or other legal requirements, employees who are eligible to return to performing safety-sensitive functions may not do so without the approval of the Superintendent.

Revised 3/24/15  
Revised 12/11/18

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Legal	F.S. 112.0455
	F.S. 440.102
	F.S. 1012.45
	21 U.S.C. 812, Schedules I-V of Section 202 of the Controlled Substances Act
	21 C.F.R. 1308.11-.15
	34 C.F.R. Part 40 (DOT)
	49 C.F.R. Part 382
	49 C.F.R. Part 391
	49 C.F.R. 382.101 et seq.
	Omnibus Transportation Employee Testing Act, Pub. L. 102-143, Title V

Last Modified by Brenda Davis on February 8, 2019



Book	Policy Manual
Section	Vol. 19, No. 1 - REVISED
Title	Copy of PERSONNEL FILE
Code	*po4590 ES/bd 12 12 18
Status	
Adopted	August 13, 2013
Last Revised	March 4, 2014

#### 4590 - **PERSONNEL FILE**

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

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

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

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

Pursuant to State law, a complaint of misconduct against a District employee, and all information obtained pursuant to an investigation by the District of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the District provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the District has either:

- A. concluded the investigation with a finding not to proceed with disciplinary action or file charges, or
- B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the District shall also file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

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

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

- A. by certified mail, return receipt requested, to his/her address of record; or

B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

No record in a personnel file which is confidential and exempt from inspection and copying pursuant to applicable law shall be disclosed except as provided by applicable law.

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

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

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

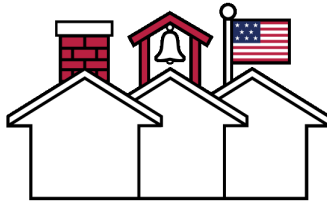
The related procedures manual is entitled Personnel File Procedures.

Revised 3/4/14

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Legal F.S. 119.011, 119.07, 119.071, 1012.31

Last Modified by Brenda Davis on December 12, 2018



Book	Policy Manual
Section	Vol. 19, No. 1 - REVISED
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Status	
Adopted	August 13, 2013

#### 8141 - MANDATORY REPORTING OF MISCONDUCT ~~BY CERTIFICATED EMPLOYEES~~

The School Board recognizes its responsibilities to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process. ~~In addition, with respect to instructional personnel and/or certificated professional staff members, matters of misconduct, including conviction of certain crimes enumerated by law and/or conduct which is unbecoming to the teaching profession, will be reported by the Superintendent to the Florida Department of Education.~~

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

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#### Reporting ~~Professional~~ Misconduct

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

If the alleged misconduct to be reported is regarding the Superintendent, the District employee shall report the alleged misconduct to the Board attorney.

Failure to report such alleged misconduct shall result in appropriate disciplinary action (F.S. 1012.796(d)). The report shall be made in accordance with Policy 9130 - Public Complaints.

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

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

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

#### Parental Notification of Alleged Misconduct

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Within thirty (30) days of the date on which the District learns of misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, lewd conduct with a student, or any conduct that would result in disqualification from educator

certification or employment as provided in F.S. 1012.315, the parent of a student who was subjected to or affected by such misconduct shall receive written notification informing the parent of the following:

1. the alleged misconduct, including which allegations have been substantiated, if any;
2. whether the District reported the misconduct to the FLDOE, if required by F.S. 1012.796;
3. the sanctions imposed by the District against the employee, if any; and
4. support the District will make available to the student subjected to or affected by the misconduct.

Parental notification shall be provided consistent with the provisions set forth in Policy 1590, Policy 3590, and Policy 4590, including the statutory requirement that school administrators and instructional staff members be provided ten (10) days notice before the disclosure of derogatory material.

### **Filing a Complaint with the Department of Education**

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

### **Report of Resignation or Termination**

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

### **Transmittal of False or Incorrect Report**

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

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

### **Requirement of Disclosure of Employee Misconduct**

The Board, Superintendent, or any other District employee, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel with employment references or discuss the personnel's performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced (F.S. 1001.42(6)).

### **Posting Requirements**

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

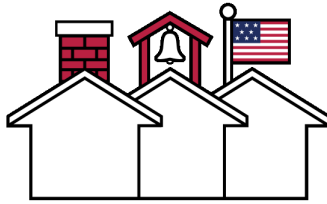
## **Liability**

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

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Legal                      F.S. 1001.42(6), 1001.42(7)(b), 1001.51(12)(b), 1006.061(2), 1012.795  
                                 F.S. 1012.796, 1012.796(d), 1012.796(e)

Last Modified by Brenda Davis on February 19, 2019



Book	Policy Manual
Section	Vol. 19, No. 1 - REVISED
Title	Copy of EMERGENCY EVACUATION OF SCHOOLS
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Status	
Adopted	August 13, 2013
Last Revised	December 11, 2018

#### 8420 - **EMERGENCY EVACUATION OF SCHOOLS**

The School Board recognizes that its responsibility for the safety of students and staff requires emergency management and emergency preparedness procedures for all public schools in the District, including emergency notification procedures for life-threatening emergencies, including, but not limited, active shooter, fires; natural disasters; bomb threats; weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure as a result of a manmade emergency and that such emergencies are best and that such emergencies are best met by preparedness and planning.

Pursuant to Policy 8405 - School Safety and Security, the Superintendent shall develop, and revise as necessary, a School Safety Plan to provide for the safety and welfare of the students and staff, as well as a system of emergency preparedness and accompanying procedures that provide for the following:

- A. the health and safety of students and staff are safeguarded;
- B. 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 helped to learn self-reliance and trained to respond sensibly to emergency situations;
- F. a system supported by ongoing training that will include practical application and appropriate "drills" as required by F.S. 1001.42;
- G. emergency evacuation drills should represent actual emergencies, including, but not limited to firearms, natural disasters, hostage situations, and bomb threats;
- H. drills for active shooter and hostage situations shall be conducted at least as often as other emergency drills;
- I. emergency egress and relocation drills (including, but not necessarily limited to, fire drills) in accordance with the requirements of the Florida Fire Prevention Code, the Fire Code (NFPA 1), and the Life Safety Code (NFPA 101);
- J. floor plans of each school must be provided to all community emergency responders in support of evacuation procedures;
- K. a listing of the commonly used alarm system response for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes;
- L. assignment of staff responsibilities.

All threats to the safety of District facilities, students and staff shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness. Any aspect of the emergency preparedness plan and/or procedures that are included in the School Safety Plan shall remain confidential and exempt from public records disclosure in accordance with State law.

The school crisis/threat assessment teams will conduct a test of the functionality and coverage capacity of all emergency communication systems to determine, if adequate signal strength is available in all areas of school campuses, and that the District identify the individual(s) responsible for contacting primary emergency response agencies (Senate Bill 7026).

The School Safety Specialist, as part of the development of the emergency preparedness plan and procedures, shall further review and implement Board Policy 7440.

List of Emergency Response Agencies:

The emergency response agencies that are responsible for notifying the District for each type of emergency areas follows:

A. Fires:

Indian River County Fire Rescue

B. Natural Disasters:

Indian River County Department of Emergency Services

C. Bomb Threats:

Indian River County Sheriff's Office

Sebastian Police Department

Fellsmere Police Department

Vero Beach Police Department

D. Weapon-Use and Hostage Situations:

Indian River County Sheriff's Office

Sebastian Police Department

Fellsmere Police Department

Vero Beach Police Department

E. Hazardous Materials or Toxic Chemical Spills:

Indian River County Department of Emergency Services

Florida State Police

Indian River County Sheriff's Office

F. Weather Emergencies, Including Hurricanes, Tornadoes, and Severe Storms:

Indian River County Department of Emergency Services

The Superintendent shall develop administrative procedures for the implementation of this policy.

Revised 3/4/14

Revised 12/11/18

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## Legal

Florida Fire Prevention Code (F.S. 633.202)

F.S. 1001.43

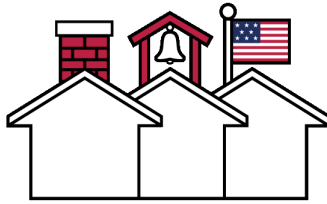
F.S. 1006.07

F.S. 1013.13

Fire Code (NFPA 1)

Life Safety Code (NFPA 101)

Last Modified by Brenda Davis on February 20, 2019



Book	Policy Manual
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Last Revised	January 23, 2018

#### 8500 - **FOOD SERVICE PROGRAM**

The School Board shall provide cafeteria facilities in all school facilities where space and facilities permit and will provide food service for the purchase and consumption of lunch for all students. The Board shall annually encumber the funds needed to operate the program.

It is the intent of the Board to participate in the National School Lunch and School Breakfast Program and to offer paid, free, or reduced-price meals in accordance with the Child Nutrition Program, the National School Lunch Act, and Florida law. The operation of the food service program shall also be in compliance with the regulations set forth in State law and the Florida Administrative Code.

The Board does not discriminate on the basis of race, color, national origin, sex (including transgender status, sexual orientation, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "protected classes"), in its educational programs or activities. Students and all other members of the School District community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the board may address the conduct. See Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity.

Students who are eligible for free or reduced-price meals shall be approved and properly accounted for by the Principal in accordance with criteria established by the Child Nutrition Program and National School Lunch Act. The Board requires that the identity of students receiving free or reduced-price meals be safeguarded and kept confidential.

Each elementary, middle, and high school shall make a breakfast meal available if a student arrives at school on the bus less than fifteen (15) minutes before the first bell rings and shall allow the student at least fifteen (15) minutes to eat the breakfast.

The operation and supervision of the food service program shall be the responsibility of the School Nutrition Program Director. The District will adhere to the professional standards for school nutrition personnel who manage and operate the food service program, including the requirements related to hiring and training that are set forth in USDA regulations and AP 8500A.

Further, as required by USDA regulations and upon recommendation of the Superintendent, the Board will annually certify:

- A. the School Nutrition Program Director meets the hiring standards and training requirements set forth in USDA regulations; and
- B. each employee in the food service program has completed the applicable training requirements set forth in USDA regulations.

Breakfast meals shall be available to all students in each elementary, middle, and high school. The Board will do so by participating in the National School Breakfast Program and offering paid, free, and reduced-priced breakfast meals in accordance with USDA Guidelines.

The food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards as well as to the fiscal management of the program.

The Board shall provide a Federal food service program for students during summer intervention programs that are mandated under Federal law. If the Board determines that it is unable to provide a Federal food service program during the summer, for financial reasons, the Board will communicate that decision to its residents in a manner it determines to be appropriate.

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold.

In adopting such standards, the Board shall:

- A. consider the nutritional value of each food or beverage;
- B. consult with a dietitian licensed under F.S. 468.509, a dietetic technician registered by the commission on dietetic registration, or a school nutrition specialist certified or credentialed by the school nutrition association;
- C. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services; and
- D. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

The Superintendent shall recommend and the Board shall approve the cost of meals for elementary, middle, and high schools annually.

The Board recognizes that circumstances may result in a student needing to charge for meals if his/her account has an insufficient balance to cover the charge. However, no account will be allowed to exceed a significant negative balance except as established below.

The Superintendent shall develop procedures regarding meal charges, which shall be implemented by the Director of Food and Nutrition Services. This procedure will provide direction so that students Districtwide who are eligible for reduced price or who pay the established price for meals, but do not have funds in their account or in hand to cover the cost of their meal at the time of service are treated consistently, that parents of students who charge meals are notified when a student charges a meal, and that efforts are made to collect the charges made so that the unpaid charges are not classified as "bad debt" at the end of the school year.

A student whose account has a significant negative balance may not charge or purchase "a la carte" items, including extra main course entrees.

If a student has a significant negative lunch account balance, s/he shall be provided an alternate meal recommended by the Superintendent. The parent(s) shall be contacted to collect the outstanding charges. The alternate meal will be a low-cost alternative to the regular reimbursable meal and shall meet USDA nutritional standards or the Smart Snacks in Schools regulations so that it qualifies for reimbursement under the National School Lunch/Breakfast Program.

If the negative balance is not brought to a positive balance within ninety (90) days of these efforts, the School District will take action to collect the unpaid debt.

If a student withdraws or graduates and has a positive balance, the balance may be receipted into the school lunch fund where the school lunch program funds are maintained. If a student withdraws or graduates with a positive balance parents shall be notified by mail and given the option of receiving a refund. If no response is received within fourteen (14) days, the account will be closed and the funds will no longer be available. Unclaimed balances will be transferred to the school lunch fund where the school lunch program funds are maintained.

If determined appropriate by a student's Section 504 team, substitutions to the standard meal requirements shall be made, at no additional charge, for a students for whom a health care provider who has prescriptive authority in the State of Florida has provided medical certification that the student has a disability that restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b. To qualify for such substitutions the medical certification must identify:

- A. the student's disability and the major life activity affected by the disability;
- B. an explanation of why the disability affects the student's diet; and

C. the food(s) to be omitted from the student's diet and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

If determined appropriate by a team of qualified individuals including, but not limited to, the principal, school nurse, parent, Director of Food Services, Nutrition Specialist ~~On a case-by-case basis,~~ substitutions to the standard meal requirements may be made, at no additional charge, for a students who is not "disabled persons", but have a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:

A. the medical or dietary need that restricts the student's diet; and

B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

For non-disabled students who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

In addition to students, lunches sold by the school may be purchased staff members and community residents in accordance with administrative guidelines established by the Superintendent. Lunches may be made available, free of charge, to senior citizens who are serving as volunteers to the District.

During all times while the food service program is operating and students are being served food, at least one (1) employee shall be present in the area in which the food is being consumed who has received instruction in methods to prevent choking and demonstrated an ability to perform the Heimlich maneuver.

In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.

In accordance with Federal law, the Superintendent shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available upon request.

A periodic review of the food-service accounts shall be made by the Auditor General. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a-la-carte foods may accrue to the food-service program.

Meal charges that are not collected in the year when the debt was incurred shall be classified as bad debt.

Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program.

Once classified as bad debt, non-Federal funding sources shall reimburse the school lunch program account for the total amount of the bad debt. If funds to reimburse the District for this bad debt are not available from another source, such as school or community organizations (like the PTA) or any other non-Federal source, the funds to reimburse the school lunch program shall be transferred from the District's general fund or other State or local funding to make that reimbursement.

Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b)(17) and 7 C.F.R. 210.15(b).

Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable.

With regard to the operation of the school food service program, the Superintendent shall require:

A. the maintenance of sanitary, neat premises free from fire and health hazards;

B. the preparation of food that complies with Federal food safety regulations;

C. the planning and execution of menus in compliance with USDA requirements:

D. the purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 1129, Policy 1214, Policy 3129, Policy 3214, Policy 4129, Policy 4214, and Policy 6460)

- E. complying with food holds and recalls in accordance with USDA regulations;
- F. the administration, accounting, and disposition of food-service funds pursuant to Federal and State law and USDA regulations;
- G. the safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;
- H. the regular maintenance and replacement of equipment;
- I. all District employees whose salaries are paid for with USDA funds or non-Federal funds used to meet a match or cost share requirement must comply with the District's time and effort record-keeping policy (see Policy 6116).

The Superintendent will require that the food service program serve foods in the schools of the District that reinforce the nutrition concepts taught in the classrooms.

The District shall serve only nutritious food in accordance with the nutritional standards adopted by the Board in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages in competition with the District's food-service program must comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8550.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the District's compliance with the standards at one of its regular meetings annually.

Unnecessary and Duplicative Items:

The District shall avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

See also AP 8500A.

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Revised 1/23/18

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## Legal

F.S. 595.405

F.S. 1001.41

F.S. 1001.42

F.S. 1001.51

F.S. 1013.12

F.A.C. 5P-1.002

F.A.C. 5P-1.003

F.A.C. 5P-1.004

F.A.C. 5P-1.005

42 U.S.C. 1758

Health, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.

Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.

7 C.F.R. Part 15b

7 C.F.R. Part 210

7 C.F.R. Part 215

7 C.F.R. Part 220

7 C.F.R. Part 225

7 C.F.R. Part 226

7 C.F.R. Part 227

7 C.F.R. Part 235

7 C.F.R. Part 240

7 C.F.R. Part 245

7 C.F.R. Part 3015

80 F.R. 11077

OMB Circular No. A-87 USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

Last Modified by Brenda Davis on February 19, 2019



Book: Florida Policies for Update

Section: Vol. 19, No. 1

Title: Overview and Comments

Number: 1-Overview

# **FLORIDA LOCAL UPDATE**

**VOLUME 19, NUMBER 1**

September 2018

This update includes proposed revisions to twenty-seven (27) current policy templates, revisions to one (1) current bylaw, and the addition of two (2) new policy templates. This update is the result of our ongoing work with clients during the 2017-2018 school year and review of Federal and State Law, the Florida Administrative Code, the Code of Federal Regulations, and other regulations by Federal and State agencies, as well as our analysis of new legislation, applicable court decisions, and Attorney General's opinions.

After reviewing the proposed revisions to current Neola policy templates and the two new policy templates and making any choices provided therein, the Superintendent should recommend the adoption of the new and revised policies, and the Board should approve the Superintendent's recommendation so that the Board's policies are legally correct. If one or more of the templates to which revisions are proposed as a result of recent changes in the Florida Statutes and included in this update are not among the policies previously adopted by the Board, it is recommended that the District reconsider the material and adopt those templates as new-to-the-District policies.

If necessary, additional training and support will be available from BoardDocs or Neola staff to those working on the BoardDocs console prospectively.

## **Bylaws and Policies**

### **Bylaw 0165.3 - Special and Emergency Meetings (REVISED)**

Revisions to this bylaw are intended to clarify the separate procedures that apply to special and emergency meetings.

### **Policy 1140 - Suspension or Dismissal of Administrators (REVISED)**

### **Policy 3140 - Suspension or Dismissal of Instructional Staff (REVISED)**

The revisions to these policies include the addition of a requirement that the District notify a parent of a student when the student is subjected to certain types of misconduct. Please also refer to the more substantial revisions in Policy 8141 for additional background. These revisions are the result of 2018-150.

### **Policy 1590 - Personnel File (REVISED)**

### **Policy 3590 - Personnel File (REVISED)**

### **Policy 4590 - Personnel File (REVISED)**

Multiple bills were passed during the 2018 legislative session (2018-5 and 2018-150) that strongly enhance the responsibilities of Boards to address misconduct. As you will observe from the revisions, the Legislature was very concerned with acts of misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student. To assist District staff, we have proposed adding language to these policies regarding what information must be contained in personnel files, including performance-related documents and information clearly indicating when an employee resigns or is terminated before an investigation of alleged misconduct by the employee affecting the health, safety, or welfare of a student. Likewise, we also included references to the requirement that the District report legally sufficient complaints to the Florida Department of Education within thirty (30) days of the date on which the subject matter of the complaint comes to the attention of the District. These revisions are the result of 2018-150. Although these additions are not required to be set forth in policy, Neola believes the additions will better assist District staff in complying with their responsibilities to maintain complete and accurate personnel files.

### **Policy 2215 - Program of Instruction (REVISED)**

Revisions to this policy include options for the District to meet requirements related to mandatory instruction related to veterans and Medal of Honor Recipients as well as new language addressing mandatory computer science and technology instruction. These revisions are the result of 2018-7 and 2018-150.

### **Policy 2371 - Hope Scholarships (NEW)**

We are proposing this new policy as a result of 2018-6. This law provides that students in public schools are eligible to apply for a Hope Scholarship if they are subjected to an "incident" as that term is defined in F.S. 1002.40(3). The policy outlines provisions related to eligibility, required investigations, parental notification, statewide assessments, and the term of a Hope Scholarship.

Importantly, because of issues with the wording of the Hope Scholarship statute, there is confusion statewide as to whether it must be established that a student was actually subjected to (as opposed to simply reported) an incident in F.S. 1002.40(3) in order to be eligible for a Hope Scholarship. Please note that the premise upon which this new policy template is based is that students are eligible for a Hope Scholarship ***if it is established that the student was subjected to*** and subsequently reported an "incident."

Finally, the statute requires Districts to provide notice to parents of their right to participate in the Hope Scholarship Program upon the conclusion of an investigation of an incident or within fifteen (15) days, whichever is sooner. To avoid any timing issues, we have included policy language requiring that the District provide the required notice (1) upon the conclusion of an investigation and a finding that the student was subjected to an incident or (2) after fifteen (15) days. Thus, Policy 2371 requires District staff to complete their investigations within fifteen (15) days because, based upon Neola's analysis of the statute, a student is not eligible to receive the required notice if the District investigates and concludes within fifteen (15) days that the student who reported the "incident" was not actually subjected to the "incident."

### **Policy 2623 - Student Assessment (REVISED)**

This policy was revised to include required language pertaining to the District's responsibility to make industry certification examinations, national assessments, and Statewide assessments available to students in Florida Virtual School. These revisions are the result of 2018-6.

### **Policy 4162 - Drug and Alcohol Testing of CDL License Holders and Other Employees who Perform Safety Sensitive Functions (REVISED)**

This policy was revised as a result of an audit conducted in an out-of-state school district. The audit concluded that our policy template language needed to be revised to include all elements outlined in 49 C.F.R. 382.601 with respect to educational materials related to certain federal regulations, Board policies, and procedures. The proposed revisions address the concerns raised in the audit.

### **Policy 5112 - Entrance Requirements (REVISED)**

The revisions to this policy specify when the superintendent may or may not require evidence of the age of a child in the District. These revisions are the result of 2018-134.

### **Policy 5113 - School of Choice Options Provided by Federal Law (REVISED)**

The revisions to this policy are primarily technical; that is, we have replaced references to the "No Child Left Behind Act" with the "Elementary and Secondary Education Act, as amended." Additionally, we deleted policy language that is specific to the No Child Left Behind Act.

The Superintendent should recommend adoption of this policy, and the Board should take such action so that its policies are legally correct.

### **Policy 5200 - Attendance (REVISED)**

The revisions to this policy are the result of statutory amendments outlined in 2018-134 regarding activities that the District must undertake when no valid reason is found for a student's non-enrollment. We also revised other provisions of the policy simply to make the policy clearer and to outline options the District may take when dealing with students who are absent from school.

### **Policy 5460 - Graduation Requirements (REVISED)**

Revisions to this policy include additional options for students to earn credit when completing an apprenticeship or pre-apprenticeship program registered with the Florida Department of Education. Additionally, we included provisions specifying that certain computer science courses may be taken to satisfy high school graduation requirements (see also the revisions above to Policy 2215). These revisions are the result of 2018-150 and 2018-154.

#### **Policy 5780 - Student/Parent Rights (REVISED)**

Revisions to this policy reference the availability of the Hope Scholarship Program and Reading Scholarships as outlined in 2018-6.

#### **Policy 6233 - District Budget (REVISED)**

Revisions to this policy are the result of 2018-6 and include revisions to the available types of categorical appropriations.

#### **Policy 6320 - Purchasing and Contracting for Commodities and Contractual Services (REVISED)**

The only revision to this policy is the recommended deletion of the optional language permitting Districts to exempt the purchase of food products and milk from competitive solicitation.

Importantly, Florida Administrative Code Rule 5P-1.003(2)(i) was revised and transferred to 5P-2.002 on June 21, 2018. Prior to June 21, 2018, the rule provided that Boards had authority to adopt policies exempting the purchase of food products and milk from the bid requirements of Florida Administrative Code Rule 6A-1.012. In the post-June 21, 2018, version of Rule 5P-2.002, this language was removed from the rule.

Please note: the rule was revised by the Florida Department of Agriculture and Consumer Services, Division of Food Nutrition and Wellness, because that agency now has authority over certain school nutrition issues. In sum, because our optional policy language was based on the authority in Rule 5P-1.003(2)(i), and such authority was removed in Rule 5P-2.002, we have elected to remove the language as an option. We will continue to monitor rulemaking in the event the deletion of the language by the Department of Agriculture and Consumer Services is addressed in another rule.

### **Policy 6322 - Construction Contracting and Bidding (REVISED)**

The revisions to this policy are the result of statutory changes and work with other client Districts. Specifically, pursuant to 2018-6, the legislature has added an additional exception to construction requirements which we have incorporated into the policy. Additionally, as a result of our work with other client Districts, we updated the policy to include additional information regarding bonds and notice/terms.

### **Policy 6325 - Procurement - Federal Grants/Funds (REVISED)**

The revisions to this policy are intended to clarify certain requirements related to procurement when utilizing federal grants/funds, including modifications to certain monetary thresholds.

### **Policy 6610 - School Internal Funds (REVISED)**

#### **Policy 6610V2 - Internal Accounts (DELETED)**

The revisions to Policy 6610 (previously Policy 6610V1) and deletion of Policy 6610V2 are intended to clarify the requirements related to school internal funds. Please note that most of the language from Policy 6610V2 was transferred to Policy 6610 with some minor changes.

### **Policy 7310 - Disposition of Surplus Property (REVISED)**

This policy was revised as a result of 2018-6 to make clear that tangible personal property may be made available to charter schools under certain circumstances.

### **Policy 8141 - Mandatory Reporting of Misconduct (REVISED)**

The Superintendent is now mandated by law to notify law enforcement of any misconduct that would result in disqualification from educator certification or employment. Also, Districts are now required to provide parents with notification of alleged acts of misconduct that affect the health, safety or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, or any conduct that would result in disqualification from educator certification or employment.

We strongly recommend that you pay close attention to the requirements related to parental notification of alleged misconduct.

Finally, we also included required language that notifies employees who report misconduct which affects the health, safety or welfare of a student that they are entitled to certain statutory liability protections under Florida law.

#### **Policy 8420 - Emergency Management, Emergency Preparedness, and Emergency Response Agencies (REVISED)**

This policy was revised to clarify that emergency egress and relocation drills (including fire drills) are required to be conducted in accordance with the requirements of the Florida Fire Prevention Code, the Fire Code, and the Life Safety Code. We believe that referring to these different authorities will assist the District in determining the frequency with which these drills must be conducted.

#### **Policy 8462 - Student Abuse, Abandonment, and Neglect (REVISED)**

This policy was revised to clarify that employees who report abuse, abandonment and/or neglect of a student may be entitled to certain statutory liability protections as set forth in F.S. 39.203. These revisions are the result of 2018-5.

#### **Policy 8500 - Food Service Program (REVISED)**

The revisions to this policy are a result of our work in another District. Specifically, Neola has been advised that the USDA's position is that an appropriate "team" is required to approve any dietary modification to the school's USDA-reimbursable meal pattern for a student, whether or not that student has a disability or is eligible for a Section 504 plan. The revisions specify the manner in which such decisions will be made.

#### **Policy 8805 - Model Policy on Religious Express in Public Schools (NEW)**

F.S. 1002.206 requires the Florida Department of Education to adopt a model policy on religious expression in

public schools that must in turn be adopted by all school districts in Florida. This new policy is the model policy adopted by the Florida Department of Education.

#### **Policy 8810 - The American Flag and Official Motto of the State of Florida (REVISED)**

This policy was revised to specify that, as required by 2018-6, the District will display the official motto of the State of Florida ("In God We Trust") in a conspicuous place in all schools in the District and in each building used by the board.

#### **Policy 9270 - Home-Education Programs (REVISED)**

Revisions include provisions addressing that the District is not to assign a grade level to a home school student, registration requirements, notification requirements, participation in certain activities, and other minor matters. These revisions are the result of 2018-134.

#### **Policy 9800 - Charter Schools (REVISED)**

The revisions to this policy are in accord with the revisions to F.S. 1002.33 (see 2018-6).

## **Administrative Procedures**

Since rulemaking is required to adopt the policies released as part of this update, revisions to any corresponding administrative procedures or new administrative procedures needed to implement new statutory requirements will be released in October. This will enable staff to prepare their recommendation to the Superintendent so that the procedures can be approved and submitted when the policies recommended by the Superintendent and adopted by the Board are ready to submit for processing and posting to the District's BoardDocs platform.

## **Additional Notes**

#### **Florida Chapter Law 2018-5**

Florida Chapter Law 2018-5 (signed into law following the 2018 Florida Regular Session) contains a number of statutory amendments that require policy revisions. However, pursuant to Section 22 of 2018-5, the majority of the statutory amendments do not take effect until July 1, 2019. The policies incorporating the July 1, 2019, statutory amendments will be released as part of the Vol. 19 No. 2 update in April of 2019.

**Policy 8340 - Letters of Reference and Disclosure of Information Regarding Former and Current Employees**

On June 27, 2018, the United States Department of Education released a memorandum to all Chief State School Officers, that was subsequently shared with District School Superintendents, reminding Districts of the requirement that Every Student Succeeds Act (ESSA) requires Districts adopt policies prohibiting the aiding and abetting of any individual who has committed, or for whom they have a well-founded belief has committed, sexual abuse with a student in that individuals attempt to find new employment (in addition to other related policy provisions). When applying for funds under the Elementary and Secondary Education Act of 1965 (ESEA), Districts are required to provide an assurance that they have complied this legal requirement.

Please be reminded that the revisions proposed to Policy 8340 in the Vol. 17. No 2 update comply with these requirements.

If the District has not already adopted the Policy 8340 template from the Vol. 17 No. 2 update, we strongly recommend that you do so as soon as possible.

If the District has adopted the version from the Vol. 17 No. 2 update, no further action is necessary.