



RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD ESCAMBIA COUNTY, FLORIDA

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Amended 04/18/17

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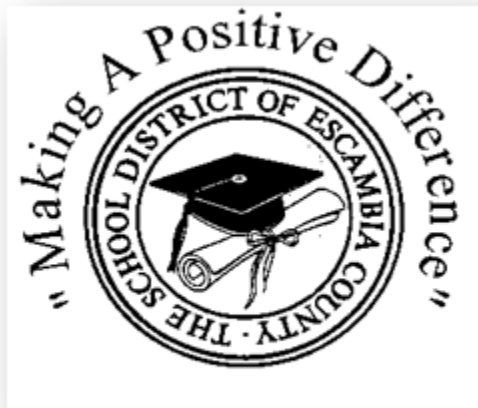
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**RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD
ESCAMBIA COUNTY, FLORIDA**

CHAPTER 1 - ADMINISTRATION



CHAPTER 1 - ADMINISTRATION

1.01 THE SCHOOL BOARD OF ESCAMBIA COUNTY, FLORIDA; CREATION; SCOPE

- (1) The School District of Escambia County, Florida ("The District"), is established by the Florida Constitution geographically constituting Escambia County, Florida, and is governed by a school board composed of five (5) members.
- (2) The School Board of Escambia County, Florida ("The Board"), is a body corporate and the governmental body created by the Florida Constitution to operate, control and supervise all free public schools within the District.

Statutory Authority: Article IX, Florida Constitution; Section 1001.32, F.S.

Law Implemented: Article IX, Florida Constitution; Section 1001.32, F.S.

History: New 10/23/90, Amended 11/16/10.

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1.02 STATUTORY CHAPTERS AND RULES

- (1) The primary statutory chapters that affect the Board's operations are Sections 1000 through 1013, F. S.
- (2) The primary administrative rules that affect the District are those rules of the State Board of Education contained in Title 6 of the Florida Administrative Code, which includes Chapter 6Gx17, Rules of the School Board of Escambia County, Florida.
- (3) Policy governing the District is set by the Board. The Superintendent, as a constitutional officer, serves as chief administrator of the District and makes recommendations to the Board, but has no vote in setting policy.

Statutory Authority: Sections 1000 - 1013; 1003.02, F.S.; Title 6, F.A.C.

Law Implemented: Sections 1000 - 1013; 1003.02, F.S.; Title 6, F.A.C.

History: New 10/23/90. Amended 11/20/01; 05/17/05; 10/21/08; 11/16/10.

CHAPTER 1 - ADMINISTRATION

1.03 MEMBERSHIP OF THE SCHOOL BOARD

The Board consists of five (5) members, each of whom is a qualified elector and is nominated and elected by the qualified electors who reside in the same school board residence area as the member. Each member is elected at the general election in November for a term of four years and shall maintain residency in the residence area throughout the term of his or her office. Three members are elected at the time of the gubernatorial election and two members are elected at the time of the presidential election.

Statutory Authority: Sections 100.041(3); 1001.34-35, F.S.

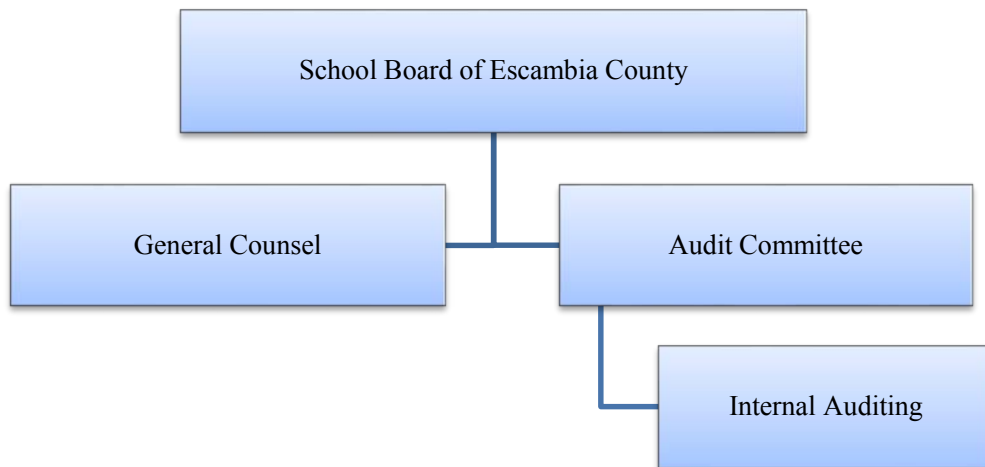
Law Implemented: Sections 100.041(3); 1001.34-35, F.S.

History: New 10/23/90, Amended 11/16/10.

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1.04 OFFICERS OF THE SCHOOL BOARD

- (1) A Chair and a Vice-Chair shall be elected annually by the Board at its organizational meeting held on the third Tuesday after the first Monday in November; provided, however, if a vacancy occurs in the Chair or Vice-Chair, the Board shall elect a Chair or Vice-Chair at the next regular or special meeting.
- (2) The Chair shall preside at all Board meetings and perform such other duties as may be prescribed by law or by action of the Board. The Vice-Chair shall preside in the absence of the Chair and shall perform such other duties of the Chair as required by circumstances.
- (3) The Superintendent of Schools is the Secretary and Executive Officer of the Board, and at the annual organizational meeting, the Superintendent shall act as Chair until the organization of the Board is completed.
- (4) The current structural organization for the School Board of Escambia County is:



Statutory Authority: Section 1001.371, F.S.

Law Implemented: Section 1001.371, F.S.

History: New 10/23/90. Amended 11/20/01; 06/16/03; 06/20/06; 03/18/08; 11/16/10, 09/20/11.

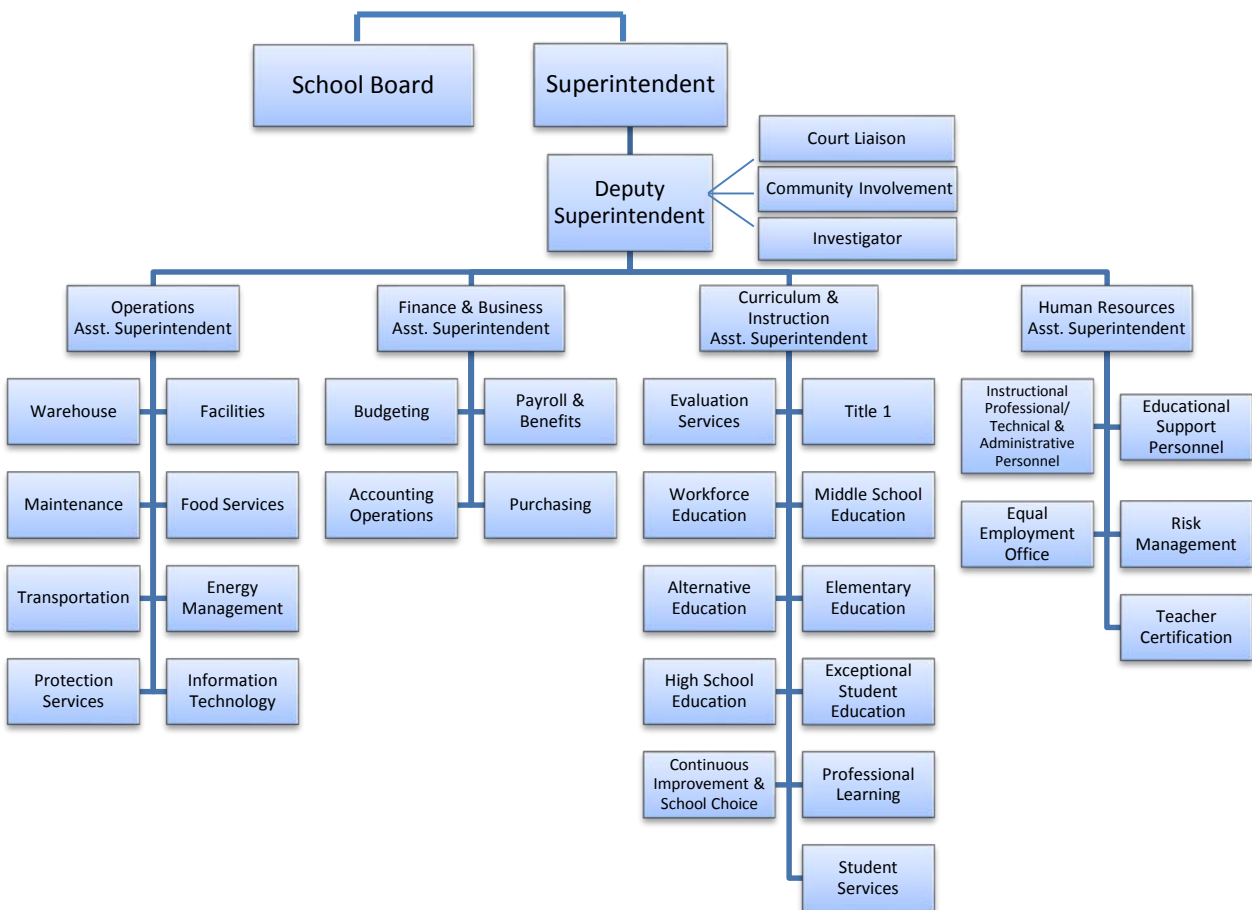
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1.05 ADMINISTRATIVE ORGANIZATION OF THE DISTRICT

(1) The District is composed of the following major administrative officers and officials:

- A. Superintendent
- B. Deputy Superintendent
- C. Assistant Superintendent – Finance and Business Affairs
- D. Assistant Superintendent – Operations
- E. Assistant Superintendent – Curriculum and Instruction
- F. Assistant Superintendent – Human Resource Services

(2) The current structural organization within the District is outlined below:



Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 1001.51; 1012.01; 1012.27, F.S.

History: New: 10/23/90. Revised/Amended: 06/22/93; 11/20/01; 06/16/03; 05/17/05; 11/16/10; 03/25/14.

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1.06 SCHOOL BOARD MEETINGS

- (1) The time and date for the regular meetings of the Board shall be set at the annual organizational meeting of the Board. The regular meeting date may be changed by action of the Board at any previous meeting, provided that each member not in attendance at such meeting is notified by letter or by distribution of the minutes showing a record of the change. When a meeting date is changed, the Superintendent shall take appropriate action to inform the public:
 - A. Special meetings, hearings, and workshops shall be held for such purposes and at such times and places as designated by the Superintendent or Board;
 - B. Except as otherwise provided by law, all meetings of the Board shall be open to the public;
 - C. The Superintendent shall ensure that the public is informed and noticed of all meetings of the Board as required by the Board and the Florida Government in the Sunshine Law; and
 - D. Prior to each meeting of the Board, the Superintendent shall provide in the agenda back-up proof of advertisement for said meeting.
- (2) Notice of meetings, hearings, and workshops shall be by publication in the newspaper of general circulation in the District, by mail to persons who have requested advance notice, and by posting in appropriate places, and shall include a statement of the general subject matter to be considered.
 - A. Notice of regular meetings, workshops, and hearings shall be given at least seven days prior to the meeting.
 - B. Notice of special meetings shall be given when called, but in no event shall such notice be given less than forty-eight hours (48) prior to the meeting.
 - C. Notice of emergency meetings shall be given orally to a major newspaper of general circulation and major radio and television stations as far in advance as possible and, after the meeting, notice shall be published setting forth the time, date and place of the meeting and the purpose of and action taken at the meeting.
- (3) All regular meetings of the Board shall be held in the Board Meeting Room at the District's administrative offices located at 30 East Texar Drive, Pensacola, Florida, except when the Board determines that the public interest is better served by holding a meeting elsewhere within the District.

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- (4) All Board meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised or such other rules as the Board may adopt at the annual organizational meeting of the Board.
- (5) Regular meeting agendas and backup materials shall be posted on the School District website at least seven (7) days prior to the regular workshop. Exceptions shall be communicated to the School Board by the Superintendent or designee. Agendas shall be prepared in time to ensure that a copy of it may be received at least seven days prior to the meeting by any person who requests a copy and pays the reasonable cost of the copy and shall contain the items to be considered in the order of presentation.
 - A. Any changes to the agenda after it has been made available can only be made for good cause as determined by the person designated to preside over the meeting and stated in the record. In advance of any meeting, the Superintendent shall advise Board Members in writing about any substantive changes made to agenda items between the time the agenda and back-up materials are published and Board action on the matter. The Superintendent shall provide the written notice(s) required by this section with as much advance notice as is possible under the circumstances.
 - B. Any item to be placed on the agenda of a regular Board meeting shall be submitted to the Superintendent's office pursuant to the schedule provided by the Superintendent.
 - C. Any person may address the Board during the Public Forum portion of any school board meeting or board meeting workshop provided the decorum required elsewhere in these rules is maintained.
 - D. All recommendations shall be presented by the Superintendent to the Board. Every agenda item (except items from Board Members, General Counsel, Internal Auditor, scheduled appearances, and public forum) is deemed to be at the recommendation of the Superintendent; and such recommendation constitutes the Superintendent's certification that all requirements of law and rule have been met.
 - E. The Board shall not be obligated to act on any recommendation, nomination, proposal or request that is not on the agenda.
 - F. Agendas for special meetings shall be prepared upon the calling of the meeting and not less than forty-eight (48) hours prior to such meeting.
- (6) Three physically present members shall constitute a quorum for any Board meeting. No business shall be transacted unless a quorum is present except a minority may adjourn the meeting until a quorum is present.

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- (7) The official minutes of the Board shall be kept by the Superintendent as prescribed by law.
 - A. Approved minutes shall be kept in a safe place and shall be made available by the Superintendent on the School District website and during regular office hours to any person desiring to examine them, and/or obtain copies.
 - B. The minutes of each regular Board Meeting shall be presented to the Board for approval at the next regular Board Meeting.
 - C. In no instance shall the minutes of any meeting of the Board be presented to the Board for approval later than thirty (30) days following the date of the meeting.
- (8) If any person decides to appeal any decision made by the Board at any meeting or hearing, such person will need a record of the proceedings, and, for such purposes, that person, at his or her own expense, needs to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- (9) Persons interfering with the expeditious or orderly process of any meeting shall be removed from the meeting if such interference continues after the presiding officer issues a warning that continued interference will result in removal.

Rulemaking Authority: Section 1001.41; 1001.42, F.S.

Laws Implemented: Section 120.525; 286.011; 286.0105; 286.0114; 1001.372, F.S.

History: New 10/23/90. Amended 11/20/01; 05/21/02; 06/16/03; 05/17/05; 10/21/08; 11/16/10; 03/25/14.

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1.07 SCHOOL BOARD COMMITTEES

- (1) Committees may be formed and members be appointed by the Board when deemed necessary or desirable. The duties of any such committee shall be outlined at the time of its formation; except for standing committees or as otherwise indicated by the Board, committees shall be automatically dissolved when the Board accepts a committee's final report. Each Board Member shall be notified of all committee meetings, but shall have no vote on any committee unless the member is serving as a committee member. All meetings of Board committees shall be advertised in accordance with Government-in-the-Sunshine and open to the public.

- (2) Audit Committee

The Board does hereby establish the Audit Committee as a standing committee of the Board. The purpose, makeup, authority and responsibilities of this committee shall be contained in a separate document entitled "Charter for the Audit Committee" hereby incorporated as a rule by reference. Said Charter follows:

**CHARTER FOR THE
AUDIT COMMITTEE
SCHOOL DISTRICT OF ESCAMBIA COUNTY
ADOPTED APRIL 29, 1999**

(Amended March 20, 2001; January 21, 2003; September 23, 2003; October 21, 2003)

INTRODUCTION

The Superintendent of Schools and top management are responsible for the effective and efficient administration of the District. This responsibility encompasses the requirements for sound financial management, adequate reporting, maintaining an effective system of internal controls, compliance with applicable rules and regulations, and maintaining the highest standards of ethical conduct. The Board directs the Superintendent in these matters through adoption of the budget and establishing Board policy. To aid in fulfilling these requirements, the Board has established an Internal Auditing Department. The Department's activities serve as an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. The objective of the Internal Auditing Department is to assist the Superintendent and the Board in the effective discharge of their responsibilities identified above. The Internal Auditing Department, through its work, provides the Superintendent, his top management, and the Board with analysis, appraisals, recommendations, advice, and other information concerning the activities reviewed. In this way, the Internal Auditing Department is viewed as an asset to the District it serves. To effectively utilize this valuable resource, the Board does hereby establish this Audit Committee.

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PURPOSE AND AUTHORITY

The purpose of the Audit Committee (referred hereinafter as Committee) is to promote, maintain, and enhance the independence and objectivity of the internal auditing function of the District by ensuring broad audit coverage, adequate consideration of audit/review reports, and appropriate action on recommendations. The Committee also serves to reduce the risk of both internal and external influences that might otherwise impair the independence and objectivity of the Internal Auditing Department. The Internal Auditing Department shall report to the Board through the Committee which shall act as the designee for the Board.

MEMBERSHIP

The Committee shall be comprised of five (5) members consisting of the Superintendent's designee, one member appointed by the Board, one member from the Escambia County Council of PTA, one member from the Northwest Florida Chapter of the Institute of Internal Auditors, Inc., and a member at large. All committee members shall be business professionals.

The Superintendent shall appoint his/her designee. The Board appointee shall be elected and agreed upon by a majority of the Board. The Escambia County Council of PTA member and the Institute of Internal Auditors member shall be appointed by their respective boards. The Chair and Vice Chair of the Committee shall be nominated and elected annually by the Committee as a whole. Should a vacancy occur in the Chair or Vice Chair, the Committee may appoint an interim Chair or interim Vice Chair until such time as a Chair or Vice Chair is nominated and elected by the Committee as set forth above. The Chair shall possess sufficient technical expertise and/or experience to fulfill his/her duties as Chair. All members shall provide their time and services without compensation.

REQUIREMENTS OF MEMBERSHIP

Committee members must possess an independence of mental attitude and an earnest desire to act as a positive force in fulfilling their responsibilities to the Board. In addition, appointees to the Committee shall possess a professional background in accounting or auditing such that the Committee shall represent a balance of those skills and qualities desired. No Committee member may be an employee of the District. Members shall adhere to the HA Code of Ethics. Members must be able to satisfy the time commitments for effective participation on the Committee. All Committee members shall be residents of or work in Escambia County, Florida at the time of appointment.

TERMS OF MEMBERSHIP

Members shall serve a three (3) year term from the time of appointment; the exception being the Superintendent's appointee who may only serve so long as he/she holds office. Committee members may serve consecutive terms. A member shall be removed for failure to attend two (2) consecutive meetings without just cause, or to perform assigned duties.

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Vacancies shall be filled within thirty (30) days by the respective appointing organizations/person where indicated and shall serve the remainder of that term.

REQUIRED MEETINGS

The Committee shall meet a minimum of four (4) times a year. Additional meetings may be called as necessary to further the business of the Committee. One meeting shall be held in the spring of each year to review the budget and annual work plan for the Internal Auditing Department. Meetings must have a quorum (three) to conduct business. The Chair or Vice Chair and Director of Internal Auditing shall be present at all meetings. The time and place shall be determined by the Committee. All meetings shall be advertised in accordance with Government-in-the-Sunshine and open to the public.

MINUTES

Minutes will be maintained by the Internal Auditing Department. All documents, in any format, produced by the Committee shall be maintained as a public record where not specifically exempt. In accordance with F.S. 119.0713(2), audit reports and all work papers and notes relating to them are public record once published.

DUTIES AND RESPONSIBILITIES

Approve Internal Audit Charter

To promote independence and objectivity, the functioning and reporting frameworks within which the Internal Auditing Department operates shall be incorporated in its Charter. In fulfilling its oversight responsibility, the Committee shall review and approve the Charter for the department. Nothing in the Charter shall serve to restrict or impede the relationship between the Internal Auditing Department and the Superintendent.

Appointment, Removal, and Contract Renewal of Internal Auditing Director and Staff

The appointment, removal, or contract renewal of the Director of Internal Auditing shall be based on a non-binding recommendation of the Committee subject to confirmation by the Board. The Director of Internal Auditing shall make recommendations for the appointment or contract renewal of staff members of the Internal Auditing Department to the Audit Committee. The Audit Committee shall then make a non-binding recommendation to the Board.

Review and Approve Work Plan

The Committee shall require the Internal Auditing Department to conduct a periodic district wide risk assessment as a means of setting the long range work plan. The assessment shall involve the Board, Superintendent, and top management. The Committee shall review and approve the long range work plan of the Internal Auditing Department as

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well as the annual work plan. The annual work plan, once approved, may only be modified upon Committee approval.

Review and Recommend Budget

To provide for adequate resources needed in carrying out its responsibilities, the Committee shall review and recommend to the Board the annual budget for the Internal Auditing Department. The budget shall make adequate provision for staffing of the department including salaries and benefits. Adequate provision for staff development shall also be provided to maintain the highest professional standards for the department and for the use of outside resources when such professional services are deemed necessary by the Internal Auditing Department Head.

Superintendent and Internal Auditing Department

The Committee should ensure that the review and approval of the annual work plan and budget not serve to restrict or impede the Superintendent from utilizing the services of the Internal Auditing Department for reviews or special studies that may be required in the discharge of his/hers duties and responsibilities as defined in F.S. 1001.32(3).

Review Audit Reports

Prior to presentation to the Board, the Committee shall review all findings, audit reports, or reviews issued by the Internal Auditing Department and make recommendations, where appropriate, for clarity, tone and technical matters. In addition, the Committee shall review the status of action taken on prior recommendations. Such work/reports are not final until presented to the Committee.

Other Projects

The Committee may from time to time request the Internal Auditing Department to perform special studies or investigations when deemed necessary.

Quality Assurance Reviews

The Committee shall direct that quality assurance reviews be conducted every five years to assure the Board and the Superintendent that the internal auditing activities conform to the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing.

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Statutory Authority: Sections 218.391; 1001.32; 1001.42(12)(L); 1001.43; 1010.30; 1010.33, F.S.

Law Implemented: Sections 218.391; 1001.32; 1001.42(12)(L); 1001.43; 1010.30; 1010.33, F.S.

History: New 10/23/90. Amended 4/29/99; 03/20/01; 11/20/01; 01/21/03; 06/16/03; 09/23/03; 10/21/03; 10/18/05; 03/18/08; 10/21/08; 11/16/10.

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1.08 SCHOOL ADVISORY COUNCIL

(1) Establishment

The Board shall establish an Advisory Council for each school in the district and shall develop procedures for the election and appointment of advisory council members. Each School Advisory Council shall be the sole body responsible for final decision making at the school relating to implementation of the provisions of Section 1001.42(18), F.S. and Section 1008.345, F.S. A majority of the members of each School Advisory Council must be persons who are not employed by the school. Each Advisory Council shall be composed of the Principal and appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Career center and high school advisory councils shall include students, and middle school advisory councils may include students. School Advisory Councils of the career center and adult education centers are not required to include parents as members.

(2) Nomination and Election of Members

School Advisory Council members shall be elected by their peer groups (e.g., teachers shall be elected by teachers, etc.), from a list of nominees prepared by the School Advisory Council. However, business/community representatives shall be widely solicited, nominated, and elected by the School Advisory Council.

(3) Duties

- A. Each School Advisory Council shall perform such functions as are prescribed in the current edition of the publication, School Advisory Council Handbook, which is hereby incorporated into this rule by reference.
- B. Each School Advisory Council shall assist in the preparation and evaluation of the School Improvement Plan required pursuant to Section 1001.42, F.S. Each School Advisory Council shall provide input into the school's annual educational plan. Each School Advisory Council shall approve all programs and projects on which the Educational Enhancement Trust Funds (Lottery funds) allocated to the school are to be expended. School Advisory Councils must use these funds for implementing the School Improvement Plan. A principal may not override the recommendations of the School Advisory Council as to the programs and projects to be funded. These monies may not be used for capital improvements or for any project or program that has duration of more than one year; however, a School Advisory Council may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.
- C. Each School Advisory Council shall perform such duties and responsibilities and operate in such a manner, not inconsistent with this rule, as the Superintendent of Schools may prescribe in guidelines promulgated by him or her.

CHAPTER 1 - ADMINISTRATION

Statutory Authority: Sections 1001.42(18); 1001.452; 1008.385, F.S.

Law Implemented: Sections 1001.42(18); 1001.452; 1008.385, F.S.

History: New 10/23/90. Amended 1/28/92; 9/28/93; 4/28/98; 01/23/01; 06/16/03; 03/18/08; 11/16/10.

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<i>1.09 REPEALED/ABOLISHED 2/24/98</i>

1.09 (REPEALED/ABOLISHED 2/24/98) - The deleted text of rule 1.09 is retained in archives and may be requested from the office the General Counsel.

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1.10 ADMINISTRATIVE PRACTICE AND PROCEDURE

- (1) Rule making proceedings of the Board shall be conducted according to the provisions of Chapter 120, F.S.
- (2) Declaratory statement proceedings of the Board shall be conducted according to the provisions of Chapter 120, F.S.
- (3) Proceedings determining substantial interests by the Board shall be conducted according to the provisions of Chapter 120, F.S.
- (4) The originals of all pleadings, notices, and other documents shall be filed with the Agency Clerk and copies furnished the opposing party or his or her legal representative by the party filing the pleading, notice or document.
- (5) Inquiries regarding administrative proceedings should be addressed to the Agency Clerk.
- (6) The Agency Clerk is designated as provided in Rule 1.15.
- (7) For any hearing required by law to be held by the Superintendent or the Board, except rule making or budget hearings or any other hearing which may be exempted from this paragraph, the Division of Administrative Hearings of the State Department of Administration of the State of Florida may be requested to furnish a hearing officer to conduct the hearing. The Board may engage attorneys to serve as hearing officers.

Statutory Authority: Sections 120.50 - 120.81, F.S.

Law Implemented: Sections 120.50 - 120.81, F.S.

History: New 10/23/90. Amended 11/20/01; 06/16/03; 11/16/10.

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1.11 LEGAL SERVICES

(1) General Counsel

- A. The Board shall select, employ, and supervise a Florida-licensed attorney to serve as the General Counsel.
- B. The General Counsel shall:
 - 1. Attend all regular and special meetings of the Board, and such workshops as deemed appropriate by the General Counsel or the Board, rendering legal advice and counsel;
 - 2. Furnish all legal services and advice to the Board, Board Members, the Superintendent, and members of the administrative staff on legal issues affecting the District except as otherwise provided in this policy;
 - 3. Represent the District and the administration in legal matters and proceedings;
 - 4. Review periodically the policies and procedures manual of the Board to determine if it is in compliance with state and federal law and regulations. Advise the Board and Superintendent as to those policies which should be changed and recommend the appropriate content of the change;
 - 5. Inform the Board and the Superintendent regarding any pertinent changes in state and federal law and advise the Board and Superintendent of any needed or suggested legislation that will benefit the District, and advise the Board and Superintendent as to how proposed legislation would affect the school system of Escambia County, Florida;
 - 6. Prepare or approve as to form all contracts entered into on behalf of the Board;
 - 7. Send written reports to the Board on a quarterly basis, or more frequently if directed by the Board, as to the status of litigation and other matters under the direction of the General Counsel;
 - 8. Organize, direct, and evaluate the activities and performance of clerical and technical staff assigned to the General Counsel's Office consistent with state law and Board policies and procedures to ensure the effective and efficient delivery of legal services to the Board;

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9. Supervise a legal secretary/legal assistant and such other support staff as may be provided for the attorney's use;
10. Conduct seminars and/or individual training of the Board, members of the Board, employees of the District, as to legal issues faced by the Board and District, with the intent of reducing claims and assuring compliance with all applicable laws and regulations;
11. Coordinate all litigation to which the Board is a party;
12. Brief the District on Government-in-the-Sunshine and public records law at the yearly organizational meeting; and
13. Provide such other services as may be directed by the Board.

(2) Risk Management Contract Attorneys

- A. The Board shall select one or more attorneys licensed to practice law in the State of Florida (or in the jurisdiction in which representation is required) to serve as contract attorneys to represent the District, the Board or one or more of its Members, the Superintendent, and/or an employee or employees of the Board who are charged with criminal or civil actions arising out of and in the course of the performance of their assigned duties and responsibilities. Determination of the appropriateness of the Board providing legal representation to an individual shall be made by the Board, or if permitted by law, by the Superintendent or designee, after consultation with the General Counsel.
- B. Except as provided in Subsection F, any contract attorney shall be assigned responsibility for a matter by, and shall report to and work under the direction of the Director of Risk Management and the General Counsel.
- C. Decisions concerning litigation and claims, including settlement of matters under Risk Management shall be made by the Director of Risk Management in consultation with the contract attorney who is responsible for the particular matter and the General Counsel.
- D. Each contract attorney shall provide the General Counsel with quarterly reports due on the tenth day of the month following each quarter, i.e. April 10 for January, February, and March; July 10 for April, May, and June; October 10 for July, August, and September; and January 10 for October, November, and December with the status of each pending matter under and the disposition of each matter closed in the previous quarter.
- E. The Director of Risk Management shall be responsible for monitoring the work of and the fees charged by contract attorneys with approval by the General Counsel.

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- F. The General Counsel shall serve as the attorney for the Risk Management Program on all matters other than litigation and claims involving the Risk Management Program provided, however, that the General Counsel may also serve as an attorney for the Risk Management Program in matters involving litigation and claims.

(3) Other Attorneys

- A. The Board, upon the recommendation of the Superintendent or the General Counsel or on its own initiative, shall designate such other attorneys licensed to practice law in the State of Florida (or in the jurisdiction, court or administrative tribunal in which representation is required) as are necessary to perform legal services for or on behalf of the Board or the Superintendent. Such attorney or attorneys shall be retained for specific legal matters or for specific categories of legal matters, such as labor negotiations and litigation, employee dismissal proceedings or student expulsion proceedings.
- B. Attorneys employed under this section shall:
 - 1. Be under contract with the Board and perform only the legal services specified in the contract;
 - 2. Work under the direction of the Superintendent, the General Counsel, or otherwise as determined by the Board at the time of employment;
 - 3. Submit periodic itemized statements of fees and expenses to the Superintendent and the General Counsel for review and transmittal to the Board for approval and payment; and
 - 4. Limit professional contacts with District employees to only those persons authorized by the Board or the Superintendent, or as necessary in the performance of his or her representation.

(4) Legal Services

- A. The Board, its Members, the Superintendent, and members of the administrative staff authorized in writing by the Board or the Superintendent, shall obtain legal advice and counsel on all legal matters affecting the District from the General Counsel, or from such other attorney designated under sections (2) and (3) of Chapter 1.11 in regard to the specific matters referred to such attorney.
- B. The Superintendent or designee is authorized to use the General Counsel or such other attorneys designated by the Board and under contract with the Board for in-service training of District employees on legal issues affecting the District.
- C. Decisions concerning all litigation and claims involving the Board shall be made by the Board on the recommendation of the Superintendent or the General Counsel.

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- D. In case of litigation between the Board and the Superintendent on issues related to the operation of the District, the Superintendent is authorized to retain counsel of his choosing, who shall be paid by the Board. In such litigation, the Board shall be represented by the General Counsel or such other attorney as approved by the Board.
- E. Requests for out-of-county travel by contract attorneys to attend professional meetings or educational seminars shall be at the recommendation of the General Counsel and approved in advance by the Board Chair or Superintendent. Submitted requests are required to include a description of the meeting or seminar and the reason that attendance is necessary for the performance of his or her duties on behalf of the Board.

Statutory Authority: Section 1001.43, F.S.

Law Implemented: Section 1001.43, F.S.

History: New 10/23/90. Amended 6/24/99; 11/20/01; 06/16/03; 10/21/08; 1/16/10.

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1.12 PRESENTATIONS BY MEMBERS OF THE PUBLIC

- (1) Board meetings are to transact the business of the public school system. Members of the public who wish to present comments about education and the public school system are encouraged to participate in Board meetings and workshops. By law and precedent, the Board provides opportunities for the public to address the Board at its regularly scheduled and/or special board meetings: Public Hearing, Agenda Items, and Public Forum. Members of the public may also address the Board in a Public Forum at the conclusion of its regularly scheduled Board workshops. The general rules set forth in this policy for public comment shall apply to Public Hearing, Agenda Items, and Public Forum.
 - A. Public Hearing: In accordance with state law, the School Board is required to conduct a Public Hearing before voting on certain agenda items. When such agenda items are brought to the table during a meeting, the public shall be given an opportunity to address them before a vote is taken.
 - B. Agenda Items: Public comment shall be allowed with regard to agenda items on any regular or special Board meeting or workshop agenda. If an item is on the Consent Agenda, speakers must advise the Chair of their intent to address the item prior to the vote being taken on the Consent Agenda. The Board shall then pull each such item for handling on the open agenda to allow public comment.
 - C. Public Forum: Prior to the adoption of the agenda at each regular and special meeting, the Board will allow public comment on any matter of relevance to public education. No action will be taken on a speaker's topic except as otherwise included on the meeting agenda. A Public Forum will also be held at the conclusion of each regularly scheduled Board workshop.
- (2) Any presentation to the Board shall conform to the following standards:
 - A. Remarks and statements shall be addressed directly to the Chair and Board Members using titles rather than names when possible to do so;
 - B. All questions should be directed to the Chair. The Superintendent, or his designated staff members, may answer questions during the meeting or they may request appointments for answers at a later time;
 - C. Personalities or motives shall be avoided in presentations. Concerns discussed should be related to issues and problems of education and the school system;
 - D. Personal attacks against officers and personnel shall be excluded from presentation or discussion. Except in cases of emergency, complaints relating to the official conduct of the personnel or the discharge of duties and responsibilities shall first be made to the appropriate supervisory personnel;

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- E. Time allocated for speakers addressing the Board will be three (3) minutes. The Chair shall have the discretion to extend the presentation time provided a majority of the Board Members consent to the extension;
- F. No action will be taken by the Board on any matter presented in the Public Forum. Consideration will be given to action which the Board may take some time in the future;
- G. Persons, failing to follow these procedures and after being warned by the Chair of being in violation, are subject to removal from the meeting;
- H. The Superintendent of Schools will provide a speaker form for members of the public to use to inform the Board of a desire to be heard, to indicate support, opposition, or neutrality on a proposition, and to designate a representative to speak for him/her or a group on the issue if he or she chooses. Said form will request contact information for the speaker, including name, address, telephone number, and email address; and
- I. Speakers who are physically present at the meeting or workshop may request to yield their time to a designated speaker. The yielded time will be pooled for a maximum of ten (10) minutes for the designated speaker. Speakers may not split their time and yield only a portion of it to a designated speaker.

Rulemaking Authority: Section 1001.41; 1001.42, F.S.

Laws Implemented: Section 286.0114; 1001.372, F.S.

History: New 10/23/90. Amended 11/20/01; 02/19/08; 03/18/08; 05/20/08; 10/21/08; 11/16/10; 03/25/14.

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1.13 MANAGEMENT INFORMATION SYSTEM

- (1) An automated information system which is part of and compatible with the statewide comprehensive management information system shall be implemented under the direction of the Superintendent. The system shall contain automated student, staff; and finance information systems and shall include procedures for the security, privacy, and retention of automated records.
- (2) A reports and forms management control system shall be implemented under the direction of the Assistant Superintendent for Operations.
- (3) This system shall be used for the coordination and control of all data collection forms used in this District. It shall also coordinate reports to be prepared for the State Department of Education.
- (4) All data collection forms used by programs or offices under the jurisdiction of the Board shall be subject to the review and approval procedures of this system. Decisions made through this system may be appealed to the Assistant Superintendent for Operations.
- (5) A data collection form shall be defined as any form, memorandum, letter or device which requests in two or more work locations personnel to collect, maintain, and/or report items of information.

Statutory Authority: Sections 1008.385; 1001.32(1), F.S.

Law Implemented: Sections 1008.385; 1001.32(1), F.S.; Rule 6A-1.0014, F.A.C.

History: New 10/23/90. Amended 06/16/03; 05/17/05; 11/16/10.

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1.14 PUBLIC RECORDS

- (1) Any District employee or agent possessing, maintaining or controlling public records is the custodian of said records.
- (2) Requests for information and questions regarding the District shall be submitted to the Superintendent's office located at 75 North Pace Boulevard, Pensacola, Florida 32505.
- (3) Except as otherwise provided by law, all records of the Board are public records. Requests for inspection and copying of public records of the Board as a whole shall be submitted to the Superintendent's office. Requests for inspection and copying of records pertaining to individual Board members shall be submitted to the individual board member.
- (4) Responses to requests shall be made by the custodian of the requested public records as quickly as possible. Sufficient time shall be allowed to determine whether the records, documents, or information requested is by law confidential, or otherwise exempt from disclosure.
- (5) The Deputy Superintendent is designated as the District Records Management Liaison Officer ("RMLO"). District personnel are encouraged to confer with the General Counsel and the RMLO as necessary to ensure compliance with this section.
- (6) Copies of public records shall be furnished upon the payment of the cost for duplication and any other service charge or fee set by Section 119.07(4), F.S.
- (7) Schools and departments shall maintain records in accordance with Section 257.36, F.S.; governing retention and disposition of records.

Statutory Authority: Section 119.07; 257.36, F.S.

Law Implemented: Section 119.07; 257.36, F.S.

History: New 10/23/90. Amended 11/20/01; 05/17/05; 08/19/08; 10/21/08; 11/16/10.

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1.15 DESIGNATION OF AGENCY CLERK

- (1) The legal assistant to the General Counsel to the Board is the Agency Clerk for filing of pleadings and documents in Board proceedings conducted pursuant to Chapter 120, F.S. The General Counsel's Office is located at 75 North Pace Boulevard, Pensacola, Florida 32505.
- (2) The Clerk has the following duties:
 - A. Receive, docket, and maintain all filings relating to an administrative proceeding;
 - B. Issue subpoenas;
 - C. Respond to requests for information of copies of filings relating to administrative proceedings;
 - D. Assemble, certify, and transmit the record on appeal to the appellate court;
 - E. Bill and collect the cost of assembly and compilation of record on appeal;
 - F. Certify orders of the Board; and
 - G. Maintain a case accounting system and a subject matter index of Board orders and rules.
- (3) The original and all copies of all Final Orders shall be filed with the Clerk who shall date the order and disburse copies as may be required.
- (4) The Superintendent shall confer with the General Counsel to ensure compliance with this section.

Statutory Authority: Sections 120.52; 120.53, F.S.

Law Implemented: Sections 120.52; 120.53, F.S.

History: New 10/23/90. Amended: 11/20/01; 06/16/03; 05/17/05; 06/20/06; 11/16/10.

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1.16 ADDRESS AND OFFICE HOURS

- (1) The primary administrative offices of the Board are located at 75 North Pace Boulevard, Pensacola, Florida 32505, and the telephone number is (850) 432-6121.
- (2) Regular office hours are 7:30 a.m. to 5:00 p.m., Monday through Friday. The District is closed on legal holidays.

Statutory Authority: Section 1001.30, F.S.

Law Implemented: Section 1001.30, F.S.

History: New 10/23/90. Amended 10116/01; 06/16/03; 05/17/05; 11/16/10.

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1.17 NONDISCRIMINATION

- (1) The Board does not discriminate against any person on the basis of gender, age, race, religious creed, color, sexual orientation, marital status, national origin, disability, or pregnancy in violation of applicable state or federal law, or these rules in the educational programs or activities which it operates or in the employment of personnel and does not tolerate any such discrimination. The Board provides equal access to the Boy Scouts, Girl Scouts, and other designated youth groups. Complaints alleging violation of this policy shall be made to the Equal Employment Officer (EEO) at 75 North Pace Boulevard, Pensacola, Florida 32505.
- (2) Any person, student or employee who believes that he or she has suffered unlawful discrimination or harassment shall immediately report the incident(s) to his or her teacher, guidance counselor, coach, dean, assistant principal, principal, Equal Employment Officer, or Assistant Superintendent of Human Resource Services.
- (3) The formal complaint procedure shall be started by filing a written or oral complaint as set forth below within sixty (60) days of the alleged discriminatory act. The EEO shall be responsible for making a thorough investigation of the matter and making recommendations for remedial or affirmative action.
 - A. All information gathered will remain confidential until conclusion of the investigation. An alleged victim of employment discrimination who does not file a complaint may request that all records relating to the allegation of employment discrimination be designated confidential and exempt from public disclosure.
 - B. Step 1
 1. The complainant shall present the matter in writing or orally to the EEO stating:
 - a. The nature of the problem;
 - b. The date, time and location of the alleged discrimination;
 - c. The persons involved; and
 - d. Efforts, if any and results to solve the problem prior to filing the written complaint
 2. The EEO shall provide the respondent with a copy of the complaint. Within ten days of the receipt of the complaint, the EEO shall notify the complainant, respondent, and the immediate supervisor, in writing of the recommendation for resolving the matter. If the complaint is resolved and no further action is requested in writing or orally within five days of receipt of the Step 1 recommendation, the matter shall be considered closed.

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C. Step 2

1. The complainant may in writing or orally to the EEO request a conference within five (5) days of receipt of the Step 1 recommendation. This conference shall be held within ten days after the receipt of the written/oral request. The following shall attend:
 - a. The Superintendent or designee;
 - b. The complainant;
 - c. EEO;
 - d. The immediate supervisor or designee; and
 - e. A person mutually agreed upon by the respondent and the EEO.
2. Within five (5) days following the conference, the Superintendent or designee shall notify the complainant and respondent in writing by hand delivery or certified mail the recommendation for resolving the matter.
3. If the complainant is dissatisfied with the Step 2 response, he or she may resort to whatever legal or equitable remedies may be available.

(4) For purposes of this policy, the following terms are defined:

- A. Complaint - A problem, dispute, or disagreement regarding discrimination which cannot be resolved informally. The complaint procedure may be used by any complainant who feels aggrieved or who feels that there has been a violation, misinterpretation, or inequitable application of any policy, procedure, or practice.
- B. Complainant - Any person filing a complaint.
- C. Respondent - The employee allegedly committing the discriminatory act or omission.
- D. Immediate Supervisor - The immediate up-line administrator above the respondent.
- E. EEO - The employee designated to coordinate the Board's effort to comply with and carry out its responsibility for nondiscrimination.
- F. Day - Any calendar day excluding Saturday, Sunday, and holidays.

(5) Extension of any time limits prior to a request for hearing being filed may be granted by the EEO only for circumstances beyond the control of the complainant or the respondent.

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- (6) No person shall retaliate or in any way discriminate against any person for filing a complaint or participating in an investigation of a complaint. The complainant maintains the right to utilize other appropriate legal or administrative remedies available.
- (7) The Board shall not knowingly do business with anyone who has been found to discriminate against any person in violation of applicable state or federal law, or these rules. Complaints alleging such discrimination by a District contractor, vendor, operator or sponsor must be addressed to the appropriate state or federal agency or court, on which the District relies for making such findings. The District does not make such determinations even though it may require affidavits of compliance.

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 760.08; 760.10; 1000.05; 1012.22, F.S.; 34 C.F.R 108.6; 20 U.S.C. 38; 29 U.S.C. 701; 42 U.S.C. 2000 et seq.

History: New 10/23/90. Revised/Amended 2/22/94; 10/25/94; 6/13/00; 11/20/01; 06/16/03; 04/20/04; 05/17/05; 03/18/08; 11/16/10; 03/25/14; 12/15/15.

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1.18 ALLOCATION OF RESOURCES

The allocation of human resources and of instructional supplies and curriculum materials for school centers and programs shall be based on a common formula to ensure equity and fairness of resource allocation among the various schools. The Superintendent with the advice and consent of the Board may use discretion in adjusting allocation of resources in order to cope with certain instructional problems, but these adjustments shall not be of such magnitude as to jeopardize Title I comparability requirements.

Statutory Authority: Sections 1001.42; 1003.02, F.S.

Law Implemented: Sections 1001.42; 1003.02, F.S.

History: New 10/23/90. Amended 11/20/01; 05/17/05; 11/16/10.

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1.19 SCHOOL IMPROVEMENT AND EDUCATION ACCOUNTABILITY

- (1) In order to fulfill the Board's responsibility for school and student performance, it is hereby established and required to be maintained in the District a system of school improvement and educational accountability as provided by statute and State Board of Education rule. The system shall consist of each individual school as the unit for educational accountability. The system shall be consistent with, and implemented through, the District's continuing system of planning and budgeting as required by Sections 1008.385, F.S., 1010.01, F.S., and 1011.01, F.S. The system shall include, but need not be limited to, the components required by law, including school improvement plans approved by the Board annually. Every school in the District shall have a new, amended, or continuation ("active") school improvement plan fully implemented and operational.
- (2) Lottery funds can be withheld if any school does not comply with school advisory council membership composition requirements in Section 1001.452, F.S. Membership composition of the School Advisory Council shall be periodically monitored by the Superintendent for compliance. The majority of members of a school advisory council must be persons who are not employed by the school.
- (3) Assistance and Intervention.
 - A. Each school in danger of failing and identified as being in performance grade "D" pursuant to Section 1008.34, F.S., shall receive assistance and intervention.
 - B. The Superintendent shall develop a plan to encourage teachers with demonstrated mastery in improving student performance to remain at or transfer to a school designated as performance grade "D" or "F".
 - C. To the extent possible, the expenditure of funds received from the Supplemental Academic Instruction categorical fund under Section 1011.62(1)(f), F.S., shall be prioritized to improve student performance in schools that receive a performance grade designation of "D" or "F".
 - D. The Superintendent shall notify the Commissioner of Education and the State Board of Education in the event any school does not make progress toward meeting the goals and standards of a school improvement by the end of two years. The Superintendent shall ensure intervention and assistance is provided to schools in danger of being designated as performance "F".
 - E. The Superintendent shall provide information regarding student performance and educational programs as required by Sections 1008.22, F.S., and 1008.385, F.S., and shall implement a system of school reports as required by statute and State Board of Education rule to include schools and additionally schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs in the district. The Superintendent shall issue annual public reports in an easy-to-read report card format and shall include a school's student

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and school's performance grade designation and performance data as specified in State Board of Education rule.

- F. The Board shall allocate funds for the purpose of developing and implementing school improvement plans.

(4) Local-level Decision Making

- A. The Board encourages and enhances maximum decision-making appropriate to the school site.
- B. Where appropriate, guidelines will be provided regarding budgets, such as the adoption and purchasing of district and school-site instructional materials and technology, staff training, student support services, and the allocation of staff resources.

(5) Opportunity Scholarships

The Board shall provide opportunity scholarships to students attending schools that have been designated an "F" to attend higher performing schools in the district or an adjoining district if a cooperative agreement is negotiated. If permitted by law, a state opportunity scholarship to a private school may be granted in conformance with Section 1002.38, F.S. However, in compliance with *Bush v. Holmes*, 919 So.2d 392 (Fla. 2006), such scholarships are not currently available.

(6) Authority to Declare an Emergency

The Board may declare an emergency in cases in which one or more schools in the district are in danger of failing and negotiate special provisions of its contract with the appropriate bargaining units to free these schools from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance.

(7) School-Within-A-School

In order to reduce the anonymity of students in large schools, the Superintendent shall develop and recommend to the Board policies to encourage such schools to subdivide into schools-within-a-school as described in Section 1003.02(4), F.S.

(8) Florida Virtual School and/or Escambia Virtual Academy

Students shall be provided with access to enroll in courses available through the Florida Virtual School and/or Escambia Virtual Academy shall receive credit for successful completion of such courses. Access shall be available to students during or after the normal school day and through summer school enrollment.

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Statutory Authority: Sections 1001.41; 1001.42, F.S.

Law Implemented: Sections 24.121(5)(c); 1001.10(3); 1001.32; 1001.42; 1001.452; 1002.37; 1002.38; 1003.02; 1008.22, 31, 34, 345, 385; 1010.01; 1011.01; 1011.62(1)(f), F.S.

History: New 7/28/92. Amended 4/29/99; 11/20/01; 06/16/03; 05/17/05; 06/20/06; 03/18/08; 11/16/10; 09/20/11; 03/19/13.

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1.20 STANDARDS FOR SCHOOL BOARD MEMBERS' CONDUCT

- (1) The Board of Escambia County is committed to the proposition that individual Board Members shall promote the best interests of the entire school district by providing an effective, progressive, and positive example of leadership for its community and its students.
- (2) Individual Board Members shall adhere to the educational and ethical standards and rules that are taken in part from the Standards for School Board Member Boardmanship of the Florida School Boards Association. Board Members shall:
 - A. Attempt to make all decisions in terms of the educational welfare of all students, regardless of ability, race, religious creed, age, gender, sexual orientation, or socioeconomic standing;
 - B. Work to bring about change through legal and ethical procedures, upholding and enforcing all laws, State Board of Education Rules, Escambia County School Board Rules and court decisions;
 - C. Recognize that the decision-making process must be participated in by the whole Board and that Board decisions should be supported by all Board Members;
 - D. Focus Board action on policy making, goal-setting, planning, evaluation and the other areas of duty established in Section 1001.42, F.S.;
 - E. Regularly attend all Board meetings and workshops, inform themselves about current educational issues; and respect the confidentiality of information that is privileged, or that may harm individuals or the system;
 - F. Allow each other to freely express opinions and foster communication with staff, students, and community by listening responsively and making decisions based on the best interests of the entire District, and by recognizing the achievements and contributions of students, staff, and community;
 - G. Cooperatively work with the Superintendent and District administration, neither undermining nor intruding into areas legally assigned to others, and refrain from using their position for personal or political gain, making decisions only after full discussion at public Board meetings and basing decisions on available facts;
 - H. Refrain from making derogatory or critical remarks about persons under their supervision, District employees or the Superintendent at any public meeting, or from authoring or causing to be published or broadcast these kinds of remarks; and

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- I. Without prior approval of the Board in all matters of finance, budgeting, or purchasing, Board Members shall not take any action that obligates or appears to obligate the District for payment of any debt or invoice.
- (3) If a Board Member wishes to discuss a problem he or she has with regard to a particular person under the supervision of the Board or any District employee, the Board Member will contact the Superintendent and will not contact or address employees directly as that job is delegated by law to the administration. This section shall not be construed to restrict a Board Member's right to contact school district personnel directly in furtherance of the Board Member's official duties.

Statutory Authority: Sections 1001.41, F.S.

Law Implemented: Sections 1001.32; 1001.39; 1001.41; 1001.42, F.S.

History: New 05/26/98. Amended 11/20101; 06116/03; 05/17/05; 11/16/10.

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<i>1.21 (REPEALED/ABOLISHED 12/31/01)</i>
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1.21(REPEALED/ABOLISHED 12/31/01) - The deleted text of former Rule 1.21 is retained in archives and may be requested from the office of the General Counsel.

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1.22 DISTRICT-WIDE STRATEGIC PLANNING

(1) Strategic Plan Guidelines

- A. The Plan shall be reviewed and updated annually and shall cover a period of not less than two years from its last date of adoption or amendment;
- B. Goals established by the Plan shall be measurable in an objective manner;
- C. The Superintendent will insure the plan will include objectives intended to assist in the attainment of goals. Such strategies should be supported by research, realistic cost benefit analysis, and the District's overriding beliefs and mission;
- D. The Superintendent will insure the plan shall include procedures to monitor progress towards the attainment of goals for the purpose of annual reevaluation;
- E. The Strategic Plan shall be generally consistent with the budget, except as otherwise approved by the Board;
- F. The system of school improvement and education accountability shall be consistent with the District's continuing system of planning. School Improvement Plans shall reflect the goals, objectives and strategies of the Board;
- G. All items presented for Board approval must include an Executive Summary that specifically refers to a goal in the Strategic Plan.

(2) Strategic Plan Development and Review Procedures

- A. During a school year, the Superintendent shall submit to the Board recommendations for changes to the Strategic Plan.
- B. The Board will conduct a workshop to evaluate its general and specific goals and objectives.
- C. The Board shall approve the district-wide Strategic Plan.
- D. The Board may, upon majority vote of its members, extend the timelines specified above.

Statutory Authority: Sections 1001.41; 1001.42, F.S.

Law Implemented: Sections 1001.42; 1001.43; 1001.452; 1008.345; 1008.385, F.S.

History: New: 06/15/04. Amended: 05/17/05; 03/18/08; 11/16/10; 09/20/11; 03/19/13.

CHAPTER 1 - ADMINISTRATION

1.23 SCHOOL BOARD APPOINTEES TO VALUE ADJUSTMENT BOARD

- (1) Pursuant to Section 194.015, F.S., a Board member is mandated as elected by the Board membership to serve on the Value Adjustment Board.
- (2) The Board is also mandated to appoint a citizen member who owns a business occupying commercial space located within the District to serve on the Value Adjustment Board.
- (3) A citizen member may not be a member or an employee of any taxing authority, and may not be a person who represents property owners in any administrative or judicial review of property taxes.
- (4) Members of the Value Adjustment Board may be temporarily replaced by other members of the respective boards on appointment by their respective chairpersons.
- (5) Initial Selection and Vacancies
 - A. To make the initial selection and thereafter in the event of a vacancy of the Board's citizen member appointee, the Board shall cause an announcement of such vacancy to appear on the District's website and to be published in the local newspaper of general circulation that includes instructions for obtaining and submitting an application online or in hard copy to serve on the Value Adjustment Board. After the closing date of the vacancy announcement, the Board shall select by majority vote at an advertised public Board meeting an appointee who owns a business occupying commercial space located within the District.
- (6) Term: The citizen member appointee shall serve a one year renewable term.
- (7) Members of the Value Adjustment Board may receive such per diem compensation as is allowed by law for state employees if both bodies elect to allow such compensation.

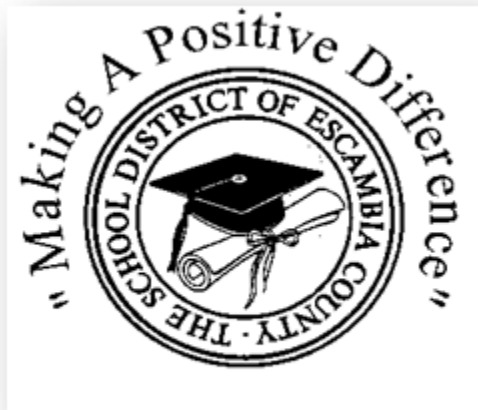
Statutory Authority: Section 194.015, F.S.

Law Implemented: Section 194.015, F.S.

History: New 10/21/08. Amended: 11/16/10.

**RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD
ESCAMBIA COUNTY, FLORIDA**

CHAPTER 2 - HUMAN RESOURCE SERVICES



CHAPTER 2 – HUMAN RESOURCE SERVICES

2.00 HUMAN RESOURCE SERVICES

The rules contained in Chapter 2 shall be controlling in all matters of personnel administration governed by the Rules and Procedures of the District School Board Escambia County, Florida; however, provisions of Chapter 77-547, Laws of Florida, shall apply to employees transferred to the Escambia County School District (the District) from the Escambia Electronic Data Processing Board.

Statutory Authority: ch. 77-547, Laws of Florida, effective July 1, 1977. Chapter 1012 and Sections 1001.32; 1001.41; 1001.42, F.S.

Laws Implemented: ch. 77-547, Laws of Florida, effective July 1, 1977. Chapter 1012 and Sections 1001.32; 1001.41; 1001.42, F.S.

History: New 01/22/91. Revised/Amended 09/23/03; 05/17/05; 06/20/06; 07/15/08; 02/15/11; 11/19/13.

CHAPTER 2 - HUMAN RESOURCE SERVICES

2.01 ADMINISTRATIVE AND PROFESSIONAL

(1) Superintendent of Schools

The Superintendent is responsible for the administration and management of the school system and for the supervision of instruction. The Superintendent exercises all powers, duties and responsibilities as specified in the Florida Constitution, Florida Laws, State Board of Education Rules, and the rules of the Escambia County School Board (the Board).

(2) Administrative Personnel

- A. Administrative personnel are those employees in positions specified on the current Administrative Classification Guide.
- B. Administrative personnel other than principals who are assigned responsibility for working directly with instructional or other personnel in the improvement of the instructional program shall have the following qualifications:
 - 1. Master's degree from an accredited educational institution;
 - 2. Certification in Administration and Supervision, Educational Leadership, or appropriate specialty area, by the State of Florida;
 - 3. Minimum five (5) years successful teaching experience in a specific subject area or five (5) years experience in the area to be supervised;
 - 4. Satisfactory completion of an approved Administrative Training Program or initial acceptance into the District Administrative Training Program; and
 - 5. Qualifications may vary from the above requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment. The Superintendent will provide notice to the Board outlining qualifications for individuals submitted under this section.
- C. Administrative personnel who are not assigned responsibility for working directly with instructional or other personnel in the improvement of the instructional program shall have the following qualifications:
 - 1. Master's degree from an accredited educational institution;
 - 2. Appropriate experience in the field in which they are employed; and

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3. Qualifications may vary from the above requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment.
- (3) Principals, Assistant Principals, Interim Principals, and Interim Assistant Principals shall have the following qualifications:
- A. Principals and Interim Principals
 1. Master's degree from an accredited educational institution;
 2. Certification as a School Principal by the State of Florida;
 3. Minimum five (5) years successful classroom teaching experience; and
 4. Satisfactory completion of an approved Administrative Training Program.
 - B. Assistant Principals and Interim Assistant Principals
 1. Master's degree from an accredited educational institution;
 2. Certification in Educational Leadership, School Principal or Administration and Supervision, by the State of Florida;
 3. Minimum five (5) years successful classroom teaching experience; and
 4. Satisfactory completion of an Administrative Training Program or initial acceptance into the District Administrative Training Program.
 - C. Qualifications may vary from the above requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment. The Superintendent will provide notice to the Board outlining qualifications for individuals submitted under this section.
 - D. Recruitment and Selection

The recruitment and selection of Principals, Assistant Principals, Interim Principals, and Interim Assistant Principals shall conform to the objective based process contained in the currently adopted Florida Statutes.
- (4) Professional
- A. Professional personnel are those employees in positions specified in the Professional Classification Guide.

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- B. Professional personnel shall meet the qualifications prescribed in the approved job description.
- C. Qualifications may vary from the requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment. The Superintendent will provide notice to the Board outlining qualifications for individuals submitted under this section.

(5) Non-School Based Administrative and Professional Flex Time

It is the policy of the District to allow authorized exempt & excluded administrative and professional employees the option of a flexible work schedule where needed to accomplish the mission of the District. All Department Heads/Managers/Directors will clear all flex time schedules through their respective Assistant Superintendent. Flex time request lasting more than one week will require Superintendent approval.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Chapters 120 and 1012 and Sections 1001.03; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 05/17/05; 03/26/07; 07/15/08; 11/17/09; 02/15/11; 01/17/12; 11/19/13; 05/20/14.

CHAPTER 2 – HUMAN RESOURCE SERVICES

2.02 CERTIFICATED INSTRUCTIONAL PERSONNEL

- (1) Certificated instructional personnel are those employees who are assigned duties that require certificates issued by the Florida Department of Education or by the local district and who are assigned direct responsibility for the supervision, instruction, and evaluation of students or the provision of instructional support activities and services, including those full-time instructional personnel in the Adult Education Program.
- (2) Certificated instructional personnel shall have the following minimum qualifications:
 - A. A Florida teaching certificate, a Florida vocational certificate, or a local district certificate based on experience in business or industry in the subject area of assignment, or eligibility to obtain such certification.
 - B. A Florida teaching certificate in a subject other than the assignment area and documentation of subject content competency and knowledge in core academic subject(s) other than reading and English to Speakers of Other Languages (ESOL) the experienced teacher is teaching using the High, Objective, Uniform State Standard of Evaluation (HOUSSE) plan as outlined in 6A-1.0503, F.A.C., and 20 U.S.C. §7801(23). (If applicable)
 - C. Compliance with No Child Left Behind (NCLB) standards.
- (3) Certificate Related Requirements and Conditions
 - A. Certificated instructional personnel shall be solely responsible for obtaining and maintaining proper certification for initial and continued employment.
 - B. Certificated personnel who apply for renewal of a state issued and/or local issued vocational professional teaching certificate must have earned at least one college credit or equivalent in-service points in teaching students with disabilities. Certificated instructional personnel shall submit all certificate numbers, changes in certificates, and new certificates to Human Resource Services.
 - C. Certificated instructional personnel shall be given a contract for employment only after a valid and appropriate certificate, or evidence of eligibility for such certificate, has been submitted to Human Resource Services and the employee's appointment by the Board.
 - D. Certificated instructional personnel shall be eligible for a salary supplement based on the attainment of a masters, specialist, or doctorate degree, or an advanced occupational certificate in accordance with Florida laws. Any increased rate of pay shall commence on the first working day following the completion date as verified on the official transcript.

CHAPTER 2 – HUMAN RESOURCE SERVICES

- E. Certificated instructional personnel may be reappointed contingent upon having valid and proper certification for the assigned position or if out of field, having attained six (6) semester hours of credit in the field of certification required for the assignment.
- F. Out-of-Field Teachers
 - 1. Out-of-field teachers shall have priority consideration in professional development activities and a plan of assistance will be prescribed by the principal and supervisor and/or director.
 - 2. The subject area supervisor or appropriate director will be provided a list of the out-of-field teachers. The supervisor and/or director will be advised to contact the principal for an appointment to discuss an out-of-field teacher and conduct a classroom visit during the teacher's probationary period.
 - 3. The principal and supervisor and/or director will review the in-service workshops available and prepare an appropriate plan of assistance for the out-of-field teacher.
 - 4. It is the responsibility of the coordinator of educator certification to follow-up with the out-of-field teachers to ensure that the six (6) semester hours credit is taken each school year.
- G. Prior to July 1, 2006, an experienced teacher may meet the designation of highly qualified teacher status by using the federal HOUSSE plan as outlined in 6A-1.0503, F.A.C., and 20 U.S.C. §7801(23).
 - 1. HOUSSE forms incorporating the required components and points for designation of highly qualified teacher status are to establish and document the experienced teacher's highly qualified status in a core academic subject other than reading and ESOL pursuant to NCLB standards. A copy of the HOUSSE form bearing the teacher's signature and the signature of the designated administrator and documentation of the basis for establishing highly qualified status are to be included in the teacher's personnel file.
- H. Certificated instructional personnel may be assigned other duties by the principal.
- I. Certificated instructional personnel shall teach assigned courses in an efficient and faithful manner using the prescribed materials and methods, keep accurate and timely records and reports required by law or rule, and fulfill the terms of any contract unless released from the contract by the Board.

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Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: 20 U.S.C. §7801(23). Chapters 120 and 1012 and Sections 1001.01; 1001.03; 1001.10; 1001.32 to 1001.54; 1002.20; 1003.02; 1003.32, 1004.02, F.S.

History: New: 11/27/90. Revised/Amended: 11/20/01; 08/20/02; 09/23/03; 01/18/05; 05/17/05; 03/26/07; 07/15/08; 11/17/09; 02/15/11; 01/17/12; 11/19/13; 05/20/14; 05/19/15.

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2.03 NON-CERTIFICATED INSTRUCTIONAL PERSONNEL

- (1) Non-certificated instructional personnel are those employees who possess expert skill in or knowledge of a particular subject or talent. Such personnel provide certain instructional services, but are not required to possess a certificate issued by the Florida Department of Education or by the District. Non-certificated instructional personnel shall meet applicable requirements and only be employed as specified.

- (2) Speech Pathologists, Occupational Therapists, Physical Therapists, and Audiologists

Speech Pathologists, Occupational Therapists, Physical Therapists, and Audiologists may be employed without a teaching certificate to provide instructional services in the individual's field of specialty pursuant to State Board of Education Rules under the following conditions:

- A. The employment procedures shall be the same as those for certificated instructional personnel.
- B. The employee's personnel records shall contain evidence of the individual's specialty consisting of at a minimum, copies of degree(s) earned, transcripts of courses taken in obtaining the degree(s), and a Florida licensure or registration. Additionally, the personnel records shall contain the employee's job-related work experience.
- C. Prior to assuming responsibility for the health, safety, and welfare of pupils or for promoting pupil learning, the immediate supervisor shall inform and instruct the employee on the relevant State Board of Education and School Board Rules, policies and practices regarding instructional responsibilities and shall ascertain that the employee possesses a clear understanding of such rules, policies, and practices. Additionally, the immediate supervisor shall determine that the employee possesses the necessary knowledge to perform such duties in a proper and reasonable manner.
- D. The procedural protection of law regarding employment shall be the same as that for certificated instructional personnel.
- E. Obtaining and maintaining a Florida licensure or registration in the field of specialty is the sole responsibility of the employee and is a condition of employment.

- (3) Vocational/Technical Training Instructional Personnel

- A. Individuals possessing expert skill or knowledge of a particular subject or talent taught in vocational or technical job courses may be employed as vocational/technical training instructional personnel without a teaching certificate

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to provide instructional services in the individual's field of expertise or specialty pursuant to State Board of Education Rules under the following conditions:

1. The employment procedures shall be the same as those for certificated instructional personnel except that these employees shall not be entitled to a probationary, annual, professional services, professional, or administrative contract.
2. The employee's personnel records shall contain evidence of his or her expertise, knowledge, or specialty.
3. The job performance evaluation and assessment procedures shall be in compliance with Florida laws and any applicable collective bargaining agreement.
4. The Principal of George Stone Vocational Technical Center shall be responsible for instructing such employees in the responsibility for the health, safety and welfare of students and in the State Board of Education and School Board Rules, policies and practices regarding instructional responsibilities and for ascertaining that the employee possesses a clear understanding of such rules, policies and practices. Additionally, the Principal shall determine that the employee possesses the necessary knowledge and skill needed to fulfill the instructional responsibilities and perform other assigned duties in a proper and reasonable manner.
5. Employment during a fiscal year shall not exceed one hundred sixty (160) hours.
6. The procedural protection of law regarding employment shall be the same as that for annual contract certificated instructional personnel.

(4) Non-degreed Vocational Instructional Personnel

- A. Individuals possessing occupational expertise in the career and technical education program cluster areas that are recognized in the state may be employed as full-time or part-time non-degreed vocational instructional personnel based primarily on successful occupational experience and industry certification credentialing rather than academic training provided the following requirements are met:
 1. Submit fingerprints as required for all personnel through the online computer system.
 2. Documentation of education, industry certification credential, and successful occupational experience including documentation of:

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- a. high school diploma or the equivalent; and
- b. when a valid industry certification is available, an industry certification or license issued by a recognized state or national credentialing agency in an area specific to the area of assignment.
 - i. The list of appropriate credentials and the recognized credentialing agencies is compiled and published July 1 of each year by the State of Florida Department of Economic Opportunity.
 - ii. Persons are required to present the appropriate valid certificate, registration or license previously described at the time of hire; and
- c. occupational expertise in the area of assignment by one of the plans specified below:
 - i. Plan One: A minimum of six (6) years of full-time occupational experience, or the equivalent in part-time experience in the occupational field of the teaching assignment; or
 - ii. Plan Two: A minimum of two (2) years of full-time occupational experience, or the equivalent in part-time experience in the occupational field of the instructional assignment in combination with one of the options listed below:
 - (A) A bachelor's degree earned at an acceptable accredited institution with an undergraduate or graduate degree major related to the instructional assignment; or
 - (B) Thirty-six (36) semester hours of college credit earned at an acceptable accredited institution in skills or theory courses related to the instructional assignment; or
 - (C) Successful completion of a program of training specific to the area of assignment and completed at a post- secondary vocational or technical institution approved by the State Board of Education for Vocational Education in the state in which the institution is located; or

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- (D) A certificate of completion of an apprenticeship as established by the United States Department of Labor, the Florida Department of Labor, or any state apprenticeship department, which is specific to the area of assignment; or
 - (E) Thirty (30) semester hours of college credit earned by occupational competency tests (NOCTI tests) in the area of assignment at an institution which is approved by the State Board for Vocational Education in the state in which the institution is located; or
- iii. Other requirements regarding occupational experience are
- (A) Occupational experience shall be gained as a wage earner after age sixteen (16).
 - (B) The occupational experience shall be verified by former employers. For self-employment, experience in a family- owned business, or experience at a firm no longer in business, the prior occupational experience shall be verified by an individual knowledgeable of the applicant's service. Employment verification shall not be accepted from the person or family members. The verification shall be provided on business stationery or a notarized affidavit and specify the dates of employment, job title, and whether the employment was full-time or part-time. If employment was part-time, the number of hours worked per week shall be included.
 - (C) Recency of experience or training shall be required in the occupational field of the teaching assignment as follows:
 - i. At least six (6) weeks of occupational experience gained within the five (5) year period immediately preceding the date of application for employment; or
 - ii. At least three (3) semester hours of college credit earned within the five (5) year period immediately preceding the date of application for employment at an acceptable accredited institution, completed in skills or

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theory courses related to the area of assignment; or

- iii. Completion of a vocational training program or an apprenticeship program as described above, within the five (5) year period immediately preceding the date of application for employment; or
 - iv. One (1) year of successful teaching experience in the program area of assignment during the five (5) year period immediately preceding the date of application for employment.
- B. Non-degreed vocational instructional personnel shall only be assigned to teach vocational courses when the Course Code Directory specifies non-degreed vocational instructional personnel as appropriate.
- C. The Superintendent shall insure that personnel in non-degreed vocational instructional positions meet minimum requirements for employment and shall maintain records of such information in each employee's personnel file.
- D. To be eligible for appointment to a full-time Junior Reserve Officers' Training Corps (JROTC) instructional position, a person must:
- 1. Submit fingerprints as required for all personnel through the online computer system.
 - 2. Hold at least a high school diploma or the equivalent based on general education development tests or other achievement tests approved by the State Board of Education which establishes the equivalency for a high school diploma.
 - 3. Provide verification that the applicant is retired from active military duty, pursuant to 10 U.S.C.102.
 - 4. Provide documentation that the applicant was a commissioned or noncommissioned military officer at the time of official separation from active military duty with an exemplary military record.
 - 5. Satisfy criteria established by the appropriate military service for certification by the service as a JROTC instructor.

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- E. Full-time JROTC instructional personnel shall apply and qualify for a full-time certificate issued by the Board covering JROTC.
 - 1. The initial JROTC certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
 - 2. A full-time JROTC certificate valid for five (5) school years will be issued when the following requirements are met:
 - a. Completion of two (2) years full-time successful teaching experience; and
 - b. Verified demonstration of a Florida-approved Professional Education Competence Program.
- F. Local Certificates
 - 1. Full-time non-degreed vocational instructional personnel shall supply and qualify for a full-time vocational certificate issued by the Board covering the occupational field to be taught.
 - 2. The initial vocational certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
 - 3. A full-time vocational certificate valid for five (5) school years will be issued when the following requirements are met:
 - a. Completion of two (2) years full-time successful teaching experience in the area for which occupational expertise was established; and
 - b. Completion of twelve (12) semester hours of college credit in education as specified below:
 - i. Three (3) semester hours in principles and philosophy of vocational education;
 - ii. Three (3) semester hours in general methods of teaching vocational education which includes testing and evaluation;
 - iii. Three (3) semester hours in methods of teaching agriculture, business, health occupations, home economics, industrial, marketing, or public service education. The methods course shall be specific to the area of the teaching assignment to include course construction, lesson planning and

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management and safety procedures for the vocational classroom and laboratory; and

- iv. Three (3) semester hours in vocational education designed for the special needs student.
 - c. Verified demonstration of a Florida-approved Professional Education Competence Program.
- G. Part-time non-degreed vocational instructional personnel shall apply and qualify for a part-time vocational certificate covering the occupational field to be taught.
 - 1. The part-time vocational certificate issued at the local district level shall be valid for five (5) school years with a validity period from July 1 to June 30.
 - 2. A part-time vocational certificate issued at the local district level will require no course work for renewal.
 - 3. The application and selection procedures and employment opportunities for full-time and part-time non-degreed vocational instructional personnel shall be the same as the procedures for certificated instructional personnel. An application for a Florida teaching certificate shall not be required. However, an application for a full-time or part-time local certificate covering the occupational field to be taught shall be required. A nonrefundable processing fee shall be required with each application.
 - 4. Full-time non-degreed vocational instructional personnel shall be given the same probationary or annual contract as they would be qualified for if they were certificated instructional personnel. Annual contracts shall be issued to the full-time non-degreed vocational instructional personnel in accordance with Florida laws and any applicable collective bargaining agreement.
- H. For individuals awarded a professional service contract prior to July 1, 2011, in order to retain and be reappointed to a professional service contract, the employee shall maintain a current and valid full-time Professional Vocational Instructional Certificate issued by the Board in the area of occupational expertise by completing at least six (6) semester hours of college credit, which shall include three (3) semester hours specific to each area of the teaching assignment during each five-year validity period of each certificate. However, sixty (60) in-service points approved in the District Master In-service Plan shall be considered equivalent to three (3) semester hours of credit.
- I. Part-time non-degreed vocational instructional personnel shall be employed as if they were full-time non-degreed instructional personnel except that they shall not be entitled to contractual status.

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- J. Full-time non-degreed vocational instructional personnel shall be eligible for the same salary and salary increases as certificated instructional personnel with corresponding contractual status, years of service, and levels of training. Levels of training for full- time non-degreed vocational instructional personnel shall be comparable to levels of training for certificated instructional personnel for purposes of the salary schedule as described below:
 - 1. Occupational expertise which establishes eligibility for employment shall be considered equivalent to a bachelor's degree level of training.
- K. Full-time non-degreed vocational instructional personnel shall be a member of the instructional personnel bargaining unit and shall be accorded the same rights and protections of the laws as certificated instructional personnel.
- L. Part-time non-degreed vocational instructional personnel shall be eligible for the same salary established for part-time certificated non-degreed vocational personnel. For purposes of salary schedule placement, levels of training for part-time non-degreed vocational instructional personnel shall be comparable to levels of training for full-time non-degreed vocational instructional personnel.
- M. Non-degreed vocational instructional personnel shall comply with the resignation policy established for certificated instructional personnel.
- N. Non-degreed vocational instructional personnel may be suspended or dismissed at any time during the school year pursuant to the provisions set forth for other certificated instructional personnel.
- O. Discontinuation of Positions
 - 1. Full-time non-degreed vocational instructional personnel shall be governed by the same provisions established for certificated instructional personnel if positions are discontinued. Should it be necessary to choose from among certificated and non-certificated instructional personnel, non-certificated instructional personnel shall have the same rights and protections as certificated instructional personnel.
 - 2. Part-time non-degreed vocational instructional personnel shall be governed by the same provisions established for part-time certificated instructional personnel if positions are discontinued. Should it be necessary to choose from among certificated and non-certificated part-time, non-degreed vocational instructional personnel, non-certificated part-time non-degreed vocational instructional personnel shall have the same rights and privileges as certificated part-time instructional personnel.

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(5) Part-time Adult Educational Instructional Personnel

Instructional personnel who are employed to teach part-time in the Adult Education Program shall be employed under and governed by the same rules regarding part-time non-degreed vocational instructional personnel except that, instead of meeting the occupational expertise requirements, these personnel shall hold a bachelor's degree or higher with an undergraduate or graduate degree major in the area of assignment or hold a bachelor's degree or higher in another area and thirty (30) semester hours in courses related to the area of assignment. The degree or college credit must have been earned at an acceptable accredited institution.

(6) Part-time Adjunct Certificates

- A. An applicant may be issued a part-time adjunct certificate in accordance with Florida laws, which shall be valid for the term of an annual contract.
- B. An applicant may renew a part-time adjunct certificate for additional years provided he or she receives a satisfactory performance evaluation.

(7) Degreed Career Specialist Certificates

- A. To be eligible for a degreed career specialist position, a person must:
 - 1. Submit fingerprints as required for all personnel through the online computer system.
 - 2. Hold a bachelor's degree or higher from an U.S. accredited or approved institution as specified in 6A-4.003, F.A.C., and provide verification of at least two (2) years of full-time occupational experience or equivalent in part-time experience.
- B. The initial temporary certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
- C. A full-time degreed certificate covering career specialist valid for five (5) years will be issued when the following requirements are met:
 - 1. Completion of two (2) years full-time successful teaching experience;
 - 2. Passing scores on the General Knowledge Exam;
 - 3. Passing scores on the Professional Education Exam;
 - 4. Completion of career education training conducted through the District Master Inservice Plan; and

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5. Verified demonstration of a Florida-approved Professional Education Competence Program.

(8) Non-Degreed Career Specialist Certificates

- A. To be eligible for a non-degreed career specialist position, a person must:
 1. Submit fingerprints as required for all personnel through the online computer system;
 2. Provide verification of at least six (6) years of full-time occupational experience or the equivalent in part-time experience; and
 3. Hold at least a high school diploma or the equivalent based on general education development tests or other achievement tests approved by the State Board of Education which establishes the equivalency for a high school diploma.
- B. The initial temporary certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
- C. A full-time non-degreed certificate covering career specialist valid for five (5) years will be issued when the following requirements are met:
 1. Completion of two (2) years full-time successful teaching experience;
 2. Completion of career education training conducted through the District Master Inservice Plan; and
 3. Verified demonstration of a Florida-approved Professional Education Competence Program.

(9) Denial, Revocation, or Non-Renewal of Local Certificates

- A. The Board issues to certain non-certificated instructional personnel a local certificate issued in accordance with Section (4), Non-degreed Vocational Instructional Personnel. Those eligible to receive local certificates include full-time non-degreed vocational instructional personnel, part-time non-degreed vocational instructional personnel, full-time ROTC instructors, part-time Adult Educational instructors, part-time adjunct instructors, and under provisions set forth in 2.09, S.B.R., Substitute Teachers.
- B. Local certificates are issued at the discretion of the Board and only upon completion of the requirements for the area of local certification. The issuance of a local certificate is for the purpose of enhancing administrative control and supervision over those instructional personnel who may teach in non-certificated positions. The

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issuance of a local certificate at the discretion of the Board and the utilization of that certificate by the Board or any school administration shall not create any property right in the holder of a local certificate or any right to employment or the continuation of employment.

- C. In exercising its discretion to deny issuance of a local certificate, to revoke an existing local certificate or to deny renewal, the Board may consider the following:
1. If the applicant or certificate holder has supplied fraudulent information or obtained a local certificate by fraudulent means;
 2. If the applicant or certificate holder has demonstrated through application or employment less than satisfactory qualifications or performance;
 3. If the applicant or certificate holder meets hiring guidelines as defined in 2.04, S.B.R., Recruitment and Selection of Personnel;
 4. If the applicant or certificate holder has met background screening requirements, has been convicted of a misdemeanor or felony, gross immorality or an act involving moral turpitude, or any other criminal charge other than a minor traffic violation;
 5. If there is reasonable cause to believe the applicant or certificate holder is guilty of personal conduct which seriously reduces that person's effectiveness as an employee; and/or
 6. Any other ground which the Board, in the reasonable exercise of its discretion, considers sufficient to deny local certification.
- D. Any person denied local certification or any person whose existing local certificate is revoked or non-renewed, upon notice of denial, non-renewal or revocation, may appear before a panel of personnel, as appointed by the Superintendent. The person shall have reasonable opportunity to contest the truth or accuracy of information relied upon in denying, revoking or non-renewing a local certification.

Rulemaking Authority: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 1000.04; 1001.01; 1001.03; 1001.10; 1001.43; 1003.02; 1003.32; 1004.02; 1008.405; 1008.41; 1009.22; 1010.22; 1010.215; 1011.80; 1012.42; 1012.55, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 05/17/05; 06/20/06; 03/26/07; 07/15/08; 02/15/11; 01/17/12; 01/22/13; 11/19/13; 04/18/17.

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2.04 RECRUITMENT AND SELECTION OF PERSONNEL

(1) Application

All prospective employees shall have a completed application on file with Human Resource Services before they may be considered for employment for any position. All personnel required to hold certification shall be employed in accordance with federal statutes, Florida Statutes, State Board of Education Rules, and School Board Rules. Although applications may be submitted at any time, only those applications for a particular position which meet the deadline specified in the advertisement shall be considered.

(2) Diversity Action Plan

The recruitment and selection of personnel shall be influenced and guided by the Diversity Action Plan approved by the Board.

(3) Position Advertising

- A. Instructional positions shall be advertised in accordance with requirements of any applicable collective bargaining agreement.
- B. Vacancies for administrative and professional positions with the exception of the Deputy Superintendent, Assistant Superintendent, Director of Human Resource Services, Director of Elementary School Education, Director of Middle School Education, Director of High School Education, and Executive Assistant to the Superintendent, shall be advertised for a period of no less than five (5) days, with the intent of establishing a pool of qualified candidates. Interviews of this candidate pool shall be held. Recommendations for employment shall be made to the Board by the Superintendent only from said qualified candidate pool.
- C. The advertising requirements in Section B shall not be required where the Superintendent determines a vacancy should be filled by a lateral transfer or demotion of existing personnel. A lateral transfer or demotion is a reassignment of an employee from one position to another in the same or lower pay grade. This provision only applies to administrative and/or professional positions.
- D. Should no qualified candidates be found after advertising as set forth in Section B, the Superintendent shall re-advertise the position and repeat the process set forth herein until such time as a qualified candidate is identified.
- E. However, for each vacancy advertised as set forth in Section B the Superintendent may request in writing that the Board waive the advertising requirements of this rule, provided that the Superintendent first certifies that no qualified candidates have been determined pursuant to advertising under this rule and sets forth in detail

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the reasons why waiver of the advertising provisions of the rule are deemed necessary.

- F. Upon receipt of the written certification and request in Section E, the Board may, in its discretion by a majority vote of its members, waive the advertising requirements of this rule as the Board deems necessary and proper.
- G. The Board may reject for good cause, any recommendation(s) for employment not made in compliance with this rule and its subparts.
- H. Other positions shall be advertised no less than ten (10) days prior to application deadline and in accordance with the requirements of any applicable collective bargaining agreement.

(4) Recommendation of Candidate for Employment

- A. Nomination of persons to fill positions shall be made to the Board by the Superintendent with the exception of the Board Attorney and the Auditing Department.
- B. A promotion to a higher pay grade under this provision shall not result in an employee's reduction in pay.
- C. The Superintendent may recommend initial step placement for individuals hired outside the District within the position's grade level, noticing the Board through memorandum of any placement exceeding Step (1).
- D. For individuals hired inside the District, the Superintendent may recommend Step (1) or up to a 5% pay increase or Step closest to a 5% increase. Step placement which exceeds Step (1) or a 5% pay increase or Step closest to 5% may occur by noticing the Board of such placement through memorandum.

- (5) All individuals applying for temporary and permanent employment including students working with the District, shall submit a full set of fingerprints. All fingerprint results will be reviewed by authorized personnel in Human Resource Services. These fingerprints shall be submitted to the Florida Department of Law Enforcement and to the Federal Bureau of Investigation. The reports from such processing shall be used to complete background checks on new employees and to evaluate the requirement for good moral character. The fingerprint processing required by the Florida Department of Education for teacher certification shall meet the requirements of this rule. Applicants found through fingerprint processing to have been convicted of a crime involving moral turpitude shall not be employed. Probationary employees terminated because of their criminal record or failure to meet the requirements of good moral character shall have the right to appeal such decision. The appeal procedure shall be as provided for in the Florida Administrative Procedure Act, Chapter 120, F.S. Good moral character and moral turpitude shall be interpreted in accordance with Florida laws, State Board of Education Rules, related

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Florida court decisions, and School Board Rules. Prospective employees shall pay the cost of fingerprint processing and shall make such payment before being considered for appointment.

- (6) Hiring guidelines which may disqualify applicants from employment:
- A. Conviction (as defined in Sections 435.04, F.S., and/or 1012.315, F.S.) of a crime of moral turpitude (Section 1012.33, F.S.). Moral turpitude as defined by the District includes, but is not limited to, crimes listed in Sections 435.04, F.S., and/or 1012.315, F.S.
 - B. Two (2) or more misdemeanor charges within the past five (5) years, with final dispositions of guilty or plea of nolo contendere (no contest), regardless of adjudication(s) withheld.
 - C. A criminal history screening which demonstrates irresponsibility in private or social environments. Examples include, but are not limited to, the use of weapons, acts of violence, or patterns of irresponsibility including insufficient funds incidents, shoplifting, petty theft, robbery, loitering, larceny, breaking and entering, immoral conduct, etc.
 - D. Any other felony crime not listed in Sections 435.04, F.S., or 1012.315, F.S., with a final disposition of guilt or plea of nolo contendere (no contest), regardless of adjudication of guilt.
 - E. Enrollment in or failure to successfully complete a pre-trial diversion or intervention program for a disqualifying offense.
 - F. Any unlawful possession, sale, manufacture or association of controlled substances and drug related activities, including prescription forgery, regardless of the date of the incident or level of offense. (Arrests which resulted in dropped charges, dismissal, nolle prosequi, or a not guilty verdict will not disqualify the applicant.)
 - G. More than one (1) DWI, DUI, or BUI conviction. School bus operators cannot have a DUI or DWI conviction, regardless of adjudication(s) withheld.
 - H. Any incidence of violence misdemeanor or felony, with final disposition of guilt or plea of nolo contendere (no contest), regardless of adjudication(s) withheld. Examples include, but are not limited to, battery, aggravated battery or assault, or domestic-related violence.
 - I. Any omission, misrepresentation or falsification of information listed on any employment application or documents related to employment and benefits.
 - J. Noncompliance with the District hiring requirements under Sections 435.04, F.S., 1012.465, F.S., 1012.315, F.S., and 1012.56, F.S. A record clear of disqualifying

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offenses as defined in Section A above is required for employment and continued employment with the District.

- (7) Applicants who have pending criminal charges for an offense which would disqualify the applicant from employment or who are currently on probation or participating in a program for first-time offenders as a result of the offense will be automatically disqualified from employment until resolution of the charge(s).
- (8) Offers of employment may be suspended, postponed, or withheld pending final disposition of the charges through the judicial process. Additionally, offenses in which youthful offender status was applied or where adjudication was withheld are considered convictions and shall be used in making employment decisions.
- (9) All applicants and vendors have the right to appeal before the Human Resources Appeals Committee. The Assistant Superintendent of Human Resource Services or designated representative will select the members of this committee to ensure diversity. The Committee is responsible for following and abiding by all local, state, and federal employment procedures and laws. A second applicant or vendor appeal will be granted only when new facts or additional information has been presented that was not considered in the first appeal hearing.
- (10) The Superintendent shall review decisions made by the Human Resources Appeals Committee and has the authority to overturn the decisions made by the Committee, excluding appeals from offenses listed in Sections 435.04, F.S., and/or 1012.315, F.S., and/or 1012.467, F.S.
- (11) Felonies involving breach of public trust and other specified offenses by public officers and employees are subject to forfeiture of rights and benefits under any public retirement system (Section 112.3173, F.S.). Conviction of felonies defined in Section 800.04, F.S., (lewd and lascivious offenses committed upon or in the presence of persons less than 16 years of age) or Chapter 794, F.S., (unlawful sexual activity with certain minors) when committed on or after October 1, 2008 by the employee if the offense occurred through the use of the power, rights, privileges, duties or position on a victim younger than 18, are subject to forfeiture of retirement benefits.
- (12) Prior to an appointment request in an instructional or school administrator position that involves direct student contact, the District must contact each candidate's previous employer and screen the candidate through the educator screening tools provided in Section 1001.10, F.S. The District must document the results from:
 - A. Professional Practices Database of Disciplinary Actions;
 - B. Teacher Certification Database; and
 - C. Candidate's previous employer. (If unable to contact previous employer, the District must document the efforts to contact the employer)

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(13) Additional Requirements

- A. All candidates for employment shall submit to pre-employment drug/tobacco screening testing. Refusal to submit to drug/tobacco testing or having a confirmed positive drug/tobacco test shall be used as a basis for denial of employment.
- B. All personnel shall take the Oath of Loyalty to the Constitutions of the United States and the State of Florida.
- C. All personnel shall submit to Human Resource Services, completed withholding allowance certificates, mandatory direct deposit forms, and retirement forms. All personnel shall submit to the Risk Management Department completed insurance forms.
- D. All personnel shall submit to Human Resource Services, a service record of all previous service claimed.
- E. Individuals submitted to the Superintendent for employment consideration in the following positions: Deputy Superintendent, Assistant Superintendent, Director I-Title I & Related Activities, Director I-Special Education, Director I-Workforce Education, Director I-Information Technology, Director II-School Food Services, Director II-Maintenance, Director II-Facilities Planning, Director II-Transportation, Director III-Purchasing and Business Services, Senior Purchasing Agent and Director II-Risk Management will undergo an additional background screening including but not limited to a financial inquiry prior to being offered employment.

(14) Instructional Candidate Pool

- A. Human Resource Services shall establish and maintain a pool of qualified candidates for instructional positions.
- B. All full-time instructional employees shall be hired from candidates registered with the Instructional Candidates Pool.
- C. Human Resource Services shall identify and catalogue candidates according to the candidate's professional training and credentials. Additionally, Human Resource Services shall identify those candidates in critical shortage areas.
- D. For purposes of this rule critical shortage areas shall be as defined by current state law.
- E. Principals shall make a sincere effort to recommend for employment qualified minority candidates. A minority candidate is defined as a person who is a member of an ethnic, racial, or gender group that is underrepresented in the District's instructional ranks.

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- F. Principals shall make all recommendations for hiring of instructional positions from qualified candidates identified by Human Resource Services.
- G. Principal evaluations shall include a diversity component which shall measure the principal's annual performance in hiring a diversified staff.
- H. The Superintendent shall report in writing to the Board in February and September, data by school and by each critical shortage area identified herein, detailing information regarding the diversity initiatives for the previous reporting period.
- I. Notwithstanding any provision herein to the contrary, no part of this rule shall be construed to supersede any provision in any applicable collective bargaining agreement.

(15) Re-employment of Retired Instructional Employees

A retired instructional employee who is otherwise qualified under this rule may be re-employed as an instructional employee in accordance with Florida Statutes.

(16) Hiring Freeze

- A. In the fulfillment of its budgetary control and fiscal oversight responsibilities the Board may, by majority vote of its members, designate any administrative or professional position(s) above the school level within the District to remain vacant until further action by the Board. This designation shall be known as a hiring freeze.
- B. The Board shall have good cause to reject any recommendation for employment to a frozen position.
- C. The Superintendent may recommend frozen positions be filled by the Board, provided the Superintendent provides the Board with current job descriptions and pay grades of the referenced positions.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Sections 112.3173; 435.04; 440.102; 800.04; 943.051; 1001.01; 1001.10; 1001.42; 1001.43; 1003.02; 1003.32; 1003.451; 1012.22; 1012.27; 1012.32; 1012.335; 1012.39, F.S.

History: New 11/27/90. Revised/Amended 02/20/01; 06/19/01; 11/20/01; 12/17/02; 06/16/03; 09/23/03; 10/21/03; 11/18/03; 05/17/05; 09/20/05; 06/20/06; 03/26/07; 05/20/08; 07/15/08; 10/21/08; 11/17/09; 02/15/11; 01/17/12; 01/22/13; 11/19/13; 05/20/14; 04/18/17.

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2.05 ETHICS

- (1) The *Code of Ethics* adopted by the Board shall be the code and principles for all employees. In addition to the *Code of Ethics*, employees covered by other regulatory agencies or boards are subject to their established codes and principles. It shall be the responsibility of each employee to become thoroughly familiar with the provisions of the codes and principles.

(2) Non-School Employment

Personnel shall not accept employment which conflicts or interferes with the performance of their assigned duties and responsibilities to the Board, unless approved in advance by the Superintendent or designee. The District does not authorize nor will it be held liable for the use of the District background screening requirement for employment purposes outside of the District.

(3) Tutoring

A School Board employee who offers private instruction for personal gain shall not use School Board property for this purpose unless approved by the Superintendent.

- A. Administrative or instructional staff members, including instructional assistants, may tutor a student for compensation by the student's parent(s) or legal guardian or non-school agency only if the staff member is not associated directly and professionally with such student.
- B. Any private instruction, tutoring or psychological testing shall be performed after school hours.
- C. School Board employees shall not promote any activity or project within any school/district property from which he/she is likely to receive compensation or remuneration other than his/her salary as a School Board employee.
- D. Under no conditions may work directed by a tutor be accepted for credit, grade or promotional purposes. This rule shall apply to work completed under any tutor, including any administrative or instructional staff member who is employed as a private tutor.

(4) District Sponsored Instructional Services

Instructional personnel providing district sponsored instructional services funded and/or authorized by the Escambia County School District (ECSD) (including summer sports, camps, academic and fine arts programs) shall not be precluded from providing such services to students (including students scheduled into the instructional personnel's class) on Board property. Instructional personnel who are hired to provide ECSD authorized services shall not render such services to students during any portion of the instructional day in which they are working under their regular instructional contract with the Board.

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- (5) Psychological or educational testing and/or evaluations of students for a fee by District personnel is prohibited.
- (6) Unlawful Discrimination and Harassment
 - A. Personnel shall not unlawfully discriminate against anyone in violation of applicable state or federal law, or these rules in the admission or access to employment, employment opportunities, or instructional programs or activities.
 - B. Personnel shall not tolerate harassment of employees or students in violation of applicable state or federal law, or these rules. Harassment is defined as:
 - 1. Unwelcome sexual advances;
 - 2. Requests for sexual favors;
 - 3. Slurs;
 - 4. Innuendos; or
 - 5. Verbal or physical conduct reflecting on an individual's protected status as provided by state or federal law, or these rules which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment. Verbal or physical conduct of a sexual nature constitutes harassment when:
 - a. Submission to the conduct is made either an explicit or implicit condition of employment or educational opportunities;
 - b. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed person; or
 - c. The conduct has the purpose or effect of unreasonably interfering with the persons work performance or creates an intimidating, hostile or offensive work environment.
 - C. Any person, student, or employee who believes that he or she has suffered unlawful discrimination or harassment shall immediately report the incident(s) to his or her teacher, supervisor, guidance counselor, coach, dean, assistant principal, principal, the EEO Officer, the Assistant Superintendent of Human Resource Services, the Deputy Superintendent, or the Superintendent.
 - D. The District shall immediately investigate reports of alleged unlawful discrimination and harassment and shall attempt to resolve same. In determining whether the alleged conduct constitutes unlawful discrimination or harassment, the totality of the circumstances, the nature of the discrimination or harassment, and

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the context in which the alleged incident occurred will be considered. A report recommending an appropriate resolution and discipline, if any, shall be made to the Superintendent with copies being sent to the complainant and the accused. The Superintendent shall take action and/or recommend to the Board immediate and appropriate action when the discipline, if warranted, exceeds the Superintendent's authority.

- E. Unlawful discrimination and harassment are major offenses which will result in disciplinary action. Personnel found to have unlawfully discriminated against or harassed any student or employee shall be subject to disciplinary action up to and including termination of employment, regardless of the offender's station in the District.
- (7) Ethical conduct requires all instructional and administrative personnel as defined in Section 1012.01, F.S., to complete training on the reporting of child abuse and educator misconduct. It is the duty of all employees to report alleged misconduct by other instructional personnel and school administrators which affects the health, safety or welfare of students. Individuals who report are granted immunity from liability under Sections 39.203, and 768.095, F.S. The District, the Board or any of their employees may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel, school administrators, other 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. The District, the Board or any of their employees may not provide employment references or discuss the personnel's or administrator's performance with prospective employers in another educational setting without disclosing the employee's or administrator's misconduct. Instructional personnel and administrators who fail to report misconduct which affects the health, safety or welfare of a student, are subject to termination and forfeiture of certification.
- (8) Employee Use of Social Media
- A. Purpose
- As a leader in using technology as an accelerator of learning, the District recognizes the value of teacher inquiry, investigation, and innovation using new technology tools to enhance the learning experience. The District also recognizes its obligation to teach and ensure responsible and safe use of these technologies.
- This policy addresses employees' use of publicly available social media networks including: personal Web sites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other social media. While the District takes no position on the employees' decision as to the legal and ethical participation in the use of social media networks for personal use on personal time, please be mindful of District and State Code of Ethics while online.

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B. General Statement of Policy

The District recognizes the importance of online social media networks as a communication and e-learning tool. Toward that end, the District provides password-protected social media tools for all District-approved technologies for e-learning and encourages use of District tools for collaboration by employees. However, public social media networks, outside of those sponsored by the District, may not be used for classroom instruction or school-sponsored activities without the prior authorization of the Superintendent or designee. It is in the employee's best interest to avoid posting any information or engaging in communications that violate state or federal laws or District policies.

The line between professional and personal relationships is blurred within a social media context. When employees choose to join or engage with District students, families, or fellow employees in a social media context they are advised to maintain their professionalism as District employees and to observe their responsibility for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting.

C. Requirements

As set forth in the District's Vision, all employees are expected to serve as positive ambassadors for our schools and to remember they are role models to students in this community. Because readers of social media networks may view the employee as a representative of the schools and the District, it is in the employee's best interest to observe the following rules when referring to the District, its schools, students, programs, activities, employees, volunteers and communities on any social media networks:

1. It is in the employee's best interest when using any social media network or electronic communication (including texting) and postings, displays, or communications on any social media network, to comply with all state and federal laws and any applicable District policies. Following Florida Administrative Code 6A-10.081, it is in the employee's best interest to be respectful and professional in all communications (by word, image, or other means).
2. Employees should not use their District e-mail address for communications on public social media networks that have not been approved by the District. Employees must make clear that any views expressed are the employee's alone and do not necessarily reflect the views of the District. Employees may not act as a spokesperson for the District or post comments as a representative of the District, except as authorized by the Superintendent or designee.

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3. Employees may not disclose information on any social media network that is protected by law, confidential or proprietary to the District, its students, or employees or that is protected by data privacy laws.
4. Employees may not use or post the District logo on any social media network without permission from the Superintendent or designee.

This policy will continually evolve as new technologies and social networking tools emerge. It is each employee's responsibility to be familiar with this policy. This policy is guided by the principle of personal responsibility and accountability; what you write is ultimately your responsibility. This policy is not intended to restrict your participation but rather to provide both a caution and guidance if you choose to engage in online activities.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Chapter 120, 440, and 1012 and Sections 39.203; 435.04; 768.095; 1000.05; 1001.10; 1001.32 to 1001.54; 1002.20; 1002.311; 1003.02; 1003.32; 1006.061; 1006.147, F.S.

History: New: 11/27/90. Revised/Amended: 02/22/94; 11/20/01; 09/23/03; 10/26/04; 05/17/05; 01/17/06; 10/21/08; 11/17/09; 02/15/11; 06/21/11; 11/19/13; 05/20/14; 05/19/15; 12/15/15; 04/18/17.

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2.06 CONTRACTS AND CONDITIONS

(1) Administrative and Professional Contracts

- A. Administrative and professional personnel issued continuing contracts in their present positions prior to July 2, 1974, shall retain such contracts until they resign, voluntarily relinquish such contracts, or have their position abolished by the Board.
- B. Administrative and professional personnel may initially be employed under an annual contract, or for a lesser period. The initial annual contract shall include a 97-day probationary period during which the employee's contract may be terminated without cause or the employee may resign without breach of contract. Following a probationary period of not less than three (3) consecutive years of successful performance in an administrative or professional position, such personnel may, upon the recommendation of the Superintendent, become eligible for a multi-year contract not to exceed three (3) years.
- C. Administrative and professional personnel holding multi-year contracts who are not recommended for reappointment to the same position shall be so notified at least one (1) year prior to the expiration of their contract.
- D. Generally, administrative and professional contracts shall have beginning and ending dates which shall coincide with those of the Board's fiscal year.
- E. Administrative and professional personnel shall work a minimum of eight (8) hours per day, unless otherwise approved by the Board. Work schedules shall be approved in advance by the Superintendent.
- F. District administrative or supervisory staff, including any principal, on continuing contract as defined in Section 1012.33(4), F.S., may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.
- G. District administrative or supervisory staff, including any principal, except those defined in Section F above, may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, any crime involving moral turpitude.
- H. Employees awarded an administrative contract in the following positions: Deputy Superintendent, Assistant Superintendent, Director I-Title I & Related Activities,

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Director I-Special Education, Director I-Workforce Education, Director I-Information Technology, Director II-School Food Services, Director II-Maintenance, Director II-Facilities Planning, Director II-Transportation, Director III-Purchasing and Business Services, Senior Purchasing Agent, and Director II-Risk Management will be required to complete and submit a Statement of Financial Interest (Form 1) upon award of the contract and each year thereafter. If residing in the State of Florida, the Statement of Financial Interest will be submitted to the Supervisor of Elections of the county of their permanent residence. If residing outside the State of Florida, filing of the Statement of Financial Interest will occur in Florida with the Escambia County Supervisor of Elections. Once a year, the Statements of Financial Interest submitted to the Supervisor of Elections will be reviewed by a committee appointed by the Superintendent (to include one (1) representative from Internal Auditing) to ensure no conflict of interest exists.

(2) Instructional Contracts

- A. Instructional personnel shall receive a written contract in accordance with Florida law (including Section 1012.335, F.S.) and any applicable collective bargaining agreement.
- B. No legal cause shall be required of the Board in the event that the probationary or annual contract employee is not re-employed after the last day of the contract term.
- C. Instructional personnel holding a continuing contract shall retain such contract and all rights arising therefrom unless the continuing contract is voluntarily relinquished in accordance with Florida law. Instructional personnel holding a continuing contract may be dismissed, suspended or returned to annual contract status for another three (3) years as provided by law.
- D. Instructional staff on continuing contract as defined in Section 1012.33(4), F.S., may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.
- E. Instructional staff, except those defined in Section D above, may be suspended or dismissed during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, two consecutive annual performance evaluation ratings of unsatisfactory under Section 1012.34, F.S., two annual performance evaluation ratings of unsatisfactory within a 3-year period under Section 1012.34, F.S., three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory under Section 1012.34, F.S., gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a

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plea of guilty, regardless of adjudication of guilt, any crime involving moral turpitude.

- F. Instructional personnel on annual contract, hired on or after July 1, 2011, may be suspended or dismissed at any time during the term of the contract for just cause. Just cause, as defined in Section 1012.335, F.S., includes, but is not limited to, immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.
- G. Probationary contract means an employment contract for a period of 1 school year awarded to instructional personnel upon initial employment in a school district. Probationary contract employees may be dismissed without cause or may resign without breach of contract. A district school board may not award a probationary contract more than once to the same employee unless the employee was rehired after a break in service for which an authorized leave of absence was not granted. A probationary contract shall be awarded regardless of previous employment with another school district or state.

(3) Compensation

- A. Salaries of all personnel shall be in accordance with Florida law and any applicable collective bargaining agreement and be based on salary schedules approved by the Board. Promotions for administrative and professional employees, including step increases, shall comply with the pertinent provisions of School Board Rules.
- B. In-grade step increases for administrative and professional employees may be awarded by the Superintendent provided:
 - 1. The employee has a significant increase in job responsibilities; or
 - 2. The employee has demonstrated continued outstanding performance; or
 - 3. The employee's performance has resulted in substantial improvements in the performance of the employee's department/work section.
 - 4. For increases greater than one (1) step, the Superintendent will provide notice to the Board.

(4) Transfers

- A. Requests for transfer shall be made in the manner prescribed by Florida law and any applicable collective bargaining agreement.
- B. The Superintendent shall recommend all transfers, promotions, or demotions of personnel to the Board for approval.

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- C. During any valid emergency, the Superintendent may make any necessary transfer of personnel and shall report any such transfer to the Board for approval at its next regular meeting.

(5) Assessments

Performance assessments shall be in accordance with Florida laws and any applicable collective bargaining agreement.

(6) Summer Employment

Individuals who have resigned or were not employed the previous year shall not be eligible for summer employment, unless recommended by the Superintendent and approved by the Board. Instructional personnel employed in the summer must be certified in the area to which assigned.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Sections 119.07; 120.57; 435.04; 943.051; 1001.10; 1001.43; 1003.02; 1003.32; 1004.02; 1010.215; 1011.60; 1012.22; 1012.32; 1012.33; 1012.335; 1012.34; 1012.56, F.S.

History: New: 11/27/90. Revised/Amended: 11/20/01; 11/19/02; 09/23/03; 09/27/04; 05/17/05; 10/18/05; 06/20/06; 03/26/07; 05/20/08; 07/15/08; 10/21/08; 11/17/09; 02/15/11; 01/17/12; 01/22/13; 11/19/13; 05/20/14; 05/19/15.

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2.07 EDUCATIONAL SUPPORT PERSONNEL

Educational support personnel shall be governed by Florida Statutes, any applicable collective bargaining agreement and applicable School Board Rules. The selection, employment, and assignment of classified service personnel shall be coordinated through Human Resource Services.

Statutory Authority: Chapters 120 and 1012 and Sections 1001.32 to 1001.54; 1003.02; 1010.215, F.S.

Laws Implemented: Chapters 120 and 1012 and Sections 1001.32 to 1001.54; 1003.02; 1010.215, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 05/17/05; 02/15/11; 11/19/13.

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2.08 DATA PROCESSING BOARD PERSONNEL

Personnel transferred from the Escambia Electronic Data Processing Management Board to the Board by operation of Chapter 77-547, Laws of Florida, shall have at a minimum, the same pension, retirement, and fringe benefits, as provided them by the Escambia Electronic Data Processing Management Board on the date this special act became law.

Statutory Authority: ch. 77-165, Laws of Florida, effective July 1, 1977. Chapter 1012 and Sections 1001.32; 1001.41; 1001.42; 1001.49; 1001.51, F.S.

Laws Implemented: ch. 77-165, Laws of Florida, effective July 1, 1977. Chapter 1012 and Sections 1001.32; 1001.41; 1001.42; 1001.49; 1001.51, F.S.

History: New 11/27/90. Revised/Amended 02/15/11; 11/19/13.

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2.09 SUBSTITUTE TEACHERS

- (1) Only those persons listed in the substitute management system of approved substitute teachers maintained by Human Resource Services shall be utilized as substitute teachers. Utilization as a substitute or being listed in the substitute management system shall not create any property right in or expectation of employment.
- (2) Eligibility Requirements for Placement in the Substitute Management System
 - A. Compliance with the applicable recruitment and selection rules of the Board;
 - B. Application for or hold a valid Florida teaching certificate issued on at least a bachelor's degree from a U.S. accredited or approved institution; or
 - C. Application for or hold a local certificate issued by this Board or another school board in the State of Florida with equivalent requirements for substitute teachers.
 - D. Completion of the District initial orientation and training program.
 - E. The Superintendent or designee reserves the right to change the criteria for acceptance as a substitute teacher in Sections A and B or C at any time during the year.
 - F. Individuals may be eligible provided such persons are first approved by Human Resource Services and have an Associate of Arts or Associate of Science Degree or the equivalent of sixty (60) credit hours of coursework from an academically accredited college or university.
 - G. Conditional substitutes can be approved upon request, are approved only for the requesting school, and are required to have:
 1. A high school diploma;
 2. The recommendation of the principal requesting the substitute; and
 3. A minimum of five-hundred (500) hours (may be waived in critical situations) of volunteer or aide work in a classroom setting.
- (3) The individual teacher shall be the responsible party for reporting the assignment to the substitute management system. However, if the teacher does not specify a substitute teacher and the substitute management system does not assign a substitute teacher to the assignment, the principal shall be responsible for obtaining substitutes for instructional personnel who have to be absent. This responsibility shall not be delegated to instructional personnel without prior agreement between the employee and the principal.

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- (4) Each substitute teacher shall be paid at a daily rate specified by the Board in the Board approved miscellaneous salary schedule.
- (5) When a substitute teacher is required for twenty (20) or more consecutive days covering the area of assignments in core courses of English, Mathematics, Science, Reading, Foreign Language, Civics and Government, Economics, Arts, History, and Geography, the substitute teacher must hold or be eligible for a Florida educator certificate and meet NCLB standards. Approval must be granted by Human Resource Services and notification provided to parents in emergency situations when a substitute teacher that does not meet certification requirements or NCLB standards is used in the previous stated core subject areas.
- (6) Local certificates issued by the Board to those persons who desire to serve as substitute teachers pursuant to requirements identified in Section (2) Eligibility Requirements for Placement in the Substitute Management System, and where such persons meet the requirements for substitute teachers otherwise set by the Board, the State Board of Education, and state law, are issued at the discretion of the Board for the purpose of enhancing administrative control and supervision over those instructional personnel who may serve as substitute teachers. The issuance of a local certificate at the discretion of the Board and the utilization of that certificate by the Board or any school administration shall not create any property right in the holder of a local certificate or any right of employment or the continuation of employment.
- (7) The Board has discretion to deny issuance of a local certificate, to revoke an existing local certificate or to deny renewal of a local certificate. In the exercise of its discretion, the Board may consider the following:
 - A. If the applicant or certificate holder has supplied fraudulent information or obtained a local certificate by fraudulent means;
 - B. If the applicant or certificate holder has demonstrated through application or employment less than satisfactory qualifications or performance;
 - C. If the applicant or certificate holder has been guilty of gross immorality or a crime of moral turpitude, as defined in 2.04, S.B.R., Recruitment and Selection of Personnel, or no longer meets hiring guidelines of the District;
 - D. If the applicant or certificate holder has been convicted of a misdemeanor or felony or any other criminal charge other than a minor traffic violation, regardless of adjudication(s) withheld;
 - E. If there here is reasonable cause to believe the applicant or certificate holder is guilty of personal conduct which seriously reduces that person's effectiveness as an employee; and/or

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- F. Any other ground which the Board, in the reasonable exercise of its discretion, considers sufficient to deny local certification.
- (8) Any person denied local certification or any person whose existing local certificate is revoked or non-renewed, upon notice of denial, non-renewal or revocation, may appear before a panel of District personnel appointed by the Superintendent. The person shall have reasonable opportunity to contest the truth or accuracy of information relied upon in denying, revoking or non-renewing a local certification.
- (9) Human Resource Services has the authority to terminate or remove any substitute teacher.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S

Laws Implemented: Chapters 120 and 1012 and Sections 435.04; 943.051; 1001.32 to 1001.54; 1003.02, F.S.

History: New 11/27/90. Revised/Amended 02/15/11; 11/19/13; 05/20/14; 04/18/17.

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2.10 TEACHER ASSISTANTS

- (1) Teacher assistants, if needed, shall be appointed by the Board to assist instructional personnel in carrying out their instructional or professional duties and responsibilities. Newly hired permanent teacher assistants must be in compliance with NCLB standards. This requirement is not applicable to School Bus Assistants.
- (2) The principal and instructional personnel assisted by a teacher assistant shall ensure that the duties assigned to each teacher assistant are consistent with Florida Statutes, State Board of Education Rules, and School Board Rules.

Statutory Authority: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 435.04; 1001.43; 1003.02; 1012.22; 1012.32; 1012.37, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 06/20/06; 07/15/08; 11/17/09; 02/15/11; 01/22/13; 11/19/13.

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2.11 FAIRNESS AND IMPARTIALITY IN THE SUPERVISION OF EMPLOYEES

- (1) Basis for Implementation
 - A. The impartial hiring and promoting of qualified personnel to provide the best human resources available to educate and provide support services to our students is critical to the success of our school district. In performing the duties of interviewing, evaluating, promoting, hiring or disciplining persons hired or being considered for hire in our school district, administrative persons must be void of any bias or appearance of bias for or against the employees within the school site or department they administer. Any such bias or appearance of bias increases the potential for allegations of improperly awarding bonuses, unfairly promoting individuals, waiving disciplinary action and providing special privileges not being equally availed to all employees. Recognizing the components of fairness and impartiality must be standards within the human resource policies under which we govern, a policy concerning having two (2) or more employees related, as defined in Section (3) Definitions for Purposes of Implementing this Policy, to one another in the same school site or department is adopted.
- (2) It shall be against the policy of the District for any employee related to another employee to be employed in a position at the same school site, or within the same department, if either employee holds an immediate supervisory position at that site or department. The employee referenced as related for purposes of this policy shall be termed a relative.
- (3) Definitions for Purposes of Implementing this Policy
 - A. Supervisory position – any position in a school or department of the District that includes as a part of the duties and responsibilities of that position, the immediate supervision of any other employee under the employment of the District.
 - B. Relative – the terms related or relative as used in this policy refer to the following family relationships: spouse, parent, grandparent, sibling, child, stepchild or grandchild.
- (4) In the event of a change in family status, which would place an employee in violation of this policy, it is the responsibility of the employee to notify Human Resource Services of this change in family status.
- (5) Recommendations that fall outside the guidelines of this policy must be approved by the Board.

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(6) Implementation of this policy shall begin July 16, 2008.

- A. It is the intent of the Board that all existing conditions as of the adoption of this policy shall not constitute violations hereof. However, this waiver shall not prejudice the Board's right to exercise its authority under this policy at a later date or in any subsequent situation which may arise under this policy.

Statutory Authority: Chapter 1012 and sections 1001.32 to 1001.54; 1003.02, F.S.

Laws Implemented: Chapter 1012 and sections 1001.32 to 1001.54; 1003.02, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 07/15/08; 02/15/11; 11/19/13.

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2.12 COMMUNITY INVOLVEMENT

Community and parent involvement are essential elements in effective education. Studies show that two factors are necessary to improve learning: a sound instructional program and consistent involvement of parents and the community. It is therefore the policy of the District to actively and safely bring together families of students, schools, and the community in the education of children.

The District and each school principal are encouraged to strengthen family involvement and family empowerment of the school. The District will coordinate and integrate parental involvement strategies with school improvement, Title I, community involvement programs, business partnerships and other community activities.

(1) School Volunteers

- A. Persons performing services for the Board for no compensation are volunteers and not employees. Volunteers may include parents, students or other members of the community.
- B. The Coordinator for community involvement shall be responsible for the volunteer program and compliance with all laws, rules, and regulations pertaining to volunteers.
- C. The principal, administrator, or supervisor in whose school or department volunteers are to be used shall be responsible for the screening and selecting volunteers for that school or department and shall ensure that the duties assigned to volunteers are consistent with all laws, rules, and regulations and shall ensure that volunteers and personnel being assisted by volunteers possess a clear understanding of all relevant laws, rules, and regulations regarding volunteers. Use of a volunteer's services is at the discretion of the principal, administrator, or supervisor.
- D. All volunteers shall complete a School Volunteer Application Form that will be available through each school office or the Community Involvement Office. A Single or Short Term Volunteer Form can be completed in lieu of the School Volunteer Application Form when a volunteer or organization serves the students or schools for a single or short-term event only.
- E. All volunteers who complete the School Volunteer Application Form shall complete and sign an Affidavit of Good Moral Character.
- F. Eligibility to volunteer will be determined by the following:
 - 1. Criminal offenses disclosed on the Affidavit of Good Moral Character must meet Sections 435.04 and 1012.315, F.S., screening standards and have no evidence of involvement with controlled substances, even at the misdemeanor level.

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2. The volunteer applicant must not appear on the Dru Sjodin National Sex Offender Public Website or the FDLE Florida Sexual Offenders and Predators Registry. The principal, program or site director is responsible for assigning an employee the responsibility of checking all volunteers against the registry and documenting the appropriate volunteer form.
 - G. A log to record volunteer names, addresses, dates and hours of service shall be maintained in each school or department where volunteers are used. Volunteers shall sign in and out on the volunteer log and shall wear name tags at all times while performing volunteer services on Board property.
 - H. Volunteers shall not be allowed access to personally identifiable student information, records or reports, unless student privacy rights with regard thereto are waived. Volunteers shall maintain the confidentiality of personally identifiable student information.
 - I. Principals and department heads shall follow established procedures in screening volunteer applicants and ensure as reasonably as possible that a potential volunteer does not pose any threat to persons or property.
 - J. Volunteers who participate as mentors in the District's mentoring programs will attend training and be fingerprinted at the District's expense before being assigned a student.
 - K. All groups or agencies who provide mentors on the property of the District must have the mentors fingerprinted by the District at the mentor's or the organization's expense. Each group or agency will register with the District Community Involvement Office.
 - L. Volunteer Coaches. In addition to complying with the requirements of Section E, prior to providing services for student athletes, volunteers who participate as athletic coaches in any District-approved sport shall submit to a drug screening and a criminal background check that requires fingerprinting through the online computer system listed on the District's home web page. The drug screening and criminal background check shall be at the District's expense. Individuals convicted of a crime involving moral turpitude as defined in 2.04, S.B.R., Recruitment and Selection of Personnel, or who fail to meet hiring guidelines of the District shall be prohibited from serving as volunteer coaches.
- (2) Business Partnerships
- A. Business/organizations may become Partners in Education with schools and departments to enrich and support the educational process. A District partnership may be formed when a business/organization serves broadly within the District. A Partner in Education agreement is non-binding.

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- B. The active cooperation of colleges and universities should be sought to provide learning opportunities for students, staff, and parents.
- C. When representatives from any business/organization are present at a school site, they shall be considered school volunteers and shall follow all rules applicable to school volunteers.

(3) Parental Involvement

- A. Schools should encourage parents of students to become advocates of education. The Board encourages practices which will engender parental support of school activities.
- B. In accordance with state law, parents will be represented on the District and School Advisory Councils. Additionally, school personnel will encourage parental involvement and participation in the deliberations of the School Advisory Councils in order to comply with the requirements of federal statutes regarding parent rights to develop the school plan for the use of federal funds under Title I, Part A. Further, school personnel shall encourage parental involvement and participation in parent-teacher-student associations or organizations and parenting programs. Parents of students eligible for Exceptional Students Education (ESE) services shall be notified of the additional availability of services and support of IDEA funded ESE parent liaisons.
- C. Reasonable efforts shall be made to communicate with parents in their primary language or in the language in which they feel comfortable. The mode of communication should also be adjusted, where necessary, to promote comprehension, acceptance, and trust.
- D. Where feasible, schools shall set aside space within the building for parents to meet and review communications and information relative to the school system and their child/children's education.
- E. School personnel shall take appropriate steps to ensure that parents who are new to the District are aware of their options for school choice.
- F. School curricula shall include opportunities for young adults to learn how to become effective adult parents in the future. Appropriate programs to improve parenting skills shall also be provided to those who are already parents. As funding is available, the District shall support such family literacy programs as Even Start and other Title I funded programs, to increase parent capacity for involvement.
- G. The importance of what the parent teaches at home, through formal as well as informal activities, shall be recognized and encouraged by the school. In order to assist parents, resources shall be made readily available such as video, print and

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computer programs, to check out and use at home and pamphlets and books developed especially to aid the parent-teacher.

- H. The Board acknowledges the importance of the parent as a child's first and most important teacher. School and district-level programs shall be implemented to support and develop parent capacity for preparing their child to succeed in school and to assist the parents of children in school to be productively involved in their student's learning. Further, resources such as video, print and technology-based programs shall be made readily available for use at home.
- I. The District shall discuss parental choices and responsibilities with parents.
- J. The District shall provide professional development opportunities for staff members to enhance understanding of effective parent involvement strategies through the District Professional Development Plan.
- K. The District shall conduct, with the involvement of parents, an annual evaluation of its parent involvement policies, programs, and practices:
 - 1. To determine the effectiveness in increasing parent participation;
 - 2. To identify barriers to greater parent participation; and
 - 3. To report the findings to the State Board of Education.
- L. The District will use the findings of the evaluations in designing strategies for school improvement and revising, if necessary, the parent involvement policies, programs, and practices.

(4) Parent Guide

In compliance with the Family and School Partnership for Student Achievement Act, Section 1002.23, F.S., the District will provide a Parent Guide to families of students in Escambia County Schools.

Rulemaking Authority: Chapter 1012 and Sections 435.04; 943.051; 1001.20; 1001.32 to 1001.54; 1002.01; 1002.20 to 1002.31; 1003.02; 1003.04; 1003.05, F.S.

Laws Implemented: Chapter 1012 and Sections 435.04; 943.051; 1001.20; 1001.32 to 1001.54; 1002.01; 1002.20 to 1002.31; 1003.02; 1003.04; 1003.05, F.S.

History: New 11/27/90. Revised/Amended 08/24/93; 11/20/01; 11/18/03; 04/20/04; 05/17/05; 06/20/06; 03/26/07; 10/21/08; 11/17/09; 02/15/11; 11/19/13; 04/18/17.

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2.13 COORDINATOR OF BOARD AFFAIRS

(1) Purposes and Qualifications

- A. The Coordinator of Board Affairs shall provide customary secretarial assistance to the members of the Board in the performance of their official duties and responsibilities.
- B. The Coordinator of Board Affairs is directly responsible to the Chair of the Board for the general performance of the duties and responsibilities of the position and is responsible to each member for the performance of specific secretarial tasks reasonably assigned by each.
- C. Qualifications for the position of Coordinator of Board Affairs shall be as established by the Board.

(2) Selection and Appointment

- A. The person who will serve as Coordinator of Board Affairs shall be selected by the Board and, upon selection, his or her name will be submitted to the Superintendent for recommendation to the Board for appointment to that position.
- B. The Coordinator of Board Affairs shall serve at the pleasure of the Board and shall be employed under a professional contract as provided for in Section 2.06(1), S.B.R., Administrative and Professional Contracts, which may be renewed or extended.

(3) Duties and Responsibilities

- A. Secretarial duties of the Coordinator of Board Affairs shall include, but are not limited to, the following tasks and such others, as from time to time, may be reasonably requested by individual Board members:
 - 1. Preparing correspondence from, and replies by, individual members.
 - 2. Arranging appointments for individual members with citizens, civic groups and District officials and personnel.
 - 3. Obtaining and analyzing reports and other materials at the request of individual members to reasonably assist them in preparation for Board meetings or in the discharge of their official duties.

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4. Assisting the individual members with personal contacts with citizens and groups on matters concerning official duties.
 5. Assisting the individual members with pay, travel and other administrative details incidental to official duties.
 6. The Chair of the Board shall, if need be, determine allocation of the Coordinator of Board Affairs' time, the propriety of the tasks assigned to him or her, and whether he or she is performing those tasks satisfactorily.
- B. The Coordinator of Board Affairs may not be delegated the responsibility of being custodian of the public records of individual members. Unless otherwise required by law, the Coordinator of Board Affairs is prohibited from releasing to anyone, any document that may be in his or her physical possession although in the custody of the individual member, without written permission from the individual member to release the document.
- C. The Coordinator of Board Affairs shall be subject to all laws and rules regarding political activities of the Board personnel and further, shall not be used, directly or indirectly, by any Board member, the Superintendent, or any other personnel in or for political activities relating to the Board and Superintendent election campaigns.
- D. The Coordinator of Board Affairs is not a member of the administrative or professional personnel staff and is expressly prohibited from engaging in any of the following or similar activities:
1. Interfering in any manner with the operation and administration of a school or the District.
 2. Issuing orders or directives of any type to any personnel of a school or the District.
 3. Requesting information or reports other than to the Superintendent or designee upon the direction of a member.
- (4) Salary and Benefits
- A. The salary shall be as provided in the Professional salary schedule.
- B. The Coordinator of Board Affairs shall be employed on a full-time basis and shall be entitled to the same fringe benefits as professional personnel.

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- C. The working hours and other job-related details of the position of Coordinator of Board Affairs shall be set by the Chair of the Board. The Superintendent shall be responsible for approving required job related documents. The processing of such documents shall be done by the appropriate personnel.
- (5) In addition to provisions of law and rules relative to termination of personnel, violation of this rule by the Coordinator of Board Affairs shall be sufficient grounds for termination.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 05/26/98; 10/27/98; 11/20/01; 05/17/05; 07/15/08; 02/15/11; 11/19/13.

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2.14 LEAVES OF ABSENCE

- (1) All leaves of absence for all employees, except those prescribed by law, shall be with or without compensation pursuant to rules adopted by the Board. Such leaves authorized by the Board shall include, but are not limited to, professional leave and extended professional leave, personal leave, military leave granted in compliance with Chapter 115, F.S., and maternity/paternity leave.
- (2) Personnel applying for leave, except personal leave and sick leave, shall clearly state the purpose for which the leave is requested. Leave granted with pay and used for purposes other than set forth in the application will be considered an attempt to defraud and be grounds for termination of employment. If the condition under which the leave is granted changes and the employee wants the leave to continue, the employee shall report this to the Superintendent and have the leave re-approved for the changed conditions.
- (3) The Board may at its discretion, grant a non-paid general leave of absence for up to one (1) year upon written request from an employee. The Board may, upon request from said employee, approve the extension of such leave for an additional one (1) year period.
- (4) Principals and district-level administrators are granted authority to approve sick leave and leave without pay for personnel under their supervision.
- (5) Unless otherwise provided in any applicable collective bargaining agreement, the workday shall be deemed eight (8) hours for the purposes of leave administration.
- (6) Personnel on an approved non-paid leave of absence shall have the option to continue eligible insurance benefits at their own cost in accordance with the applicable collective bargaining agreement.
- (7) Personnel performing assigned employment duties one (1) day more than 50% of the contracted number of days for the fiscal year in which leave is taken shall be credited with a year of service for the purposes of salary schedule placement.
- (8) Upon approval of the Board and the Superintendent, personnel may take a leave of absence without pay to accept employment in a Charter School. While employed by the Charter School for one (1) year and on leave approved by the Board, the employee may retain seniority accrued in the District and may continue to be covered by the District Health, Life and Dental Benefits Programs, if the employee on leave of absence pays the full cost of these programs.
- (9) Leave of absences will not be granted for employment outside the District except as provided by School Board Rules or federal and state law.

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- (10) Personnel may, upon recommendation of the Superintendent, be granted personal leave without pay by the Board for a period not to exceed one (1) year. At the end of the first leave period and upon the recommendation of the Superintendent, the leave may be extended once for up to an additional year by the Board after which no further extensions will be granted except in emergency situations.

Personnel on personal leave without pay shall, by April 1 of each year, notify Human Resource Services in writing of intentions to return to employment, apply for additional leave or resign. Failure to notify Human Resource Services shall be deemed a voluntary resignation of employment.

- (11) Leave of Absence for Natural Disaster

- A. An employee may be granted a Leave of Absence for Natural Disaster with pay for a maximum of five (5) days per fiscal year after the employee has exhausted all available annual leave, personal leave, and compensatory time, and if the employee or the employee's immediate family member is affected by a declared natural disaster in the county in which the employee resides. For purposes of this rule a natural disaster is a tornado, hurricane, flood, fire or similar event.
- B. An employee may be eligible for a Leave of Absence for Natural Disaster if the employee or the employee's immediate family member (spouse, parent, grandparent, sibling, child, stepchild, and grandchild) has been directly affected by the natural disaster. A person is directly affected by the natural disaster under the following circumstances:
1. Personal injury as a result of the natural disaster; or
 2. Substantial loss of personal primary residential property because of the natural disaster.
- C. An eligible employee may file an application for a maximum of five (5) days of paid leave for a Leave of Absence for Natural Disaster. The application must include documentation to support the employee's eligibility and the number of days requested. An eligible employee must file an application for a Leave of Absence for Natural Disaster within the same fiscal year as the natural disaster.
- D. A determination of eligibility and the number of days granted for a Leave of Absence for Natural Disaster lies solely within the discretion of the Superintendent. A committee appointed by the Superintendent will review all requests and make recommendations to the Superintendent.

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- E. The Leave of Absence for Natural Disaster shall be paid retroactively to eligible employees as a reimbursement after their application has been approved by the Board.

Statutory Authority: Chapters 115 and 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 115 and 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 10/27/98; 12/14/04; 05/17/05; 06/20/06; 07/15/08; 11/17/09; 02/15/11; 11/19/13.

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2.15 ANNUAL LEAVE

Administrative, professional and other eligible personnel employed twelve (12) months per fiscal year shall be entitled to annual leave. Instructional personnel whose normal assignments are extended to twelve (12) months are eligible to accrue annual leave on the same basis with the same restrictions and limitations as administrative and professional personnel except that they shall not be entitled to the release holidays granted to ten (10) month instructional personnel.

(1) Accrual

- A. For the first five (5) years of employment, one (1) day of annual leave shall accrue for each full month of employment.
- B. For the sixth through the tenth year of employment, one and one-quarter (1 ¼) days of annual leave shall accrue for each full month of employment.
- C. For the years of employment thereafter, one and one-half (1½) days of annual leave shall accrue for each full month of employment.
- D. Annual leave after accrued shall be credited at the end of each month of employment.
- E. For employees participating in the Deferred Retirement Option Program (DROP), once terminal pay has been paid, employees will continue to accrue annual leave as above.

(2) Conditions

- A. Annual leave shall be in addition to the holidays designated by the Board.
- B. Accrued annual leave shall be adjusted at the end of each fiscal year so that no more than 500 hours (62.5 days) shall be carried forward into the next fiscal year.
- C. The use of annual leave must be approved in advance by the Superintendent or the appropriate assistant superintendent or designee.
- D. Annual leave shall not be used before it has accrued and been credited.
- E. No more than thirty (30) days of annual leave shall be used during a fiscal year. This section applies to administrative and professional employees only.
- F. Annual leave accrued after entry into DROP shall be accrued at the normal rate. Accrued annual leave shall be adjusted at the end of each fiscal year so that no more than 500 hours (62.5 days) shall be carried forward into the next fiscal year.

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(3) Terminal Pay

- A. Payment of accrued annual leave, not to exceed 500 hours (62.5 days) for employees hired on or before June 30, 1995, shall be made upon retirement, upon transfer (upon request by employee) from leave accruing status to non-leave accruing status or upon leaving the employ of the Board.
- B. Payment of accrued annual leave, not to exceed 480 hours (60 days) for employees hired on or after July 1, 1995, shall be made upon request upon retirement, upon transfer (upon request by employee) from leave accruing status to non-leave accruing status or upon leaving the employ of the Board.

(4) Computation of Terminal Pay Upon Transfer from Leave Accruing Status to Non Leave Accruing Status Upon Leaving the Employ of the District or Death

- A. Payment shall be made at the rate of pay on the final date of employment, final date of leave accruing status, or date of death.
- B. Payment shall be made on the next regular pay date following the change in employment status provided there are five (5) working days to process the claim.
- C. If the employment is terminated by death, upon request, the beneficiary designated in the employee's personnel file shall be paid the allowable accrued leave which is not transferred to the Special Pay Plan.

(5) Computation of Terminal Pay at Retirement

To compute payment of annual leave at retirement, the daily rate of pay shall be determined by the minimum number of days the person must be on the job to earn the full annual salary for the fiscal year of retirement.

(6) Computation of Terminal Pay Upon Entering DROP

- A. Upon entering DROP, an election may be made to receive a lump sum payment for accrued annual leave balance which, if allowed by law, will be included in the calculation of the member's average final compensation.
- B. The employee electing such lump sum payment upon beginning participation in DROP will not be eligible to receive a second lump sum payment upon termination except to the extent the employee has earned additional annual leave which, combined with the original payment, does not exceed the maximum lump sum payment as stated in Section (3) Terminal Pay.

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- C. To compute payment of annual leave upon entering DROP, the daily rate of pay shall be determined by the minimum number of days the person must be on the job to earn the full annual salary for the fiscal year of retirement.

Statutory Authority: Chapter 121 and 1012 and Sections 110.122; 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 121 and 1012 and Sections 110.122; 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 03/21/94; 06/23/98; 11/20/01; 09/23/03; 05/17/05; 06/20/06; 03/26/07; 01/20/09; 11/17/09; 02/15/11; 11/19/13.

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2.16 PERSONAL LEAVE

With Pay

Personnel with accrued sick leave may use up to six (6) days per fiscal year (non-cumulative) of sick leave for personal reasons, if approved by the Superintendent or designee. Requests for personal leave must be approved prior to taking leave. Personal leave may not be taken at a time when fulfillment of assigned duties will be unduly impaired by the interruption. Such personal leave shall be deducted from accrued sick leave.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 10/16/01; 05/17/05; 06/20/06; 02/15/11; 11/19/13.

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2.17 SICK LEAVE

(1) Accrual

- A. All instructional, administrative, and professional personnel employed on a full-time basis are entitled to four (4) days of sick leave as of the first day of employment of each contract year and thereafter accrue one (1) day for sick leave at the end of each month of employment.
- B. Instructional employees employed on a permanent part-time basis shall earn sick leave in direct proportion to the fraction of the day worked.
- C. All personnel shall be entitled to earn no more than one (1) day of sick leave times the number of months of employment during the year of employment.
- D. Sick leave after accrual shall be credited at the end of each month of employment.

(2) Conditions

- A. Absence due to illness shall be reported as sick leave on the payroll time report. The supervisor shall ensure that the sick leave form has been properly completed and shall sign the form. Employees shall be provided a signed copy of the leave form.
- B. Upon return from sick leave, personnel shall submit a leave form to the proper authority within five (5) days of returning to work. School based personnel shall submit a leave form to the principal; all other personnel shall submit a leave form to the supervisor responsible for signing payroll reports.
- C. Personnel shall accrue no more than a total of one (1) day of sick leave for each month of employment.
- D. Sick leave shall be cumulative from year to year with no limit as to the number of days that may accumulate except that at least one-half of this cumulative leave must be earned in this District.
- E. Sick leave shall not be used prior to the time it has been accrued and been credited.

(3) Illness or Injury in the Line-of-Duty Leave

Leave with pay for illness or accident incurred in the performance of duty shall be as provided by law and according to the following:

- A. Any employee who must be absent from duty due to personal injury received in the performance of duties or due to illness certified by a physician to be from a contagious or infectious disease contracted in school work shall be entitled to

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illness/injury in line of duty leave. Such leave shall be authorized for a period not to exceed ten (10) days per fiscal year and shall be applicable only to the year during which the illness/injury occurred. Authorization for additional leave due to unusual circumstances may be granted by the Board. Pay will be at the employee's established rate of pay. Such authorized leave shall not be deducted from the employee's accumulated sick leave.

- B. Claims for such leave shall be filed within five (5) business days after returning to work.

(4) Terminal Pay

Payment of accrued sick leave shall be made to personnel only upon retirement as defined by the Florida Retirement System (FRS), completion of participation in DROP, or upon termination of employment by death. When employment is terminated by death, the beneficiary designated in the person's personnel file shall be paid the allowable terminal pay which is not transferred to the Special Pay Plan. This rule only applies to persons who are employed by the District at the time they qualify for terminal payment of sick leave. Personnel who resign from the District or are terminated waive any entitlement to future payment of accrued sick leave. The amount of terminal pay shall be determined as follows:

- A. During the first three (3) years of service in Escambia County, the daily rate of pay multiplied by thirty-five percent (35%) times the number of days of accumulated sick leave.
- B. During the next three (3) years of service in Escambia County, the daily rate of pay multiplied by forty percent (40%) times the number of days of accumulated sick leave.
- C. During the next three (3) years of service in Escambia County, the daily rate of pay multiplied by forty-five percent (45%) times the number of days of accumulated sick leave.
- D. During the next three (3) years of service in Escambia County, the daily rate of pay multiplied by fifty percent (50%) times the number of days of accumulated sick leave.
- E. During and after the thirteenth (13th) year of service in Escambia County, the daily rate of pay multiplied by one hundred percent (100%) times the number of days of accumulated sick leave.
- F. To compute payment of sick leave at retirement, the daily rate of pay shall be determined by the minimum number of days the person must be on the job to earn the full annual salary for the fiscal year of retirement.

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- G. For employees other than instructional and educational support personnel, the amount of terminal sick leave shall be determined in accordance with Sections A through F, however, the daily rate shall be determined as follows:
1. For unused sick leave accumulated prior to July 1, 2004, the daily rate payable shall be based on the daily rate in effect at the time the employee qualifies for payment of terminal sick leave.
 2. For unused sick leave accumulated on or after July 1, 2004, each individual year's daily rate of pay will be used to calculate the terminal pay for leave accrued for that year. Moreover, the following conditions apply:
 - a. The daily rate of pay shall be determined by the minimum number of days the person must be on the job to earn the full annual salary for the fiscal year of retirement.
 - b. Sick leave earned after July 1, 2004 will be used on a First In, First Out (FIFO) basis.
 - c. If the sick leave days used after July 1, 2004 exceed the days earned after July 1, 2004, those days shall be subtracted from the balance earned as of June 30, 2004.
 3. This section is retroactive to July 1, 2004.

(5) Pre-Retirement Terminal Pay

- A. Personnel may formally resign a maximum of three (3) years in advance of their normal retirement date (and DROP participants may apply for a payment a maximum of three (3) years in advance of their designated DROP deferred resignation and final termination date) for purposes of this rule by submitting an irrevocable written resignation and retirement notification to the Superintendent through Human Resource Services. Personnel resigning in advance shall, upon request, be paid a pro rata portion of the allowable terminal pay in advance at the current compensation rate as follows:
1. If the resignation is three (3) years in advance, one-quarter (1/4) of the total allowable terminal pay upon submission of notification; one-third (1/3) of the remaining allowable terminal pay one (1) year after notification; one-half (1/2) of the remaining allowable terminal pay two (2) years after notification; and the balance upon the effective date of normal retirement (62 years of age or thirty (30) years of service). This applies only to administrative and professional personnel.
 2. If the resignation is two (2) years in advance, one-third (1/3) of the total allowable terminal pay upon submission of notification; one-half (1/2) of

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the remaining allowable terminal pay one (1) year after notification; and the balance upon the effective date of normal retirement (62 years of age or thirty (30) years of service).

3. If the resignation is one (1) year in advance or during the fiscal year in which retirement occurs, one-half (1/2) of the total allowable terminal pay on or prior to December 31 of that fiscal year; and the balance upon the effective date of normal retirement (62 years of age or thirty (30) years of service).

- B. The irrevocable written resignation for normal retirement notification shall be maintained in each participant's personnel file. The resignation shall be presented to the Board for final acceptance.

(6) Attendance Incentive Bonus

Each year, during the month of October, full-time permanent employees will have the opportunity to redeem for payment a portion of their accrued sick leave earned during the prior fiscal year. The employee must initiate the process through procedures established by the Human Resource Services Department. Only leave earned during the prior fiscal year that is in excess of a ten (10) day accrued leave balance is eligible for payment. The eligible leave payments will be eighty percent (80%) of the rate of pay of the year it was earned.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 110.122; 121.091; 1001.43; 1012.61; 1012.62; 1012.66, F.S.

History: New: 12/14/93. Revised/Amended: 03/21/94; 07/23/96; 06/23/98; 10/27/98; 12/18/01; 03/19/02; 10/26/04; 11/22/05; 07/15/08; 01/20/09; 11/17/09; 02/15/11; 01/22/13; 11/19/13; 05/19/15; 04/18/17.

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2.18 U.S. FAMILY AND MEDICAL LEAVE ACT OF 1993, AS AMENDED

The District shall make good faith attempts to comply with the current minimum requirements of the U.S. Family and Medical Leave Act of 1993, as amended (FMLA), (including the National Defense Authorization Act for FY 2008, Public Law [110-181] enacted January 28, 2008, and Section 108 of the Act (29 U.S.C. § 2618) providing special rules providing intermittent leave or leave on a reduced schedule for serious health conditions for employees employed principally in an instructional capacity. Generally, these rules provide for FMLA leave to be taken in blocks of time when intermittent leave is needed or the leave is required near the end of a school term.) All employees covered by the FMLA are provided with at least the minimum entitlements provided therein. However, as provided by the FMLA, if both a husband and wife are employees, the aggregate number of work weeks of FMLA leave (for other than personal illness) to which both may be entitled is twelve (12) work weeks. Information concerning employee rights and responsibilities under the FMLA is provided in the form of the most current edition of the U.S. Department of Labor publication entitled "FMLA Summary" available in Human Resource Services and/or on-line. The District does not construe the FMLA to diminish its obligation to comply with any collective bargaining agreement or employment benefit program or plan that provides greater family or medical leave rights to covered employees than the rights established under the FMLA. Also, the rights established for covered employees under FMLA shall not be diminished by the District in any future collective bargaining agreement or employment benefit program or plan. However, nothing in the FMLA or this rule should be construed as creating leave policies more generous than any District policies that comply with the requirements of the FMLA.

(1) Substitution of Accrued Paid Annual, Personal, or Sick Leave for FMLA Leave

Any covered employee may elect, or the District may require the covered employee, to substitute any of the covered employee's accrued paid annual, personal, or sick leave for FMLA leave taken for the serious health condition of an immediate family member (spouse, child or parent) or for the employee's own serious health condition that makes the covered employee unable to work, except that the District is not required to permit substitution of paid sick leave in any situation in which the District would not normally provide such paid sick leave. In the event the covered employee takes FMLA leave for the covered employee's own serious health condition, the District will require a fitness-for-duty certification to return to work.

(2) Substitution of Accrued Paid Annual and Personal Leave for FMLA Leave

A covered employee may elect, or the District may require the covered employee, to substitute paid annual and personal leave for:

- A. The birth of a child and to care for such child; or
- B. The placement of a child with the covered employee for adoption or foster care and to care for such child; or
- C. The care of a spouse, child or parent who has a serious health condition.

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- (3) The twelve (12) weeks of FMLA leave shall be determined according to the District's fiscal year. This means that every fiscal year of the District a covered employee will have available twelve (12) weeks of FMLA leave.
- (4) An employee who requests FMLA leave will be required to furnish medical certification of a serious health condition for himself or herself or for that of a seriously ill spouse, child, or parent. If the employee refuses or fails to provide the requested medical certification in a timely manner, the District may delay the continuation of FMLA leave until the employee submits the requested certification or deny FMLA leave in its entirety if the employee never produces the certification.
- (5) An employee who is taking FMLA leave is responsible to continue paying premiums required under the District's group health insurance coverage. The District will continue to pay all individual and family group health coverage according to the contributions that it was obligated to pay for the employee.
- (6) An employee who returns from FMLA leave taken because of his or her own serious health condition which made him unable to work will be required to present a fitness-for-duty certificate in order to be restored to employment. If the employee fails or refuses to provide the requested fitness-for-duty certification, the District may delay restoration to employment until the employee submits the certificate.
- (7) An employee who returns from FMLA leave is entitled to be restored to the same or equivalent job. The FMLA provides for different rules to be applied to an instructional employee as defined in current FMLA.
- (8) An employee who fails to return to work after taking FMLA leave shall be required to reimburse the District for payment of individual and family group health insurance coverage by the District during the FMLA leave except as provided for in current FMLA.
- (9) Military Family Leave. An eligible employee as defined in current FMLA is entitled to up to twenty-six (26) weeks of leave in a single 12-month period to care for the service member. This provision became effective immediately upon enactment. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave. Additional information concerning employee rights and responsibilities under the Military FMLA is provided in the form of the most current edition of the U.S. Department of Labor publication entitled "FMLA Summary" available in Human Resource Services and/or on-line.

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Statutory Authority: 29 U.S.C. §2601 et seq. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: 29 U.S.C. §2601 et seq. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 07/23/96; 07/15/08; 01/20/09; 02/15/11; 11/19/13.

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2.19 FAMILY SICK LEAVE TRANSFER/EMPLOYEE SICK LEAVE DONATION

- (1) A full-time employee may donate accrued sick leave to a family member (spouse, parent, grandparent, sibling, child, stepchild or grandchild) who is also a full-time employee.
- (2) Sick leave transfer between employees is provided for extending paid sick leave time in the event of a personal illness or the illness of a family member documented by a physician.
- (3) The recipient may not receive or use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from the Sick Leave Pool.
- (4) The transferred leave may not be included in leave for which payment is provided upon the retirement or death of the receiving employee.
- (5) Any unused transferred leave shall be reinstated to the transferring employee in the event of the retirement, death, or resignation of the receiving employee.
- (6) Any unused transferred sick leave shall be reinstated to the transferring employee upon the return to work of the receiving employee.
- (7) The Payroll and Benefits Accounting Office will process all requests within ten (10) working days. Credit of transferred sick leave will only be applied prospectively from the date of receipt in the Payroll and Benefits Accounting Office. Requests shall not be processed retroactively.
- (8) The minimum number of sick leave days which can be transferred is five (5).
- (9) Days will be converted to hours which are proportional to the number of hours the receiving employee works per day. (Example: The receiving employee works six (6) hours per day. The transferring employee will transfer thirty (30) hours of sick leave (5 days x 6 hours = 30 hours.)
- (10) Transferred leave dates may not exceed the end of the recipient's work year.
- (11) Leave transfer records will be maintained on a fiscal year basis.
- (12) Donated time will reduce leave balances based on the most recent time earned.
- (13) Employee Sick Leave Donation

Employees may donate their accrued sick leave to any other eligible, qualifying district employee provided the following requirements have been met. The donor-employee must have more than ten (10) days of accrued sick leave in order to donate and must maintain a balance of ten (10) or more days of accrued sick leave after the donated sick leave is transferred. Applications must be submitted to the Department of Human Resource

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Services on the Employee Sick Leave Transfer Application. All applications must be completed and signed by the donor-employee.

Employees with a verified illness, accident or injury requiring extended leave of five (5) days or more are eligible to receive donated sick leave. Illness, accident, or injury is defined as personal sickness, accident disability, or extended personal illness, or because of illness or death of father, mother, brother, sister, husband, wife, child, or other close relative or member of his or her own household (Section 1012.61, F.S.). A Certification of Healthcare Provider for Employee/Non-Employee's Medical Condition completed by the treating physician must be submitted to the Department of Human Resource Services by the recipient employee. The Recipient employee may be required to provide additional documentation prior to approval of sick leave donation.

A recipient employee may not use the donated sick leave until all of his/her sick leave has been depleted, excluding sick leave from the Sick Leave Pool (SLP), provided the recipient employee participates in the SLP. When sick leave donation application is made for a death, the recipient employee must provide a copy of the obituary or other substantiating documentation prior to approval of sick leave donation.

Donated sick leave shall be credited to the receiving employee for any sick leave taken after sick leave donation application. All donated sick leave shall be distributed in chronological order according to the date of donation application, and any unused transferred sick leave shall be returned to the donor-employee whose donated sick leave has not yet been used as per Section 1012.61, F.S.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New: 11/27/90. Revised/Amended 12/14/93; 07/23/96; 06/23/98; 10/27/98; 11/20/01; 12/18/01; 03/19/02; 09/23/03; 10/26/04; 05/17/05; 06/20/06; 07/15/08; 02/15/11; 11/19/13; 05/20/14.

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2.20 BEREAVEMENT LEAVE

A full-time employee who has completed the probationary period and has exhausted all available leave may apply for up to three (3) days paid bereavement leave in the event of a death in his or her immediate family to make funeral arrangements and to attend the funeral. Immediate family is defined as a spouse, parent, grandparent, sibling, child, stepchild or grandchild. An employee may apply for a maximum of three (3) days paid bereavement leave per fiscal year. Bereavement leave is not accumulative. Employees will not be paid bereavement for days not scheduled to work. Employees are required to provide a copy of the obituary or other satisfactory document to be attached to the leave request form.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 06/20/06. Revised/Amended 03/26/07; 07/15/08; 02/15/11; 11/19/13.

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2.21 MATERNITY/PATERNITY LEAVE

Personnel shall be entitled to maternity/paternity leave without pay for childbearing or child rearing for up to one (1) year, provided sufficient notice is given to the appropriate supervisor prior to the commencement of leave. Accrued sick leave may be utilized for childbearing, if so requested.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 02/15/11; 11/19/13.

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2.22 VICTIMS OF SEXUAL/DOMESTIC VIOLENCE LEAVE

Employees may request and take up to three (3) working days of un-paid leave in any 12-month period if the employee or a member of the employee's family or household is the victim of domestic violence or sexual violence and the leave is sought pursuant to Section 741.313, F.S. Employees must use all other available leave before using this leave and, except in cases of imminent danger, must notify their employer of their planned absence. Leave request requires confidential documentation of the sexual violence. Employers are prohibited from interfering with or retaliating against the employee for use of this leave, pursuant to Section 741.313, F.S.

Statutory Authority: Chapter 1012 and Section 741.313, F.S.

Laws Implemented: Chapter 1012 and Section 741.313, F.S.

History: New 10/21/08. Revised/Amended 02/15/11; 11/19/13.

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2.23 MILITARY LEAVE

Personnel shall be granted military leave with pay, except as provided by Section 115.07, F.S., and this rule, when they are required to serve in the armed forces of the United States or this state in fulfillment of obligations incurred under selective service laws or because of membership in reserves of the armed forces or National Guard. Personnel may be granted military leave in accordance with the Uniformed Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301, et seq. Personnel ordered by the selective service system to report for physical examinations shall be granted leave with pay, the duration of which shall be determined by the circumstances.

(1) Reserve Duty

- A. Personnel who are members of the reserves of the armed forces or National Guard shall be granted a maximum of seventeen (17) calendar days military leave in any one (1) contract year, without loss of pay, time or efficiency rating, for annual field training or other active duty for training exercises upon presentation of a copy of official orders.
- B. Personnel who are members of the reserves of the armed forces or National Guard shall make written requests to the appropriate authorities to have their annual active duty for training scheduled during the summer months between regular school sessions and shall furnish a copy of such requests to the Board in order to be entitled for consideration for leave with pay in the event their tours are not scheduled as requested.

(2) Conditions for Military Leave with Pay

- A. The person has completed any applicable probationary employment period prior to the granting of such leave.
- B. The person has received notification from proper authorities to report for active duty with the armed forces. Except during a national emergency, voluntary enlistment into the armed forces shall void any claim for military leave or for reemployment preference.
- C. The person shall present to Human Resource Services the official notice of induction or recall into active duty or a verified copy within five (5) days of receipt. A copy of this notice shall be placed in the person's personnel file.

(3) Return to Employment

Return to District employment after military deployment or service shall be governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq.

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(4) Extended Active Duty During National/Regional Emergency

- A. Employees who are members of the reserves of the armed forces or National Guard shall be granted the benefits in Section B if the following conditions are met.
 - 1. A national or regional emergency has been declared by the appropriate federal or state authority.
 - 2. The employee called to active duty provides a copy of his or her official orders for active duty.
 - 3. The period of active duty exceeds seventeen (17) days.
- B. For the first thirty (30) days of active duty, the employee shall receive all District salary and benefits, regardless of compensation received from the active duty service.
 - 1. For any period exceeding an initial thirty (30) days of active duty, the employee shall be entitled to receive from District salary/wages equal to the difference between the employee's military pay and the employee's District salary, provided the employee's military pay does not exceed his or her District salary/wages and the employee provides District with all documentation necessary to permit the aforementioned computation prior to the expiration of the initial thirty (30) day period.
 - 2. Employees who do not request district pay or fail to provide the documentation required in Section (1) Reserve Duty, shall not be entitled to receive any District salary or wages as set forth in that paragraph, but shall be entitled to continue to receive District health and other insurance benefits at the District's expense during the period of active duty service.

Statutory Authority: 38 U.S.C. § 4301, et seq. Chapter 1012 and Sections 115.01 to 115.14; 1001.32 to 1001.54, F.S.

Laws Implemented: 38 U.S.C. § 4301, et seq. Chapter 1012 and Sections 115.01 to 115.14; 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 05/17/05; 06/20/06; 12/18/07; 02/15/11; 01/17/12; 11/19/13.

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2.24 PROFESSIONAL LEAVE

- (1) Personnel may be granted professional leave with pay, for a maximum of twelve (12) days per fiscal year, in full or in part, to attend professional meetings or to enroll at an accredited college or university for periods of short duration. A full report of the professional meeting shall be presented upon the Superintendent's request.
- (2) Instructional personnel may be granted professional leave with pay for a maximum of five (5) days per fiscal year during preschool or post-school periods, to attend summer school when their attendance conflicts with employment. Personnel must be returning to employment with the Board for post-school professional leave to be granted.
- (3) Personnel shall not accept non-Board assigned responsibilities which require them to be absent from their regular assigned duties without the prior approval of the Superintendent. Requests for such approval shall contain the estimated number of days the person will be away from assigned duties.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 05/17/05; 06/20/06; 02/15/11; 11/19/13.

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2.25 JURY DUTY

Personnel selected for jury duty during a time in which they would normally be engaged in employment shall be granted leave for jury duty. Personnel shall receive their regular pay while on jury duty and shall remit to the Board the amount of fees, less travel allowance, received for jury duty. Such leave shall be granted provided the person:

- (1) Reports the summons to jury duty to his or her supervisor upon receipt and immediately arranges for the absence.
- (2) Reports to the supervisor the number of days served and the number of hours per day during which his or her presence was required.
- (3) Reports to the supervisor for work on any day he or she has been excused in time to work at least half or more of the regularly scheduled work day.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 05/17/05; 02/15/11; 11/19/13.

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2.26 LEGAL DUTY

Personnel under subpoena to testify in relation to an incident that occurred in the performance of their official duties shall be granted leave for legal duty. Personnel shall receive their regular pay while on legal duty. Any remuneration received because of such service shall be endorsed over to the Board. Any mileage allowances resulting from such services shall be retained by the employee. Leave granted under this provision shall be reported as "Legal Duty". Personnel who are a party to litigation not connected with official duties may be granted personal leave or annual leave to attend proceedings related to the litigation.

Statutory Authority: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 1001.43; 1012.66, F.S.

History: New 11/27/90. Revised/Amended 06/20/06; 02/15/11; 01/22/13; 11/19/13.

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2.27 TEMPORARY DUTY ELSEWHERE

Personnel may be assigned to temporary duty by the Superintendent or designee for performing educational services, including participation in school surveys, professional meetings, study courses, workshops, etc.

A leave form denoting "Temporary Duty" shall be completed and approved in advance by a principal or supervisor and forwarded to Human Resource Services in order for the time spent away from regular duties not to be classified as leave. However, if time spent away from regular duties for such purposes is at the employee's request, the employee shall apply for and may be granted other appropriate leave.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 05/17/05; 06/20/06; 07/15/08; 02/15/11; 11/19/13.

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2.28 ABSENCE WITHOUT LEAVE/JOB ABANDONMENT

- (1) Personnel willfully absent from duty without leave shall forfeit compensation for the time of such absence and shall be subject to discipline, including termination of employment.
- (2) Job Abandonment

Personnel absent from duty five (5) or more days without approved leave for such absence may be subject to termination of employment.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 02/15/11; 11/19/13; 05/20/14.

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2.29 SICK LEAVE POOL

- (1) Personnel employed full-time having completed one (1) year of employment with the District and having a minimum of ten (10) days or equivalent hours of accrued sick leave at the beginning of the fiscal year and the date of application, may participate in the Sick Leave Pool. Participation in the pool is voluntary.
- (2) Any sick leave contributed to the Sick Leave Pool shall be deducted from the balance on the participant's official sick leave record.
- (3) A maximum of thirty (30) days or equivalent hours of sick leave may be granted at the discretion and upon the authority of the Sick Leave Pool Committee, after consideration of all outstanding eligible applications. Additional days or equivalent hours of sick leave may be granted in hardship situations at the sole discretion of the Sick Leave Pool Committee.
- (4) Any sick leave awarded from the Sick Leave Pool to a participant shall be used for absence due to personal illness, accident, or injury.
- (5) A participant shall be eligible for sick leave from the Sick Leave Pool only if the person:
 - A. Has used all accrued sick leave and annual leave;
 - B. Has used all accrued compensatory time;
 - C. Is not eligible for workers' compensation pay;
 - D. Is not eligible for illness or injury in-the-line-of-duty leave;
 - E. Has been without pay for ten (10) consecutive working days or equivalent hours; and
 - F. Has an application approved by the Sick Leave Pool Committee.
- (6) Membership applications shall only be accepted annually during October. All new members shall contribute one (1) day or equivalent hours of accrued sick leave to the Sick Leave Pool during the month of October. New members become eligible for participation in the Sick Leave Pool on the January 1 after approval of their membership applications.
- (7) A participant shall not be required to pay back any sick leave awarded except as otherwise provided in this rule.
- (8) Each participant shall contribute, upon request, one (1) day or equivalent hours of sick leave any time the balance of the Sick Leave Pool falls below twenty percent (20%) times the number of participants. Any participant who fails to contribute upon request or who lacks four (4) days or equivalent hours of accrued sick leave at the time contribution is to be made shall be removed from membership, except that member currently drawing days

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or equivalent hours from the Sick Leave Pool may continue as a member until the total number of days or equivalent hours granted have been drawn. No participant shall be required to contribute more than two (2) days or equivalent hours in any one (1) fiscal year.

- (9) Each membership shall be on a continuing basis unless a written request for withdrawal is received by the Sick Leave Pool Committee before October 1 of any fiscal year. Any member who chooses to withdraw from participation in the Sick Leave Pool shall not withdraw sick leave days or equivalent hours contributed.
- (10) Alleged abuse or violation of any provision contained in this rule by a participant shall be investigated by the Sick Leave Pool Committee. If a participant is found to have violated any of these provisions he or she shall be expelled from further participation, shall repay all the sick leave drawn from the Sick Leave Pool and shall be subject to disciplinary action, as deemed appropriate by the Board.
- (11) The Sick Leave Pool Committee shall annually review the operation and rules of the Sick Leave Pool and issue a written report including any recommendations for changes to the Superintendent.

Statutory Authority: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 1001.43; 1012.61, F.S.

History: New 11/27/90. Revised/Amended 12/19/91; 06/25/96; 11/21/00; 11/20/01; 05/17/05; 02/15/11; 01/22/13; 11/19/13.

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2.30 MEDICAL AND HEALTH INSURANCE

(1) Payroll Deduction

The Board is cognizant of the merits of comprehensive health care insurance, life insurance, income protection and various other forms of insurance. Enrollment in a Board benefit plan authorizes the Board to payroll-deduct all required premium(s) (including any missed premiums due to the timing of enrollment or changes or premiums missed due to internal processing errors).

(2) Recovery of Overcharges

Reimbursement to personnel and responsibility for a reduction of overcharges discovered in medical bills is as follows:

- A. The employee shall submit documentation to the Risk Management Department establishing the basis of the claim on approved forms signed by the employee.
- B. The Risk Management Department shall forward the documentation to the third party administrator for verification and recovery action.
- C. If the overcharges have already been paid, the third party administrator shall attempt to have the overcharge returned and credited to the Board Employee Trust Claims Account.
- D. If the overcharges have not been paid, the third party administrator shall negotiate an adjustment to the medical bill and advise the Risk Management Department of the results.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 05/17/05; 06/20/06; 02/15/11; 11/19/13.

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2.31 WORKERS' COMPENSATION

The Board provides workers' compensation benefits pursuant to Chapter 440, F.S. Payment of any leave and workers' compensation benefits shall be coordinated so that double coverage is not provided during any period of disability.

Statutory Authority: Chapters 440 and 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 440 and 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 06/20/06; 02/15/11; 11/19/13.

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2.32 TAX SHELTERED ANNUITIES

Tax sheltered annuity plans have been approved by the Board and are available for voluntary participation by personnel. The company from which the annuity contract is purchased shall be selected by the employee and the Board is in no way responsible for the selection made. The purchase of an annuity contract shall be through payroll deduction, in accordance with the provisions of Section 403(b) of the Internal Revenue Code, as amended.

Statutory Authority: 26 U.S.C. § 403. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: 26 U.S.C. § 403. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 05/17/05; 02/15/11; 11/19/13.

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2.33 MERITORIOUS SERVICE AWARD

- (1) The Superintendent shall establish a program of awards to recognize individuals with meritorious or distinguished service in the performance of their duties.
- (2) The criteria for awards shall be developed by the Superintendent with the assistance of representatives of the administrative, professional, and instructional staff and educational support personnel.
- (3) An award may be a certificate, plaque, ribbon, medal, trophy, photograph, or other appropriate recognition form.

Statutory Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 1001.43; 1012.22, F.S.

History: New 11/27/90. Revised/Amended 02/15/11; 01/22/13; 11/19/13.

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2.34 RETIREMENT INCENTIVE

(1) Normal Retirement Incentive

- A. Personnel who retire by the end of the fiscal year in which they first become eligible under the FRS shall be paid a retirement incentive of twenty-five percent (25%) of their gross annual salary, provided they have a minimum of fifteen (15) years of service with the District. For purposes of calculating this incentive, gross annual salary shall be the salary actually paid, excluding supplements or extra pay, during the fiscal year in which the retirement occurs or the twelve (12) months preceding the date of retirement if the retirement occurs prior to the end of a fiscal year.
- B. Personnel participating in Deferred Retirement Option Program (DROP) are not eligible to receive the normal retirement incentive bonus unless their termination date and the DROP retirement date fall within the same fiscal year in which they first become eligible for normal retirement as defined in FRS Rules.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Chapters 121 and 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 06/22/93; 06/23/98; 03/25/99; 11/20/01; 09/23/01; 05/17/05; 05/11/09; 11/17/09; 02/15/11; 01/17/12; 11/19/13; 05/20/14.

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2.35 HOLIDAYS

- (1) Holidays for personnel shall be as set forth in the School Calendar adopted by the Board.
- (2) Religious Holidays

Personnel may use personal leave for the observance of religious holidays not set forth in the student calendar as adopted by the Board provided:

- A. An application is made prior to the holiday and approved by the supervisor; and
- B. The holiday is recognized by the faith to which the person subscribes.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Chapter 1012 and Sections 683.01; 1001.32 to 1001.54; 1003.21, F.S.

History: New 11/27/90. Revised/Amended 02/15/11; 11/19/13; 05/20/14.

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2.36 POLITICAL ACTIVITIES OF PERSONNEL

- (1) Personnel shall not engage in political activity that conflicts or interferes with their own or another's performance of employment duties while on duty or during any time for which the employee is expected to perform services for compensation received from the Board. This shall not preclude discussion of political candidates, parties or issues for instructional purposes in the classroom.
- (2) At no time shall individual Board members, the Superintendent or any personnel use the authority or influence of their position to secure support for or oppose any candidate, party, or issue in an election or affect the results thereof.
- (3) Personnel shall not use any promise of reward or threat of loss to encourage or coerce other personnel to support or contribute to any political issue, candidate, or party.
- (4) The posting of non-school related notices, circular or petitions on Board property shall be subject to the reasonable regulation and approval of the administrator or designee responsible for the particular site.
- (5) If not otherwise prohibited by law, personnel may be candidates for, actively campaign for and serve in an elective public office, as long as such activities do not conflict or interfere with their employment with the District. During such times that it is necessary to be away from assigned duties for political activities or serve in elective public office, personnel may be granted a leave of absence without pay. However, the Board reserves the right to decide each case and to grant leaves or make any other adjustments affecting the person's assignment or status as may be in the best interest of the District.
- (6) Personnel elected to full-time public office which requires full-time responsibilities, upon written request to Human Resource Services shall be granted a personal leave of absence. Employees whose terms of elected office extend beyond one (1) year shall be required to request a leave of absence each year during their term of office. Upon termination of the personal leave for holding of public office, the employee shall be offered an available position for which the employee is qualified to hold, in accordance with any applicable collective bargaining agreement.
- (7) Notwithstanding any other provision of law to the contrary, district school board members and their relatives, as defined in Section 112.312(21), F.S., may not directly or indirectly solicit any gift, or directly or indirectly accept any gift in excess of \$50, from any person, vendor, potential vendor, or other entity doing business with the school district. The term "gift" has the same meaning as in Section 112.312(12), F.S.
- (8) No person(s) shall solicit, contribute, or receive political contributions on Board property. Dues or deductions made by a collective bargaining agent, pursuant to Chapter 447, F.S., are exempt from this section.

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- (9) District personnel, including Board members and the Superintendent, shall not engage in activities supporting or opposing any political candidate on Board property, with the exception of wearing political buttons, displays on their personal vehicles and as otherwise provided elsewhere in this rule.
- (10) Candidates may campaign on Board property provided it is not during school hours or a school sponsored function.
- (11) Nothing in this rule shall preclude the use of Board property as a polling place for any public election. Nothing in this rule shall preclude District personnel from serving as poll workers during any election in which a polling place is located on Board property, or employees acting as a polling place advocate on election day for candidates, issues or initiatives, provided that said employees take the appropriate leave from their regular duties.
- (12) Political posters, signs, banners, or any other writing which promotes a political issue, cause, position, or candidate, shall not be posted in or on Board property, except that political materials may be displayed temporarily in or on Board property while the facility is in use by a political group or as permitted by elections laws/rules when a facility is used as a polling place. When such use is terminated, all political materials must be removed. This section shall not apply to displays on employee's personal vehicles. In no instance shall any political materials be displayed on Board property in excess of one (1) day.
- (13) Use of the District's internal mail system, including non-mail placement ("stuffing") of personnel or department mailboxes, for political purposes is prohibited. However, political literature that is mailed via the U.S. Postal Service may be delivered to personnel or departmental mailboxes. This paragraph does not apply to the following:
 - A. Labor organizations acting in fulfillment of their statutory duties as collective bargaining agents;
 - B. School-sponsored student elections and campaigns; and
 - C. Any activities, though political in nature, conducted in the classroom during the school day as part of the regular curriculum such as debates between local, state, or national candidates.
- (14) Administrators for each facility are responsible to ensure that this policy is enforced. Administrators failing to enforce said policy will be subject to disciplinary action.

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Statutory Authority: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 104.31; 106.15; 112.312; 1001.41; 1001.43, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 11/18/03; 05/17/05; 07/15/08; 02/15/11; 01/17/12; 01/22/13; 11/19/13.

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2.37 DRUG-FREE WORKPLACE

- (1) Personnel shall not manufacture, distribute, dispense, possess, be under the influence of, or use alcohol and/or a controlled or harmful substance (as defined in Chapters 893 and 877.111, F.S.) on or in the workplace. This includes but is not limited to any alcoholic substance, any intoxicating or auditory, visual or mental altering chemical or substance or narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled or harmful chemical substance, as defined by federal or state laws or rules, or any counterfeit of such drugs or substances all being collectively referred to as drugs.
- (2) Workplace is defined as the site for the performance of work done in connection with employment. That includes, but is not limited to, any school building or any school premises, any vehicle used to transport students to and from school and school activities off Board property during any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the Board.
- (3) As a condition of employment, each employee shall notify his or her supervisor of his or her conviction of any criminal drug or harmful chemical substance statute no later than five (5) days after such conviction. (Also see 2.43, S.B.R., Self-Reporting of Arrests and Convictions by Employees) An employee who violates the terms of this policy may be non-renewed or his or her employment may be suspended or terminated. However, at the discretion of the Board, such employee may be allowed to satisfactorily participate in and complete a substance abuse assistance or rehabilitation program approved by the Board in lieu of a non-renewal, suspension, or termination. Sanctions and discipline against personnel, including non-renewal, suspension, and termination, shall be in accordance with prescribed Board procedures and shall be commenced within thirty (30) days of receiving notice of an employee's conviction. Within ten (10) days of receiving notice of an employee's conviction in violation of this rule, the Superintendent shall notify the State Department of Education when applicable.
- (4) Pursuant to Section 440.102, F.S., a drug-free awareness program is hereby established and is to be implemented by the Superintendent to inform personnel of the dangers of drug abuse in the workplace, of the Board's policy on maintaining a drug-free workplace, of available drug counseling, rehabilitation, and assistance programs; and of the penalties to be imposed up to termination, for drug abuse violations. As a part of this program, all personnel and applicants for employment shall be given notice of the Board's policy regarding the maintenance of a drug-free workplace in the following form:

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NOTICE TO EMPLOYEES REGARDING DRUG-FREE WORKPLACE PROGRAM

YOU ARE HEREBY NOTIFIED that it is a condition of employment that you refrain from the use of illegal drugs or the abuse of legal drugs or harmful chemical substances on or off the job. As part of the Drug-Free Workplace Program the Board has instituted a drug-testing program. It is a violation of the policy of the Board for any employee to manufacture, distribute, dispense, possess, or use illegal drugs, whether in the workplace or away from the workplace including non-working hours. It is also a violation of the policy of the Board of being under the influence of, or use of alcohol and/or a controlled and/or harmful substance (as defined in Chapters 893 or 877.111, F.S.) on or in the workplace. This includes but is not limited to any alcoholic substance, any intoxicating or auditory, visual, or mental altering chemical or substance, or narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined by federal or state laws or rules, or any counterfeit of such drugs or substances all being collectively referred to as drugs or harmful chemical substances. Lawful consumption of alcohol during non-working hours and away from the workplace that does not adversely impact the employee's work performance or fitness for duty is not a violation of the Board's Drug-Free Workplace Program. All employees are subject to drug/alcohol testing. Refusal to submit to a drug/alcohol test may subject the employee to termination and, where on-the-job injury is at issue, loss of workers' compensation medical and indemnity benefits. The Drug-Free Workplace Program adopted by the Board authorizes the following types of drug tests:

- A. Pre-Employment Screening. An employer must require a candidate for employment to submit to a drug test. The employer may use a refusal to submit to a drug test or a confirmed positive drug test as a basis for denial of employment.
- B. Reasonable Suspicion. An employer must require an employee to submit to reasonable suspicion drug testing.
- C. Routine Fitness For Duty. An employer must require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.
- D. Follow-up. If the employee in the course of employment enters an employee assistance program for drug-related problems or an alcohol and drug rehabilitation program, the employer must require the employee to submit to a drug test as a follow-up to such programs and on a quarterly, semiannual, or annual basis for up to two (2) years thereafter.
- E. On-the-job Injury. If the employee is injured in the course of employment the employee shall be required to submit to a drug test. Necessary medical care will not be denied pending completion of, or submission to, a drug test.
- F. Post-accident. If an employee operating a District vehicle is involved in an at-fault traffic accident satisfying the parameters defined in the Transportation Department

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SOP entitled, “Post-Accident Drug/Alcohol Testing,” which requirements are incorporated herein by reference, the employee shall be required to submit to a drug/alcohol test. Necessary medical care will not be denied pending completing of, or submission to, a drug test.

All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received or produced as a result of a drug testing program are confidential communications, but may be used or received in evidence, obtained in discovery or disclosed in any public or private proceedings, as authorized by law.

Employees may confidentially report the use of prescription or non-prescription medications, both before and after being tested. The reports of the use of prescription drugs should include a copy of the medical prescription. Reports may be made to the employee’s supervisor, principal or director. Reports must be in writing identifying the use of prescription or nonprescription medications. Attached to this notice is a list of the most common drugs or medications by brand name or common name, as applicable as well as by chemical name, which may alter or affect a drug test. (See Attachment "A")

The Board has instituted an employee assistance program providing alcohol and drug rehabilitation. Employees seeking information or assistance through the program should contact the Director of Risk Management for further information.

Pursuant to Section 440.102(3)(a)8, F.S., an employee or job applicant who receives a positive confirmed drug test may contest or explain the result to the medical review officer (MRO) within five (5) working days after written notification of the positive test. If an employee or job applicant’s explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test result back to the employer. A person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration. (See Attachment "B")

The employee or job applicant has the right to consult the testing laboratory for technical information regarding prescription or nonprescription medication. A list of drugs for which the employer will test, described by brand names or common names as applicable, as well as by chemical names, is attached to this notice. (See Attachment "C")

In addition to the right of the employee to challenge or contest the results of any drug test, the employee has the right to appeal to the Public Employees Relations Commission or applicable court and may have additional rights under a collective bargaining agreement, if any. Questions regarding the collective bargaining agreement may be directed to the appropriate bargaining unit representative.

The Board is required to report an employee conviction of drug violations occurring in the workplace to the State Department of Education within ten (10) days of receiving such notice, when applicable, and is also required to commence disciplinary action against such employee within thirty (30) days of receipt of the notice of violation.

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ATTACHMENT "A"

OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD AFFECT THE OUTCOME OF A DRUG TEST:

ALCOHOL - All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vicks Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

AMPHETAMINES - Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex

CANNABINOIDS - Marinol (Dronabinol, THC)

COCAINE - Cocaine HCl topical solution (Roxanne)

PHENCYCLIDINE - Not legal by prescription.

METHAQUALONE - Not legal by prescription.

OPIATES - Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

BARBITURATES - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

BENZODIAZEPINES - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrex, etc.

METHADONE - Dolphine, Methadose

PROPOXYPHENE - Darvocet, Darvon N, Dolene, etc.

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ATTACHMENT "B"

CHALLENGES TO TEST RESULTS

- (1) A requirement of the Drug-Free Workplace Program is that within five (5) working days after receiving notice of a positive confirmed test result, the employee or job applicant must be allowed to submit information to the MRO explaining or contesting the test results. If an employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the MRO, within fifteen (15) days of receipt of the explanation or challenge, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory along with the report of positive results, shall be provided by the employer to the employee or job applicant. All such documentation shall be kept confidential by the employer and shall be retained by the employer for at least one (1) year.
- (2) An employee or job applicant may undertake an administrative challenge by filing a claim for benefits with a judge of compensation claims pursuant to Chapter 440, F.S. If no workplace injury has occurred, the person must challenge the test result in a court of competent jurisdiction. When an employee or job applicant undertakes a challenge to the results of a test, it shall be the employee's or job applicant's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is settled.

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ATTACHMENT "C"

DRUGS FOR WHICH THE EMPLOYER WILL TEST

Alcohol

Amphetamines

Cannabinoids

Cocaine

Phencyclidine

Methaqualone

Opiates

Barbiturates

Benzodiazepines

Synthetic Narcotics: Methadone, Propoxyphene

Rulemaking Authority: Sections 1001.41; 1012.22; 1012.23; 1012.27, F.S.

Laws Implemented: Sections 435.04; 440.102; 1001.10; 1001.41; 1001.43; 1012.795, F.S.

History: New 11/27/90. Revised/Amended 10/27/92; 08/27/96; 11/20/01; 06/20/06; 02/15/11; 01/22/13; 11/19/13; 04/18/17.

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2.38 ALCOHOL AND DRUG TESTING POLICY OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS

The District is committed to ensuring that its employees do not attempt to perform their duties while under the influence of drugs or alcohol. Therefore, employees are not to consume alcohol within four (4) hours of reporting to work, are not permitted to remain at work, and are subject to disciplinary action while having a blood alcohol concentration (BAC) of .02 or greater. Employees are also prohibited from using or possessing alcohol while on duty. Employees who perform safety-sensitive functions (such as CDL operators) are further regulated by Part 49 Code of Federal Regulations (CFR), Parts 40 and 382, Federal Omnibus Transportation Employee Testing Act (OTETA of 1991), and Section 112, F.S.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: 49 C.F.R. Parts 40, 382 and 391. Chapters 440 and 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 07/24/95. Revised/Amended 09/23/03; 11/19/13; 05/20/14; 04/18/17.

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2.39 COMPENSATORY TIME AND COMPENSATORY TIME OFF

Compensatory time and compensatory time-off are defined as hours during which an employee, as defined in the Fair Labor Standards Act, is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate, as defined in the Fair Labor Standards Act. This policy shall not preclude employees from receiving overtime pay for overtime worked.

(1) Accrual

- A. Employees who are required or directed to work for more than forty (40) hours per week, as defined in the Fair Labor Standards Act, shall be granted compensatory time at the rate of one and one-half (1½) hours for each hour of employment for which overtime compensation is required by Section 7 of the Fair Labor Standards Act or shall be compensated at the rate of one and one-half (1 ½) times the employee's normal rate of pay. All other compensatory time granted shall be at the rate of one (1) hour for each hour of employment or compensated at the rate of one (1) times the employee's normal rate of pay. Exception: Bus Operators/Bus Assistants.
- B. Employees who are eligible to earn compensatory time and compensatory time-off and who have accrued two-hundred forty (240) hours of compensatory time shall, for additional overtime hours of work, be paid overtime compensation.

(2) Conditions

- A. Earning compensatory time requires prior approval from an appropriate supervisor, director or administrator, except in the case of an emergency. In the case of an emergency, the appropriate supervisor, director, or administrator is required to document specific approval on the next working day following the emergency.
- B. The accounting for earned and used compensatory time and time-off for each employee shall be maintained by the appropriate supervisor, director, or administrator and shall be made available to the employee upon request. Compensatory time balances shall carry forward to the next fiscal year.
- C. Compensatory time-off may be used in any increment and at any time agreed to by the employee and the appropriate supervisor, director, or administrator. If such mutual agreement is not reached, the supervisor, director, or administrator may, with a minimum of ten (10) working days' notice, require the employee to use his or her compensatory time.
- D. After April 1 of each fiscal year, an employee will not be required to use compensatory time-off if the use of compensatory time-off would cause the

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employee to lose accrued annual leave in excess of the maximum number of allowable hours.

- E. Upon transfer from a compensatory time accruing position to a non-accruing position or from one cost center to another, payment shall be made for unused compensatory time at the employee's current straight-time hourly rate prior to the transfer.
- F. Payments for unused compensatory time may be made at intervals as determined by the District. The employee will be notified thirty (30) days in advance if such payment is to be made.

(3) Terminal Pay

Payment of accrued compensatory time shall be made upon retirement or upon leaving the employ of the Board. If employment is terminated by death, the beneficiary designated in the person's retirement plan shall be paid the allowable accrued compensatory time. Payment shall be made at the employee's current straight-time hourly rate.

Statutory Authority: 29 U.S.C. § 201, et seq. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: 29 U.S.C. § 201, et seq. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 06/25/96. Revised/Amended 05/17/05; 06/20/06; 02/15/11; 11/19/13.

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2.40 DROP-DEFERRED RETIREMENT OPTION PROGRAM

- (1) Effective July 1, 1998, eligible employees may make an irrevocable election to participate in the Deferred Retirement Option Program (DROP) subject to the conditions and limitations found in School Board Rules.
- (2) DROP Extension
 - A. Employees who are defined as instructional personnel and who have completed their sixty (60) months participation in DROP may request an extension to their participation for a period of up to ninety-six (96) months provided they:
 1. Are recommended for reappointment by the school principal or site administrator;
 2. Are recommended for reappointment by the Superintendent to the Board;
 3. Agree to return on an annual contract basis.
 - B. The definition of instructional personnel in this policy shall apply only to student assigned full-time instructional personnel.

Statutory Authority: Chapters 121 and 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 121 and 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 06/23/98. Revised/Amended 09/23/03; 05/17/05; 02/15/11; 11/19/13.

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2.41 RESIGNATION

- (1) An employee who wishes to resign shall submit his or her resignation in writing addressed to the supervisor. The letter of resignation or separation of employment form shall state the reasons for the resignation and the desired effective date. The supervisor shall forward the resignation to Human Resource Services for processing as the Superintendent's recommendation to the Board. No resignation shall be effective until accepted by the Board.
- (2) The employee is responsible for completing any additional paperwork in Human Resource Services prior to his or her exit from the District.
- (3) An employee who terminates employment and does not work on the first day following a holiday shall not receive pay for the holiday. The termination date shall be considered the last work day in which the employee worked.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 06/20/06. Revised/Amended 07/15/08; 02/15/11; 11/19/13.

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2.42 RETIREMENT

An employee who wishes to retire must complete the necessary paperwork in Human Resource Services which will include his or her resignation pursuant to 2.41, S.B.R., Resignation.

Statutory Authority: Chapter 121 and 1012 and Sections 112.3173; 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 121 and 1012 and Sections 112.3173; 1001.32 to 1001.54, F.S.

History: New 06/20/06. Revised/Amended 02/15/11; 11/19/13.

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2.43 SELF-REPORTING OF ARRESTS AND CONVICTIONS BY EMPLOYEES

- (1) Obligation to the profession of education requires that an employee shall self-report within forty-eight (48) hours to the Assistant Superintendent of Human Resource Services any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, the individual shall self-report to the Assistant Superintendent of Human Resource Services any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program or entering of a plea of guilty or nolo contendere (no contest) for any criminal offense other than a minor traffic violation, within forty-eight (48) hours after the final judgment.
- (2) The District will comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), F.S., when handling sealed and expunged records disclosed under this rule.

Statutory Authority: Chapters 440 and 1012 and Sections 943.0585(4)(c); 943.059(4)(c); 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 440 and 1012 and Sections 943.0585(4)(c); 943.059(4)(c); 1001.32 to 1001.54, F.S.

History: New 06/24/99. Revised/Amended 11/20/01; 05/17/05; 02/15/11; 11/19/13.

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2.44 PROFESSIONAL TEACHER ASSOCIATIONS

- (1) Upon application to the Superintendent and determination by the Board that an organization is a bona fide professional teacher association qualified pursuant to this rule and Section 1001.03(4), F.S., the professional teacher association shall be permitted:
 - A. To participate in voluntary teacher meetings in the area of teacher training and staff development.
 - B. To place professional literature directly in teacher mailboxes (without access to the District courier or internal mail service).
 - C. To collect voluntary membership fees through payroll deduction.
 - D. To establish qualification criteria.
- (2) In order to qualify as a bona fide professional teacher association under this rule, an organization must:
 - A. Provide to the District, written verification that it is a not-for-profit organization. Written verification must be in the form of a letter from the United States Internal Revenue Service or the Florida Department of Revenue; and
 - B. Provide to the District a copy of the organization's current by-laws indicating:
 1. The purpose of the organization is the promotion of professional education issues;
 2. The organization is not-for-profit and non-partisan;
 3. The organization is not a labor organization as defined in Section 447.02, F.S.;
 4. The organization offers membership to all District employees, including teachers, educational support personnel, and administrators;
 5. The organization offers teacher training and staff development at no fee to the District;
 6. The organization provides the District with copies of the organization's current teacher training and staff development materials; and
 7. The organization provides the District with a proposed schedule of teacher training and staff development courses, including dates, times, and total hours of training for each course.

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(3) Board Action

- A. Upon determination that an organization is qualified pursuant to this rule, the Superintendent shall, at the next regularly scheduled meeting of the Board, recommend that the Board grant the organization status as a bona fide professional teacher association.
- B. The Board shall review the recommendation and may accept, reject, or modify the Superintendent's recommendation.

(4) Disqualification, Enforcement, and Notice

- A. In order to be entitled to the guarantees of Section (1), an organization must remain a bona fide professional teacher association and must conduct itself in good faith at all times for which qualification as a bona fide professional teacher association is claimed in accordance with Section 1001.03(4), F.S., this rule, and the representations made pursuant to Section (2).
- B. Failure to comply with any provision of this rule shall result in disqualification as a bona fide professional teacher association.
- C. Upon determination that the organization has failed to comply with any provision of this rule, and/or that the organization is not a bona fide professional teacher association, the Superintendent shall immediately suspend the organization's guarantees under Section (1).
- D. The Superintendent shall notify the organization of the suspension in writing, stating the reasons for the suspension and notifying the organization that it has ten (10) days from the date of the notice in which to respond to the notification of suspension.
- E. Within ten (10) days of the date of the notice, the organization may file a written response stating reasons why the suspension should be rescinded. The response may include supporting documents.
- F. Should the organization not file a response within ten (10) days as set forth in Section E above, or should a written response be timely filed but the Superintendent determine the reasons stated by the organization are insufficient to rescind the suspension, the Superintendent shall:
 - 1. Recommend to the Board at its next regularly scheduled meeting that the organization's status as a bona fide professional teacher association be revoked; and

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2. Notify the organization in writing of said determination. The notice shall comply with the requirements of Chapter 120, F.S., and shall advise the organization of its rights of administrative review pursuant to Chapter 120, F.S.
- G. The Board may accept, reject, or modify the Superintendent's recommendation or should a dispute as to material facts exist, refer the matter to a hearing officer for an evidentiary finding pursuant to Chapter 120, F.S.
- H. As is necessary for enforcement and to ensure compliance with this rule and Section 1001.03(4), F.S., the District may request from the organization, information or documentation to determine whether the organization is a bona fide professional teacher association.

Statutory Authority: Chapters 120 and 1012 and Sections 447.02; 1001.03; 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 120 and 1012 and Sections 447.02; 1001.03; 1001.32 to 1001.54, F.S.

History: New 01/23/01. Revised/Amended 06/20/06; 02/15/11; 11/19/13.

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2.45 DECEASED EMPLOYEE ACCOUNT

- (1) Definitions
 - A. Employee means any employee of the District.
 - B. Money due means all the pay, allowances, monetary benefits and remunerations owed by the District to a deceased employee at and up to the time of death including, but not limited to, any of the following:
 1. Life insurance proceeds;
 2. Retirement benefits;
 3. Tax sheltered annuities;
 4. 401(a) plan proceeds;
 5. Annual or sick leave terminal pay;
 6. Retirement bonus, if eligible;
 7. Per diem and reimbursement for travel expense;
 8. Unpaid overtime or compensatory time; or
 9. Un-negotiated paycheck(s) that were not received by the employee during his or her lifetime.
- (2) Human Resource Services shall notify each employee of his or her right to designate a beneficiary for disbursement of life insurance monies, retirement benefits and other money due at the time of an employee death.
- (3) Each employee shall complete a form provided by Human Resource Services generally naming a beneficiary for all money due for which the employee has not already designated a beneficiary.
- (4) In the event that an employee's general designation of a beneficiary conflicts with the specific designation of a beneficiary in another document, such as a life insurance policy, the other document which names a specific beneficiary for receipt of specific benefits, takes precedence.
- (5) The employee has the right to modify or revoke the designation of a beneficiary at any time by providing written notice to Human Resource Services.

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- (6) In the absence of a designated beneficiary or beneficiaries, all money due as described in Section (1) B of 2.45, S.B.R., Deceased Employee Account, shall be paid to the estate of the deceased employee.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Sections 1012.23; 1012.65, F.S.

History: New: 09/27/04. Revised/Amended: 05/17/05; 06/20/06; 02/15/11; 11/19/13; 05/19/15.

CHAPTER 2 – HUMAN RESOURCE SERVICES

2.46 EMERGENCY DUTY

- (1) Administrative/Professional personnel may be assigned to emergency duty by the Superintendent or designee for the purpose of actively supervising Board emergency shelters or serving as the District contact at the Emergency Operation Center during non-duty hours.
- (2) Administrators/Professional employees shall be paid for all hours worked at their equivalent hourly rate of pay. This pay shall be in addition to any amount paid pursuant to their regular contract.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 12/21/06. Revised/Amended 02/15/11; 11/19/13; 05/20/14.

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2.47 TOBACCO/COTININE/NICOTINE-FREE HIRING POLICY

- (1) The School District is committed to promoting health, wellness, and disease prevention within the community and to providing a safe, clean, and healthy environment for our employees and citizens. The use of tobacco/cotinine/nicotine products is a known and established hazard to the health and well-being of those who use them as well as those around them. The health problems created by the use of these products contribute to the increase in health care costs and the rise in insurance premiums. Use of tobacco/cotinine/nicotine products has been shown to decrease employee productivity and efficiency, and increase absenteeism. It is in recognition of these factors that the District is taking measures to develop a tobacco/cotinine/nicotine-free workforce. The School Board hereby establishes a tobacco/cotinine/nicotine-free hiring policy for all individuals applying for any position which qualifies for insurance benefits within the District. It is the intent of this policy that employees hired in insurance benefit eligible positions after the effective date of this policy must successfully pass a tobacco/cotinine/nicotine test and remain tobacco/cotinine/nicotine-free for the duration of their employment.
- (2) For the purposes of this policy, tobacco/cotinine/nicotine is defined to include any products that may include tobacco/nicotine and are intended or expected for human use or consumption, including but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi cigarette, clove cigarette, hookah, and any other smoking product; and spit tobacco, also known as smokeless, dip, chew and snuff, twist in any form (i.e. lozenges, strips, patches, pouches, pills, etc.), to also include forms of electronic nicotine delivery system devices such as but not limited to e-cigarettes and vaping.
- (3) It is the responsibility of the applicant to recognize the use of tobacco/cotinine/nicotine products and the potential for an unfavorable test result. If an applicant receives an unfavorable test result for tobacco/cotinine/nicotine, the individual is not eligible for permanent employment for six (6) months following the test collection date. After six (6) months has passed, the applicant is eligible to reapply for permanent positions.

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 1001.42; 1001.43, F.S.

History: New: 06/21/11. Revised/Amended: 01/17/12; 04/23/13; 11/19/13; 04/18/17.

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2.48 ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES

- (1) Unless a provision of law enacted after July 1, 2000, specifically prohibits the use of an electronic record for the specified purpose, the School Board hereby authorizes the acceptance and distribution of electronic records and electronic signatures to and from District staff and other persons, as well as between District staff members. Additionally, the School Board further authorizes District staff to create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.
- (2) The Superintendent shall consult with the state of Florida's Agency for Enterprise Information Technology (Agency) regarding the District's authorized acceptance and distribution of electronic records and electronic signatures. After giving due consideration to security, the Agency may specify the following:
 - A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.
 - B. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.
 - C. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and audibility of electronic records.
 - D. Any other required attributes for electronic records which are specified for non-electronic records or reasonably necessary under the circumstances.
- (3) The Superintendent shall require District staff to comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, communicating, storing, process, using, and relying upon electronic records. Further, the Superintendent shall require District staff and other persons who use electronic signatures to do so in compliance with State law.

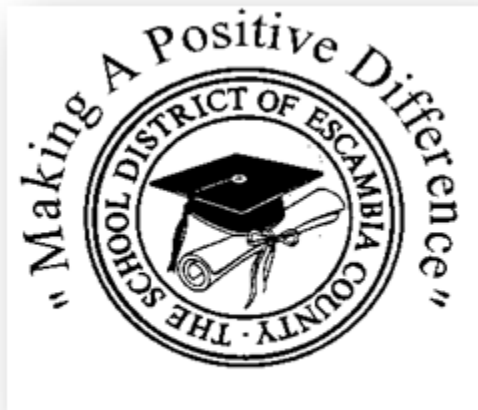
Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 668.002; 668.006; 668.50, F.S.

History: New: 04/23/13; Revised/Amended 11/19/13.

**RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD
ESCAMBIA COUNTY, FLORIDA**

CHAPTER 3 - SCHOOL OPERATIONS



CHAPTER 3 – SCHOOL OPERATIONS

3.01 STUDENT PROGRESSION

The rules governing student progression shall be as prescribed in the most recent edition of the publication: *Student Progression Plan* adopted by the Board, which edition is hereby incorporated herein by reference.

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Law Implemented: Sections 1001.43; 1003.4156; 1003.428; 1003.437; 1003.49; 1008.25, F.S.

History: New: 02/25/92. Revised/Amended: 03/26/96; 04/23/96; 09/23/01; 11/20/01; 05/15/05; 05/17/07; 08/21/07; 12/16/08; 10/27/09; 01/19/10; 04/19/11; 12/13/11; 01/22/13; 05/20/14.

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3.02 OFFICE OF SCHOOL CHOICE

- (1) An office of School Choice is hereby established in the division of Curriculum and Instruction. The Office of School Choice shall be responsible for the oversight of all functions related to student assignment to any district school or magnet school. Complete *School Choice Standard Operating Procedures* are available on the district website or at the Office of School Choice, 30 East Texar Drive, Pensacola, Florida 32503. Related functions shall include the following:
 - A. Insuring compliance with relevant federal, state or district statutes, orders, rules or guidelines related to student assignment.
 - B. Coordination of the development of agreements with adjoining districts pertaining to school assignment or transfers.
 - C. Development of modifications in the school attendance zones in consultation with the Student Attendance Zone Advisory Committee (SAZAC) and Transportation for recommendation to the Board.
 - D. Processing requests for student transfers and forwarding the recommendations to the Superintendent and the Board.
 - E. Coordination of student selection and enrollment in district magnet schools and academies/programs.
 - F. Coordination of placement pertaining to foreign exchange students as identified by the Advisory List from the International Educational Travel and Exchange Program.
 - G. Facilitating school assignment and transportation for families with school age children identified as homeless.
 - H. Coordinate the assignments of students who transfer under the Every Student Succeeds Act (ESSA).
 - I. Coordinate and provide oversight for Home School. Information regarding home school is available at the Office of School Choice, 30 East Texar Drive, Pensacola, Florida 32503. Home School guidelines are outlined in Sections 1002.01 and 1002.41, F.S.
- (2) The Board will assign students to schools in accordance with such state statutes, court orders, and such other policies and regulations as may apply.
- (3) No principal shall enroll in the principal's school any student not properly assigned to it.

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(4) Student Assignment

A. A student who is a bona-fide full-time resident of Escambia County, Florida, shall be allowed to enroll or remain enrolled in an education program designated by the Board. The following exceptions may apply:

1. Students of employees do not need to meet the requirement of living in Escambia County, Florida, to make application into a magnet/academy/program; however, the student must meet the entrance requirements for the requested school or program. Employees who are part time, non- permanent, or not directly employed by the District cannot make application if they live outside of Escambia County, Florida. Employment must be verified through the Human Resources Department; and
2. Any request for transfer is subject to Board approval.

B. ESE/Alternative Education

Student assignment of eligible students participating in Exceptional Student Education Programs or Alternative Programs, requiring placement in a school or center other than the district assigned school shall be coordinated by the respective department.

(5) Student Transfer Process

A. Parent/Guardian

The parent(s)/guardian(s) shall submit to the Office of School Choice a student transfer request form with appropriate documentation for their student(s) to be transferred to a school out of their respective school attendance zone. The form is available in the Office of School Choice or on the District's website. The parent/guardian shall be responsible for submitting any additional information that may be needed for consideration of the request by established deadlines.

B. Superintendent

The Superintendent shall present to the Board his/her recommended actions pertaining to the student transfer request. The Superintendent may refer a request back to the School Choice Office for further consideration. The Superintendent has the authority to involuntarily transfer or assign a student to another zoned school of attendance when such placement is determined to further the interest of the Board in maintaining a safe and orderly school environment. A student who is repeatedly disruptive or who poses a threat to the health, safety, or welfare of others may be assigned involuntarily to an alternative school.

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C. The Board

Final action on a student transfer request shall be made by the Board. The Board may approve, modify, deny or revoke any request for transfer recommended by the Superintendent.

(6) Transfer Limitations

A. Capacity

1. Facility Capacity - Physical space must be available at the requested school prior to transfer. Transfers shall not be granted into schools if the current enrollment equals an established percent of the facility's permanent capacity.
2. Program Capacity - Transfers shall not be granted into district approved programs beyond the program's established capacity.

B. Duration of Transfer Approval

Once granted a transfer under this policy, a student may continue enrollment in the receiving school through the exit year provided the circumstances upon which the transfer was granted remain unchanged. Failure to report to the Office of School Choice within thirty (30) days any change of circumstances in which the transfer was granted may result in revocation of the transfer and the student's return to the original designated school. Students granted a transfer must maintain passing grades, acceptable behavior, and attendance. If the student fails to maintain passing grades, demonstrates unacceptable behavior, incurs excessive tardies or unexcused absences, the principal can request through the Office of School Choice for the student to be returned to their home school at the end of each semester ; however, no request for return transfer may be considered by the Office of School Choice until the principal demonstrates that a good faith effort has been made to employ parental assistance to rectify the student's deficiencies. Parents will be notified in writing and given ten (10) days to withdraw the child(ren).

C. Homeless – Facilitating School Assignment and Transportation for Families with School-age Children Identified as Homeless

Section 725 of the McKinney-Vento Act, as amended by ESSA, defines “homeless” as follows:

1. The term “homeless children and youths” means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of Section 1003.01, F.S., and includes

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- a. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - b. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of Section 1003.01, F.S.;
 - c. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - d. migratory children (as such term is defined in Section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (a) through (d).
2. The District will ensure that all homeless children and youth, including unaccompanied youth (those not in the physical custody of a parent or guardian) and preschool aged children, are afforded the same free, appropriate public education as provided to other students and have an opportunity to meet the same State student academic achievement standards to which all students are held. The District will seek to remove barriers to the education of homeless children and youth including enrollment and retention, and will not segregate or separate based on their homeless status. Homeless students will be provided with services comparable to non-homeless students including transportation services, education services including special education and programs for English language learners, vocational and technical programs, gifted programs, school nutrition programs, Title I Part A programs, before and after school programs and preschool programs. Homeless students will not be stigmatized, segregated or separated into other educational programs on the basis of their homeless status.
3. The District will ensure there is a District Homeless Liaison and his or her duties are communicated to schools and appropriate community agencies. Liaison will work to identify homeless children and youth including preschools, and ensure they receive the services to which they are entitled such as free school meals and critical needs referrals.

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4. Public notice of the educational rights of homeless students will be available on the Title I website and will be disseminated to the schools through posters and brochures.
5. Parents or guardians of homeless students and unaccompanied youth are informed of the student's right to remain in school of origin, the school that the student attended when permanently housed or the last school enrolled. Homeless students have the right to remain in school of origin to the extent feasible and according to that which is in the student's best interest or parent, guardian or unaccompanied youth's request. Homeless students may enroll in the school that is zoned for the area in which the homeless child resides. Homeless students may stay in their school of origin the entire duration of homelessness and until the end of the school year in which they move into permanent housing. At parent or guardian's request, homeless students must be provided with transportation to their school of origin.
6. If a dispute arises over school placement, the student will be immediately enrolled and allowed to attend the school in which enrollment is requested. The parent or guardian will be provided written explanation of the school placement decision, including the right to appeal. The District's Homeless Liaison will ensure the process is carried out as soon as possible after receiving notice of the dispute and will follow the Florida Department of Education's appeal process.
7. Homeless students are immediately enrolled and given thirty (30) days to provide enrollment documents including school records, immunization records, birth certificates, proof of residency and guardianship documents. The school will immediately notify the Homeless Liaison to ensure identification and services provided.
8. Transportation for homeless students will be provided to and from the school of origin at the parent or guardian's request, or Homeless Liaison's request if the student is an unaccompanied youth. If the homeless student moves to an area served by another school district, the districts will share responsibility for transportation.

(7) Magnet Programs or Schools

- A. A student who is a bona-fide full-time resident of Escambia County, Florida, shall be allowed to enroll or remain enrolled in an education program designated by Resolution of the School Board as a magnet program, a magnet school or a school of choice.

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- B. Each student applying to a magnet school or academy/program must meet and maintain the criteria as set by the principal of the school and approved by the Curriculum Council. The criteria shall be on file in the Office of School Choice. Each charter school may have specific requirements based on the program design and will be available in the Alternative Education Office.

(8) Choice Enrollment Program

- A. Applications to participate in a voluntary controlled open enrollment program shall be considered based on the district's Controlled Open Enrollment Plan (available at <http://www.ecsd-fl.schoolloop.com/SchoolChoice>) and be available during a pre-determined open choice application period. The form shall be submitted by the student's enrolling parent or legal guardian and must be received prior to the close of the choice application period.
- B. Applications for assignment to any district school that is within a designated area (as determined by the address of the student's parent or legal guardian) are approved based on criteria established by the School Board of Escambia County, and shall be limited by school or program capacity.
- C. Students who have been approved through any choice process (including, but not limited to career academies, McKay Scholarships, academic/career programs) to attend a school out of their assigned area will be expected to adhere to the following rules:
 - 1. High school athletic eligibility at the choice school will be determined according to provisions of the Florida High School Athletic Association (FHSAA) and the current version of the *Rights and Responsibilities Handbook*.
 - 2. Students approved for choice enrollment are assigned until the highest grade level offered within the school. Students are not required to reapply each year to remain in the school of their choice. However, the principal may recommend that the student be withdrawn and returned to his/her zoned school if the student fails to maintain passing grades, demonstrates unacceptable behavior, or incurs excessive tardies or un-excused absences. The principal's recommendation will be sent to the School Choice Office for consideration.
 - 3. Students who are approved for choice are expected to continue in attendance at the choice school for one school year. However, students may return to their zoned school due to transportation limitations at any time. Students are not eligible to apply for additional choice schools until open enrollment of the following year.

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(9) Use of Supervisory Affidavits

- A. When a student's parent or legal guardian resides outside of Escambia County, becomes incarcerated, or is deployed for military operations, supervisory authority may be granted to a resident of Escambia County for school enrollment purposes. Both the parent and the adult requesting supervisory authority must complete a supervisory affidavit (MIS-505) and provide documentation prior to the student's enrollment. The school assignment for the student will be based on the verified address of the supervisory authority.
- B. A student whose parent/guardian resides in Escambia County may be assigned to a school based on the residence of the assigned supervisory authority only when verifications of the need is provided by a local agency such as the Department of Children and Families or legal documentation is provided. Without such documentation, the student will be assigned to schools based on the verified residence of their parent or legal guardian.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Every Student Succeeds Act (ESSA); Sections 1002.20; 1002.31; 1002.41; 1002.45; 1003.21; F.S.

History: New: 02/25/92. Revised/Amended: 04/30/92; 10/27/92; 02/28/95; 07/22/97; 03/21/00; 05/15/01; 02/19/02; 07/16/02; 09/23/03; 02/17/04; 05/17/05; 05/16/06; 06/20/06; 12/21/2006; 02/20/07; 08/21/07; 12/16/08; 10/27/09; 01/19/10; 04/19/11; 01/22/13; 05/20/14; 03/17/15; 09/20/16.

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3.03 SCHOOL CALENDAR

- (1) The school year shall be as prescribed in the annual school calendars approved by the Board.
- (2) A charter school shall provide instruction for at least the number of days required by law for other public schools and may provide instruction for additional days, Section 1002.33(9)(m), F.S.
- (3) All residential juvenile justice commitment programs must provide a minimum of 250 days per year of 300 minutes daily (or the weekly equivalent) of instruction. Time for student movement is not included in the 300 minutes and should be reflected on the schedule. Residential commitment programs may reduce the number of annual instruction days to 240 days, subject to approval from the School Board, Department of Education (DOE), and Department of Juvenile Justice (DJJ).
- (4) All Juvenile Justice day treatment programs must provide a minimum of 250 days per year of 300 minutes daily (or the weekly equivalent) of instruction. Time for student movement is not included in the 300 minutes and should be reflected on the schedule. Day treatment programs may reduce the number of annual instruction days to 230 days, subject to approval from the Board, DOE and DJJ.
- (5) Definitions

As used in this chapter, the term:

- A. "Juvenile justice education programs or schools" means programs or schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for a school year comprised of 250 days of instruction distributed over twelve (12) months. At the request of the provider, the board may decrease the minimum number of days of instruction by up to ten (10) days for teacher planning for residential programs and up to twenty (20) days for teacher planning for nonresidential programs, subject to the approval of the Department of Juvenile Justice and the Department of Education.
- B. "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff, that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs., Section 1003.01(11), F.S.

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Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1001.42; 1003.02, F.S.

History: New: 02/25/92. Revised/Amended 05/17/05; 12/16/08; 10/27/09; 01/19/10; 04/19/11; 01/22/13; 05/20/14.

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3.04 EXTRA CURRICULAR ACTIVITIES

- (1) All high school athletic programs shall be operated according to the rules and regulations of the Florida High School Athletic Association (FHSAA). High schools are authorized to become members of the FHSAA and to renew such membership annually. Any employee who violates FHSAA rules and regulations is subject to disciplinary action by the Board upon the recommendation of the Superintendent.
- (2) Twenty-five (25) cents from each regular season football ticket (student and adult) sold shall be retained by the school for its band program. To cover this added cost, 25 cents may be added to the price of student and adult tickets.
- (3) The Board shall not provide student transportation in connection with any event or activity that is not sponsored by the District. The Board shall have no liability for damages arising out of any transportation arranged and/or provided by parents or other parties to any event or activity, even those in which the District or school has agreed to participate, cosponsor or require the participation of students.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1006.15; 1006.21; 1006.22, F.S.

History: New: 02/25/92. Revised/Amended: 11/21/00; 09/23/03; 10/27/09; 01/19/10; 05/20/14.

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3.05 USE OF SCHOOL BANDS, ORCHESTRAS AND CHORUSES

(1) School Use (School Functions)

- A. Bands, orchestras, choruses may participate in local activities.
- B. Bands, orchestras, choruses may participate in Florida School Music Association (FSMA) activities.
- C. Bands, orchestras, choruses may accompany their school athletic teams on out-of-county trips.

(2) Non-School Use (Non-School Functions)

- A. Any request for bands, orchestras, or choruses shall first be presented, in writing, to the principal of the school a minimum of two (2) weeks in advance of the event. The advance notice provision may be waived by the principal and the Superintendent.
- B. Trips other than FSMA sponsored activities shall not be allowed while school is in session except with prior written approval of the principal and Superintendent.
- C. Music groups may not play for an event sponsored by a commercial organization without the prior written approval of the principal and the Superintendent.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1003.31; 1006.15, F.S.

History: New: 02/25/92. Revised/Amended: 09/23/03; 12/16/08; 10/27/09; 01/19/10; 05/20/14.

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3.06 STUDENT TRAVEL OUTSIDE CONTINENTAL UNITED STATES

Schools may not sponsor field trips which involve student travel outside the continental United States. The Board may authorize foreign travel by a group or groups of students on a case-by-case basis where it determines that extraordinary circumstances abound and justification where full insurance coverage will be provided by the sponsoring group or the students themselves. No vehicle owned, leased, rented, used or operated by the District, or any of its employees or other agents shall be used to travel to any other country outside the continental United States.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1001.42; 1001.43; 1006.22, F.S.

History: New: 02/25/92. Revised/Amended: 10/27/09; 01/19/10; 05/20/14.

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3.07 SAFETY REGULATIONS

SAFETY, SECURITY EMERGENCY MANAGEMENT, HEALTH AND ENVIRONMENTAL REGULATIONS

(1) Environmental, Health and Safety Program

- A. There is hereby established in the District an Environmental, Health and Safety Program that provides the necessary procedures, training, enforcement and resources that ensure the safety and health of students, employees and visitors of the District. The program shall include but not be limited to chemical safety, occupational safety, indoor air quality, ergonomics, student activities, hazardous waste management, petroleum storage, transportation safety, and facility safety inspections.
- B. The program shall comply with the requirements of the Florida State Board of Education and other applicable federal, state and local rules and regulations.

(2) Security Program

There is hereby established in the District a Security Program to provide the necessary procedures, training, enforcement and resources that ensures the security of students, employees and visitors of the district. The Superintendent and staff shall develop and implement appropriate procedures and programs addressing both normal operational security and domestic security issues.

- A. The program shall comply with applicable federal, state and local rules and regulations.

(3) Emergency Management Program

- A. There is hereby established in the District an Emergency Management Program to provide the necessary procedures, training, enforcement and resources to prepare for, mitigate, respond to and recover from emergency incidents that may affect the operations of the District. Pursuant to Section 1006.07(4)(a), F.S., the School District relies upon the following agencies for notice of each type of emergency and the emergency management program shall, at a minimum, address the following incidents:

1. Severe weather

Local: Emergency Operations Center (EOC)

State: Florida Division of Emergency Management (FDEM)

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Federal: National Weather Service (NWS), National Oceanic and Atmospheric Administration (NOAA), Federal Emergency Management Agency (FEMA)

2. Fires

Local: Pensacola Fire Department (PFD), Escambia County Fire Rescue (ECFR), Area Law Enforcement Agencies

State: Florida Division of Forestry (FDOF), Department of Highway Safety and Motor Vehicles (DHMV), Florida Department of Transportation (FDOT)

Federal: National Park Service (NPS), United States Forest Service (USFS)

3. Biological incidents

Local: Escambia County Health Department (ECHD), Pensacola Fire Department (PFD), Escambia County Fire Rescue (ECFR)

State: Florida Division of Environmental Protection (FDEP), Florida Department of Health (FDOH), Florida Department of Law Enforcement (FDLE)

Federal: Department of Homeland Security (DHS), Centers for Disease Control (CDC), Federal Bureau of Investigation (FBI)

4. Threats of Violence

Local: Pensacola Police Department, Escambia County Sheriff's Office, Area Law Enforcement Agencies

State: Florida Department of Law Enforcement, Department of Highway Safety Motor Vehicles (State Troopers)

Federal: Department of Homeland Security, Bureau of Alcohol, Tobacco and Firearms (BATF), Drug Enforcement Agency (DEA), Federal Bureau of Investigation

5. Explosive detonations

Local: Pensacola Police Department, Escambia County Sheriff's Office

State: Florida Department of Law Enforcement, Division of State Fire Marshall (DSFM)

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Federal: Department of Homeland Security, Bureau of Alcohol, Tobacco and Firearms, Federal Bureau of Investigation

6. Structural damage/collapse

Local: City of Pensacola Building Inspections, Escambia County Building Inspections

State: N/A

Federal: Occupational Safety and Health Agency, Federal Emergency Management Agency (FEMA)

7. Hostage situations

Local: Pensacola Police Department, Escambia County Sheriff's Office, Area Law Enforcement Agencies

State: Florida Department of Law Enforcement, Department of Highway Safety Motor Vehicles (State Troopers)

Federal: Federal Bureau of Investigation, Department of Homeland Security

8. Medical emergencies

Local: Escambia County Health Department, Area Hospitals

State: Department of Health

Federal: Occupational Safety and Health Agency, Centers for Disease Control

9. Lost or abducted students

Local: Pensacola Police Department, Escambia County Sheriff's Office

State: Florida Department of Law Enforcement

Federal: Federal Bureau of Investigation, Department of Homeland Security

10. Acts of violence

Local: Pensacola Police Department, Escambia County Sheriff's Office

State: Florida Department of Law Enforcement

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Federal: Federal Bureau of Investigation, Department of Homeland Security, Bureau of Alcohol, Tobacco and Firearms

11. Chemical releases

Local: Pensacola Fire Department, Escambia County Fire Rescue, Escambia County Utilities Authority (ECUA), Santa Rosa Island Authority (SRIA), Energy Services of Pensacola (ESP)

State: Department of Environmental Protection, Department of Homeland Security, Department of Transportation

Federal: Occupational Safety and Health Agency, Environmental Protection Agency (EPA), National Transportation Safety Board (NTSB)

12. Campus intruders

Local: Pensacola Police Department, Escambia County Sheriff's Office

State: Florida Department of Law Enforcement, Pensacola State College (PSC), University of West Florida (UWF)

Federal: Federal Bureau of Investigation

13. Large group disturbances

Local: Pensacola Police Department, Escambia County Sheriff's Office

State: Florida Department of Law Enforcement, Department of Highway and Motor Vehicles (State Troopers)

Federal: Federal Bureau of Investigation, Department of Defense (DOD), Naval Criminal Investigative Service (NCIS), Department of Homeland Security

14. Terrorist incidents

Local: Pensacola Police Department, Escambia County Sheriff's Office

State: Florida Department of Law Enforcement

Federal: Department of Homeland Security, Federal Bureau of Investigation, Department of Defense

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- B. The program shall comply with Homeland Security Presidential Directive (HSPD)-5 and will utilize the National Incident Management System (NIMS) and Incident Command as the basis for all response measures.
- C. The Emergency Management Program will be developed in collaboration with federal, state and local public safety agencies.
- D. The Emergency Management Program will be issued to all appropriate administrators and staff and will be reviewed annually and updated as necessary.
- E. The Emergency Management Program will include an Incident Response Guide and Medical Emergency Guide, which will be posted in all classrooms and administrative offices. The most recent edition of these guides will be utilized in responding to emergency incidents.
- F. The bomb threat response portion of the Crisis Management Guideline will be based on the Bomb Threat Response Planning Guide developed by the United States Secret Service and the United States Department of Education, as well as guidance provided by other federal, state and local public safety agencies.
- G. All threats of violence, including bomb threats, will be taken seriously and the Superintendent and his/her designees, in consultation with public safety officials, will implement the appropriate protective measures to ensure the safety and security of students, staff and visitors. Such protective measure may include full or partial evacuation of the facility, protective lock down or sheltering in place or other protective actions deemed necessary based on the particular situation.
- H. The affected portions of a campus will be evacuated in the event of a credible bomb threat, unless information associated with the threat indicates it may expose students and staff to a greater hazard by doing so. Whether a bomb threat is "credible" will be determined by District threat response protocol which is exempt from public disclosure pursuant to Section 119.071, F.S.
- I. The Superintendent and his/her designees will consult with the jurisdictional public safety authorities when assessing the credibility of any threats directed towards the students, staff or operations of the district.
- J. In the event of an actual emergency, district officials will abide by directions provided by the incident commander of the jurisdictional public safety agency.
- K. Board members will be notified of all significant emergency incidents including credible bomb threats, incidents resulting in serious injury or death of students or staff, major facility damage, etc.

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- L. Staff, personnel, and students shall receive training in all emergency procedures, including evacuation procedures, during the first ten (10) days of school.
- M. There shall be a minimum of one (1) lock-down drill, shelter-in-place drill and tornado drill per school year. A report of each drill shall be submitted to the Protection Services Department by the last day of the month in which the drill was conducted.
- N. The lock-down drill shall be conducted within the first ten (10) days of the school year. The shelter-in-place and tornado drills shall be conducted within the first thirty (30) days of the school year.

(4) District Safety Committee

The Superintendent shall establish safety committees, advisory to the Superintendent, to monitor and recommend changes to the Environmental, Health and Safety Program, Security Program, and the Emergency Management Program.

(5) Annual Facility Safety Inspections

The district shall provide for an annual comprehensive safety and health inspection of each facility, to be conducted by a properly certified safety inspector.

(6) Principal and Facility Administrator Responsibilities

- A. The principal or administrator of each school or department shall be responsible for maintaining a safe, secure, and sanitary environment in facilities under their jurisdiction.
- B. The principal or administrator of each school or department shall be responsible for ensuring compliance with all safety, health and environmental rules and regulations applicable to facilities under their jurisdiction.
- C. Principals shall ensure that teachers instruct students in their classes in the general rules of safety, security, and health.
- D. The principal shall work with the Transportation Department and Protection Services Department to make appropriate arrangements with local officials for sufficient traffic control to ensure the safety of children at crosswalks.
- E. The principal shall work with the Transportation Department and Protection Services Department to ensure that student traffic patterns to and from school do not pose unacceptable hazards.

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- F. Principals shall work with the Facilities Department, Maintenance Department and Protection Services Department to institute reasonably necessary procedures and safeguards to ensure student safety on school grounds.
- G. The principal or facility administrator shall be responsible for maintaining the building and grounds in such a manner that safety hazards are not allowed to continue to exist. Safety hazards shall be reported to the Protection Services Department and Maintenance Department.
- H. Bicycles, cars, and other vehicles on school grounds shall be regulated by the principal to provide for the safety of the students and others.

(7) Employee Responsibility

- A. All employees shall maintain safe and sanitary conditions in their teaching or work area of responsibility.
- B. Employees of the district shall not be a participating team member on any school or district sponsored organized team sporting event that involves competition against students or parents. This prohibition does not apply to the coaching or teaching functions of organized sports, physical education, or other supervised student activities in which the purpose is to instruct students or to promote their social, physical, emotional, or mental health. This prohibition does not apply to activities under the supervision of the District Wellness Center.

(8) Site Safety Committees

- A. The principal or facility administrator shall establish a site safety committee.
- B. The site safety committee will be responsible for conducting a safety inspection of the facility each month.
- C. Deficiencies and/or hazards shall be reported to the principal.
- D. Deficiencies and/or hazards requiring repair shall be submitted in a timely manner by the principal or administrator to the maintenance department.
- E. Serious hazards shall be immediately reported by the principal or administrator to the Protection Services Department.
- F. Site Safety Committee inspection reports shall be maintained on file at the school for six (6) years.

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- G. The site safety committee shall meet monthly to review inspection reports, confirm that deficiencies/hazards have been corrected, review emergency management procedures, and to discuss any other pertinent safety or security issues.
- H. The principal or facility administrator shall provide a means of communicating with the site safety committee to all employees, students and parents of students.

(9) Visitors on School Grounds

- A. Visitors are expected to comply with all District Safety and Security Procedures and Policies.
- B. Any law enforcement officer (who must furnish proper identification) who wishes to interview a student at school may do so and a suitable place will be provided. The conference area should be so located as to create as little attention as possible to the interview and participants. The principal or designee may be present during the interview at the request or authorization of the student.
- C. Notification of parents and/or guardians shall occur unless the nature of the investigation precludes disclosure.

(10) Supervision of Students

Student groups shall be under the reasonable supervision of school personnel while participating in school-sponsored or other permitted activities.

(11) Fire Prevention

- A. Buildings shall be continuously monitored by the principal or facility administrator and other staff for fire hazards to ensure compliance with applicable fire and life safety codes.
- B. All exits and fire extinguishers shall be well marked and kept clear of impediments.
- C. No exits shall be chained shut.
- D. All fire alarm systems shall be operational.
- E. Each school shall hold a fire drill during the first ten (10) days of school.
- F. There shall be a minimum of ten (10) fire/evacuation drills per school year, with one drill conducted each month school is in session, according to State Requirements for Educational Facilities and National Fire Protection Association Guidelines. At least one (1) drill shall require the use of the posted secondary

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evacuation route. A report of each drill shall be submitted to the Protection Services Department by the last day of the month.

- G. Evacuation diagrams shall be posted in all occupied spaces, which shall indicate both a primary and secondary egress route.

(12) Student Accident Insurance

The Board authorizes the Superintendent to purchase catastrophic student accident insurance that shall provide coverage for catastrophic injuries at school or school related events for all students who are seriously injured at school or at a school related event. The Board authorizes the Superintendent to purchase a base student accident insurance blanket policy that shall provide coverage for injuries sustained for all students who participate in district sponsored interscholastic athletics, including cheerleading.

Students who participate in interscholastic athletics, including cheerleading, will be required to be covered by a group student accident insurance policy, provided through the district, before they are allowed to participate. The Board may require a special athletic assessment to be paid for all students participating in interscholastic athletics to cover the cost of the blanket policy.

The Board authorizes the Superintendent to purchase and make available, on a voluntary basis, a student accident insurance policy for purchase by all parents or legal guardians for injuries at school or school related events, or for 24-hour coverage for all students. Selection of Student Accident Insurance Providers: The Risk Management Department will coordinate the Student Accident Insurance Program(s) and select qualified student accident insurance providers on a periodic basis.

(13) Water Activities

The use of swimming pools by students under school sponsorship shall be restricted to pools that comply with the regulations of the Florida Sanitary Code. Prior written approval must be secured from the Superintendent, Risk Management, and Protection Services Department. The pool facility must have an adequate number of professional certified lifeguards on duty at all times when students are present.

Students shall not be allowed to participate in any open water related activity, with the exception of those activities directly associated with a specific curriculum.

Open water activities associated with a specific curriculum, such as R.O.T.C. or marine biology must receive prior approval from the Risk Management Department.

All approved open water activities must provide for individual personal flotation devices for all students and other appropriate safety equipment as may be required for that particular activity. In addition, an appropriate number of certified water safety personnel shall be on site at all times.

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(14) Animals on Campus

- A. The district recognizes the educational benefits derived from utilizing animals, such as insects, and aquatic life in the classroom. To that extent, live animals will be permitted on campus subject to the following restrictions:
 - 1. Live animals must have direct relevance to the objectives of the instructional program.
 - 2. The principal shall approve all animals that are brought to school for instructional purposes.
 - 3. Prior to introducing animals, the teacher shall be certain that:
 - a. students and school personnel are not allergic to their presence;
 - b. animals will present no danger (pathogens, toxins, or other physical harm) to students, or other district personnel;
 - c. students are instructed in the proper care and sanitary handling of the animal;
 - d. sanitary and humane conditions can be maintained.
 - 4. After handling animals, careful hand washing must be reinforced.
- B. Assistive animals necessary for student mobility and function that are pre- approved by the principal shall be allowed.

(15) Health Regulations and Procedures

A. Admission after Illness

If there is a question relative to a student's right to return to school after having had a communicable disease, the principal may require a statement from a licensed physician or may request an opinion from the county health officer.

B. Nurses

It shall be the responsibility of the principal to provide working space with access to a confidential telephone in each school for the activities of the school nurse.

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C. Isolation of Ill Students at School

Facilities shall be provided by each school so that a student who becomes ill at school can be isolated until the student can be sent home or returned to class.

D. Student Accidents to be Reported

All student accidents shall be reported according to procedures directed by the Superintendent.

(16) Administration of Medication to Students

Administration of medication is the responsibility of the parent/guardian unless it is absolutely essential to the wellbeing of the student to receive medication during the school day. The following regulations must be observed when medication (**prescription/nonprescription**) is to be administered in the schools, including any occasion when the student is away from school property on official school business, i.e., extracurricular activities, field trips, band, and sports activities.

- A. Stock over-the-counter medications are limited to acetaminophen, calcium carbonate, diphenhydramine, Sting Relief Pad, and ibuprofen. These medications will be stocked in school clinics as available with standing orders from the contracted provider Medical Director. Prior to administration of these stocked over-the-counter medications, the “Dispersion of Stock Over-the-Counter Medication Form” must be completed and signed by the parent/guardian. This form is valid for one (1) school year, or earlier stop date. For purpose of this policy, cough drops are not considered a medication. Over-the-counter medications will not be administered to pregnant or breastfeeding students without written direction from the student's physician. All other Food and Drug Administration (FDA) approved over-the-counter or prescription medications require a “Dispersion of Medication Form” completed in its entirety and signed by the parent/guardian. Parent/Guardian Signature must be witnessed by school staff or notarized. Photo identification is required. This form is valid for one (1) school year, or earlier stop date.
- B. No student will be allowed to have medication, prescription or nonprescription, in his/her possession on school premises, on a school bus, or at a school function, with the exception of epinephrine, diabetes supplies and equipment, pancreatic enzyme, or asthma inhalers as permitted by Section 1002.20(3)(h-k), F.S. with the parent/guardian and physician's signature on the “Dispersion of Medication Form.”
- C. Medications that may be administered by medical or trained non-medical school personnel include the following: oral and topical medications, eye, ear, and nose drops, and inhalers. Administration of other types of prescribed medications are evaluated on an individual basis, require child specific training, and appropriate

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delegation as determined by the professional school nurse. All delegation must be in accordance with the Florida Nurse Practice Act, Chapter 464, F.S.

- D. Medication must be in the original labeled container. A thirty (30) day supply of the medication may be kept at the school. For student safety it is required that the parent/guardian or a responsible adult deliver the medication at the school. In hardship cases, the parent/guardian must request in writing, and receive approval from the school administrator, for an alternative plan for medication delivery.
- E. Designated school personnel must attend a workshop in general medication administration and documentation procedures. Following the workshop, the school nurse routinely monitors medication administration and documentation by school personnel. Questions regarding the purpose, effect, expected results, and untoward effects of a medication should be referred to the school nurse.
- F. Changes in medication require a new “Dispersion of Medication Form” and medication container.
- G. Upon receipt, medication will be counted and documented on the Student Medication Record. Medication will be stored under lock and key when not in use.
- H. Each dose of medication administered will be recorded on the Student Medication Record. When the medication authorization form expires or is changed it will be filed in the student's permanent Cumulative Record.
- I. In cases where a student is able to medicate him or herself (according to the physician's statement), school personnel will store the medication and generally supervise the student's self-medication.
- J. Medication will be destroyed if not picked up within one (1) week following termination of the medication authorization form or the end of the school year, whichever occurs first. Medication will be destroyed in a manner in which it cannot be retrieved. Disposal will be witnessed by two persons designated by the principal and documented on the Student Medication Record.
- K. ALL STUDENT MEDICATION RECORDS WILL BE HANDLED IN A CONFIDENTIAL MANNER.

(17) Managing a School Health Clinic

Each school shall make reasonable provisions for any student who becomes ill or is injured while in school. School health staff in accordance with current Medical Emergency Guidelines/School Health Services Guidelines shall evaluate student. A witness must be present if it is necessary to remove personal clothing for evaluation of a health complaint or injury.

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School Personnel shall:

- A. Document student visits to the clinic on the Daily Health Services Log with time in and out recorded.
- B. Maintain a list of school site personnel who are certified to administer first aid and CPR.
- C. Post the CPR/First Aid Provider list conspicuously in the clinic, front office, gym, shop and other appropriate places for ready reference for emergency assistance.
- D. Seek principal's approval of clinic volunteers.
- E. Maintain adequate health facilities and first aid supplies in each clinic for efficiency in handling accidents and sudden illnesses.
- F. Call the parent, or the person authorized by the parent, when a student needs to go home.
- G. Students who do not need medical attention may not remain in the clinic more than twenty (20) minutes after the parent/parent contact has been notified. Otherwise, the student must return to class.

(18) Maintenance of School Health Records

- A. The principal in each school shall appoint or designate a person to maintain the school health records of all students attending the school. This person shall be responsible for transferring school health records when a student transfers to another school in the county, state, or out of state. Medical records of students, regardless where maintained, are subject to student privacy rights under state and federal law.
- B. The student health records shall include the following information:
 - 1. Immunization status and certification;
 - 2. Health history, including any chronic conditions and health care plan;
 - 3. Health screening results, follow-up referrals, and outcomes;
 - 4. Health examination report;
 - 5. Injuries and episodes of sudden illness referred for emergency health care;

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6. Authorizations for administration of medications and procedures; student medication and procedure records; and
7. Consultations with school personnel, students, parents, guardians, or services providers about a student's health problem, recommendations made and results. The student or the parents or legal guardians of a student must be given a COPY of the Immunization Certificate (Form DH 680) and the Health Examination (Form DH 3040) at the time he withdraws from a school in order to facilitate his entry into another school.

(19) Policy for Creating Medical Guidelines for the School Board of Escambia County, Florida.

A. Purpose

To establish a process for developing and revising district-wide medical guidelines for students based on best practice and current research.

B. Medical Guidelines

It is essential that quality medical guidelines for the management of student's medical needs in the school setting be developed and kept current with clear medical knowledge and expertise. Therefore, the Board authorizes the Coordinator of School Health Services the responsibility to develop medical guidelines in collaboration with the contracted provider.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 381.0056; 1001.32; 1001.42; 1002.20; 1013.12, F.S.

History: New: 02/25/92. Revised/Amended: 07/22/97; 06/19/01; 11/20/01; 09/23/03; 09/27/04; 05/17/05; 06/21/05; 10/18/05; 06/20/06; 03/26/07; 08/21/07; 12/16/08; 10/27/09; 01/19/10; 04/19/11; 01/22/13; 05/20/14; 07/21/15.

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3.08 GIFTS TO PERSONNEL

(1) Gifts to Personnel by School Vendors

Prizes, premiums or other things of value offered by school vendors shall not be accepted by school personnel. Any such benefit must be in materials and/or services given or performed for the school only.

(2) Gifts to Personnel by Others

Gifts to school personnel by parents, students and others who are not school vendors shall be discouraged.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 112.313, F.S.

History: New: 02/25/92. Revised/Amended: 01/19/10; 05/20/14.

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3.09 SCHOOL STORE

School stores may be established for the sale of such supplies as may be needed by the student's in their classroom and other activities.

(1) Paperback Books May be Sold

Paperback editions of books, which are carefully selected by the faculty of the school may be sold to the students. The sale of these books shall be at or near their cost to the school. The principal shall be responsible for selection of the vendor and for the acceptability of the publications offered for sale.

(2) Competitive Food and Beverage Sales

No competitive food or beverage sales are permitted at any time in elementary schools or are permitted until one (1) hour following the last lunch period in secondary schools (see associated Rule 6Gx17-3.13(7)).

(3) Accounting for School Store Funds

All proceeds from the school store shall be deposited into and accounted for in the internal accounts of the school.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.42, F.S.

Law Implemented: Sections 1001.32; 1001.54; 1012.28, F.S.

History: New: 02/25/92. Revised/Amended: 05/17/05; 01/19/10; 05/20/14.

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3.10 LENGTH OF SCHOOL DAY

The length of the school day shall conform to State law and Department of Education guidelines. The Superintendent shall determine school starting and closing times but shall secure the prior approval of the Board before implementing any district-wide change in school starting or closing times.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1001.32; 1001.49, F.S.

History: New: 02/25/92. Revised/Amended: 09/23/03; 01/19/10; 05/20/14.

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3.11 SELECTION OF SCHOOL NAMES

The Board shall adopt the names of all school centers or facilities, including grounds and athletic stadia, within the district. The Board may also rename existing school centers and school facilities, including grounds and stadia, when the Board feels such a change is appropriate and supported by the community and when the Board adopts such a position by formal resolution. For purposes of this rule, the term “facilities” is defined to include an entire school campus as a whole or stand-alone building such as a building wing; individual rooms or individual components of building wings, athletic stadia, or grounds are not included.

When a proposed name or proposed name change is initiated by a community group, the Board may require that a written request first be submitted for consideration by the Board and such request shall include ample written justification. In the process of selecting names, the following considerations shall be controlling:

- (1) If named by location of site, the name of facility shall be descriptive and brief.
- (2) Sites may be named for multiple persons. If named for a person or persons, the person(s) shall have been an outstanding government, civic, or educational leader of local, state, or national repute. Particular consideration shall be given to individuals deemed to have made significant contributions in assisting the district in carrying out its mission.
- (3) Recommendations for new names or name changes, originating with the Board or subscribed to by the Board, may be assigned to a committee consisting of an appointee by each Board member and the Superintendent.
- (4) The adoption of names shall be placed on the agenda in a timely fashion and shall be properly advertised according to the requirements of the Administrative Procedures Act, and such advertisement shall specify the name(s) under consideration by the Board.
- (5) The naming of individual rooms or property which does not fall within the descriptions contained in the first paragraph shall be governed by the following procedure:
 - A. The principal of the school shall submit to the Superintendent a request with appropriate documentation to justify the request;
 - B. The matter shall be placed on the consent agenda of the next regularly scheduled Board meeting for the Board’s consideration;
 - C. If the principal desires some additional recognition or attention to the proposed naming, he or she shall be responsible for requesting in writing that the item be placed on the regular agenda.

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Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1001.43, F.S.

History: New: 02/25/92. Revised/Amended: 03/20/01; 09/23/03; 05/17/05; 06/20/06; 01/19/10; 05/20/14.

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3.12 SOLICITING PERSONNEL AT SCHOOL

- (1) Agents, vendors, solicitors and salespersons, regardless of their product or service shall receive approval from the Superintendent's office before contacting any teachers, students, or other personnel of the District. Purchasing personnel shall not show any favoritism to any vendor. Each situation shall be considered in accordance with policies of the Board on the basis of quality, price, and delivery with past service a factor if all other considerations are equal. This rule does not apply to business agents acting on behalf of a labor organization as defined in Section 447.02, F.S.
- (2) The Superintendent shall develop and recommend to the Board guidelines to ensure access is fair and equitable under this rule.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1001.32; 1001.49, F.S.

History: New: 02/25/92. Revised/Amended: 06/19/01; 09/23/03; 01/19/10; 12/13/11; 05/20/14.

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3.13 FOOD SERVICES

(1) Goal

The District shall provide a nutritionally sound and cost efficient food service program that is sensitive to student preferences and compliant with all applicable public laws and accepted child feeding standards.

(2) Responsibility

The Director - School Food Services is responsible to the Superintendent, via the Assistant Superintendent – Operations, for providing leadership, guidance and supervision in the overall administration and development of individual School Food Service programs. The Director shall provide the standards and procedures for operating school food service programs to ensure compliance with federal and state laws, regulations and Board policies with sound management principles. To this end, the Director shall communicate with District and school staff providing guidance for meeting these standards and shall train, oversee and supervise all school food service employees in the diverse facets of school feeding.

(3) Cafeteria Staffing

- A. Hours and positions shall be in consonance with the School Food Services Staffing Pattern.
- B. The selection of permanent cafeteria employees under the Staffing Pattern shall be accomplished by the Director – School Food Services in accord with appropriate policies and procedures of Human Resource Services and provisions of the Master Contract.

(4) Health and Sanitation Requirements

- A. All cafeteria employees are required to complete annual USDA Hazard Analysis & Critical Control Points (HAACP) training.
- B. Only School Food Services and other authorized personnel are permitted in the food production and serving spaces during the time that food is being prepared and served. During those times, use of kitchen lavatories and telephones located in kitchen spaces is limited to such authorized personnel.

Cafeteria refrigeration equipment shall not be used to hold any food items other than those used for School Food Services, unless given the permission of the cafeteria manager on a short-term basis for class parties, school carnivals, organization dinners, etc.

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- C. Food prepared in a private home shall not be used or offered for sale to the public by a school cafeteria (64E-11.003, F.A.C.).

(5) Offenses Subject to Disciplinary Action

- A. The acceptance by School Food Services personnel of gifts or premiums from vendors or their representatives is prohibited and shall result in appropriate disciplinary action.
- B. No equipment or supplies shall be taken from the cafeteria by any person for any purpose, exclusive of inter-school transfers by the Director - School Food Services or designee, periodic maintenance functions or documented inter-school transfers of food and supplies by authorized District personnel. This includes not only the food and nonfood inventories, but also the leftovers, the garbage, or any refuse from the cafeteria (excluding broken down boxes with prior supervisory approval).
- C. This policy is also extended to forbid personal purchases by School Food Services employees while at work from any cafeteria vendor.
- D. District inventory purchased with the Federal Food Service Fund may not be used for any organization outside of authorized District Child Nutrition Programs, including all school related organizations, without the written consent of the Director – School Food Services. Approval for use of inventory will only be given for meals prepared for school related organizations which are priced to fully recover the cost of the inventory, labor and other meal production requirements.
- E. Expendable cafeteria supply items (e.g., as itemized in the Small Wares Catalog) that become damaged or worn out through use shall be sent to Surplus for auction. Items not useable by the school cafeterias must not be given to or taken by any individual or organization. Violation of this policy shall result in appropriate disciplinary action.

(6) General Meal Service Provisions

- A. School Food Services employees are the ONLY adults permitted to enjoy free meal privileges which will be in component quantities meeting the USDA Food- Based Menu Planning alternative for school breakfast and lunch patterns for the high school age (i.e., Grades 9-12 option) student. All other adults must pay the established meal price without exception and must receive only the quantity established by the federal government as satisfactory for the high school student. Choice of one beverage shall accompany each meal, with all extra food portions and beverages being paid at the established a`la carte rates.
- B. There shall be no special meals prepared for individuals outside of the standard daily fare and there shall be no individual meals served or held for service outside of established dining spaces and serving hours. This rule is not intended to exclude

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menu modifications for students with life threatening medical disabilities. All children are provided a variety of options of meals and beverages each day at breakfast and lunch. School Food Services will only provide food substitutions for individuals with life threatening allergies and in order to meet the medical needs of students with medical disabilities as defined under the Individuals with Disabilities Education Act. As specified by National School Lunch Program regulations, the School Food Services department makes substitutions or modifications for individual students based on written prescriptions from a licensed physician. School Food Services shall work with health nurses, site health technicians and parents to identify students that meet the criteria above. There will be no food substitutions for non-life threatening allergies, cultural, religious or ethical beliefs. It also does not exclude functions of school affiliated groups catered by School Food Services.

- C. Only those adults visiting the school on official business and approved by the principal may eat in school cafeterias and then only for the established adult meal price. This is extended to include invitations to parents to eat with their children as interested in viewing the School Food Services program or as invited for special occasions.
- D. Administration of the Escambia County Free and Reduced Price Meal Program is the responsibility of the central School Food Service Office Staff. The 2004 Reauthorization Act for the National School Lunch and Breakfast Programs required all school districts to process family applications in place of individual applications. Universal compliance with this new rule has been accomplished with the centralized approval of Free and Reduced Price Meal Applications.
- E. School principals are required, in accord with Rule 5P-1.003, F.A.C., "to schedule meal serving periods in such a manner as to permit and encourage maximum student participation in the food service program." This means that elementary schools, with a point of sale (POS) transaction rate of seven (7) to ten (10) students per minute from a single serving line, should schedule each class at no fewer than two (2) nor more than three (3) minutes during continuous service with a maximum of one (1) to two (2) five (5) minute replenishment breaks and that secondary schools, with a POS rate of four (4) to six (6) students per minute from multiple serving lines, should schedule no fewer than four (4) thirty (30) minute serving periods per day, depending on the daily lunch meals and equivalents served. The State's recommended seated-eating time is twenty (20) minutes.

(7) Competitive Food and Beverage Sales

- A. All proceeds from the sales of food and beverage items in competition with the district approved food service program, except carbonated beverages in high schools only, shall accrue to the Food Service Fund throughout the school day until one hour following the close of the last lunch period. However, carbonated beverages may not be sold where breakfast or lunch is being served or eaten (5P-

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1.003, F.A.C.). These competitive food and beverage items may be sold in secondary schools only.

- B. The School Food Services Office is responsible for supervising all vending machine operations dispensing food and non-carbonated beverage products to students within the secondary schools of the district for the entire 24-hour day. Carbonated beverages, classified under Code of Federal Regulation 210, Appendix B, "foods of minimum nutritional value," may be sold, under separate contract between the School Board and local vendors, at secondary schools only.
 - 1. At middle schools, carbonated beverages may be sold to students one (1) hour following the close of the last lunch period.
 - 2. At high schools, carbonated beverages may be sold to students by a school activity or organization authorized by the principal at all times if a beverage of one hundred (100) percent fruit juice is sold at each location where carbonated beverages are sold. However, as stated above, carbonated beverages may not be sold where breakfast or lunch is being served or eaten.
- C. There will be no student candy sales, school or student food concessions, food sales by or on behalf of school organizations (e.g., PTAs, Quarterback Clubs), etc., at any time in elementary schools [see School Store, Chapter 6Gx17-3.09(2)] and until one (1) hour following the close of the last lunch period in secondary schools. School and student organizations may contact the School Food Services Office to enter joint sales ventures in which inventory is purchased by the school organization and profits are divided between the food service program and the school organization.
- D. Class parties with free food and beverages do not violate competitive sales regulations, but frequently do violate the spirit of child nutrition in schools by reducing or eliminating participation in scheduled meal periods, especially if the food is planned to fulfill children's meal needs for that day or if the party is scheduled during the regular meal period. Class parties must not interfere with required lunch periods.

(8) Offer versus Serve

The "Offer versus Serve" provision is a federally-mandated serving method designed to reduce food waste and food costs in the National School Lunch, School Breakfast, and Summer Food Programs without jeopardizing the nutritional integrity of the meals served. The District shall implement offer vs. serve as described in 7 CFR 210, 7 CFR 220, 7 CFR 225 and all subsequent regulations.

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(9) Florida Statutes Requiring Board Action

- A. Section 595.407, F.S., Children’s Summer Nutrition Program, cited as the “Ms. Willie Ann Glenn Act,” requires that district school boards develop plans to sponsor summer nutrition programs; provides criteria for operating program sites; and provides for exemption under certain conditions. The exemption process is in the Act as follows:

595.407(3)(a) “A school district may be exempt from sponsoring a summer nutrition program pursuant to this section. A school district seeking such exemption must include the issue on an agenda at a regular or special school district meeting that is publicly noticed, provide residents an opportunity to participate in the discussion, and vote on whether to be exempt from this section. The school district shall notify the department within 10 days after it decides to become exempt from this section.”

595.407(3)(b) “Each year, the school district shall reconsider its decision to be exempt from the provisions of this section and shall vote on whether to continue the exemption from sponsoring a summer nutrition program. The school district shall notify the department within 10 days after each subsequent year’s decision to continue the exemption.”

- B. From Section 595.405(2), F.S., “Each school district shall implement school breakfast programs that make breakfast meals available to all students in each elementary school. Universal school breakfast programs shall be offered in schools in which 80 percent or more of the students are eligible for free or reduced-price meals. Each school shall, to the maximum extent practicable, make breakfast meals available to students at an alternative site location, which may include, but need not be limited to, alternative breakfast options as described in publications of the Food and Nutrition Service of the United States Department of Agriculture for the federal School Breakfast Program.”
- C. From Section 595.405(4), F.S., “Each school district is encouraged to provide universal, free school breakfast meals to all students in each elementary, middle, and high school. Each school district shall approve or disapprove a policy, after receiving public testimony concerning the proposed policy at two or more regular meetings, which makes universal, free school breakfast meals available to all students in each elementary, middle, and high school in which 80 percent or more of the students are eligible for free or reduced-price meals.”

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The school district will provide free Universal Breakfast at all schools with eighty (80) percent or more of the students eligible for free or reduced-price meals until it becomes cost prohibitive. At the point in which Universal Breakfast is not cost effective, not providing the universal breakfast will need to be voted on at two (2) school board meetings, as stated in statute above.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 595.405; 595.407; 1001.32, F.S.

History: New: 02/25/92. Revised/Amended: 09/19/00; 11/20/01; 09/23/03; 06/20/06; 11/27/07; 10/07/09; 10/27/09; 01/19/10; 08/17/10; 04/19/11; 05/20/14.

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3.14 WELLNESS POLICY

- (1) The District is committed to providing healthy schools by supporting wellness, good nutrition, and regular physical activity as a part of the total learning environment.
- (2) The Superintendent shall establish a District School Health and Wellness Advisory Council patterned after the eight components of the Centers for Disease Control and Prevention (CDC) Coordinated School Health Program (CSHP) model, to align and coordinate district efforts to ensure a healthy learning environment to promote self-sufficiency and lifelong wellness.
- (3) The Superintendent will direct the District School Health and Wellness Advisory Council to develop, implement, monitor, review, and revise annually the district-wide Wellness Policy Operational Procedures which, at a minimum, include
 - A. goals for nutrition education;
 - B. goals for physical activity;
 - C. goals for other school-based activities to promote student wellness;
 - D. nutritional guidelines for all foods available on the school campus during the day, with the objectives of promoting student health and reducing childhood obesity;
 - E. assurance that the guidelines for reimbursable school meals are not less restrictive than federal requirements; and
 - F. plans for evaluating implementation of the operational procedures

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: 42 USC 1751 et seq.; 42 USC 1771 et seq.; Sections 1003.453; 1003.455, F.S.

History: New 06/20/06. Revised/Amended: 12/16/08; 01/19/10; 05/20/14.

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3.15 CUSTODIAL SERVICES

The Director-Maintenance Services shall be responsible for the establishment and supervision of an adequate program of custodial services. The program of custodial services seeks to provide an environment that is most conducive to effective learning. The following policies are established to promote this objective.

(1) Custodial Supplies

The Director-Maintenance Services will requisition only supplies that are approved by the custodial services department. All custodial requisitions will be sent to the custodial services department for approval. All schools and departments will only use custodial supplies and custodial equipment approved by the custodial services department. Supplies may be requisitioned in weekly or semimonthly amounts, when adequate storage is available. The custodial services department will be responsible for keeping accurate records of supplies allotted to all schools.

(2) Custodial Personnel

- A. With the assistance of the district custodial management staff, Principals shall select custodial staff from applicants supplied by the Human Resources Department. Principals shall have authority to recommend termination of employment of those who do not comply with the required standards. All school-based custodial personnel are directly under the supervision of the Principal at all times. Recommendations for suspension or dismissal shall be in writing to the Superintendent's office (stating specific charges) and a copy shall be given to the employee concerned.
- B. On-the-job instruction for custodial personnel will be given by the Custodial Zone Managers on a continuing basis in the schools.
- C. All requests for substitutes shall go through the office of the Custodial Services Department and shall be made by the Director-Maintenance Services or his/her designee.
- D. A regular annual inventory of all tools, equipment and materials on hand shall be required and performed by the Custodial Services Department.
- E. Definite hours shall be set by the Director-Maintenance Services for custodial staff.

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Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1012.23; 1012.28, F.S.

History: New: 02/25/92. Revised/Amended: 11/20/01; 09/23/03; 06/20/06; 10/27/09; 01/19/10; 05/20/14.

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3.16 SCHOOL FACILITIES

(1) Sites

The Board shall acquire property for school sites in accordance with Florida Statutes. Many factors must be considered in the selection of sites, such as size and location, soil conditions and topography, surroundings and accessibility, as well as availability of services (electricity, gas, water, sewage lines, and fire department). If a selected site does not meet the minimum requirements of the state as to size, a request for waiver must be filed and approved before purchase is made.

A. Payment of Binders

The Superintendent or his/her designee may pay a binder to the owners of property provided the Board has approved the purchase at a stipulated price, and the binder amount specifically.

B. Site Development

Provision shall be made for development for each school site and shall comply with Section 1013.36, F.S.

(2) Acquisition of Professional Services

A. Acquisition of professional architectural, engineering, Construction Management/Construction Program Management, Design-Build, landscape architectural or land surveying services for any project of which the estimated basic construction cost or professional fee exceeds the applicable threshold established by Section 287.055, F.S. shall be in accordance with the requirements of Section 287.055, F.S., the "Consultants' Competitive Negotiation Act."

B. The Board shall adopt administrative procedures for the evaluation of professional services, including but not limited to capabilities, adequacy of personnel, past records, experience, whether the firm is a certified minority business enterprise and such other factors as may be determined by the Board to be applicable to its particular requirements for architectural, landscape architectural, engineering, and land surveying services. The Superintendent shall appoint a committee of no fewer than three (3) members qualified to evaluate the firms expressing a desire to provide professional services to the District. Any provider of professional services shall be required to carry Professional Liability Errors and Omissions insurance at an amount deemed appropriate by the District.

After proper evaluation by the committee, the Board shall be presented with the names of the firms receiving the highest evaluation in numerical order on the basis of scores.

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- C. The Superintendent shall publicly announce, in the local news media in a uniform and consistent manner, each occasion when professional services are to be purchased as required by Section 287.055, F.S., except in cases of valid public emergency declared by the Superintendent and certified by the Board. Such announcement shall include a general description of the project and how interested firms may apply.
- D. For each proposed project, the Board will evaluate and select, in order of preference a minimum of three firms as presented by the selection committee who have responded to the public announcement to effect an equitable distribution of contracts among qualified firms.
- E. The Superintendent shall appoint a committee of no more than three (3) staff members qualified to negotiate a contract for professional services who shall attempt to come to an equitable agreement with the firm selected by the Board as the most highly qualified. If unsuccessful, negotiations will be terminated and negotiations begun with the firm selected as second best qualified. If again unsuccessful, negotiations will be terminated and negotiations begun with the firm selected as third best qualified.
- F. When negotiations with a qualified firm have been successful, the name of the firm shall be presented to the Board for appointment as project architect or engineer.
- G. The requirements of S.B.R. 6Gx17-3.16(2) may be waived by the Superintendent in whole or in part in case of valid public emergency.

(3) Construction

PREQUALIFICATION OF CONTRACTORS. Only bids from qualified contractors for Educational Facilities will be received. The Board shall prequalify general educational facilities contractors for a one (1) year period November 1st through October 31st of following year. All applicants must renew by October 1st of each year, regardless of the date of the initial application. The intent of this section is to prescribe uniform requirements for PRE-QUALIFICATION of contractors. Contractor is defined as a firm who is licensed to supervise the work within the scope of the educational facility construction project being bid on. The Superintendent shall appoint a four (4) member Contractor Pre-qualification Review Committee that may consist of the Assistant Superintendent of Operations, Director of Maintenance, Director of Facilities Planning, Purchasing Manager and the Director of Risk Management. The Contractor Pre-qualification Review Committee shall report its recommendations to the Superintendent of Schools for review. Upon review, the Superintendent of Schools will submit it to the School Board for approval. The Board shall receive and either approve or reject each application for pre-qualification within sixty (60) calendar days after receipt by the Board's administrator. Minimum approval time will be thirty (30) calendar days.

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- A. Criteria. Contractors shall be pre-qualified by the Board on the basis of the following criteria.
1. Proof that the Contractor holds a valid Contractor's License that authorizes the Contractor to supervise the work within the scope of the construction project including the license classification.
 2. Evidence that the applicant has financial resources to start up and follow through on projects and to respond to damages in case of default as shown by written verification of bonding capacity equal to or exceeding the amount of any project for which the Contractor seeks pre-qualification. The written verification must be submitted by a licensed surety company rated excellent ("A" or better) in the current A.M. Best Guide and qualified to do business within the State.
 3. Evidence of experience with construction techniques, trade standards, quality workmanship, project scheduling, cost control, management of projects, and building codes for school related projects as shown by the successful completion within the past five (5) years of at least two (2) other projects of similar size to that which bidding is intended.
 4. Evidence of satisfactory resolution of claims filed by or against the Contractor asserted on projects of the same or similar size within the five (5) years preceding the submission of the application. Any claim against a Contractor shall be deemed to have been satisfactorily resolved if final judgment is rendered in favor of the Contractor or any final judgment rendered against the Contractor is satisfied within ninety (90) days of the date the judgment becomes final.
- B. Application. In order to allow the Board to apply the uniform criteria in subsection (a), the Board shall require each Contractor, firm or person requesting pre-qualification to submit separate applications that include the following:
1. Completed AIA Form A305 (1986 Edition) setting forth the applicant's competence, past performance, experience, financial resources, and capability, including a Public Entity Crime statement, and references. A financial statement is not required if the Contractor's surety company provides verification of the Contractor's bonding capacity as provided in 1.00(b)2.
 2. Evidence that the applicant has financial resources to start up and follow through on projects and to respond to damages in case of default as shown by written verification of bonding capacity equal to or exceeding the amount of any project for which the Contractor seeks pre-qualification. The written verification must be submitted by a licensed surety company rated excellent

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("A" or better) in the current A.M. Best Guide and qualified to do business within the State. In the absence of such written verification, the Board may require the applicant to submit any audited financial information necessary to evaluate an applicant's financial ability to perform the project and to respond to damages in the event of default.

3. General information about the company, its principals, and its history including state and date of incorporation. Provide proof of incorporation.
 4. Contractor trade categories and information regarding the state and local licenses and license numbers held by the applicant. The Contractor must provide an unexpired certificate issued by the Florida Construction Industry Licensing Board in accordance with applicable statutes, as either State Certified General Contractor or Building Contractor.
 5. A list of projects completed within the past five (5) years, including dates, client, approximate dollar value, and project scope.
 6. Certificates of insurance confirming current worker's compensation, public liability and property damage insurance as required by law.
 7. A list of all pending litigation and claims and all litigation and claims within the past five (5) years, including an explanation of each. Litigation initiated by the Contractor to protect the Contractor's legal rights shall not be used as a basis for rejecting pre-qualification.
 8. Signed by an authorized officer of the company, the owner, or sole proprietor, as appropriate, attesting to the completeness and correctness of the application and financial information.
 9. EXCEPTION: When two (2) or more pre-qualified Contractors wish to combine their assets for a specific project, they may do so by filing an affidavit of joint venture. Such affidavit shall be valid only for that specific project.
- C. Issuance of Certificate. Upon Board approval, the Director of Facilities Planning shall issue a letter of certification valid for one (1) year. The letter shall include:
1. A statement indicating that the Contractor is authorized to bid for projects during the time period specified.
 2. A statement establishing the total dollar value of work the Contractor will be permitted to have under contract at any one time as determined by the Contractor's bonding capacity.

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3. A statement establishing the maximum dollar value of each individual project the Contractor will be permitted to have under contract with the Board at any one time.
 4. A statement establishing the type of work the Contractor will be permitted to provide.
 5. The expiration date of the letter of certification.
- D. Renewal of Certificate. Letters of certification shall be renewed annually.
1. Financial statements or written verification of bonding capacity on file with the Board shall be updated annually. Failure to submit a new statement or verification of bonding capacity, after at least thirty (30) days written notice by the Board, shall automatically revoke a pre-qualification certificate.
 2. The Board may allow pre-qualified Contractors to request a revision of their pre-qualification status at any time they believe the dollar volume of work under contract or the size and complexity of projects should be increased if experience, staff size, staff qualifications, and other pertinent data justify the action.
- E. Delinquency. The decision to declare a Contractor delinquent may only be made by the Superintendent and must be ratified by the Board at its next regular meeting following such a decision by the Superintendent. If a Contractor is determined to be delinquent, after notice and an opportunity for a fair hearing, the Board shall notify the Contractor and his surety, in writing, that the Contractor is disqualified from bidding work with the Board as long as the delinquent status exists. A delinquent condition may be determined to be in effect when one (1) or more of the following conditions occur without justifiable cause:
1. A substantial or repeated failure to comply with contract documents after written notice of such noncompliance.
 2. A substantial or repeated failure to provide supervision and coordination of subcontractor's work after written notice of such failure.
 3. Substantial deviation from project time schedules after written notice of noncompliance.
 4. Substantial or repeated failure to pay subcontractors after the Board has paid the Contractor for the work performed by the subcontractors and in accordance with approved requisitions for payment.

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5. Substantial or repeated failure to provide the quality of workmanship compatible with the trades standard for the community after written notice of such failure.
 6. Substantial or repeated failure to comply with the warranty requirements of previous contracts after written notice of such failure.
 7. Failure to maintain the required insurance coverage after written notice of such failure.
- F. Suspension or Revocation. The Board may, for good cause, suspend a Contractor for a specified period of time or revoke the Contractor's pre-qualification certificate. Causes for suspension or revocation shall include, but not be limited to, one or more of the following:
1. Contractor found to have provided inaccurate or misleading statements in the contractor's application.
 2. Contractor declared in default by the Board.
 3. Contractor adjudged to be bankrupt.
 4. Contractor's performance in connection with contract work, becomes unsatisfactory to the Board based on the Board asserting and recovering liquidated damages in an action against the Contractor.
 5. Contractor's payment record, in connection with the contract work, becomes unsatisfactory to the Board based on the Contractor's failure to comply with the Construction Prompt Pay Law (Section 715.12, F.S.).
 6. Contractor becomes a delinquent on a construction project pursuant to E. Delinquency.
 7. Contractor's license becomes suspended or is revoked.
 8. Contractor no longer meets the uniform pre-qualification criteria established in this section.
- G. Appeal. A contractor whose application has been rejected or whose letter of certification has been suspended or revoked by the Board shall be given the benefit of reconsideration and appeal as follows:
1. The aggrieved Contractor may, within ten (10) days after receiving notification of such action, request consideration in writing. The Contractor may submit additional information at the time of the appeal.

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2. The Board shall act upon a Contractor's request within thirty (30) calendar days after the filing and shall notify the Contractor of its action to adhere to, modify, or reverse its original action. The Board may require additional information to justify the reconsideration.

H. Approval of Plans for New Construction: Required Steps:

1. Appointment of architect [See 6Gx17-3.16(2)]
2. Development of educational specifications as required or when not practical, a facility preplanning conference to include professional staff with good knowledge of the activity for which the new facilities are to be used, a representative from Facilities Planning office, and the Design Professional.
3. Approval of working drawings and specifications by the Board.
4. Approval of working drawings and specifications by Florida Department of Education, Office of Educational Facilities, if required.

I. Inspection by Mechanical and Electrical Engineers

Provision shall be included in all contracts with architects for adequate supervision and inspection by the mechanical and electrical engineer who prepares the plans for the architect for school construction projects. Final inspection for acceptance of the project shall be made by the architect or engineer of record.

J. Bid Openings

Bids shall be received, publicly opened, and tabulated by the Director of Facilities Planning or his/her designee.

K. Bid Protest

1. Tabulations of bids for school construction projects shall be posted in a consistent manner. Additional notice of the award or the intended award of a contract for school construction may be given at the discretion of the Director of Facilities Planning.
2. Any person who is affected adversely by the award or the intended award of such contract shall file with the Facilities Planning Office a notice of protest in writing within seventy-two (72) hours, excluding Saturdays, Sundays and legal holidays, after the posting of the bid tabulation or after receipt of notice, if any, of the award or intended award and shall file a formal written protest within ten (10) days after the date of filing of the

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notice of protest. Notice of a protest of plans or specifications contained in an invitation to bid or in a request for proposals shall be filed in writing within seventy-two (72) hours, excluding Saturdays, Sundays and legal holidays, after the receipt of notice of project plans or specifications or intended project plans or specifications, and a formal written protest shall be filed within ten (10) days after the date of filing of the notice of protest. Failure to timely file notice of protest or failure to timely file a formal written protest shall constitute a waiver of proceedings under Chapter 120, F.S. and these rules. The formal written protest shall state with particularity the facts and law upon which the protest is based.

3. Upon receipt of a notice of protest which has been timely filed, the Superintendent shall stop the bid award process until the subject of the protest is resolved. However, the bid solicitation or contract award process may proceed when the Superintendent sets forth in writing facts and circumstances demonstrating that the delay would be detrimental to the interests of the District. If a formal written protest is not filed within the time stated above, the bid award process may continue as though the notice of protest had not been filed.
4. The Superintendent shall provide an opportunity to resolve the protest by agreement within seven (7) days of receipt of a formal written protest.
5. If the protest is not resolved and if there is no disputed issue of material fact, the Superintendent shall present the matter to the School Board for referral to a qualified hearing officer for resolution through informal administrative proceedings.
6. If the protest is not resolved and if there is a disputed issue of material fact, the Superintendent shall present the matter to the Board for referral to a qualified hearing officer for resolution through formal administrative proceedings.

L. Bonds

1. Bid Bonds

Each bid must be accompanied by a bid bond or cashier's check in the amount of five 5 percent of the base bid. The amount of such bond or check is the amount of liquidated damages agreed upon should the bidder fail or refuse to enter into a contract with the Board after acceptance of his bid.

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2. Payment and Performance Bonds

The Board requires strict compliance with Section 255.05, F.S. Any bidder to whom a contract is awarded must provide payment and performance bonds in the amount of one hundred (100) percent of the contract amount to cover performance, materials, and labor from beginning date of contract until one (1) year after substantial completion date. All required bonds must be secured and provided to District personnel prior to beginning any work on School Board property. The requirement for the performance and payment bonds may be waived at the discretion of the Board on the recommendation of the Director of Facilities Planning or the Superintendent, but only for projects under \$200,000 in accordance with Section 255.05, F.S. Bond requirements for projects of \$200,000 or more cannot be waived and no contractor may rely on assertions to the contrary. Any contractor who performs work on School Board property without having posted the appropriate bonds expressly waives any right to payment for all work completed prior to the posting of the bonds, including but not limited to the cost of labor and materials.

3. Liquidated Damages

Liquidated damages will be assessed by the Board on construction projects for each day beyond the specified date of completion which has not been justified by the Contractor, recommended by the architect, and approved by the Board. The amount of such damages for each project shall be established upon recommendation of the project architect and the Director of Facilities Planning, and shall be based upon size, complexity, cost of construction, and the loss or damage to the Board which may be anticipated to result from such delay. Different rates of liquidated damages may be established for delay in achieving substantial completion and delay in achieving final completion. The amount is to be stated in the construction bid documents and Owner-Contractor Agreement.

M. Payments to Contractor During Construction

1. Progress Payments: Based upon Applications for Payment that are submitted to the Architect/Engineer by the Contractor, the Board shall make progress payments on the account of the Contract Sum to the Contractor as provided in the Contract Documents.
2. Materials Stored on Site: Payments for materials or equipment stored on or off site shall be conditioned upon submission by the Contractor of bills of sale or such other procedures satisfactory to the Board to establish the Board's title to such materials or equipment or otherwise protect the Board's interest.

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3. Project Closeout: At Substantial Completion the Architect/Engineer shall provide the Contractor a list of items to be completed or corrected and shall establish a time limit within which the Contractor shall correct such items. Final Completion shall consist of correction of all list items noted by the Architect/Engineer. At the time of Final Completion the Architect/Engineer shall perform another inspection to confirm that all list items have been completed. If at the time of such inspection any further items to be completed or corrected are noted, the Architect/Engineer shall establish a sum to be withheld from the Contractor pending the correction of such items or may, upon request of the Owner, issue a Change Order to reflect an appropriate and equitable reduction in the Contract Sum.
4. When projects have been completed and are ready for acceptance, an advertisement must be published in the local newspaper before final payment is made.

N. Change Orders

The Superintendent is authorized to approve change orders on construction projects not to exceed \$35,000, Section 287.017, F.S. Such approval shall be for expediting the work in progress and shall be reported to the Board and entered into its official minutes. The Director of Facilities Planning shall have the responsibility for such reporting. He shall include the report in the School Facilities section of the Board agenda for the next regular meeting following the date of the change order.

O. Dedicatory Plaque

The names of the School Board Members and the Superintendent who are in office at the time the architect is appointed and the names of any Board Members or Superintendent who were in office during the construction of the facility and those in office when the facility is dedicated shall be placed on the dedicatory plaque in the facility. Additionally, the name of the architectural firm and the general contractor may be placed on the dedicatory plaque. No other persons/entities' names shall be placed on the dedicatory plaque.

P. Toxic Substances

Toxic Substance Safety Precautions: School Boards shall develop policy and procedures to address toxic substances used during work on occupied facilities. Consideration should be given to the time required for the toxic substance to dissipate to safe levels and removal of occupants during the application phase as recommended by the material manufacturer.

1. Contractor. When toxic substances are to be used during the renovation, remodeling, or addition to an existing facility, the Contractor shall notify

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the Administrator in writing at least three (3) working days before any toxic substance is used. The Contractor shall comply with the safety precautions and handling instructions set in any available material safety data sheet. Copies of hazardous waste manifests documenting disposal should be provided.

2. Administrator. The department or site-based Administrator shall notify occupants of the anticipated presence of toxic substances during the renovation, remodeling, or addition to an existing facility. The Administrator shall take all reasonable actions to ensure the Contractor complies with the safety precautions and handling instructions set forth in the material safety data sheet for each substance used so that usage of the substance poses no threat to the health and safety of students, school personnel, and the public.

(4) Maintenance of Facilities

The Board shall provide funds that meet maintenance requirements of all school facilities and related activities.

A. Responsibility of Principal

1. It is the responsibility of the Director of Maintenance to keep the Superintendent informed of maintenance needs by requisitioning proper repairs.
2. The procedures school administrators are to follow in order to secure services from the Maintenance Department are as follows:
 - a. Forward electronically via OASIS to the maintenance services department office (30 East Texar Drive) a completed Request for Maintenance Services describing as clearly as possible the work to be accomplished.
 - b. Separate maintenance requests shall be submitted for work concerning different trades; i.e., work requiring the services of an electrician written on one form, work requiring a carpenter on another, etc.

B. Approval of Projects

Work requiring major changes to a building must have approval of the Board before work can proceed.

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C. Emergencies

In case of acute emergency requiring the services of maintenance personnel, the office on Texar Drive should be called. The call should be made immediately if there is any possibility of injury to a child, any other person or major facility damage. The maintenance emergency crew should be called at (850) 438-0701 on holidays, weekends and after normal working hours if an emergency should occur. If a major emergency occurs, the Director or Assistant Director of Maintenance as well as the Assistant Superintendent of Operations or Deputy Superintendent should be notified.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Chapter 1013; Sections 287.017; 287.055, F.S.

History: New: 02/25/92. Revised/Amended: 11/20/01; 09/23/03; 05/17/05; 06/20/06; 12/16/08; 10/27/09; 01/19/10; 01/22/13; 05/20/14.

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3.17 BOOSTER CLUBS AND PTAs

- (1) The School Board of Escambia County supports and endorses the formation and operation of booster clubs.
- (2) Schools are encouraged to join the Escambia County Council of PTAs.
- (3) Booster Clubs and PTAs shall
 - A. be independent organizations;
 - B. be formed to support the curricular/extra-curricular activities of District schools;
 - C. not be agents or representatives of the District; and
 - D. not use Escambia County School District's Employer Identification Number or Consumer's Certificate of Exemption (Florida's sales tax exemption number).
- (4) Booster Clubs and PTAs may
 - A. support one or more schools;
 - B. use school facilities and resources; and
 - C. solicit funds from the public in the name of District schools.
- (5) Oversight/Financial Consideration
 - A. The principal at the school sponsoring a booster club or PTA shall be responsible for monitoring the organizations and shall periodically review the organization's financial statements, treasurer's reports, and minutes.
 - B. Each booster club or PTA shall provide for an annual audit.
 - C. Each booster club or PTA shall provide to the principal of the sponsoring school a copy of the organization's annual audit, which shall be retained by the principal at the school.
 - D. District employees shall not be signatories on any account for booster clubs or PTAs.
 - E. The Superintendent, with the input of interested parties, shall develop and submit for Board approval guidelines for the operation including minimum operating and reporting requirements of booster clubs and PTAs and shall publish the guidelines in a manual entitled "Outside Support Organizations."

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- F. Prior to purchasing, constructing, renovating, or installing any building, machinery, or utility system component on any campus, each booster club or PTA shall request and receive permission from the District’s Director of Maintenance and school principal.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1001.32; 1001.43; 1001.453; 1001.54, F.S.

History: New: 11/20/01. Revised/Amended: 09/23/03; 06/20/06; 12/16/08; 01/19/10; 04/19/11; 05/20/14; 03/17/15.

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3.18 CHARTER SCHOOL REPORTING

(1) Purpose and Intent of Policy

- A. The Board, pursuant to Section 1002.33 and 1001.41, F.S., establishes charter schools (including virtual charter schools) for the following purposes:
 - 1. To improve student learning and academic achievement;
 - 2. To increase learning opportunities for all students with special emphasis on low-performing students and reading;
 - 3. To encourage the use of innovative learning methods;
 - 4. To increase choices of learning opportunities for students;
 - 5. To provide rigorous competition within the public school district to stimulate continual improvement in all public schools;
 - 6. To require the measurement of learning outcomes and create innovative measurement tools;
 - 7. To create new professional opportunities for teachers and;
 - 8. To expand the capacity of the public school system.
- B. Charter schools shall be guided by the following principles:
 - 1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system;
 - 2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability;
 - 3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.
- C. Charter schools are fully recognized as public schools. Florida's Charter School Legislation, Section 1002.33, F.S., is incorporated herein by reference and made part of this rule.
- D. The Superintendent shall seek the cooperation of each charter school with all current statutory requirements for charter school application, review, approval, renewal, and contract negotiation.

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- E. The Superintendent and the Board shall comply with all current statutory requirements for charter school application, review, approval, renewal, contract negotiation, timelines, termination, nonrenewal, and appeals.
- F. The Superintendent and the Board shall not practice reprisal at any time, including but not limited to, a charter school's application, review, approval, renewal, contract negotiation, timelines, termination, nonrenewal, and appeals.
- G. The Superintendent and the Board shall comply with all valid orders of the State Board of Education as they apply to Board sponsored charter schools.
- H. The Board recognizes that charter schools represent an additional form of school choice. Charter schools provide parents with an educational opportunity beyond the traditional public school setting. In compliance with the intent of the creation of charter schools, it is the desire of the Board to allow as much autonomy for the schools as possible. At the same time, the Board recognizes its responsibility for the educational achievement, safety, and welfare of all public school students. As with all public schools, the Superintendent or his/her designee may investigate issues that are brought to his/her attention that may affect the immediate safety and welfare of students.

(2) Student Enrollment

Subject to grade level and age limitations, student eligibility for enrollment in a charter school shall be governed by the following rules:

- A. Any student in the District may apply for enrollment in a charter school as provided in the statute.
- B. Students attending or residing within the attendance zone of a public school that converts to a charter school are eligible to attend such charter school and shall be given a preference over students residing outside such attendance zone. If such student's parent does not want the student to attend the converted charter school, then such student shall be reassigned to another public school in the new attendance zone established by the Board.
- C. The selection and enrollment of students in charter schools shall be governed by Section 1002.33, F.S. and all federal and state law, and these rules prohibiting discrimination.
- D. The charter school must maintain both active and archival records for current and former students. The District will assist the school in establishing appropriate record formats. All permanent records of students leaving the charter school, whether by graduation, transfer to the public school system or withdrawal to attend another school, must be transferred to the District in accordance with state law.

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Records of student progress must be transferred to the designated school if the student is returning to the District.

(3) Eligibility for Charter School Application

The Board may sponsor charter schools, which may serve any grade or combination of grades from Pre-Kindergarten (PreK) through grade twelve (12). Eligible applicants are:

- A. Any nonprofit organization;
- B. A public school which requests to convert to a charter school. An application submitted by such a school shall demonstrate the support of at least fifty (50) percent of the teachers employed at the school and fifty (50) percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process;
- C. A municipality; or other public entity as provided for by law;
- D. A business, which requests a charter school in-the-workplace;
- E. A community college;
- F. A developmental research school: or
- G. A virtual charter school.

Private schools, parochial schools, and home education programs are not eligible to become charter schools.

(4) Legal Entity and Requirements

The charter school shall:

- A. Organize as, or be operated by, a nonprofit organization;
- B. Be non-sectarian;
- C. Meet all applicable state and local health, safety, and civil rights requirements;
- D. Publish an annual report;
- E. Analyze and compare student performance.

All charter schools must comply with Florida Statutes applicable to public schools as they relate to civil rights, student health, safety, welfare, public records, public meetings, public inspection, and penalties.

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(5) Selection of Charter Schools

A. Request for Application Information and Form

All persons or entities interested in submitting a charter school application should notify the Board's designee in writing of such interest in order to receive an application packet prior to the application deadline. Applicants planning to submit a charter school application shall send a letter of intent to the Department of Alternative Education on or before the first working day in June.

B. Application Deadline

All completed applications must be received in the Department of Alternative Education no earlier than the first working day in July and no later than 5:00 p.m. on the first working day in August for prospective charter schools intending to start operations by the beginning of the subsequent school year. All applications will be stamped with the date and time when they are received. Applications received after the prescribed deadline shall not be considered for a charter for the next school year.

C. Applications

Applications must be in compliance with the Florida Charter Schools model application format prepared by the Department of Education and Florida Statute. A single application is required for each site with any grade configuration within Pre-Kindergarten (PreK) through grade eight (8). A separate application must be submitted for any grade configuration within grades nine (9) through twelve (12) and/or post secondary grade configurations. Applications will be reviewed for the schools who are planning to open by the beginning of the subsequent school year, or those schools which will open after an additional planning year. A total of one (1) hard copy and one (1) electronic copy in PDF format must be turned in to the Department of Alternative Education by 5:00 p.m. on or before the first working day in August.

D. The Board (sponsor) may require an applicant to provide additional information as an addendum to the charter school application as described in Section 1002.33 (6)(a)6, F.S. At a minimum, these addenda should include but not be limited to, a table of contents, numbered pages (x of y), plans for food service, transportation, and facility that follow the Florida Charter Schools model application format. Each applicant must provide documentation that certifies the applicant has participated in the training required in Section 1002.33(6)(f)(2), F.S. to be provided by the Department of Education. This certification must be received at the same time as the application is submitted by the August First (1st) deadline. Any application that does not include such certification will be considered incomplete and will not be accepted for submission.

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- E. Applicants will be scheduled for an interview by the Department of Alternative Education upon receipt of the completed charter application. This interview will ascertain the level of knowledge and overall preparedness to open a charter school exhibited by the founding board and the school's director (if named). A total of three (3) persons may attend this interview on behalf of the charter school. Management company representatives and/or consultants may not attend the interview. Interviews will be conducted by staff from the District. Information provided during these interviews will be shared with the Superintendent and the Board.

F. Charter School Application Review

A committee reporting to the Superintendent shall review all charter school applications using an evaluation instrument developed by the Department of Education. The Superintendent shall make recommendations to the Board. The Board must by a majority vote approve or deny all applications no later than sixty (60) days after the completed application is received, unless a waiver to extend the sixty (60) day window is mutually agreed upon in writing, per Section 1002.33(6)(b) 3, F.S.

G. Selection Criteria

The Board shall consider the criteria set forth in the charter school law codified in Section 1002.33, F.S., to evaluate applications for charter school approval.

1. Members of the Review Committee

The Review Committee shall be comprised of the following district administrative staff, subject area specialists, and department representatives:

- a. School Board General Counsel, or designee;
- b. Assistant Superintendent – Human Resource Services, or designee;
- c. Assistant Superintendent – Operations, or designee;
- d. Assistant Superintendent – Business and Finance Services or designee;
- e. Assistant Superintendent – Curriculum and Instruction, or designee;
- f. Director – Department of Alternative Education;
- g. Director – Elementary Education;
- h. Director – Middle School Education;
- i. Director – High School Education;
- j. Subject Area Specialists; and
- k. Community member to be appointed by the Superintendent or designee

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2. Review of Charter School Applications by Review Committee

The Review Committee shall review all applications and by majority vote make a recommendation for approval or denial of each application to the Superintendent who shall take such recommendation to the Board for its approval or denial of a charter school application. A copy of the review committee notes will be provided to the charter school applicant and any timely responses to the charter review committee comments from the charter school applicant will be forwarded to the Board along with the charter review committee's notes. The Superintendent and the Board will consider responses to specific questions raised by the Charter Review Committee; however, no deletions, additions or substantive changes to the application will be considered after submittal for the review process.

- a. All applications will be submitted to the Board with an explanation of the review committee's recommendation for approval or denial, including the committee vote.
- b. The Board will vote on all applications unless an applicant withdraws the application on or before the interview with the charter review committee.

(6) Charter Renewal, Nonrenewal or Termination

- A. No later than the first working day in November of the final year of the charter, the governing board of the charter school shall submit a copy of the Department of Education's Charter Renewal format to the Department of Alternative Education. The renewal format will be made available to the charter school on or before the last working day in July of the final year of the charter. The renewal format should be a well-supported explanation of why the charter should be renewed and must answer the following questions:
 1. Is the academic program successful?
 2. Is the school a viable operation?
 3. Is the program and operation faithful to the terms of its charter?
- B. At the end of the term of a charter, the Board may choose not to renew the charter for any of the following grounds:
 1. Failure to participate in the state's education accountability system created in Section 1008.31, F.S., as required by law, or failure to meet the requirements for student performance stated in the charter.

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2. Failure to meet generally accepted standards of fiscal management.
 3. Violation of law.
 4. Other good cause shown.
- C. During the term of a charter, the Board may terminate the charter for any of the grounds listed above.
- D. At least ninety (90) days prior to renewing or terminating a charter, the Board shall notify the governing body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within fourteen (14) calendar days after receiving the notice, request an informal hearing before the Board. The Board shall conduct the informal hearing within thirty (30) calendar days after receiving a written request.
- E. If a charter is not renewed or is terminated pursuant to paragraph C, the Board shall, within ten (10) calendar days, articulate in writing the specific reasons for its nonrenewal or termination of the charter and must provide the letter of nonrenewal or termination and documentation supporting the reasons to the charter school governing body, the charter school principal, and the Department of Education. The charter school's governing body may, within thirty (30) calendar days after receiving the Board's final written decision to terminate or refuse to renew the charter, appeal the decision pursuant to the procedure established by Florida Statutes.
- F. A charter may be terminated immediately if the Board determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The Board shall notify in writing the charter school's governing body, the charter school principal, and the Department of Education if a charter is immediately terminated. 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. The Board shall assume operation of the school under these circumstances. The charter school's governing board may, within thirty (30) days after receiving the Board's decision to terminate the charter, appeal the decision pursuant to the procedure established by Florida Statutes.
- G. The Board and each charter school's governing board shall enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the Board.
- H. When a charter is not renewed or is terminated, disposition of unencumbered funds from the charter school and all Board property and improvements, furnishings, and

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equipment purchased with public funds, and responsibility for all debts of the charter school shall be governed by the statute and the charter.

(7) Facility

It is the responsibility of the applicant to have an appropriate facility consistent with all applicable Florida Statutes, or provide evidence that one will be available for the beginning of the school year. Appropriate facility documentation, as determined by the Board, shall be provided to the district no later than the first working day in July unless mutually agreed upon by the charter school and the Board.

(8) Management Companies

- A. If a management company will be managing the charter school, the contract between the management company and the governing body of the charter school shall be submitted to the District as a part of the charter application or the application will not be reviewed.
- B. The contract between the governing body of the charter school and the management company shall require that the management company operate the charter school in accordance with the terms stipulated in the charter and all applicable state and federal laws, ordinances, rules, and regulations.
- C. The requirements of this provision shall be included in the charter.
- D. In the event a charter school wishes to contract with a management company after the charter school contract has been approved by the Board, the charter school shall request an amendment to the charter contract before entering into an agreement with a management company.

(9) Employees

- A. A charter school shall select its own employees.
- B. Charter school employees must meet certification requirements as stated in Chapter 1012, F.S., and must meet eligibility requirements for a Florida Educator's Certificate. All instructional staff hired at a charter school shall receive verification of certification eligibility through the district's Human Resources Department.
- C. All applicants for instructional and non-instructional positions shall be fingerprinted and processed as required by Section 1012.32, F.S. The cost of fingerprinting will be borne by the school or the applicant. Employees shall be on probationary status pending fingerprint processing through the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The school shall dismiss employees whose fingerprint check results reveal non-compliance with standards of good moral character.

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- D. All members of the governing body shall be fingerprinted as required by Section 1012.32, F.S. The cost of fingerprinting will be borne by the school or the member. Members of the governing body shall be on probationary status pending fingerprint processing through the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The governing board shall replace members whose fingerprint check results reveal non-compliance with standards of good moral character.
 - E. All applicants for instructional and non-instructional positions and all members of the governing body shall be fingerprinted within ten (10) working days of their appointment as an employee or governing body member.
 - F. Conversion charter school employees will become employees of the charter school upon commencement of the charter school contract. Board employees who elect to teach at a charter school may request leave as provided in Section 1002.33(12)(e), F.S.
 - G. Charter schools must provide full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decision-making authority pursuant to Section 1002.33(24), F.S.
- (10) The Superintendent shall report in writing to the Board at the regular workshop in the months of September, December, March and June, regarding each charter school in the district. The report shall contain
- A. Data on the charter school's employees as required by Florida Law, including status of certificated personnel, evidence of fingerprinting, discipline, salaries and benefits of employees, termination's, hires and in-service status.
 - B. Updated financial status of the charter school monthly statements which include Statement of Revenues, Expenditures, and Changes in Fund Balances, separate Balance Sheet, Yearly Audit Report and student enrollment figures.
 - C. Updates to capital outlay plan, including property and facilities status, and capital outlay expenditures.
 - D. Student performance and demographic data, including status and progress of ESE students, and minority recruitment efforts.
 - E. Status of progress toward goals stated in the School Improvement Plan for charter schools.
 - F. Schedule of courses offered and academic program focus.

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- G. Verification that the school is participating in the District’s K-12 Comprehensive Reading Plan or has its own reading initiative which is aligned with the Just Read, Florida! K-12 Comprehensive Plan for Reading.
 - H. Result of school bus inspections and status of bus fleet.
 - I. Safety updates, including report on adequacy of facilities, procedures for the administration of medication and CPR certification.
 - J. List of the names of the Board of Directors, evidence of fingerprinting of the same, evidence of a quorum at each meeting of the Board of Directors, and minutes of each Charter Board Meeting.
 - K. Evidence of regular compliance with Government in the Sunshine Act, Section 286.011, F.S., and the Florida Public Records Act, Chapter 119, F.S.
 - L. Any other information relevant to compliance with the charter agreement and the Board's oversight responsibilities as provided by law.
- (11) The Superintendent shall seek the cooperation of each charter school in preparing the reports identified in (I) above, and shall take steps to insure that any contractual amendments are recommended to the Board to ensure compliance with this rule.
- (12) The Superintendent shall offer charter schools any training that is required to facilitate the compilation and transmittal of the information required by this rule.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1002.33, F.S.

History: New: 09/23/03. Revised/Amended: 05/17/05; 06/20/06; 12/18/07; 10/20/09; 10/27/09; 01/19/10; 04/19/11; 12/13/11; 01/22/13; 05/20/14; 12/15/15.

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3.19 PARENTS WITH CERTAIN CRIMINAL OFFENSE HISTORY

While recognizing the need for parents to be involved with their children's education, the District also has a duty to protect children from persons with a history of certain criminal offenses, such as sexual battery, child pornography, and similar crimes. The Protection Services Department shall investigate any allegations that a parent has such a record. Upon learning that any parent or guardian is entered into the Registry of Sexual Offenders and/or Sexual Predators maintained by the Florida Department of Law Enforcement and/or the National Sex Offender Public Registry maintained by the U.S. Department of Justice, the Protection Services Department will notify the principal of the child(ren)'s school(s). Other personnel shall be given this information as deemed appropriate. The parent shall be immediately given written notice that his/her right to participate in his/her child's education is limited.

- (1) The Superintendent shall develop procedures to implement this policy.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1001.51; 1001.54; 1002.20; 1002.23; 1006.07, F.S.

History: New: 10/27/09. Revised/Amended: 01/19/10; 05/20/14.

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3.20 RANDOM DRUG TESTING OF STUDENTS

(1) Philosophy

- A. The School Board of Escambia County, Florida, has a responsibility to safeguard the health, character, citizenship, and personal development of all students in the District. The possession and use of drugs by students is harmful and illegal. The abuse and use of drugs threatens the personal development of students and affects the welfare of the entire school system. The Board is committed to the prevention of drug use/abuse as well as to the rehabilitation of identified abusers.
- B. A commitment of the Board to provide athletics, extra/co-curricular programs, and on campus student parking requires a healthy and safe environment, including programs related to the detection and prevention of substance abuse by students involved in such activities. Students who are actively involved in athletic and extra/co-curricular activities are representatives of their respective schools. By virtue of a student's participation in such activities, they are frequently seen by their peers to be role models and persons to be admired. As leaders and role models, such students have a responsibility to be drug free as well as to set a standard for their peers. Parking by students on campus is a privilege and subject to regulation by the Board.
- C. By instituting a program for the random screening for drugs for students participating in athletics, extra/co-curricular activities, and on-campus parking, the Board is committed to being proactive in ensuring the safety of all students participating in such activities as well as the District as a whole. The Board's primary emphasis is directed to deterrence and remediation rather than punishment of students who test positive for drug use/abuse. Sanctions for testing positive are set forth in this policy. No student will be suspended or expelled from school solely on the basis of any verified positive test result conducted by the District under this policy.
- D. The policy of random student drug testing is meant to supplement the District's existing education of students in prevention and intervention for drug abuse.

(2) School Board's Authority

In recognition that student participation in interscholastic athletics, extra/co-curricular activities, and on-campus parking is voluntary, and pursuant to Sections 1001.41 and 1001.42, F.S., the School Board of Escambia County, Florida, is authorized to adopt a policy allowing random drug testing of students involved in these voluntary activities.

- (3) Policy: The School Board of Escambia County, Florida, authorizes the random drug testing of any student who participates in school athletics, extra/co-curricular activities, and on-campus parking. Extra/co-curricular activities include but are not limited to band, cheerleading, and clubs. Any student who elects to participate in any of these

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programs/activities with parental consent shall be subject to random drug testing in accordance with this policy.

- A. Confidentiality: The District shall not release records of drug tests or any resulting action to anyone other than the student, or the student's parents, as defined by Florida Statutes, without written authorization from the parent/guardian or the student, if the student is over the age of eighteen (18). Additionally, the District respects the privacy of its students and shall maintain confidentiality regarding any drug testing under this policy. The results will only be released to the parents/guardians of the student. All records and subsequent action shall be kept separate from the student's educational transcript. During the testing process, personally identifiable information of the student shall remain confidential.
- B. Participation Eligibility: Participation in athletics, extra/co-curricular activities, and parking on campus is a privilege. A student's participation in such activities is subject to compliance with Random Drug Testing Policy.
- C. Annual Consent to Random Drug Screening: Prior to participation in athletics, extra/co-curricular activities, and on-campus parking, the student and the student's parent/guardian shall sign and deliver the *Annual Consent to Drug Screening* form to the student's school. Such consent shall be valid for the remainder of the school year in which it is signed or until a *Withdrawal of Student from Activity* form is completed.
- D. No Consent Precludes Participation: A student who fails to have a current *Annual Consent to Drug Screening* form on file shall not participate in any activity for which the student is subject to random drug screening until such consent is signed and returned to the student's school. Participation includes but is not limited to attendance at any practice, try-out, rehearsal, or sitting with a team/club/organization at a game or pep rally.
- E. Withdrawal from Activity: Students who have a consent form on file remain eligible for selection for random screening from the date the consent form is signed and throughout the remainder of the school year or until the student files a *Withdrawal of Student from Activity* form that states the student no longer wishes to participate in athletics, extra/co-curricular activities, or parking on campus. Upon such withdrawal, the student shall not be eligible to participate in any activity for which the student is subject to random drug screening for the remainder of the school year. Any student who files the *Withdrawal of Student from Activity* form after selection for random drug screening is no longer eligible for participation in any activity for which the student is subject to random drug screening for one (1) calendar year from the date on the withdrawal form.
- F. Selection of Students for Testing: Drug screening shall occur at various times throughout the school year. Each secondary student who participates in athletics,

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extra/co-curricular activities, or on-campus parking shall be included in a data base and will be subject to random drug screening.

- G. Process for Calling Students for Screening: The principal/designee will arrange for students who are to be screened to be escorted to the clinic where a secured bathroom will maximize student privacy.
- H. Collection of Samples: The school's health technician/nurse shall be responsible for the collection of samples according to a protocol adopted by the District and the contracted agency providing health services.
 - 1. The school's health technician/nurse will conduct the initial screening test. If the urine sample screening kit renders a non-negative result, the school administrator will contact the parent/guardian by telephone to inform him/her of the initial non-negative drug screening results. At this time, the parent/guardian will be notified that the student will be suspended from all extracurricular activities covered under the student drug screening program until an *Informed Parental Permission, Consent, and Release from Liability* form can be executed by the student and parent/guardian. This completed and notarized consent form will allow the student to continue participation in extracurricular activities until the confirmation testing and final results certificate can be obtained from the Medical Review Officer (MRO). In addition, the school administrator and student will complete the *Student Consent to Release Medical Information to Parent/Guardian for Random Drug Screening* form. This form authorizes the MRO to speak directly with the parent without the presence of the minor student. The cost of the confirmation testing will be the responsibility of the parent/guardian if it renders a positive reading. The cost of a negative reading will be the responsibility of the District. Any student who accepts the positive result of the screening at school may immediately begin his suspension from athletics, extra/co-curricular activities, and/or driving on campus and enter into his drug assessment and rehabilitation program.
 - 2. The Medical Review Officer (MRO) will receive all reports of non-negative drug tests and will be supplied with the information to determine the correct name of the student whose identifying number appears on each non-negative test result report. Prior to verifying a non-negative drug test result, the MRO shall contact the student and his/her parent/guardian to afford them the opportunity to discuss the test results, medical history, and any other relevant biomedical information that would assist the MRO in determining whether he/she should verify the drug test results as positive or deem that results are negative. If the MRO determines the results are negative, no further actions shall be taken, and the student will be reported to the principal as having a negative result. If the MRO determines the results are positive, the MRO will offer to the student/parent/guardian the opportunity to have the original sample tested by another laboratory at the

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student's/parent's/ guardian's expense. This opportunity for a retest is available at this time only. The MRO shall submit the positive drug test results to the principal/designee identifying the student by name so the appropriate action can be taken.

3. Any refusal of a student to participate in testing when selected or any student who attempts to tamper with the specimen or the specimen collection process will cause the specimen result to be deemed as a positive and subject the student to the consequences outlined in the sanctions section of this policy.

I. Sanctions:

1. First Offense/First Positive Drug Test: The student shall be removed from participation in all athletic and/or extra/co-curricular activities (including practices) and from driving on campus and be referred to a District-approved drug assessment and rehabilitation program. The student will attend his/her academic classes while enrolled in the program unless he/she is under any disciplinary action set forth by the Student Code of Conduct. The length of the suspension from athletic/extra/co-curricular participation or parking on campus shall be no less than thirty (30) days from notification of the test results. After the student has completed the program or been recommended by the substance abuse professional for participation in the sport or activity, he/she may resume participation under a probationary status with the following conditions:
 - a. The student shall be required to comply with any recommendations resulting from the assessment/counseling conducted as part of the assessment.
 - b. The student must pass a second drug test before participation in any activities covered in the policy. The cost of this test will be the responsibility of the student and the parent/guardian.
 - c. The student will be subject to recurring random drug screening at times that would not be previously disclosed to the student to deter the student from committing a subsequent violation of this policy as prescribed by District procedure.
 - d. The student will remain on probation throughout the remainder of the time that he/she is enrolled in the District. Students who transfer to other District schools will remain on probation. The sending school will notify the principal/designee of the student's probationary status.

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- e. The student may not return to any leadership position including but not limited to captain of a squad, club officer, or class officer for the remainder of the school year.
 - f. Any student who fails to participate in and complete an approved drug treatment program will forfeit his/her opportunity to resume participation in any of the activities covered in this policy.
2. Subsequent Offense/Drug Test: Once a student has a second or subsequent positive drug test, he/she shall be prohibited from participation in all athletic and/or extra/co-curricular activities and from driving on campus. In addition, the student shall be removed from all leadership positions. The length of this removal from participation/leadership is one (1) full calendar year from the date of the second positive test. A subsequent negative drug test must be provided before participation may be reinstated.
- J. Appeal Procedures: In addition to the opportunity afforded to the student and the parent/guardian to discuss a confirmed drug test with the MRO, a student whose test results have been verified and forwarded to the principal/designee for the removal from participation in athletics, extra/co-curricular activities, or parking on campus shall be entitled to a review of procedural due process as follows:
- 1. Notice: The principal/designee shall notify the student and the parent/guardian that the student's positive drug test results have been verified by the MRO, describe the action to be taken, and advise the student and the parent/guardian of the right to a procedural due process hearing.
 - 2. Hearing: If the student or the parent/guardian requests a procedural due process hearing, the principal shall conduct the hearing within a reasonable period of time. The scope of the hearing will be limited to a review of the procedure. The principal shall render a decision and provide the student and parent/guardian with a written record of that decision at the hearing or within three (3) days of the hearing. The principal's decision shall be final and shall not be subject to any further administrative appeal.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1001.41, 1001.43, 1006.07, 1006.15, F.S.

History: New: 02/17/11. Revised/Amended: 05/20/14, 09/20/16.

CHAPTER 3 – SCHOOL OPERATIONS

3.21 POSTSECONDARY CAREER AND ADULT EDUCATION

(1) Postsecondary Career and Adult Education

A. Admission to postsecondary career and adult education programs is by application to the appropriate district provider and is open to adults who are at least sixteen (16) years of age. Exceptions are programs that have an entry-age minimum due to licensure or certification requirements. Individuals who are classified as sexual offenders or predators may not be enrolled in any district career and adult education program.

B. All students shall be charged fees except students who are exempt from fees or students whose fees are waived. Students enrolling in an adult general education program or class will be charged block tuition, and students enrolling in a program leading to a career certification will be charged a fee per hour of instruction. These fees have been established by the annual Florida General Appropriations Act and with Section 1009.22, F.S.

Fee exemptions, waivers, or deferments will be approved in accordance with Sections 1009.25, 1009.26, 1009.27, F.S. In accordance with Section 1009.21, F.S., determination of residency for tuition purposes will be made for each student entering a postsecondary adult vocational program or class or adult general education program or class.

C. Financial aid is available to students who qualify. Students needing financial assistance must complete the Free Application for Federal Student Aid (FASFA), and show proof of Florida residency. For continuation of financial assistance, students must maintain satisfactory grades and progress.

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Law Implemented: Sections 1004.93; 1009.21; 1009.22; 1009.25; 1009.26; 1009.27, F.S.

History: New: 02/25/92. Revised/Amended: 03/26/96; 04/23/96; 09/23/01; 11/20/01; 05/15/05; 05/17/07; 08/21/07; 12/16/08; 10/27/09; 01/19/10; 04/19/11; 12/13/11; 01/22/13; 05/20/14.

CHAPTER 3 – SCHOOL OPERATIONS

3.22 TOBACCO-FREE SCHOOL POLICY

The School Board of Escambia County, Florida recognizes that the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The Board acknowledges that adult employees and visitors serve as role models for students and that the Board's acceptance of any use of tobacco products implies school approval, if not endorsement, of such use. In addition, the Board recognizes that it has an obligation to promote positive role models in schools and promote a healthy learning and working environment free from unwanted smoke for the students, employees, and visitors to the school campus. Finally, the Board recognizes that it has legal authority and an obligation pursuant to Section 386.209, F.S.

(1) Tobacco Use Prohibited

No student, staff member, or school visitor is permitted to use any tobacco product at any time, including non-school hours:

- A. In any building, facility, or vehicle that is owned, leased, rented, or chartered by the School District of Escambia County, Florida;
- B. On any school grounds/property - including athletic fields; and any parking lots that are owned, leased, rented, or chartered by the School District of Escambia County Florida; or
- C. At any school-sponsored or school-related event on-campus or off-campus. In addition, no student is permitted to possess a tobacco product. This policy may permit tobacco products to be included in instructional or research activities in a public school building if the activity is conducted or supervised by the faculty member overseeing the instruction or research activity and the activity does not include smoking, chewing, or otherwise ingesting the tobacco product.

(2) Tobacco Products

For the purposes of this policy, "tobacco" is defined to include products that include tobacco/nicotine and are intended or expected for human use or consumption, including but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi cigarette, clove cigarette, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew and snuff, in any form (i.e. lozenges, strips, pouches, etc.).

(3) School Grounds and Property

School grounds and property means and includes land, school facilities, and school district vehicles including any used for the provision of academic and/or extracurricular programs. School grounds include playgrounds and recreational places. School grounds include that portion of land, school facilities and other facilities owned by the School District of Escambia County, Florida and municipalities, private entities or other individuals during

CHAPTER 3 – SCHOOL OPERATIONS

those times when the school district has exclusive use of a portion of such land, school facilities, or other facilities for the provision of extracurricular programs.

(4) Time of Day

Any time means during normal school and non-school hours – 24 hours per day, 7 days per week.

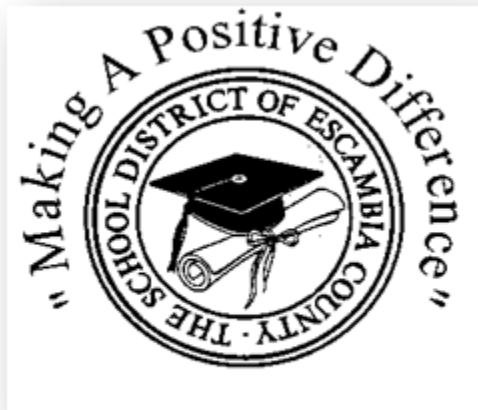
Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Section 386.209, F.S.

History: New: 05/20/14.

**RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD
ESCAMBIA COUNTY, FLORIDA**

CHAPTER 4 – INSTRUCTION



CHAPTER 4 - INSTRUCTION

4.01 CURRICULUM AND PROGRAM

(1) Responsibility for Instructional Programs

A. Instructional Programs and Courses

The Board shall adopt the specific instructional programs and courses utilized in District schools. Such programs shall include all minimum requirements prescribed by Florida law and State Board rules.

B. Curriculum Council

The Superintendent may establish and maintain a Curriculum Council whose duty will be to advise the Superintendent and the Board on curriculum changes in the District. The addition or deletion of courses shall be examined by the Council for the making of appropriate recommendations to the Superintendent.

(2) Programs of Studies

The program of studies shall incorporate only those courses published in the State Course Code Directory. This directory contains a comprehensive listing of course offerings available for instruction in District schools. Not all courses in the State Course Code Directory are offered in the Escambia County School District.

Credit shall be awarded only in courses approved by the State Board of Education.

(3) Innovative Programs

Schools are encouraged to develop innovative programs. However, all innovative program plans shall be approved by the Superintendent and Board.

(4) Accreditation

The District, as required by the accrediting agency, will complete all requirements for District Accreditation. Each school in the District will be fully accredited upon review of the standards for accreditation, demonstration of a systemic and continuous process of improvement, and implementation of quality assurance methods.

(5) Materials Published

Any materials to be published by the Board shall be submitted to the appropriate assistant superintendent for prior approval.

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(6) Biological Experimentation

All instructional employees shall comply with the provisions contained in Section 1003.47, F.S., regarding biological experimentation on living subjects by students in grades K through 12.

(7) Honor Weighting

Courses that have been designated by the State Board of Education as honors, advanced placement, dual enrollment, International Baccalaureate, as well as courses which have been approved by the Director of High School Education, shall be designated for honors weighting.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1000.04; 1001.32; 1001.41; 1001.42; 1001.43; 1001.49; 1006.28; 1006.29, F.S.

History: New: 06/26/90. Revised/Amended: 11/20/01; 09/19/06; 10/16/07; 01/16/10; 04/19/11; 12/16/14.

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4.02 EXCEPTIONAL STUDENTS

- (1) Programs for special instruction and services for exceptional students shall be as prescribed in the publication *Exceptional Student Education Policies and Procedures (SP&P)*. This publication is hereby incorporated in this rule by reference, and may be accessed on the District's Exceptional Student Education website.
- (2) A student shall be required to show evidence of work, satisfactorily completed, in order to qualify for a grade in each course or grade taken while homebound.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Section 1003.57, F.S.

History: New: 06/26/90. Revised/Amended: 08/25/92; 11/23/93; 02/15/94; 11/21/95; 11/19/96; 02/24/98; 04/29/99; 01/18/00; 05/15/01; 11/20/01; 12/16/03; 09/20/05; 10/20/09; 01/16/10; 04/19/11; 12/16/14.

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4.03 INSTRUCTIONAL MATERIALS

- (1) Each school shall purchase sufficient current instructional materials to provide each student with a textbook or other instructional materials as a major tool of instruction in core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12 except for instruction approved by the School Advisory Council that does not include a textbook as a major tool of instruction. Such purchase must be made within the first three (3) years of the effective date of the adoption cycle.
- (2) Allocations shall be made to individual schools on an equitable basis. Up to fifty (50) percent of the annual allocation may be used for the purchase of instructional materials, including library and reference books and non-print materials, not including the District-adopted list, and for the repair and renovation of textbooks and library books.
- (3) Principals shall communicate to parents the manner in which instructional materials are used to implement the curricular activities of the school and how instructional materials funds are allocated and spent.
- (4) Schools shall notify parents of their student's ability to access their instructional materials through the district's local instructional improvement system and/or website. This notification will be displayed prominently on the school's website and will be provided annually in written format to all parents of enrolled students.
- (5) Each school year, no later than March 15th, district subject area textbook selection committees shall be established for recommending instructional materials from the state adopted list or materials from appropriate publishers to be included on the District adopted textbook list for purchase by district schools. The committees shall be composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and shall represent the major fields and levels in which instructional materials are used in the public schools. In addition, lay citizens not professionally connected with education will be included in the committees. The committees shall meet as often as necessary to carry out their duties and responsibilities and make recommendations to the Superintendent. The committees may recommend a primary program and an alternate. Adoption of textbooks from such recommendations shall be considered in regular meetings of the Board.
- (6) The District's adoption policy follows the criteria listed below.
 - A. The District's instructional materials adoption cycle shall correspond with the State adoption cycle except when a separate District adoption is needed.
 - B. The focus of the District review will be to evaluate materials submitted by publishers for State adoption or other appropriate materials with the purpose of recommending materials for District adoption.

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- C. The selection of instructional materials to be used by the District will be criteria of age appropriateness, educational purpose, and State and District performance standards alignment. In addition, the broad racial, ethnic, socioeconomic, and cultural diversity of the students of the District will be considered. No book or materials that contain pornography or are otherwise prohibited by sections 847.012 and/or 847.0133, F.S. shall be recommended for use in District schools.
 - D. Members of the district subject area textbook selection committees must sign a “No Conflict of Interest” form before conducting committee business. The form specifies that committee members are prohibited from accepting gifts, money, emoluments, or other valuables which shall directly or indirectly influence the adoption or purchase of any instructional materials. A copy of the form can be found on the District's Media Services website. Committee members' conduct should be in the best interest of the students and the District.
 - E. Materials submitted for adoption review will be evaluated fairly and consistently. Committee members will use pre-established criteria. The same evaluation instrument shall be used for all materials under review for a particular course.
- (7) The public may review and comment on materials being considered and/or recommended for adoption. In addition, parents may contest a specific adopted material. Opportunities for public input are listed below.
- A. The public may review all materials being considered for adoption. Print and online samples of a student edition will be made available during the committee review process. Student editions of materials recommended for adoption will be made available online at least twenty (20) calendar days before the school board hearing.
 - B. An open, noticed public meeting will be held to review the district's annual instructional materials plan, preview print samples, and provide online access instructions.
 - C. An open, noticed school board meeting will be held to receive public comment on recommended instructional materials.
 - D. The parent, as defined by Florida Statutes, of a student enrolled in an Escambia County public school may contest the district school board's adoption of a specific instructional material by filing a petition, on the “Motion to Contest the Adoption of an Instructional Material” form, within thirty (30) calendar days after the adoption by the school board.
 - a. The “Motion to Contest the Adoption of an Instructional Material” form must be signed by the parent, include the required contact information, and state the objection to the instructional material.

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- b. Within thirty (30) calendar days after the thirty (30) day period has expired, the school board will conduct at least one open public hearing on all petitions timely received and provide the petitioner written notification of the date and time of the hearing at least seven (7) days before the hearing. All instructional materials contested will be made accessible online to the public at least seven (7) days before a public hearing.
 - c. The school board's decision after convening a public hearing is final and not subject to further petition or review.
- (8) No school shall participate in a pilot program of instructional materials under consideration for adoption during the eighteen (18) months prior to state adoption or for the first two (2) years after official adoption of materials.
- (9) Principals shall make a reasonable effort to collect from each pupil or pupil's parent the purchase price of any instructional materials the pupil has lost, destroyed, or unnecessarily damaged and to report and transmit the amount collected to the Superintendent. Failure to satisfy the debt may result in suspension of the pupil from participation in extra-curricular activities or an assignment to community service at the school site until the debt is satisfied.
- (10) The District shall dispose of instructional materials when they have become unserviceable or surplus or are no longer on state contract by
 - A. giving materials to other public education programs within the District or State, giving materials to teachers to use in developing supplementary teaching materials, or giving materials to students or others that may include any charitable organization, governmental agency, private school, or State; or
 - B. selling the materials to used book dealers, recycling plants, pulp mills, or other persons, firms, or corporations upon such terms as are most economically advantageous to the District.

All moneys received because of sale, exchange, or other disposition of instructional materials shall be deposited in the District school fund and added to the District appropriation for instructional materials.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1006.28 to 1006.42, F.S.

History: New: 06/26/90. Revised/Amended: 11/20/01; 04/16/02; 10/16/07; 01/16/10; 04/19/11; 12/13/11; 10/16/12; 12/16/14.

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4.04 SUPPLIES AND FEES

(1) Fees

- A. No fees or assessments shall be levied or charged to Pre K-12 students.
- B. Post-secondary students may be assessed consumable supply, financial aid, technology, testing, and capital improvement fees.

(2) Materials Purchased by Individual Pupil

- A. Pupils may be permitted to purchase materials that have been selected for instruction and retain them as personal property.
- B. Any request by a teacher for pupils to purchase materials for class use must have the approval of the principal.
- C. Students may be charged rental for band uniforms, instruments, school locks, etc.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1006.28; 1009.22, F.S.

History: New: 06/26/90. Revised/Amended: 06/21/05; 01/16/10; 04/19/11; 12/16/14.

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4.05 EDUCATIONAL MEDIA SERVICES

(1) Responsibility and Scope of Educational Media Services

School library media programs shall be established and maintained in all schools and be administered at all times by professionals certified as library media specialists with sufficient support staff to fulfill program activities.

(2) Media Program Management

Rules governing media programs shall be as prescribed on the District's Media Services website.

(3) Educational Media Skills Instruction

The Board shall provide a developmental program of educational media skills instruction which correlates with classroom instruction for students in grades K-12.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1006.28; 1006.40; 1010.215; 1012.01, F.S.

History: New: 06/26/90. Revised/Amended: 08/25/92; 11/20/01; 1/16/10; 12/16/14.

CHAPTER 4 - INSTRUCTION

4.06 EDUCATIONAL MEDIA MATERIALS

(1) Challenged Materials

Interested citizens may challenge materials being used in a school according to procedures established by the Board and published in the *Challenged Materials* document on the Media Services website.

(2) Copyrighted Materials

The Board recognizes the interests and rights of copyright holders as defined in Title 17, United States Code, and neither authorizes nor condones any violation of the copyright law by any employee of the Board. All employees are responsible for adherence to the guidelines for copyrighted materials as published in the *Copyright Materials* document on the Media Services website.

Employees are expected to take all reasonable precautions to prevent unlawful copying or use of copyrighted materials. It is the intent of the Board that students be educated as to the legal and ethical issues raised by violation of the copyright law.

(3) Evaluation and Selection of Educational Media

Materials shall be evaluated and selected that implement, enrich, and support the educational programs of the District's schools. A wide range of materials shall be provided on different levels of difficulty with diversity of appeal and representing different points of view. Materials placed in media collections shall meet the criteria set forth in Section 1006.34(2)(b), F.S., and as provided in the *Evaluation and Selection of Educational Media* document on the Media Services website. No book or other material containing pornography shall be used or be available in the District as prohibited by Section 847.012, F.S.

(4) Use of Educational Media from Outside Sources

Media (films, videotapes, etc.) from sources other than the District or a school library media collection must be approved by the principal of the school before use in the classroom. "The Justification for Use of Educational Media from Outside Sources" form is available on the Media Services website. The content of the curriculum will determine the need for media.

(5) Non-School Use of District Educational Media

Educational media owned by the Board is normally not made available to non-school related groups because of the likelihood that the items will be in use or needed in schools. Under certain circumstances, educational media (materials and equipment) may (with

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approval of the Superintendent or his/her designee) be loaned to non-school related groups. The same policy applies to equipment in the District media collection.

When equipment is needed by a group that will meet in the school, arrangements for such use shall be made with the principal. While there is no charge for the occasional use of educational media, the borrowing group shall be responsible for any damage occurring during its use.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1006.28; 1006.34; 1006.40; 1010.215, F.S.

History: New: 06/26/90. Revised/Amended: 08/25/92; 10/21/03; 01/16/10; 04/19/11; 12/16/14.

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4.07 TESTING

(1) Purpose

The primary purpose of testing shall be to assess the strengths and weaknesses of individual students and instructional programs. A secondary purpose shall be to evaluate the attainment of educational goals of both the Board and the State.

(2) State Mandated Assessments

The District will acquire or develop state mandated assessments which may include:

- A. state assessments
- B. other standardized assessments, including nationally recognized standardized assessments
- C. industry certification assessments
- D. district-developed or district-selected End of Course (EOC) assessments
- E. teacher-selected or principal-selected assessments

(3) Procedures

Procedures and guidelines for test administration shall be released annually to principals and test coordinators who in turn shall release this information to classroom teachers. All testing programs in the District shall be administered in a manner consistent with established standards and aimed at the attainment of objective, valid, and reliable results which contribute to and ensure a commonly accepted interpretation of the data. The unethical misapplication of testing procedures, misuse of testing materials or information, or any misrepresentation of test data shall subject any employee found responsible to disciplinary action as deemed appropriate.

(4) Security

Test security instructions shall merit special attention and be dispensed in the same manner as procedural information. Employees shall not

- A. give examinees access to test questions prior to testing; or
- B. copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet; or

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- C. coach examinees during testing or alter or interfere with examinees' responses in any way; or
- D. make answer keys available to examinees; or
- E. fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing; or
- F. fail to follow test administration directions specified in the test administration manuals; or
- G. participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

Any employee who violates this policy, shall be subject to fines, imprisonment, and/or dismissal.

(5) Restrictions

Testing should be avoided on recognized religious holidays.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1006.02; 1006.03; 1007.21; 1007.27; 1008.22; 1008.23; 1008.24; 1008.25, F.S.

History: New: 06/26/90. Revised/Amended: 10/21/03; 01/16/10; 04/19/11; 12/16/14.

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4.08 IMPLEMENTATION OF SECTION 504 OF REHABILITATION ACT OF 1973, SUBPART D

Implementation of Section 504 of the Rehabilitation Act of 1973 shall be as prescribed in the most recent edition of the Florida Department of Education publication entitled *District Implementation Guide for Section 504*, which publication is incorporated herein by reference. Copies of this publication may be accessed on the District's Guidance Services website.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Section 504 of the Rehabilitation Act of 1973, Subpart D

History: New: 12/15/94. Revised/Amended: 11/23/09; 01/16/10; 04/09/11; 04/23/13; 12/16/14.

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4.09 DISTRICT INFORMATION SYSTEMS

(1) Use of District Information Systems

Policies and procedural language included in this rule shall be supplemented and further specified by the Board approved publications *Student Responsible Use Guidelines for Technology*, and *Staff Responsible Use Guidelines for Technology*. These publications are hereby incorporated into the Board's rules and procedures by reference, and may be accessed on the District's Web site.

(2) Resources of District Information Systems

- A. e-mail system;
- B. enterprise servers and associated applications/data;
- C. Internet access, enabling equipment and software including District content filter and firewall;
- D. office/school servers and associated applications/data; desktop and laptop computers;
- E. desktop and laptop computer peripherals;
- F. multimedia equipment;
- G. closed-circuit and instructional television systems;
- H. satellite downlink equipment;
- I. wide-area network and associated equipment;
- J. local area networks and associated equipment;
- K. district-wide and site-specific software licenses;
- L. telephone equipment and infrastructure.

(3) Consistency with the Mission of District

- A. Accounts issued by the District shall be utilized only by the authorized users of the accounts for the purposes specified. Misuse may result in the removal of the participants' access rights and authorization. Authorized users are responsible for all activity under their account and password.

CHAPTER 4 - INSTRUCTION

- B. Any use of telecommunication services or networking for illegal, inappropriate, or obscene purposes or in support of such activities shall be prohibited. Illegal activities shall be defined as a violation of local, state, and/or federal laws. Inappropriate use shall be defined as a violation of the District's mission, goals, policies, or procedures. Obscene activities shall be defined as a violation of generally accepted social standards for use of a publicly-owned and operated communications vehicle.
- C. Users shall not violate a student's right to privacy.
- D. Any use of telecommunication services or network for commercial purposes, financial gain, product advertisement or political lobbying shall be prohibited.
- E. The telecommunications network shall be used only for educational purposes consistent with the mission of the District.
- F. Use of telecommunications or networks shall not serve to disrupt the use of the network by other users, and users shall not knowingly or inadvertently spread computer viruses.
- G. Unlimited and open-ended use of the telecommunication services or network cannot be accommodated inasmuch as supportive financial resources remain finite. Users shall exercise prudence and fairness in the shared use of limited resources when using high bandwidth network applications such as video or audio streaming, video conferencing, and e-mail (with large attachment files and/or lengthy recipient lists).
- H. All network users shall adhere to the rules of copyright regarding software, information, and the attribution of ownership. Reposting personal communications without the author's permission or bulletin board messages without proper attribution shall also be prohibited.
- I. To the extent reasonably possible, users of school-sponsored telecommunication services and networks shall be protected from harassment or unsafe, unwanted, or unsolicited contact. Users shall be made aware and shall acknowledge their awareness that the designers of the network cannot eliminate, or in some cases properly restrict, the possibility of unwanted access to users. Users cannot be completely prevented from accessing services or information that is offensive or inappropriate for certain groups of users. Individual users must be responsible for their own access and conduct in using telecommunication services and networks.
- J. Students will be allowed to utilize telecommunication networks, the Internet, and/or on-line services for educational purposes unless a Denial of Permission Form, provided by the school stating the student does not have parental and/or guardian permission to do so, is signed by a parent or guardian and filed with the student's school.

CHAPTER 4 - INSTRUCTION

K. Users are expected to abide by the rules of network etiquette.

(4) Responsibility of District

- A. The District assumes no liability for the content of any advice or information acquired over the Internet or any cost or charges incurred from this advice or information.
- B. Any costs, liability, or damages caused by the way the user accesses the Internet is the user's responsibility.
- C. The District assumes no liability for any consequences of service interruptions or changes, even if these disruptions arise from circumstances under the control of the District.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1001.20; 1006.28, F.S.

History: New: 5/24/95. Revised/Amended: 11/20/01; 07/22/03; 09/19/06; 12/16/08; 01/16/10; 04/19/11; 12/16/14.

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4.10 SINGLE-GENDER PROGRAMS

- (1) Subject to the requirements of sub-section (2) below, a non-vocational class, extra-curricular activity, or school may be established and maintained in which enrollment is limited to a single gender, if there is available a substantially equal
 - A. single-gender class, extra-curricular activity, or school for students of the other gender; and/or
 - B. co-educational class, extra-curricular activity, or school for all students.
- (2) Participation in a single-gender class, extra-curricular activity, or school shall not be required but shall be voluntary and shall be agreed to in writing by the student's parent/guardian.
- (3) The District shall evaluate each single-gender class, extra-curricular activity, or school at least once every two (2) years to ensure that it is in compliance with this rule and applicable state and federal law.

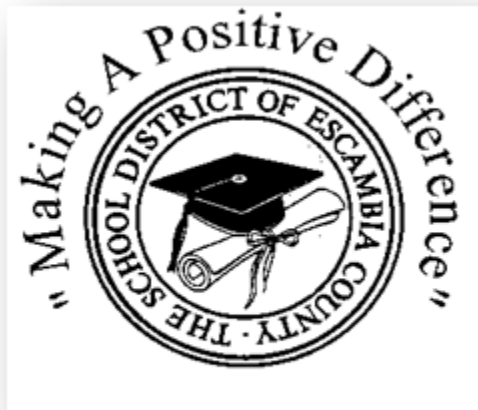
Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Section 1002.311, F.S.

History: New: 02/16/10. Revised/Amended: 12/16/14.

**RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD
ESCAMBIA COUNTY, FLORIDA**

CHAPTER 5 - BUSINESS SERVICES



CHAPTER 5 – BUSINESS SERVICES

5.01 FINANCE AND ACCOUNTING – FISCAL MANAGEMENT

(1) GENERAL FISCAL POLICIES

The purpose of this policy is to establish management expectancies related to the financial activities of the District and the intent of the Board in carrying out its statutory fiscal responsibilities.

- A. The District shall maintain accounting records in accordance with generally accepted accounting principles (GAAP), as applied to governmental units and promulgated by the Governmental Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).
- B. The District shall follow the requirements of the Florida Department of Education's Financial and Program Cost Accounting and Reporting for Florida Schools ("Redbook") in budgeting and financial accounting and reporting.
- C. The District shall adhere to a policy of full and open public disclosure of its financial activities. The format of the budget shall facilitate correlation with data in the District's Annual Financial Report.
- D. The District shall maintain a system of internal financial controls that complies with the adopted budget. Following adoption of the annual budget, monthly budget amendments shall be submitted to the Board for approval.

(2) ANNUAL BUDGET

- A. The Board shall adopt an annual budget, which shall be submitted to the Florida Department of Education for approval, in compliance with applicable administrative rules of the Department of Education and the Florida Department of Revenue. In accordance with Section 1011.02, F.S., the Board must adopt a balanced budget in which the proposed expenditures, transfers out and projected ending fund balances must not exceed the estimated revenues, transfers in and beginning fund balances for each fund. Any budget amendments made during the fiscal year must be balanced, such that any changes made to estimated revenues or beginning fund balances are offset by equivalent changes to the appropriations or reserves within the same fund.

Revenues and expenditures for budgeting purposes shall be determined using the modified accrual basis, consistent with the basis of accounting used for financial reporting. As required by Rule 6A-1.001, F.A.C., the revenue and expenditure coding structure used for budgeting and financial reporting will be in compliance with the most recent version of the "Financial and Program Cost Accounting and Reporting for Florida Schools" as promulgated by the Florida Department of Education.

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- B. The Annual Budget of the District shall balance the educational needs of students with the fiscal capabilities of the District. The budget shall support the long-term financial stability of the District.
- C. A Truth in Millage (TRIM) budget calendar shall be presented to the Board for adoption each year. The dates prescribed for adoption, advertisement and hearings shall be in accordance with TRIM guidelines as published by the Florida Department of Revenue and as required by Section 200.065, F.S. Dates relevant to other budgeting activities requiring School Board approval such as staffing allocation plans and the departmental personnel planning document shall be presented to the Board at the appropriate time.
- D. In formulating the budget, the Superintendent and Board shall utilize the District's Strategic Plan to determine funding priorities. The costs and associated benefits of all programs shall be determined and considered in formulating the budget.
- E. Citizen input shall be solicited prior to final decisions on the budget.
- F. Revenue estimates shall be conservative and based on analyses of historical trends and reasonable assumptions of future conditions.
- G. Ad valorem revenue estimates in the annual budget certified taxable value of the property tax roll shall be in accordance with Section 200.065, F.S.
- H. Expenditure estimates shall endeavor to cover both direct and indirect activity costs. Consideration shall be made for the normal replacement and maintenance of the District's physical assets. Cost-effectiveness shall also be a consideration in the provision of all services.
- I. The Superintendent (or designee) may approve ordinary expenditures, including salary payments, from July 1 until the Board approves the tentative budget and, thereafter, may expend in accordance with the tentative budget, and the requests as presented, until such time as the final budget is adopted. Extraordinary requests for advance funding shall be brought to the Board for specific approval, if necessary, prior to the adoption of the final budget.
- J. Expenditures may temporarily exceed the amount budgeted by object and function, provided the amount expended in the applicable fund does not exceed the amount budgeted for that fund and provided that the Board subsequently approves the resulting budget amendment at its next regularly scheduled meeting. The Superintendent (or designees) shall have the authority to enter budget amendments in the district financial accounting system prior to Board approval of the monthly amendment. It is the intent of the Board that salary and benefit expenditures be controlled through Board approved and funded positions. The final budget amendment for the fiscal year shall be submitted to the Board for approval prior to

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or concurrent with the submittal of the Annual Financial Report as required by the Florida Department of Education.

(3) GENERAL OPERATING FUND

- A. Planned expenditures shall be aligned with projected available revenue sources, excluding fund balances and reserves. The District shall live within its means, that is, within applicable revenues, on an annual basis. To the extent possible, non-recurring revenues should be used to fund non-recurring expenditures. When it is necessary to utilize non-recurring revenues to fund recurring expenditures, the source and amount of such funds should be disclosed in the presentation of the proposed budget to the Board.
- B. All potential grants shall be carefully examined with regard to cost and benefit, particularly when matching funds and in-kind contributions are required. Consistency with current goals, programs and fund sources shall be considered. Programs funded through grants and fund raising activities shall be expected to live within the funds available. Affected programs shall be systematically reviewed to determine whether those programs receiving less funding or no funding from their original source are to be continued, modified, or eliminated. This review shall utilize the District's Strategic Plan in making the determination.
- C. The District shall maintain a general fund ending fund balance that is sufficient to address normal contingencies.
 - 1. It shall be the goal of the District to maintain that portion of the general fund's ending fund balance not classified as restricted, committed, or nonspendable in the District's approved operating budget at no less than three and one-half percent (3.5%) of projected general fund revenues during the current fiscal year.
 - 2. 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 approved operating budget is projected to fall below three percent (3%) of projected general fund revenues during the current fiscal year, the superintendent shall provide written notification to the Board and the Commissioner of Education.
 - 3. 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 approved operating budget is projected to fall below two percent (2%) of projected general fund revenues during the current fiscal year, the Superintendent shall provide written notification to the Board and the Commissioner of Education. Within fourteen (14) days after receiving such notification, if the Commissioner determines that the District does not have a plan that is reasonably anticipated to avoid a financial emergency as

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determined pursuant to Section 218.503, F.S., the Commissioner shall appoint a financial emergency board that shall operate under the requirements, powers, and duties specified in Section 218.503(3)(g), F.S.

(4) CAPITAL OUTLAY

- A. The District shall maintain a five-year capital outlay/facilities work program, which shall be updated annually based on long-range projected needs. The program shall be consistent with the District's Educational Plant Survey as mandated by statutory requirements.
- B. The five-year capital outlay/facilities work program shall be funded on a "pay-as-you-go" basis, to the extent feasible, using authorized local option property tax millage and such state revenue sources or financing options as may be available.
- C. Insofar as allowed by applicable state statutes and administrative rules, appropriate flexibility in the use of capital funds shall be utilized to best meet the capital needs of the District.
- D. The projects in the annual capital budget and the five-year capital outlay/facilities work program shall be selected based on a system of needs prioritization consistent with the District's strategic directions and goals.
- E. Federal, state and other funding sources shall be used as available to assist in financing capital improvements, as long as the requirements for accepting these funds are not in conflict with the strategic directions or financial interests of the District.

(5) SPECIAL REVENUE-OTHER FUNDS

- A. All potential grants shall be carefully examined with regard to cost and benefit, particularly when matching funds and in-kind contributions are required. Consistency with current goals, programs and fund sources shall be considered.
- B. All non-recurring programs and grants will be monitored to assure all funds are utilized to the maximum extent possible. Informational reports will be generated to notify staff and the Board of the status of the funds.

(6) SCHOOL FOOD SERVICES FUND

- A. The School Food Services Fund shall be operated on a self-supporting basis utilizing federal, state and customer revenues. The prices for meals shall be maintained at a level adequate to sustain a balanced budget.

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- B. The School Food Services budget shall provide for normal replacement and maintenance of equipment and facilities, consistent with federal and state regulations.
- C. The School Food Services operation shall provide reimbursement to the other District funds for services rendered, including any applicable indirect or administrative costs; however, consideration should be given to all internal and external economic factors affecting school food services operations that impact the potential to generate sufficient revenues to satisfy overhead charges.
- D. The goal of the School Food Services Fund shall be to maintain an unrestricted contingency reserve of at least 10% of appropriations, but no more than three (3) months of operating expenses as specified in the Florida School Food Service Reference Manual, Chapter 6(2), and Title 7, Code of Federal Regulations, 210.14(b).
- E. The Superintendent or designee shall be authorized to write off worthless checks received through the School Food Services Fund that are declared uncollectible. All worthless checks written off pursuant to this section shall be referred to the State Attorney's Office for prosecution.
- F. The Superintendent or designee shall be authorized to write off outstanding meal charge balances in the Food Service Fund that are declared uncollectible.

(7) INTERNAL SERVICE FUNDS

To the extent possible, charges to schools and departments for services rendered by internal service operations shall be sufficient to cover the total cost of performing such services on an efficient basis.

(8) DEBT SERVICE FUNDS

- A. The debt service funds shall budget for the payment of principal and interest on currently outstanding debt in accordance with the established maturity schedules.
- B. Short-term borrowing may be utilized in accordance with applicable state statutes, administrative rules and regulations to facilitate the construction of capital projects or to provide for cash-flow requirements due to revenue collection patterns.
- C. The District shall not use long-term debt to fund its current, recurring operations. The term of debt incurred for the purchase of assets must not exceed the useful life of the assets.

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(9) FINANCIAL REPORTS

Timely and accurate financial reports shall be reviewed by the Superintendent (or designee) and submitted to the Board on a regular basis. The monthly and annual financial reports presented to the Board shall summarize financial activity by major types of funds, functions and objects and maintain compliance with state requirements. Financial reports shall also be submitted to the State Commissioner of Education in a form approved by the Commissioner when required.

(10) AUDITS

Periodic audits shall be made of the accounts and records of the District pursuant to Florida Statutes, Rules of the Auditor General Chapter 10.800 and Florida Administrative Code.

(11) PAYROLL

A. Preparation of Payroll

Principals and department heads shall prepare and submit payroll reports for all personnel at the time and in the manner prescribed by the Superintendent. The payroll shall be made in accordance with the payroll reports certified and submitted by the principals and department heads.

B. Pay Days

Instructional, administrative, and professional (permanent, temporary or substitute) personnel shall be paid regular pay on the last day of each month. Extra pay shall be paid on the 15th of each month. If the above dates occur on a Saturday or Sunday, that payday shall be on the preceding Friday. If the above dates occur on a holiday which is observed by the Board, that payday shall be paid on the previous workday. Educational Support Personnel (permanent, temporary or substitute) shall be paid biweekly. If the above dates occur on a holiday which is observed by the Board, that payday shall be paid on the previous workday.

C. Payroll Deductions

Payroll deductions shall be made for such purposes as may be approved by the Board or required by law.

(12) DEPOSITORIES

The Board shall select financial institutions that are approved by the Florida Department of Treasury Chief Financial Officer as qualified public depositories.

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A. Depositing and Withdrawing Funds

Funds may be received, disbursed, or transferred by electronic or other medium or drawn from any District school depository, by warrant to, from, or within its accounts in Board approved financial institutions. Adequate internal control measures shall be established and maintained on the authority of the Board, as prescribed by Florida Statutes or Florida Administrative Code.

B. Transfer of Funds

The Superintendent or designee may be authorized by Board resolution to enter into authorizing agreements with financial institutions for monetary transactions through electronic or other medium, from one county depository to another, or within a county depository for financial purposes. All monetary transactions shall be confirmed in writing and signed by the Superintendent or designee.

(13) PAYMENT OF VOUCHERS

The Board Chair and Superintendent shall be authorized to pay vouchers for approved purchases. The Superintendent shall submit once a month to the Board a list of such warrants that were paid by this rule provision. The list, upon ratification, shall be recorded in official Board records.

(14) FACSIMILE SIGNATURES

A. The facsimile signature of the Board Chair and the Superintendent may be affixed to warrants as authorized by Board resolution provided an affidavit has been filed in accordance with Section 116.34(3), F.S. The facsimile signature of the Board Chair and Superintendent may be used only on contracts with administrative, professional and instructional staff members and warrants by designated personnel in Finance and Business Services and Human Resources.

1. As used herein, facsimile signature shall mean a reproduction by engraving, imprinting, stamping, digitizing or other source of the manual signature.

2. The facsimile signature shall be kept secured at all times.

B. Unless a provision of law enacted after July 1, 2000, specifically prohibits the use of an electronic record for the specified purpose, the School Board hereby authorizes the acceptance and distribution of electronic records and electronic signatures to and from District staff and other persons, as well as between District staff members. Additionally, the School Board further authorizes District staff to create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

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- C. The Superintendent shall consult with the state of Florida's Agency for Enterprise Information Technology (Agency) regarding the District's authorized acceptance and distribution of electronic records and electronic signatures. After giving due consideration to security, the Agency may specify the following:
1. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.
 2. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.
 3. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and audibility of electronic records.
 4. Any other required attributes for electronic records which are specified for non-electronic records or reasonably necessary under the circumstances.
- D. The Superintendent shall require District staff to comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, communicating, storing, processing, using, and relying upon electronic records. Further, the Superintendent shall require District staff and other persons who use electronic signatures to do so in compliance with State law.

(15) PRICE AND UNIT VARIANCES

The Director of Accounting Operations may approve for payment: (1) invoices of less than \$50 per purchase order when the price variation is considered reasonable on a per unit basis; (2) invoices of over \$50 if the price variance is within 10% and not in excess of \$100 of the purchase order price. This authorization does not apply to any firm bid orders on a per unit basis that have been approved by the Board. Payment of transportation charges is authorized if the purchase order states F.O.B. shipping point.

(16) PETTY CASH FUNDS

- A. The Board authorizes the use of petty cash funds to make expenditures for central administrative offices and school centers. These funds shall be accounted for separately from other funds. An itemized receipt shall be kept for each petty cash expenditure and all expenditures shall be recorded in the school year incurred.

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- B. Petty cash funds shall be established for the District Department as designated by the Superintendent or his designee. The petty cash limit shall be \$100.
- C. Petty cash procedures for School's Internal Accounts shall be established according to policies and procedures in the School Internal Funds Manual.
- D. Cash Change Funds may be established in appropriate locations and in appropriate amounts as determined by the Superintendent or designee and in schools up to the amount specified in Florida Administrative Code.

(17) PROMOTION AND PUBLIC RELATIONS FUNDING

- A. Funds derived from auxiliary enterprises and undesignated gifts shall be disbursed in accordance with rules herein for such purposes as are deemed to be for the benefit of the District. For purposes of this rule, funds from auxiliary enterprises are defined as profits from enterprise type activities which may include, but are not limited to, vending machines, supply stores, and other internal accounts funds profits not specifically designated for students or school-level purposes.
- B. A portion of such funds may be used for the purpose of promotion, public relations, and hospitality of business guests provided that such purpose will directly benefit or be in the best interest of the District. Promotion and public relations activities may include, but are not limited to, activities involving graduation, visiting committees, orientation and work conferences, recruitment of employees, official meetings and receptions, guest speakers, accreditation studies and other developmental activities, awards or other types of recognition for meritorious performance.
- C. A portion of such funds may be used for hospitality of business guests. Disbursements for any fiscal year for hospitality of business guests shall not exceed the amount prescribed by Rule 6A-1.0143(3), F.A.C.
- D. Funds used for the purposes specified in (B) and (C) above shall be expended from the school or District fund that generated the revenue.
- E. Procedural requirements, documentation, accountability, and the annual dollar parameters for the District and for each school shall be established by the Assistant Superintendent - Finance and Business Services to meet applicable audit requirements.

(18) WRITE OFF OF RECEIVABLES

Any receivable established for unrecovered damages, uncollected accounts, bad debts, restitution for damages, or any such similar claims that after consultation with the Board's

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legal counsel have been deemed uncollectible, or reduced to lien or other final adjudication by the court, shall at the discretion of the Superintendent be written off.

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Chapter 280; Sections 282.0041; 668.002; 668.006; 668.50; 1001.42; 1001.49; 1001.51; 1010.01; 1010.04; 1010.08; 1011.01; 1011.02; 1011.03; 1011.06; 1011.07; 1011.08; 1011.18; 1011.22; 1011.60; 1012.22, F.S.

History: New: 04/30/92. Revised/Amended: 07/26/94; 07/23/96; 05/26/98; 04/17/01; 11/20/01; 09/17/02; 12/16/03; 06/21/05; 08/15/06; 09/19/06; 11/27/07; 01/20/09; 03/16/10; 05/19/11; 06/18/13; 04/21/15.

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5.02 PURCHASING

(1) PURCHASING PRINCIPLES

The Board has directed that all employees, particularly in the purchasing area, be guided by the following Principles and Standards for ethical behavior in business dealings:

- A. To consider first the interest of the Board and District in all transactions and to carry out and believe in its established policies.
- B. To obey the letter and spirit of the laws governing the purchasing function and remain alert to the legal ramifications of purchasing decisions.
- C. To represent the Board and District in an exemplary manner, by diligently following the lawful instructions of the Board, using reasonable care and only the authority granted. Avoid the intent and appearance of unethical or compromising practices in relationships, actions and communications.
- D. To buy without prejudice, seeking to obtain the maximum ultimate value for each dollar of expenditure. Minority and/or service disabled veteran small business enterprises will be encouraged to participate.
- E. To handle information that may be considered confidential or proprietary to the Board, District and/or its suppliers, with due care and proper consideration of ethical and legal ramifications and government regulations.
- F. To refrain from soliciting or accepting gifts and gratuities from present or potential suppliers which might influence, or appear to influence purchasing decisions. Subscribe to and work for honesty and truth in buying and selling, and to denounce all forms and manifestations of commercial bribery.
- G. To cooperate with all organizations and individuals engaged in activities designed to enhance the development and standing of purchasing.
- H. To refrain from any private business or professional activity that may present a conflict of interest in carrying out the purchasing duties assigned by the Board and District.
- I. To avoid the direct or indirect purchase or recommendation to purchase goods or services from any business organization which they or their immediate family have a material interest.
- J. As permitted by law, rule, policy, regulation, or collective bargaining agreements, the District will pursue appropriate legal, administrative or disciplinary action against an employee, officer, director, volunteer, vendor or vendor's agent who is determined via internal investigation to have committed, has been convicted of or

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pled no contest to a procurement related infraction including, but not limited to the Purchasing Principles and Standards herein. If said person has been convicted, disciplined or pled no contest to such an infraction, this person must be removed from any further responsibility or involvement with grants management, bid awards, or bid compliance monitoring consistent with the District's policies; Collective Bargaining Agreements; State Rule or Law; Federal Rule, Policy, Regulation or Law.

K. School district engagement in charitable, social, and/or professional activities for which donations are solicited from organizations and businesses, including those doing business with the District, shall be subject to the following disclosures and recordkeeping requirements:

1. Documented prior approval of solicitation effort via signature of appropriate Assistant Superintendent or designee;
2. Name and contact information of donating organization;
3. Type of donation and specific purpose for which donation is to be used;
4. Name of individual(s) receiving donation;
5. Initial amount of donation, amount used, and remaining balance; and
6. Issuance of disclaimer indicating (1) donations will not influence current or future business transactions between the vendor and the District, and (2) donations shall be used for school district purposes only and should not benefit individual employees or volunteers.

(2) CONTRACTS WITH BOARD MEMBERS, SUPERINTENDENT AND EMPLOYEES OF THE DISTRICT SCHOOL SYSTEM

The School Board, acting as a board, shall contract for materials, supplies, and services needed for the district school system. No contract for supplying these needs shall be made with any member of the Board, with the Superintendent, any employee of the District, or with any business organization in which any Board member, District employee, or the Superintendent has any significant financial interest.

(3) PURCHASING AND BUSINESS SERVICES DEPARTMENT – BOARD DESIGNATED AUTHORITY:

The schools, departments and agencies of the Escambia County school system under the jurisdiction of the Board shall purchase their materials or commodities (excluding construction) through the Purchasing and Business Services Department which is designated by the Board as the District's official purchasing agency, except as otherwise provided by Board Rules or administrative directives and manuals. Included in this

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authority is the delegated authority to purchase and legally bind the district to minor contracts that are valued under the amount established by law, rule or policy requiring formal bid solicitation and do not exceed budgeted funds. This purchasing power is to be exercised by the Superintendent, the Director of Purchasing and Business Services or in his or her absence, the Senior Purchasing Agent(s). All purchases made from school district funds shall be in accordance with all applicable Federal Regulations, Florida Statutes, Florida Administrative Code sections, Board Rules, and Administrative Procedures.

Before making any purchase of commodities or contractual services which the Superintendent or his designee 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. He or she 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 maximum value is being received for any money expended.

No person, unless authorized to do so under Board policy, may make any purchase or enter into any contract involving the use of school funds; per 6A-1.012, F.A.C. no expenditures for any such unauthorized purchase or contract shall be approved by the Board. Unauthorized purchases will be reported to the Board for informational purposes only.

The Superintendent or designee may authorize emergency purchases as provided in Section 7 below. "Emergency" as used herein means a situation which endangers the public health, safety or welfare of students or employees, or which jeopardizes property or a project.

(4) PURCHASING APPROVAL

- A. Insofar as practical all purchases from suppliers shall be based on contracts, purchasing card systems, electronic procurements or purchase orders. Authority is vested in the Superintendent or designee to approve or reject purchases when the total amount of each purchase does not exceed the bid limit that is specified in 6A-1.012(7), F.A.C., provided that in doing so he or she shall certify that funds to cover the expenditures are authorized by the budget and have not been encumbered. Except as may be exempted by rule herein, the Board shall approve purchases that exceed the bid limit established in 6A-1.012(7), F.A.C.
- B. With regard to the acquisition of technology District personnel shall:
 - 1. Earmark funds for in-service training of employees for each acquisition;
 - 2. Identify the in-service component in writing with each proposed acquisition.
- C. The purchase of state and county approved textbooks from the State School Book Depository, publisher, sole distributor, or educational institution, and subject to the availability of funding, shall not require Board approval as specified in A above.

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- D. Requisitions shall be prepared for individual categories of supplies, equipment or services. Requirements within the same category shall not be divided and submitted on two or more requisitions in order to circumvent established bid and quotation procedures or required approvals.
- E. The Superintendent is authorized to direct the purchase of items such as class jewelry, school annuals, graduation cards and invitations, insignia, caps and gowns, or other items of common use to be purchased from funds handled in trust for individuals, to be centrally bid by the Purchasing and Business Services Department.
- F. Information Technology Resources as defined by Section 282.0041(14), F.S., and with direct and continuous oversight of the District Purchasing Office, may be purchased, leased, leased with option to purchase, or rented and may be acquired through a competitive solicitation procurement process 5.02(7) S.B.R. or by direct negotiation and contract with a supplier, as best fits the needs of the District as determined by the Board.

The expenditure of internal funds must comply with Section 1011.07(1), F.S., Florida Administrative Code, and the School Internal Funds Manual.

(5) PURCHASE REQUISITIONS:

Good purchasing procedures require that the schools, departments, and agencies of the Escambia County school system initiate a purchase requisition, properly executed, which will contain authorized signatures of the originating administrator and principal or department or agency head, for the purchase of any and all items desired, except where small purchases are made through the established Purchasing Card program. Splitting requisitions to bypass the approval requirements and/or bid process is specifically forbidden. On-line requisitioning through automated financial and purchasing systems, and the inherent security system built-in to such systems, are accepted electronic signatures in lieu of manual or paper requisitions signed by the designated authority. Additional administrative directives or operating manuals may be issued, when deemed necessary, containing the procedures to economically perform the purchasing function governing low value purchases within the controls required and authority provided by Florida Statute, Florida Administrative Code and Board Rule. Low value purchases shall be defined as those having a value less than the amount identified in Florida Department of Financial Services, Division of Accounting and Auditing, Rule Number 69I-73.002 for property requiring inventory records.

(6) GENERAL PURCHASING AUTHORIZATION FOR SPECIFIC COMMODITY CLASSIFICATIONS:

Purchase of certain goods and services, expenditures, fund transfers, etc., that do not lend themselves to normal competitive purchasing procedures will have general purchasing authorization. Expenditures for the specific commodity classifications listed are authorized

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for direct payment, subject to normal approving signatures, policies and procedures, and availability of budgeted funds. Such expenditures will be reviewed and approved by the Director of Accounting Operations prior to payment.

- A. The School Principal or Department Director or Manager will be responsible for the appropriateness of the expenditures and availability of funds. Upon receipt of the appropriate form, supporting documentation and signatures, the Accounting Operations Department will be authorized to generate a direct payment to the supplier for the following:
1. U. S. Postal Service or reimbursement to school for same.
 2. Vehicle licensing and registration fees.
 3. Bridge passes.
 4. Employee reimbursements as authorized by the bargaining contract.
 5. Registration for workshops, conferences, and seminars.
 6. Student admission fees (zoo, museums, drama performance, etc.).
 7. Legal ads & advertising in newspapers & magazines.
 8. Freight/shipping expenses billed by a freight carrier separately.
 9. Professional association fees and dues.
 10. Petty Cash reimbursement - Finance.
 11. Legal expenses and fees (attorney fees, Administrative Hearing Officer, court recorder fees, transcript fees, polygraph, etc.).
 12. Employee medical expenses associated with a Workers' Compensation claim subject to 5.09(10) S.B.R.
 13. Groceries for Home Economic classes.
 14. Employee insurance premiums, claims, or reimbursements.
 15. Permitting fees as required by law.
 16. State assessed fees (retirement, unemployment compensation, workers compensation self-insurance fees).

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17. Bank and fund transfers.
 18. Utilities, gas, electric, water, etc.
 19. Legal settlement payments subject to 5.09(10) S.B.R.
 20. Real property purchases.
 21. Teacher certification and renewal fees.
 22. Teacher/employee reimbursements as authorized by various grants.
 23. Employee Teacher Lead Disbursements.
 24. Fees for student testing services and materials e.g., Advanced Placement and International Baccalaureate tests.
 25. Other goods or services within the guidelines specified in 5.02(6) S.B.R. but not listed above with the written approval of the Assistant Superintendent - Finance and Business Services.
- B. All authorized expenses paid directly by individuals traveling on behalf of the District including hotel/motel room rental, meal allowance, automobile rental, airline tickets, tolls, parking fees, and out of county workshop/seminar registration etc. will be submitted through the appropriate Travel Accounting Office for reimbursement directly to the employee and/or consultant.
- C. Except for utilities, legal fees, employee insurance premiums, claims, or reimbursements, bank and fund transfers and state assessed fees, direct payments require the following authorizations:
1. Principal, department Director or Manager when payments do not exceed \$3,000.00.
 2. Assistant Superintendent when a payment is \$3,000.00 or more but does not exceed \$7,500.00.
 3. Superintendent when a payment is \$7,500.00 or more but does not exceed the bid limit that is specified in 6A-1.012(7), F.A.C.
 4. Expenditures exceeding the bid limit that is specified in 6A-1.012(7), F.A.C. must be reported and approved by the Board.

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(7) COMPETITIVE SOLICITATION PROCUREMENT PROCESS

- A. Purchasing administrative procedures shall be established to govern a competitive solicitation process for the issuance of formal Invitations to Bid (ITB), Request for Proposal (RFP), or Invitation to Negotiate (ITN). Such procedures shall be implemented when the aggregate annual purchase value or individual purchase value of materials, supplies, equipment or services is estimated to exceed the bid limit established in 6A-1.012(7), F.A.C. The procedures shall facilitate an open and fair competitive process.
- B. Quotes shall be requested in writing from three (3) or more sources when the aggregate annual purchase value or individual purchase value of materials, supplies, equipment or services is estimated to be \$7,500.00 or more but less than the bid limit established in 6A-1.012(7), F.A.C. The procedures shall be consistent with good commercial practices and recognize the value and costs added by the purchasing function. The procedures shall facilitate an open and fair competitive process. Quotes are not required for items excluded from competitive solicitation. The Director of Purchasing has the authority to require quotes for any purchases.
- C. The Purchasing Agent shall at his/her discretion determine the appropriate methods to be utilized for all procurements where the annual purchase value or individual purchase value of materials, supplies, equipment or services is estimated to be less than \$7,500.00. The procedures used shall be consistent with good commercial practices and recognize the value and costs added by the purchasing function.
- D. The District Purchasing Card will be used for all allowed small purchases under the purchase amount determined by the Director of Purchasing and Business Services. Where appropriate the District Purchasing Card may be utilized for the purchase and payment of the items listed in 5.02(6)A. S.B.R.
- E. Except as authorized or exempted by law or rule, competitive solicitations shall be requested from three (3) or more sources for any authorized commodities or contractual services exceeding the bid limit established in 6A-1.012(7), F.A.C.
 - 1. The Board shall have the authority to reject any or all proposals submitted in response to any competitive solicitation and request new proposals or purchase the required commodities or contractual services in any other manner authorized.
 - 2. In acceptance of responses to invitations to bid, the Board may accept the proposal of the lowest responsive, responsible proposer. In the alternative, 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 alternative awardees from whom commodities or contractual services would be purchased should the primary awardee become unable to provide all of the commodities or

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contractual services required by the Board during the term of the contract. Nothing herein is meant to prevent multiple awards to the responsive and responsible bidders when such multiple awards are clearly stated in the bid solicitation documents.

3. In acceptance of responses to requests for proposals, the Board may award contracts to one or more responsive, responsible proposers in accordance with the selection criteria published in request for proposal. The Board is not required to request proposals for purchases made from contracts of the Department of Management Services.
- F. A cone of silence is hereby established for all formal competitive selection processes including Invitations to Bid (ITB) and Request for Proposals (RFP) for the provision of goods and services. The cone of silence is designed to protect the integrity of the procurement process by shielding it from undue influences prior to the recommendation of contract award. This cone of silence shall be imposed on these procurements after advertisement of same.

The cone of silence prohibits any communication regarding a particular ITB or RFP between a potential vendor, service provider, bidder, lobbyist, or consultant and the staff of the District, including school principals and Board members or member-elects.

Unless specifically provided otherwise in the applicable ITB or RFP, the cone of silence does not apply to the following:

1. Communications between a potential vendor, service provider, bidder, lobbyist, or consultant and the District's Purchasing Department;
2. Communications between a potential vendor, service provider, bidder, lobbyist, or consultant and the District's Facilities Planning Department, when said communication pertains to competitive acquisitions administered by that Department (e.g. Architect/Engineer (A & E) selection, capital projects);
3. Communications between a potential vendor, service provider, bidder, lobbyist, or consultant and the School Board attorney;
4. Communications at duly noticed pre-bid meetings and site visits prior to bid opening or post bid-opening meetings and site visits, which are administered by either the Purchasing Department or the Facilities Planning Department, prior to issuance of a written recommendation of contract award.

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The cone of silence commences after the advertisement of the ITB or RFP. Competitive procurements are posted in the Purchasing Department, advertised on the Purchasing Department's web page and on various bid distribution websites. The cone of silence terminates at the time the Board acts on a written recommendation from the Purchasing Department or Facilities Planning Department regarding contract award provided that communications are permitted when the Board receives public comment at the meeting when the recommendation is presented. The Purchasing Department and Facilities Planning Department shall ensure that all solicitations include provisions describing the requirements and prohibitions of the cone of silence, including how a potential vendor, service provider, bidder, lobbyist, or consultant may communicate with District personnel. Any person, whether employed by the District or not, who knowingly violates a provision of this policy shall be prohibited from serving on a District competitive selection committee. Violation of this policy by a particular bidder, proposer, respondent, and/or representative may, at the discretion of the District, result in rejection of said bidder, proposer, respondent, and/or representative's bid, proposal, or offer and may render any contract award to said bidder, proposer, or respondent voidable. In addition to any other penalty provided by law, violation of this policy by a District employee shall subject said employee to disciplinary action up to and including dismissal from service.

- G. Purchases will be exempt from the competitive solicitation procurement process when such purchase complies with the following:
1. The purchase is to address an emergency as declared by the Superintendent in writing and where the situation involves an immediate danger to the public health, safety, or welfare or other substantial loss to the District. However, such an emergency purchase shall be made by obtaining pricing information from at least two 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. Such emergency declarations must be submitted to the Board at the next regularly scheduled meeting.
 2. As required by Section 1001.42(12), F.S., the Board shall receive and give consideration to the prices available to it under rules of the Department of Management Services, Division of Purchasing. The Board may use prices established by the Division of Purchasing through its state purchasing agreement price schedule. The conditions for use of these agreements shall be those imposed on state agencies.
 3. The purchase is made at or below the specified prices from contracts awarded by other city or county governmental agencies, other district school boards, community colleges, federal agencies, the public or

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governmental agencies of any state, or from state university system cooperative bid agreements if the contract authorizes such purchases, when the proposer awarded a contract by another entity defined herein will permit purchases by a district school board at the same terms and conditions, and prices (or below such prices) awarded in such contract, and such purchases are to the economic advantage of the District.

4. The purchase is unique and solely available through a single source. When it is believed that commodities or contractual services are available only from a single source, the District shall electronically or otherwise publicly post a description of the commodities or contractual services sought for a period of at least seven (7) business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the District, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the District shall provide notice of its intended decision to enter a single source contract in the manner specified in Section 120.57(3), F.S., and may negotiate on the best terms and conditions with the single source vendor.
5. If state or federal law, a grant or a state or federal contract prescribes with whom the Board must contract or if the rate of payment is established during the appropriations process.
6. The purchase of professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services; 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.
7. The purchase of educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, video tapes, 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 government agency or recognized educational institution.
8. Competitive solicitations have been requested in the manner prescribed and the Board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time. The Board may enter into negotiations with suppliers of such commodities and contractual services and shall have the authority to execute contracts with such vendors under

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whatever terms and conditions as the Board determines to be in its best interests.

If less than two responsive proposals for commodity or contractual services are received, the Board may negotiate on the best terms and conditions or decide to reject all proposals. The Board shall 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.

9. The purchase is for regulated utilities or government franchised services.
10. The procurement of commodities or contractual services where there are benefits in utilizing the on-line procurement system created under Section 287.057, F.S.
11. Purchases that have been authorized, approved, and are defined by 5.02(6) S.B.R., as General Authorization Purchases.
12. Except as otherwise required by statute, the Board when purchasing insurance, entering risk management programs, or contracting with third party administrators may make any such acquisitions through the competitive solicitation process as described herein or by direct negotiations and contract.
13. Purchases made through the pool purchase provisions of Section 1006.27, F.S.

(8) QUANTITY PURCHASING, SPECIFICATIONS, AND STANDARDIZATION

- A. To help achieve both quality control and the price advantages of quantity purchasing, the administration is directed to:
 1. Set specifications for goods and services as needed;
 2. Cite several existing, commercially available "standard brands" that meet those specifications acceptably as examples; and
 3. Invite suppliers to bid on those examples, or equal ones, which the suppliers believe to be acceptable according to the specifications. The Board reserves the right to determine acceptable equivalent products.
- B. All bid quantities and specifications shall be transmitted to the Purchasing and Business Services Department by the originating school/department, in writing. The originating school/department shall also certify to the Purchasing and Business Services Department, in writing, that the specifications for an existing bid (or rebid) are still appropriate before issuance of the bid.

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- C. Specifications shall be clear, definite, and certain as to character and quality and shall conform to standard specifications and industry standards for the various classes of materials, supplies, equipment or services desired. Specifications shall be as open as possible and it should be clear that the use of brand or trade names does not confer exclusivity, but only indicates the type of product and the quality level acceptable to the Board (except where the District has standardized on specific products or commodities).
- D. The Purchasing and Business Services Department, may initiate bids for its own account or for the district overall, if trends or volume purchases dictate a need to standardize on specific products or commodities. The Purchasing and Business Services Department shall collaborate with representative users and stakeholders, including suppliers, in the establishment of such standardization efforts.
- E. The Purchasing and Business Services Department shall identify specifications that appear to limit the bidding process to a single vendor. In the event that such a condition has been identified, the originating school/department shall be required to justify in writing, those specifications which appear to favor a single vendor. An administrator reporting directly to the Superintendent shall countersign this documentation.

(9) IDENTICAL PRICES – PRIORITIES FOR AWARD:

When identical prices are received from two (2) or more suppliers and all other factors are equal, priority for award shall be given to suppliers in the following sequence:

- A. A business that certifies that it has implemented a drug-free work place program shall be given preference in accordance with the provisions of Section 287.087, F.S.;
- B. The Escambia County Minority and/or Service Disabled Veteran Small Business Enterprise supplier;
- C. The Florida supplier who is a Minority and/or Service Disabled Veteran Small Business Enterprise supplier;
- D. The Florida supplier, other than a Minority and/or Service Disabled Veteran Small Business Enterprise supplier;
- E. The Minority and/or Service Disabled Veteran Small Business Enterprise supplier, who, because of lower prices, receives a larger dollar award for other items; and
- F. The non-Minority and/or Service Disabled Veteran Small Business Enterprise supplier, who, because of lower prices, receives a larger dollar award for other items.

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- G. The award will be decided by the toss of a coin. A staff member from the Purchasing and Business Services Department will preside over the coin toss with at least two witnesses.

(10) PERFORMANCE AND BID BOND REQUIREMENTS – NON CONSTRUCTION

Bid and Performance Bonds shall be required only when deemed necessary by the Purchasing and Business Services Department and when in the best interest of the Board. When a Bond is required it shall meet the following requirements:

- A. Bid awards of \$200,000 or less shall be exempt from performance and payment security.
 - 1. Performance security shall not be required unless otherwise defined in the bid specification. Performance security shall equal 100 percent (100%) of the award amount. Bid security is not required. However, a bidder who declines an award shall either (1) pay liquidated damages of five percent (5%) of the unit price bid times the quantity, or \$500, whichever is greater, or (2) lose eligibility to transact new business with the Board for a period of twenty-four (24) months from the date the Board acts on the withdrawn bid pursuant to 5.02(11) S.B.R.
 - 2. A bidder who accepts an award but fails to perform shall either (1) pay liquidated damages of 10 percent (10%) of the unit price of the item(s) awarded times the quantity when no purchase order has been issued, 10 percent (10%) of the purchase order when a purchase order has been issued or \$500, whichever is greater, or (2) lose eligibility to transact new business for a period of twenty-four (24) months from date of termination of award pursuant to 5.02(11), S.B.R. The ineligibility shall be applicable to the principals individually and the entity, as well as any other firm in which a principal of a defaulting firm is a principal. If an awardee fails to pay the liquidated damages within fifteen (15) days after it is invoked, the awardee shall lose eligibility to transact new business for a period of twenty-four (24) months from the date of termination of award. Bidders that are determined ineligible may request a hearing pursuant to 5.02(12) S.B.R. The Board reserves the right to waive liquidated damages/loss of eligibility.
 - 3. Reinstatement of suppliers losing eligibility to transact new business with the Board will not be automatic. Suppliers will be required to submit a request for reinstatement including, but not limited to, information as to their status as a responsible supplier and what steps have been taken to avoid such a situation that caused their suspension as an Escambia County Schools supplier. The Purchasing and Business Services Department will notify the Board of all vendors denied reinstatement, and the reasons for denial.

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4. For purposes of this rule “principal” is defined as an officer of a corporation, partner of a partnership, sole proprietor of a sole proprietorship, trustee of a trust, or any other person with similar supervisory functions with respect to any legally organized entity.

B. Awards Greater than \$500,000

1. Bonding Company Qualifications: Bonds shall be written through a reputable and responsible surety bond agency licensed to do business in the State of Florida and with a surety company or corporation meeting both of the following specifications:
 - a. A minimum rating in the latest revision of Best’s Insurance Reports of “Contract Amount Minimum Rating by A. M. Best”
 - i. \$200,000.00 to \$5,000,000 A, No Minimum Class
 - ii. \$5,000,000.01 to \$10,000,000 A, Class IV
 - iii. \$10,000,000.01 or more A, Class V
2. Current certificate of authority as acceptable surety on Federal Bonds in accordance with the latest edition of the United States Treasury Department Circular 570 entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" and shall be accepted for an amount not exceeding the underwriting limitation thereon.

- C. Awards greater than \$200,000 and up to \$500,000: Bonds shall be written with a surety company or corporation meeting the qualifications as set forth in Paragraph B above or the qualifications set forth in Section 287.0935, F.S.

(11) DEBARMENT

The Superintendent or designee shall have the authority to debar a person/corporation, based upon a preponderance of the evidence for consideration or award of further contracts.

A. Cause of Debarment

The causes for debarment shall include, but not be limited to, the following:

1. Conviction for commission of a criminal offense incident to obtaining or attempting to obtain a public or private contract or sub-contract, or in performance of such contract.

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2. Conviction under State or Federal statutes for embezzlement, theft, forgery, bribery, perjury, falsification or destruction of records, or receiving stolen property, or any other offense indicating lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a vendor.
3. Conviction under State or Federal anti-trust statutes arising out of submission of bids or proposals.
4. Violation of contract provisions, as set forth below:
 - a. Deliberate failure without good cause to perform in accordance with the specifications or within the time limits provided in the contracts.
 - b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one (1) or more contracts: provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall 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 the competitive solicitation that resulted in award.
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 debarred within the last three (3) years under the provisions of this Policy.
8. Violation of ethical standards set forth in State law.
9. Providing anything of value, including but not limited to, a gift, loan, reward, promise of future employment, favor or service to any employee or officer of the District to influence the award of contract or purchase items from a contractor/vendor.
10. Existence of unresolved disputes between the vendor and the District arising out of or relating to prior contracts between the District and the vendor, work performed by the vendor, or services or products delivered.

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11. Violation of the procurement code of silence by lobbying of District personnel or Board members.
12. Any other cause the Superintendent or designee determines to be so serious and compelling as to affect the credibility as a District vendor, including debarment by another government entity.

B. Procedure for Debarment

1. The Superintendent or designee shall provide written notice to the vendor of the debarment including the reasons therefore, and the length of the debarment (up to two (2) years).
2. The written notice will inform the vendor of the right to appeal the debarment decision to the Board and the time period in which to request the appeal.

C. Appeal of Debarment Decision

1. Within ten (10) calendar days of receipt of notification of debarment from the Superintendent or designee, the vendor may request in writing an opportunity to be heard before the Board to appeal the debarment decision. Such request shall be directed to the Purchasing Department and shall contain the following information:
 - a. Name and address of the vendor and the title or position of the person submitting the appeal;
 - b. A statement of the facts alleged and the rules, regulations and law entitling the vendor to relief;
 - c. A statement indicating the relief requested by the vendor;
 - d. Such other information the vendor feels is relevant to the issue; and
 - e. Supporting documentation (if any).
2. Upon receipt of such request for hearing, the Superintendent shall notify General Counsel, who shall contact the Division of Administrative Hearings (DOAH) for assignment of an Administrative Law Judge (ALJ) to conduct the appeal hearing. General Counsel will work with DOAH to facilitate the hearing.

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3. The hearing will be held in accordance with Chapter 120, F.S. and the rules of the Division of Administrative Hearings.
4. The ALJ's Recommended Order will be presented to the School Board for action as provided in Chapter 120, F.S.

(12) RIGHT TO AUDIT

The General Terms and Conditions of solicitations issued by the Purchasing Department allow for the audit and inspection of all documents and records related to delivery of products and services by a vendor. The recommendation to invoke the right to audit clause shall be made by the Superintendent. The Director of Internal Auditing, upon consultation with the Superintendent, will facilitate an audit with regular briefings to the Audit Committee, School Board, and Superintendent. Upon completion of the audit fieldwork, but prior to issuance of the final report, the vendor will have the opportunity to respond, on the record, to any audit issues which arise.

(13) BID PROTEST POLICY

Any person or company whose substantial interests are directly and adversely affected by the award or intended award of a bid, RFP or contract may file a protest in accordance with the rules set forth herein.

- A. The Board reserves the right to reject all bids submitted and rebid at any time during the bid process.
- B. In the event the products or services that are the subject of the Invitation to Bid or Request for Proposal are essential to the operations of the District, the Board in order to assure continuation of services may direct the award recommendation as presented conditioned upon and subject to the findings of a formal administrative hearing. As such, the Board shall authorize the Director of Purchasing and Business Services to negotiate and enter into a short-term contract with the proposed awardee or to purchase essential materials on an as needed basis.
- C. Every Invitation to Bid, Invitation to Negotiate, or Request for Proposal, and ITB/ITN/RFP Tabulation shall include the following notice: "Bid award recommendations and tabulations will be posted for seventy-two (72) hours in the Purchasing and Business Services Department and on its website. Failure to file a "Notice of Protest" during this seventy-two (72) hour period shall constitute a waiver of proceedings under Board Rule and Florida Statutes. It is the Bidder's responsibility to insure timely filing and receipt of protest by the Purchasing and Business Services Department."

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1. The "Notice of Protest" shall be in writing and reference the Bid or RFP number and Title and clearly state the intent of the Bidder that a "Letter of Protest" to the recommendation will be filed.
 2. Upon receipt of a "Notice of Protest," any action taken by the Board will be contingent upon resolution of the protest. The Board may authorize the appointment of a "Hearing Officer" if needed to resolve the protest at this time.
 3. Communications shall be exchanged between the Protester and the Purchasing and Business Services Department to understand the other party's position or concerns and attempt to resolve the protest informally.
- D. The Protester shall have seven (7) workdays from the filing of the original "Notice of Protest" to file a formal written "Letter of Protest" with the Purchasing and Business Services Office. The Letter of Protest shall state with particularity the facts and law on which the protest is based. At the time of filing the Letter of Protest, the Protester is required to post a Protest Bond to defray the costs incurred by the Board in considering the protest. The Bond, payable to the Board, shall be in the amount equal to five percent (5%) of the estimated amount of the contract or ten thousand dollars (\$10,000), whichever is greater, not to exceed twenty-five thousand dollars (\$25,000).
1. The Protest Bond shall be in the form of a surety bond, cash, or certified funds, and shall be conditioned upon payment of all costs and charges which may be incurred by the Board in considering the protest if the Board prevails. In the event the Protest is withdrawn prior to a formal hearing or the Protester prevails as determined by the findings of an independent Hearing Officer, the Bond will be refunded to the Protester.
 2. Failure to file the "Notice of Protest" and "Protest Bond" within the time permitted shall constitute a waiver of proceedings under Board Rule and Florida Statutes. It is the Protester's responsibility to insure timely filing of the "Letter of Protest" and "Protest Bond" and receipt of same by the Purchasing and Business Services Office.
- E. Communications shall continue between the Protester and the Purchasing and Business Services Department and/or their legal counsel for seven (7) workdays from filing the "Letter of Protest." The parties may mutually extend the seven-day time period. If there is a failure to extend or reach mutual resolution of the protest by the end of seven (7) workdays, and the Protester has not withdrawn his protest, then a recommendation for the appointment of an independent "Hearing Officer" will be made to the Board, if not already approved.

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- F. A local attorney knowledgeable in Bid and government procurement law shall be selected to serve as an impartial Hearing Officer. A date, time and location will be set for an administrative hearing within the latter of thirty (30) days of impasse or Board approval.
1. The Hearing Officer shall render his findings of fact and ruling of law. His findings shall be submitted to the Board to be adopted as their final order for resolution and disposition of the protest.
 2. If the Protester prevails, the Board shall take action consistent with the findings of the Hearing Officer, and return the Protest Bond to the Protester.
 3. If the Board prevails, the Protester will submit payment for all costs and charges, such as Hearing Officer and court reporter fees. Each party will be responsible for their own attorney fees regardless of the findings of the Hearing Officer. Upon settlement of all cost and charges the Protest Bond will be returned to the Protester.

(14) PRODUCT – ENDORSEMENTS BY EMPLOYEES

- A. Employees shall not give a written or an oral endorsement for any periodical, book or product that may be offered for sale to the students, parents or schools.
- B. Employees shall exercise care that the use of their names and titles by a company in no way indicates an endorsement by the Board or the District.

(15) MINORITY AND/OR SERVICE DISABLED VETERAN SMALL BUSINESS ENTERPRISE PROCUREMENT PROGRAM

The District will utilize the efforts of Florida's Department of Management Services' (DMS) Office of Supplier Diversity to certify and identify minority and/or service-disabled veteran small business enterprises located in Escambia County, Florida for its program.

A. DEFINITIONS

1. **SMALL BUSINESS ENTERPRISE:** An independently owned and operated business concern that employs two hundred (200) or fewer permanent full-time employees, and has a net worth of not more than five million dollars (\$5,000,000.00). As applicable to sole proprietorship, the five million dollars (\$5,000,000.00) net worth shall include both personal and business investments.

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2. **MINORITY BUSINESS ENTERPRISE:** Any small business concern as defined in (13) (a) 1. above which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at least fifty-one percent (51%) owned managed and controlled by: African-American, Hispanic-American, Asian-American, Native-American, or American Woman who are citizens of the United States and permanent residents of Florida.
3. **MINORITY PERSON:** Per DMS a lawful permanent resident of Florida who is:
 - a. An African-American, a person having origins in any of the racial groups of the African Diaspora.
 - b. A Hispanic-American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.
 - c. An Asian-American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific islands, including the Hawaiian Islands prior to 1778.
 - d. A Native American, a person who has origins in any of the Indian Tribes of North America prior to 1835.
 - e. An American Woman (non-ethnic female).
4. **SERVICE DISABLED VETERAN BUSINESS ENTERPRISE:** Any small business concern as defined in (13)A.1. above which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at least fifty-one percent (51%) owned by a service disabled veteran (disability of 10% or more) and whose management and daily operations are controlled by such persons. A service disabled veteran business enterprise may primarily involve the practice of a profession.
5. **SERVICE DISABLED VETERAN:** The term “service disabled” means, with respect to disability, that the disability was incurred or aggravated in the line of duty in the active service in the United States Armed Forces. The term “service disabled veteran” means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).
6. **CERTIFIED MINORITY AND/OR SERVICE DISABLED VETERAN SMALL BUSINESS ENTERPRISE:** A business that has been so certified by the State of Florida’s Office of Supplier Diversity, appearing in their

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Online Certified Vendor Directory and identified as being located within Escambia County, Florida.

7. **MINORITY AND/OR SERVICE DISABLED VETERAN SMALL BUSINESS ENTERPRISE JOINT VENTURE:** A joint business association of minority and/or service disabled veteran small businesses and non-minority and/or non-small business firms.
8. **PURCHASING POLICY:** Those rules and procedures adopted by the Board, which govern without exception, all purchases made by and for the Board.

B. DISTRICT GOAL

The Goal of the Board is to create the economic opportunities for certified Escambia County minority and/or service disabled veteran small business enterprises by encouraging them to compete for contracts and subcontracts for goods, materials, supplies, services, constructions, maintenance and renovations purchased by the Board. This program is to be implemented without sacrificing cost effectiveness based on the lowest and best responsible bidder criteria. It is the further goal of the Board to insure that all segments of the community, including minority and/or service disabled veteran small business enterprises, have an effective opportunity for increased participation in the Board's purchasing program.

C. PERFORMANCE OBJECTIVES

The Superintendent shall:

1. Have the EEOC – Equal Employment Opportunity Coordinator periodically review minority and/or service disabled veteran small business enterprises procurement program activities.
2. Require all contract and bid documents to include procedural documentation of good faith efforts to include minority and/or service disabled veteran small business enterprises to participate as associates, joint ventures, and subcontractors.
3. With regards to informal bids and quotes, encourage the contact of at least one minority and/or service disabled veteran small business enterprise where such certified vendors have been identified as offering the service or product. Written quotations should include the quotations or requisitions indicating price and name of the minority and/or service disabled veteran small business enterprise firm.

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D. METHODOLOGY

The Superintendent or designee shall incorporate the following methodology to achieve the minority and/or service disabled veteran small business enterprise procurement goal of the Board:

1. Identify and recruit minority and/or service disabled veteran small business enterprises as vendors in Board contracts.
2. Identify commodities, contractual services, and construction projects for the Board, which can be provided by certified minority and/or service disabled veteran small business enterprises.

E. APPLICABILITY

The program shall have applicability to all purchasing and contracting, including but not limited to, formal bidding, competitive bidding, and direct purchases by the Superintendent and/or the Board.

F. COMPLIANCE REQUIREMENTS

The Superintendent or designee shall review all feasible sources of minority and/or service disabled veteran small business enterprise participation in Board contractor and purchasing programs and assist in the development of a pool of available concerns to be utilized.

G. DETERMINING PARTICIPATION

The Superintendent or designee shall require prospective bidders or contractors to be certified by DMS Office of Supplier Diversity.

H. REPORTING TO THE BOARD

The Superintendent shall provide the Board with an annual report in August of each fiscal year, describing the operation and effectiveness of the Minority and/or Service Disabled Veteran Small Business Enterprise Procurement Program. The report submitted by the Superintendent shall include information regarding participation by minority and/or service disabled veteran small business enterprises in the Board's program.

I. STATEMENT OF PRECEDENCE

In the event the Board Rules or parts of rules are in conflict herewith, the Minority and/or Service Disabled Veteran Small Business Enterprise Procurement Program rules shall take precedence.

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Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 282.0041; 1001.49; 1010.04; 1010.07; 1011.06; 1011.07, F.S.

History: New: 06/26/90. Revised/Amended: 04/30/92; 09/28/93; 06/27/95; 11/20/01; 07/16/02; 08/20/02; 09/17/02; 04/17/03; 12/16/03; 06/21/05; 08/15/06; 11/27/07; 01/20/09; 03/16/10; 05/19/11; 06/18/13; 04/21/15.

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5.03 WAREHOUSING AND DISTRIBUTION

- (1) The District shall maintain a warehousing and distribution system in compliance with all applicable federal, state, and local laws/regulations.
- (2) Inventory and security controls shall be maintained.
- (3) Supplies, materials, and equipment stored in District warehouses shall be obtained by the schools and departments using the prescribed requisitioning format. The principal or department head is responsible for requisitioning materials in keeping with sound economic principles and within the funds allocated to that school or department for such purposes.
- (4) A requisition for warehoused supplies must be correctly coded and have the required authorizing signatures.
- (5) The Warehouse and Inventory Operations Department in cooperation with the School Food Services Department shall be responsible for estimating the warehousing needs for standard items and quantity purchases.
- (6) Only Escambia County Schools and departments, other Florida public school systems, schools eligible for federal funds administered by Escambia County School District, Board chartered schools, the Foundation for Excellence, the Escambia Education Association, the Union of Escambia Education Staff Professionals, and the Walnut Hill Volunteer Fire Department may requisition warehoused supplies from district warehouses. Warehouse purchases shall be made at cost with the exception that the Walnut Hill Volunteer Fire Department shall be charged a 12% surcharge for fuel.
- (7) Schools may use their Internal Funds to purchase items from the warehouse. Subject to the principal's approval, school booster clubs and PTA's may also purchase items from the warehouse. Such orders shall be requisitioned by the school, directly from the warehouse, using the established electronic requisitioning channels. School's Internal Funds will be billed directly for all such charges. Requisition Walk-in Procedures are not applicable to these types of transactions. Food and cafeteria supplies may not be requisitioned.

Statutory Authority: Sections 1001.41; 1001.42; 1001.32, F.S.

Law Implemented: Sections 1001.41; 1001.42; 1001.49; 1010.04; 1011.06; 1011.07; 282.0041, F.S.

History: Revised/Amended: 6/26/90; 4/30/92; 9/28/93; 6/27/95; 11/20/01; 07/16/02; 08/20/02; 04/17/03; 12/16/03; 06/21/05; 08/15/06; 01/20/09; 03/16/10; 05/19/11; 12/13/11.

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5.04 TELEPHONE SERVICE

(1) AUTHORIZATION

Telephone service shall be provided by the Board to each school in the District.

(2) LEVEL OF SERVICE

Telecommunication services provided to schools shall be determined by educational needs of the school and approved by the Superintendent or his designee.

(3) METHOD OF PAYMENT

Invoices for telecommunication services will be paid by the Board pursuant to item (2) above.

(4) TOLL CHARGES

All long distance charges will be the responsibility of the school and will be paid by the District and billed to the school's regular operating budget.

(5) REQUESTS FOR ADDITIONAL SERVICES

- A. When there is a need for additional phone services, the principal shall submit a written request to the Assistant Superintendent - Operations. Such requests will be forwarded to the Manager of Telecommunications for review.
- B. Any additional lines not approved to be funded by the District shall be paid from a budgetary source provided by the school. In cases where grants or other project funds will be used to pay for approved lines, such lines shall be removed when the grant or project expires. When making appropriations for grants or budgetary purposes, all installation, telephones, extension jacks, and cabling charges must be included.

(6) OTHER SERVICES

- A. The costs of phone services provided to the school cafeterias shall be paid by the Board from the School Food Services Fund.
- B. Phone lines to a school, which are dedicated to the Energy Management Computer, will be paid by the Board.

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- C. The use of public funds for cellular phone service, personal digital assistants or any other mobile wireless communication device or service is authorized for those departments and employees with responsibilities requiring any of these communication capabilities for management of administrative, instructional, operational, and emergency management processes. The District Cellular Telephony and Radio Guidelines will govern the issuance and use of cellular radio/phone cellular devices.

1. Efficient and Ethical use of District Cellular Devices

All persons employed by the Escambia County School District, regardless of their particular job or role, have ethical responsibilities and obligations. Efficient and ethical use of District issued cellular devices are included in those responsibilities and are referenced in the Application of Code of Ethics; Improper Conduct; Unauthorized Use of District Facilities, Equipment, Supplies, and Materials section of The Escambia County School District Employee Code of Ethics (see excerpt below).

2. Unauthorized Use of District Facilities, Equipment, Supplies, and Materials

A School District employee shall not use nor allow others to use for non-District purposes, District equipment, supplies or material, nor engage in or allow conduct resulting in the unauthorized use of any District resource. Except for occasional and limited personal use that does not interfere with the performance of official duties or create an appearance of impropriety, a School District employee shall not use nor allow others to use District facilities, equipment, supplies or materials for personal purposes.

Statutory Authority: Sections 1001.32; 1001.41; 1001.42, F.S.

Law Implemented: Sections 1010.04; 1011.06; 1011.07, F.S.

History: Revised/Amended: 8/27/91; 4/30/92; 6/28/94; 11/20/01; 12/16/03; 04/20/04; 06/21/05; 08/15/06; 03/16/10; 05/19/11.

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5.05 INTERNAL FUNDS

The school principal shall be responsible for performing all functions required by the policies and rules prescribed by the Board concerning school internal funds as published in the most current edition of the Internal Funds Policy Manual.

Statutory Authority: Sections 1001.32; 1001.41; 1001.42, F.S.

Law Implemented: Sections 1011.60; 1010.04; 1011.06; 1011.07, F.S.

History: Revised/Amended: 4/30/92; 5/24/94; 03/16/10; 05/19/11.

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5.06 NON-SCHOOL USE OF EDUCATIONAL FACILITIES

(1) USE OF EDUCATIONAL FACILITIES AND GROUNDS

- A. Pursuant to the terms and conditions of this rule, the Board permits the use of educational facilities (including grounds) by eligible non-school groups during non-school hours for any legal assembly, for community use centers, and, at other times for polling places in any general, primary, or special election. Such non-school use of educational facilities and grounds shall only take place after the execution and delivery of the then most current edition of the standardized Board Use of School Facilities Agreement. Rules set forth in this section shall not apply to long-term facilities use established under other provisions such as a tenant lease agreement.
- B. “USE OF SCHOOL FACILITIES AGREEMENTS” are obtained at the building Principal’s office and must be filed at least thirty (30) days before the proposed date of use. Facility use may also be requested through the Superintendent’s Office by calling 469-6131. A facility use agreement must be completed and approved for each event scheduled during or after the normal school day, weekends, days when school is not in session, holidays, and during the summer months. When schools are closed due to inclement weather, all scheduled building activities and outdoor facility use are cancelled. Consult a radio, TV, or the District website www.escambia.k12.fl.us for notification of cancellation.
- C. The principal will recommend approval or denial in writing to the Superintendent, who will review the principal's recommendation and issue a notice of approval or denial to the applicant. A notice of denial shall contain a notification of the applicant's appellate rights. The Superintendent may deny an application for rental only:
 - 1. If an applicant is ineligible under this rule pursuant to the provisions of Section (4) Classification of Users; Section (6) Restrictions on Use of Educational Facilities and Grounds; Section (7) Use of Educational Facilities by Religious Groups; or Section (8) Activities Prohibited;
 - 2. For prior nonpayment for use of facilities; and/or
 - 3. For prior use that resulted in damage to a District facility.
- D. The applicant may appeal the Superintendent's denial to the Board at its next regular meeting provided the agenda requirements of 1.06 S.B.R are met. An applicant's failure to appeal the Superintendent's denial at the next regular meeting of the Board will constitute a waiver of the applicant's appellate rights and will render the Superintendent's decision final.

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- E. Notification of cancellation must be submitted to the Facility Scheduler (Principal or building Administrator) at least forty-eight (48) hours before the scheduled time of use, or the full rental fee and personnel fees will be charged.
- F. As the activities of the above-mentioned school and the Board have first priority of use of the designated facility(ies), the Board reserves the right to alter user's scheduled use of the designated facility(ies) and will notify or reasonably attempt to notify the user in advance.

(2) BOARD NOTIFICATION

Upon approval of use, a copy of the USE OF SCHOOL FACILITIES AGREEMENT shall be forwarded to the Board office and retained until the completion of the usage period.

(3) CONDITIONS FOR USE

The following conditions shall be observed:

- A. Certificates of insurance, naming the District as additional insured, may be requested for liability protection or any other type of insurance as the Board deems necessary. The certificates of insurance must be on file with the District five (5) days prior to the date of use.
- B. An appropriate regular school employee, custodian, lifeguard, and/or supervisor designated by the principal shall be on duty at all times when educational facilities or grounds are being used by an eligible non-school group. The district employee designee and the designee's hourly rate of pay shall be included in the Use of School Facilities Agreement.
- C. No classroom may be used during school hours by an eligible non-school group other than a school-sponsored organization. No activities incompatible with the instructional purposes and directly related activities of the District will be allowed during normal school hours.
- D. Decorations are permitted only with approval of the principal or building administrator. Only materials acceptable to the fire marshal may be used.
- E. Under no circumstances are any materials to be used on floors or other parts of the building without the approval of the District employee on duty.
- F. Smoking in a school building is strictly prohibited.
- G. Alcoholic beverages, gambling devices or illegal substances of any kind are not permitted on school property. Anyone who appears to be under the influence of alcohol will be denied access to a school facility.

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- H. Responsible representatives of a user shall be present at all times a facility is in use. Any necessary security, including uniformed law enforcement officers, shall be provided by and at the expense of the user. The number of representatives, the security measures and the number of uniformed law enforcement officers to be utilized during a particular use of a facility shall be within the discretion of the school principal or other administrator of the facility being utilized.
- I. Guns, weapons or guard dogs are not allowed in any school building or on any school property without prior written permission from the Superintendent/designee. (Governmental law enforcement officers are exempt; private security guards are not exempt.)
- J. Fire doors, fire protection apparatus, or means of egress will not be blocked or tampered with.
- K. To protect the community's investment, the District requires the following:
 - Return furniture to original locations
 - Leave school writing on white/chalk boards undisturbed
 - Erase whiteboards if vacant sections are used
 - Be respectful of a teacher's desk and materials
 - Materials and equipment in the area should be left undamaged
 - Clean up the area after use, including table tops and floors
 - Close windows and turn off lights upon leaving
 - Place all waste in the proper receptacle
- L. If an accident happens, and damage occurs, it must be reported promptly to the custodian or District employee on duty. Users are held responsible for damage.
- M. Groups are responsible for providing all supplies and materials necessary.
- N. In case of medical or other emergency situations, please notify the custodian or District employee on duty who will take a report of the incident.

(4) CLASSIFICATION OF USERS

- A. All users of educational facilities, other than school sponsored organizations, shall pay fees as outlined in Section 5 of this rule. Users are divided into three groups for the purpose of assessing fees.
 - 1. Group A (Non-Profit)
Any organized non-profit group or organization within the District whose purpose is directly connected to the District or community—examples are:
 - Parent Teacher Groups
 - School Parent Groups
 - School Committees

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Athletic Boosters
Band Boosters
Municipal/Government Agencies

2. Group B (Discounted Organizations)
Any community group or organization that has an affiliation with Escambia Schools—examples are:
BoyScouts
Girl Scouts
AAU Basketball Groups
Homeowners Associations
Neighborhood Groups (informal)
Churches/Religious Education
Charitable Organizations – to qualify 501(c)3 paperwork must be on file.
3. Group C (General Users)
Any group, including commercial or profit-making organizations, or individuals offering services for profit.

(5) FEES AND RATE SCHEDULE

- A. Hourly rental fees for buildings and daily rental fees for outdoor facilities and stadiums will be charged to all users at the established rates for the given year.
- B. The hourly/daily schedule of fees for use of educational facilities and grounds is for normal use. Should any excessive wear or abuse occur, extra charges shall be assessed. All fees shall be promptly remitted in advance to the school's internal funds accounts. All checks shall be made payable to the school.
- C. In addition to the schedule of hourly and/or daily fees, the user shall pay directly to the school any additional costs incurred by the school in providing the requested facility including, but not limited to costs incurred in connection with providing appropriate staff.
- D. When facilities that require specialized district employee resources to operate equipment and systems are used by other district schools and Group A, the requesting organization or the school administration using the facility shall make arrangements with the host school administration to assure employees are appropriately compensated for their extra time.

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E. The fees to be charged are as follows:

User	Building Hourly Rental Fees								
	Elementary Schools			Middle Schools			High Schools		
	Group	Group B	Group C	Group	Group	Group	Group	Group B	Group C
Classroom	N/C	\$6	\$12	N/C	\$6	\$12	N/C	\$7	\$15
Gym	N/C	--	--	N/C	\$13	\$25	N/C	\$15	\$30
Cafeteria/Commo	N/C	\$7	\$15	N/C	\$7	\$15	N/C	\$10	\$20
Pool	N/C	--	--	N/C	--	--	N/C	\$125 per day \$70 for ½ day	\$150 per day \$75 for ½ day
High School Auditoriums (PHS, Washington)	N/C	--	--	N/C	--	--	N/C	\$175 for four-hour session \$40 each additional hour	\$350 for four-hour session \$75 each additional hour
N. B. Cook	N/C	\$175 for four-hour session \$40 each additional hour	\$350 for four-hour session \$75 each additional hour	N/C	--	--	N/C	--	--

User Classification	OUTDOOR FACILITIES Daily Rental Fees								
	Elementary Schools			Middle Schools			High Schools		
	Group A	Group B	Group C	Group A	Group B	Group C	Group A	Group B	Group C
Athletic Fields – Softball, Baseball, Soccer	--	--	--	N/C	\$50	\$100	N/C	\$75	\$150
Track	--	--	--	N/C	\$50	\$100	N/C	\$75	\$150
Tennis Courts	--	--	--	N/C	\$50	\$100	N/C	\$75	\$150
Parking Lot (Rate/Fee)	--	--	--	N/C	N/C	N/C	N/C	N/C	N/C

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	STADIUM Daily Rental Fees								
	Elementary Schools			Middle Schools			High Schools		
User Classification	Group A	Group B	Group C	Group A	Group B	Group C	Group A	Group B	Group C
Includes the use of the stadium equipment – Soccer goals, etc.	--	--	--	N/C	\$75 per day for daytime use \$150 per day for evening use	\$150 per day for daytime use \$300 per day for evening use	N/C	\$150 per day for daytime use \$250 per day for evening use	\$300 per day for daytime use \$500 per day for evening use

F. Payment of Fees

- The applicant is responsible for payment of all charges associated with the group's use of facilities/sites. Payment in full is due 48 hours prior to the scheduled event. All payments shall be made to the school's internal fund.
- Any other special payment considerations must be submitted and approved by the Superintendent's Office.
- The Superintendent, Deputy Superintendent, and the Assistant Superintendent - Operations may negotiate contracts for large volume users to benefit the school district.

G. Fiscal Accounting

A special fund for facilities rentals shall be maintained at each school through the internal accounts of the schools. All fees and costs charged for the use of school facilities will be processed through this fund. Any significant balance of the fund may be used by the school for improvements and upkeep of the rented facility.

(6) RESTRICTIONS ON USE OF EDUCATIONAL FACILITIES AND GROUNDS

- A. Homemaking equipment shall only be used for educational purposes. A school organization wishing to use the equipment of a homemaking department shall:
1. Be sponsored by a teacher;
 2. Be approved by the principal

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3. Use the equipment after school hours or when homemaking classes are not in session;
 4. Schedule a time for use of such equipment with the homemaking teacher who shall be present when equipment is used;
 5. Furnish detergent when using washers
 6. Leave equipment and department clean and in good order.
- B. The use of school lunch kitchens shall be restricted to Parent Teacher Associations or other school affiliated groups. A regularly employed representative of the particular school lunch department shall be present during such use. Kitchens shall not be made available to any other organization.
- C. The use of administrative and school computers, computer labs, networks, peripherals, and television broadcast equipment shall be restricted to educational institutions, District affiliated groups, and school affiliated groups. A regularly employed and appropriately trained representative of the District or school shall be present during such use. Administrative and school computers, computer labs, networks, peripherals, and television broadcast equipment shall not be made available to any other organization.
- D. The user is not to use or operate any school equipment other than that specified in the contract.
- E. School facilities shall not be used for dances except those sponsored by District schools.
- F. The following rules shall apply to use of stadiums:
1. An event manager representing the District shall be present and has the authority to make decisions on its behalf.
 2. Only molded cleats, screw in style football, soccer, lacrosse cleats, turf shoes, or sneakers may be worn on the field.
 3. No Gatorade/PowerAde or any other drink supplement can be consumed on the field as it will stain the turf.
 4. No gum, sunflower seeds, or any tobacco products may be used.
- G. The following rules shall apply to use of a swimming pool:
1. Individuals or groups will not be allowed the use of a swimming pool without the service of qualified lifeguards and locker room attendants.

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2. No underwater equipment shall be used except with the permission of the director of the swim program for the District.
3. Persons using any swimming pool shall conform to the health regulations established by the District and as administered by the lifeguard or instructor.

(7) USE OF EDUCATIONAL FACILITIES BY RELIGIOUS GROUPS

- A. When educational facilities are to be used by religious groups for special programs, all terms and conditions of this rule shall apply.
- B. Use of educational facilities shall not be granted for religious services unless satisfactory evidence is presented that real property has been secured for a church facility and that plans are in preparation to build church facilities for the religious group.
- C. Use of educational facilities for religious services shall not be granted for more than a period of six months.
- D. Classrooms shall not be used by religious groups.

(8) ACTIVITIES PROHIBITED

- A. Promotion of activities subversive to the laws of the United States or any subdivision thereof, or to overthrow the government of the United States, or supporting doctrines of violence, hatred, or discrimination is prohibited.
- B. Any activity that may violate the canons of good morals, manners, or taste or be injurious to the buildings, grounds, or equipment is prohibited.
- C. Commercial advertising is prohibited.
- D. Sub-leasing or shared use of prohibited.

Statutory Authority: Sections 1001.32; 1001.41; 1013.10, F.S.

Law Implemented: Sections 1001.42; 1013.10, F.S.

History: Revised/Amended: 9/24/91; 4/30/92; 5/16/00; 11/20/01; 05/20/03; 12/16/03; 08/15/06; 01/20/09; 03/16/10; 05/19/11.

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5.07 INVENTORIES AND PROPERTY RECORDS

(1) GENERAL SCOPE

“Property record accounting” pertains to the acquisition, supervision, accountability, control, transfer and/or disposal of all tangible personal property owned by the Board. The word “property” means fixtures and other tangible personal property of a non-consumable nature, the value of which is at least the value established by Rule 69I-73.001 F.A.C. The “custodian of the property” (the principal of a school or person in charge of other facilities) is responsible for the supervision, accountability and control, and for reporting and recording the acquisition and disposal of all such property in the manner prescribed by law and under the direction of the Budgeting Department.

(2) PROPERTY INVENTORIES

- A. All property within a school or facility shall be inventoried annually. An inventory of tagged items under unit control and under group control shall be taken annually with the assistance of Internal Auditing Department personnel and all discrepancies shall be traced and reconciled.
- B. The principal shall be responsible for taking inventories of properties not included in the foregoing, such as minor items used in physical education, industrial arts, and home economics departments. The principal shall also be responsible for taking inventories of textbooks, library books, and other instructional supplies.
- C. Equipment that is not located during the annual physical inventory by the Internal Auditing Department personnel shall be listed and reported to the Superintendent and Board as missing property. In instances where gross negligence is indicated, the Board retains the option of requiring restitution from the individual responsible. A record shall be kept of equipment that is assigned to an individual or department.
- D. Equipment shall not be taken from a school without the permission of the principal or designee; records on such borrowed equipment shall be kept on forms prescribed stating the name of the borrower, the date borrowed, a description of the borrowed equipment, the location of the borrowed equipment, and the date returned. Equipment borrowed shall be for official use only. Equipment shall not be used for personal purposes.
- E. Additional inventories shall be taken whenever there is a change of principal or custodial agent. When such change occurs, the Human Resources Department shall promptly notify the Internal Auditing Department.
- F. Insofar as practical, a decal and/or indelible ink shall be used on items upon which property inventory records are maintained and shall be accomplished by school and departmental personnel within a reasonable time after payment for the property has been made to the vendor.

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- G. Property records including inventories shall be maintained on all fixtures and other tangible personal property of a non-consumable nature, the value of which is at least the value established by Rule 69I-73.001, F.A.C. as said rule now or hereafter exists, and the normal expected life of which items is one year or more.

(3) WAREHOUSE INVENTORIES

Warehouse inventories shall be of a perpetual nature; however, an annual physical inventory shall be conducted and the results reported to the Superintendent and the Board.

(4) DISPOSAL OF PROPERTY

- A. A principal or custodial agent may not dispose of any property under his care without the prior approval of the Board.
- B. All property that is in excess of immediate needs, obsolete, or the continued use of which is uneconomical or inefficient, or which serves no useful function shall be transferred to the District's Surplus Property Cost Center under the control of the Maintenance Department for disposition, except that, the Directors of Transportation, Maintenance, and Facilities Planning may make a request to dispose of property having no residual value directly to the Budgeting Department for those items specifically under their control. When physical movement of surplus property is cost prohibitive, such items may be left on site until final disposition has been determined or approval to dispose has been obtained. The retention of scrap surplus property which requires storage and/or physical movement causes hardship and high costs therefore such property may be disposed of in advance of Board approval. Listings of the disposed property will be forwarded to the Board for their approval at their next regularly scheduled meeting. Property that is to be traded in on the purchase of new equipment shall be clearly noted on the purchase order when presented to the Board for approval.
- C. Property to be transferred pursuant to (4)B. above shall be processed on standard transfer forms submitted to the Budgeting Department prior to disposition of the item.

(5) DISPOSAL OF LAND OR REAL PROPERTY

The proceeds received from the sale or other disposition of real property shall be placed in the appropriate part of the District budget and expended for capital outlay improvements.

(6) GIFT OF PROPERTY

In the event that an individual, organization, or group gives, donates or contributes tangible personal property or the cost or part of the cost of such property to or for any school, the donor shall be notified that the property shall become the exclusive property of the Board. All gifts and contributions shall be accepted upon this condition. All gifts and contributions

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shall be reported to the Budgeting Department on prescribed forms. The lending of such property to a school shall be handled in the same manner as if that property were purchased by the Board. Gifts of technology must meet the minimum standards as posted and routinely updated on the Information Technology web page accessible via the District website, www.escambia.k12.fl.us.

(7) USE OF DRIVER EDUCATION CARS

Driver education cars shall only be used for instruction in driver education programs. If it is necessary to drive a driver education car home at night, such car shall be parked and only driven back to school the next day. The cars shall not be used for personal purposes or for employment or school related purposes other than driver education.

Statutory Authority: Sections 1001.32; 1001.41; 274.02, F.S.

Law Implemented: Sections 1001.42; 1001.51; 1013.28; 1010.01; 1010.04; 1011.06; 1011.07; 274.02, F.S.

History: Revised/Amended: 3/25/91; 4/30/92; 6/24/97; 11/20/01; 12/16/03; 1/20/09; 03/16/10.

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5.08 TRAVEL

(1) AUTHORIZATION

- A. The Superintendent is the designated representative of the Board to authorize and approve payment of all travel including the expenditure of public funds for out-of-state travel. These functions may be performed by one or more of the Deputy or Assistant Superintendents or the Superintendent's designated administrative assistant at the discretion of the Superintendent.
- B. Uniform travel forms shall be used and shall contain a statement that such travel is for conduct of official business for the Board. Such forms shall be completed and signed by the traveler. Authorization or approval of travel shall not be given unless accompanied by the signature of the traveler's supervisor prior to submission to the Superintendent or designee.
- C. The purpose of such travel shall be stated on the travel form. Authorization and approval of travel expenses shall be limited to those expenses necessarily incurred by the traveler in the performance of a public purpose authorized by law.
- D. Travel by Board officers or employees serving temporarily on behalf of another agency or partly on behalf of more than one agency at the same time, or authorized persons who are called upon to contribute time and services as consultants or advisors, may be authorized by the Superintendent. A complete explanation and justification for the travel shall be stated on the travel expense voucher or attached thereto.

(2) OFFICIAL HEADQUARTERS

The official headquarters of a Board officer or employee assigned to an office shall be the city, town or area in which the office is located; provided that, in all cases, such official headquarters must be in the best interests of the Board and not for the convenience of the officer or employee.

(3) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT

- A. The travel day for Class "A" travel shall be a calendar day (midnight to midnight).
- B. The travel day for Class "B" travel shall begin at the same time as the travel period.
- C. For Class "A" and Class "B" travel, the traveler shall be reimbursed one-fourth of the authorized rate of per diem for each quarter, or fraction thereof, of the travel day included within his travel period. Class "A" and Class "B" travel shall include any assignment on official business outside of regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved.

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- D. A traveler shall not be reimbursed on a per diem basis for Class "C" travel but shall receive subsistence as provided in this section, which allowance for meals shall be based on the following schedule:
1. Breakfast: When travel begins before 6 a.m. and extends beyond 8 a.m.
 2. Lunch: When travel begins before 12 noon and extends beyond 2 p.m.
 3. Dinner: When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.
- E. No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity except assignments of official business outside of the traveler's regular place of employment if travel expenses are approved.

(4) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE

For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

- A. All travelers shall be allowed subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide District business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

1. Fifty dollars per diem; or
2. If actual expenses exceed \$50, the amounts permitted in paragraph (B) for meals, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this section.

- B. All travelers shall be allowed the following amounts for subsistence while on Class C travel on official business as provided in paragraph (3)(D):

1. Breakfast \$6
2. Lunch \$11
3. Dinner \$16

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- C. No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the District, State, other agencies, organizations, or entities.

(5) TRANSPORTATION

- A. All travel must be by a usually traveled route. Should a person travel by an indirect route for the traveler's own convenience, any extra costs shall be borne by the traveler and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. The Superintendent or designee, shall designate the most economical method of travel for each trip, keeping in mind the following conditions:
 - 1. The nature of the business.
 - 2. The most efficient and economical means of travel (considering time of the traveler, cost of transportation, and per diem or subsistence required).
 - 3. The number of persons making the trip and the amount of equipment or material to be transported.
- B. Transportation by common carrier, when traveling on official business and paid for personally by the traveler, shall be substantiated by a receipt. All travelers are encouraged to make arrangements for transportation via common carrier through the travel agency through which a credit and billing procedure is already established with the Board. In the event transportation, other than the most economical class as approved by the Superintendent or designee, is provided, the charges in excess of the most economical class shall be borne by the traveler. If the traveler changes travel plans resulting in additional charges to the District, the cost of the excess charge shall be borne by the traveler unless the change was at the direction of the Superintendent or designee.
- C. The use of privately owned vehicles for official travel in lieu of public owned vehicles or common carrier may be authorized by the Superintendent, or designee, if a public owned vehicle is not available.

Whenever travel is by privately owned vehicle, the traveler shall be entitled to a mileage allowance at 44.5 cents per mile, or the common carrier fare for such travel, to be determined by the Superintendent or designee. Reimbursement for expenditures related to the operation, maintenance, and ownership of a vehicle shall not be allowed when privately owned vehicles are used on public business and reimbursement is made pursuant to this paragraph, except as an incidental expense pursuant to subsection (6), below.

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- D. All mileage shall be shown from point of origin to point of destination and, when possible, shall be computed based on the current map of the State Department of Transportation. Vicinity mileage necessary for the conduct of official business is allowable but must be shown as a separate item on the expense voucher.
- E. Transportation by chartered vehicles, when traveling on official business, may be authorized by the Superintendent, or designee, when necessary or where it is to the advantage of the Board, provided the cost of such transportation does not exceed the cost of transportation by privately owned vehicle.
- F. No traveler shall be allowed either mileage or transportation expense when he is gratuitously transported by another person or when he is transported by another traveler who is entitled to mileage or transportation expense. However, a traveler on a private aircraft shall be reimbursed the actual amount charged and paid for his fare for such transportation up to the cost of a commercial airline ticket for the same flight, even though the owner or pilot of such aircraft is also entitled to transportation expense for the same flight.
- G. Vehicles rented by the District through State of Florida contract shall only be used for professional travel and shall not be used for personal purposes or any purpose other than for authorized travel.

(6) INCIDENTAL EXPENSES

All authorized travelers may be reimbursed for the following incidental traveling expenses:

- A. Taxi fare, limousine, or rental car (A receipt is required for such expenses in excess of \$5 per occurrence).
- B. Ferry fares and bridge, road and tunnel tolls (A receipt is required for such expenses in excess of \$5 per occurrence).
- C. Storage or parking fees (A receipt is required for such expenses in excess of \$5 per occurrence).
- D. Business communication expense (An explanation is required).
- E. Convention or conference registration fee (receipt required). (A deduction shall be made for any meals included if stated on the receipt).

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(7) FRAUDULENT CLAIMS

Claims submitted pursuant to these travel policies shall not be required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this rule shall contain a statement that the expenses were actually incurred by the traveler as necessary traveling expenses in the performance of his official duties and shall be verified by a written declaration that it is true and correct as to every material matter. Pursuant to the provisions of Section 112.061(10), Florida Statutes, any person who willfully makes and subscribes any such claim which he does not believe to be true and correct as to every material matter or who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under the provisions of this rule of a claim which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, shall be guilty of a misdemeanor of the second degree, punishable according to law. Additionally, whoever shall receive an allowance or reimbursement by means of a false claim shall be civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.

(8) TRAVEL AUTHORIZATION AND VOUCHER FORMS

A. Authorization Forms

1. The Assistant Superintendent - Finance and Business Services shall furnish a uniform travel authorization request form which shall be used by all Board officers, employees, and authorized persons when requesting approval for travel. The form shall include, but not be limited to, provision for the name of each traveler, purpose of travel, period of travel, and estimated cost of the trip.
2. A copy of the program or agenda of any convention or conference, itemizing all estimated costs (including any registration fees and any meals or lodging included in the registration fee) shall be attached to and filed with the copy of the travel authorization request form on file with the Board. The form shall be properly executed as to signature requirements. The travel authorization form shall be attached to and become a part of the support of the Board's copy of the travel voucher.

B. Voucher Forms

The Assistant Superintendent - Finance and Business Services shall furnish a uniform travel voucher form which shall be used by all Board officers, employees, and authorized persons when submitting travel expense statements for approval and payment. No travel expense statement shall be approved for payment by the Superintendent or designee unless made on the form prescribed and furnished.

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The travel voucher form shall provide for, among other things, the purpose of the official travel and a certification or affirmation, to be signed by the traveler, indicating the truth and correctness of the claim in every material matter, that the travel expenses were actually incurred by the traveler as necessary in the performance of official duties. The routing for signatures of approval required on the travel voucher forms shall be the same as that required on the travel authorization forms. The original copy of the executed uniform travel authorization request form shall be attached to the uniform travel voucher on file.

(9) DEFINITIONS

- A. Officer - Board members and the Superintendent.
- B. Employee - An individual, whether commissioned or not, other than a Board officer or authorized person as defined herein, who is filling a regular or full time authorized position with the Board.
- C. Authorized Person –
 - 1. A person other than a Board officer or employee as defined herein who is authorized to incur travel expenses in the performance of his official duties;
 - 2. A person who is called upon to contribute time and services as consultant or advisor; or,
 - 3. A person who is a candidate for an executive or professional position.
- D. Traveler – A public officer, public employee, or authorized person, when performing authorized travel.
- E. Traveling Expenses - The usual ordinary and incidental expenditures necessarily incurred by a traveler.
- F. Common Carrier - Train, bus, commercial airline operating scheduled flights, or rental cars of an established rental car firm.
- G. Travel Day - A period of 24 hours consisting of four (4) quarters of six (6) hours each.
- H. Travel Period - The period of time between the time of departure and time of return.
- I. Class “A” Travel - Continuous travel of 24 hours or more away from official headquarters.

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- J. Class “B” Travel - Continuous travel of less than 24 hours that involves overnight absence from official headquarters
- K. Class “C” Travel - Travel for short or day trips where the traveler is not away from his official headquarters overnight.

Rulemaking Authority: Sections 1001.32; 1001.41; 1001.42, F.S.

Law Implemented: Sections 112.061; 1001.39, F.S.

History: New: 04/30/92. Revised/Amended: 08/21/01; 11/20/01; 12/16/03; 06/21/05; 08/15/06; 11/27/07; 03/16/10; 05/19/11; 04/21/15.

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5.09 RISK MANAGEMENT

(1) OBJECTIVE

The Board recognizes the merits of a total risk management program and, with respect to the management of all risks of accidental loss, establishes a District Risk Management Department (Program), which shall have as its objectives:

- A. The protection of the Board against the financial consequences of accidental losses that are catastrophic in nature.
- B. The preservation of assets and educational capabilities from loss, destruction, or depletion.
- C. The minimization of the total long-term cost to the Board of all activities related to the identification, prevention, and control of accidental losses and their consequences.
- D. The creation of a system of internal procedures providing a constant reassessment of fluctuating exposure to loss, loss bearing capacity and available financial resources, including insurance.
- E. The establishment, to the extent reasonably possible, of an exposure free work and service environment in which personnel, students, and members of the public can enjoy safety and security in the course of their daily pursuits.

(2) FUNCTIONS

The Director of Risk Management shall have authority and responsibility for:

- A. Identification and measurement of all risks of accidental loss.
- B. Selection of appropriate risk management techniques for resolving liability exposure problems; i.e., risk assumption, risk reduction, risk retention, risk transfer, or other systems, as appropriate, including the purchase of insurance.
- C. Development and maintenance of an information system in coordination with existing systems for timely and accurate recording of losses, claims, insurance premiums and other risk-related costs and information.
- D. Allocation of insurance premiums and other risk related costs to budgetary units.
- E. Identification of reserve amounts necessary to adequately provide for potential liability and claims.

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(3) RISK RETENTION

- A. With regard to risks of accidental loss, the Board shall self-insure all losses which occur with predictable frequency and which will not have a significant impact on the Board's fiscal position.
- B. As a general guideline, the Board shall self-insure progressively upward to a per occurrence level as the internal claims handling and Risk Management capabilities are more fully developed and demonstrated. Board approval shall be obtained for increases in self-insurance as soon as program studies justify their merit. Exceptions to this guideline shall be allowed:
 - 1. When certain necessary services can be obtained only by the purchase of insurance;
 - 2. When the Board is obligated by contract or law to purchase insurance and no alternate method is acceptable;
 - 3. When a higher level of risk retention proves both prudent and fiscally sound; or,
 - 4. When deductibles or non-insurance do not result in long-term economic loss.

(4) PURCHASE OF INSURANCE

- A. The procurement of all insurance for the Board shall be coordinated through the Director of Risk Management.
- B. Insurance, with limits equal to the maximum foreseeable loss or to meet loss of immunity, shall be purchased when the potential loss exposure exceeds the retention level and when such insurance is available on a fiscally sound basis.
- C. Insurance be purchased from any source determined to be in the best interest of the Board.

(5) FIDELITY BONDS

All Board officers and employees who are responsible in any manner for handling or expending school funds or property shall be adequately bonded in accordance with law. Any such bond shall be executed by a surety company authorized to transact business in Florida.

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(6) BUILDINGS AND EQUIPMENT

All buildings and equipment shall be insured against fire loss in such amounts and against such other hazards as determined by the Board.

(7) SCHOOL BUSES

All school buses shall have liability coverage under the School District Risk Management Program or by the purchase of insurance.

(8) LIABILITY INSURANCE

- A. The Board is required by reason of its ownership, maintenance and operation of school buses and other vehicles, to secure and keep in force a risk management program or insurance policies covering liability and damage for bodily injury or death to students legally enrolled in the public schools while said students are being transported to or from school, or a school activity. The limits of liability shall be in the amounts prescribed by law.
- B. The Board is permitted, at its discretion, to secure and keep in force other liability insurance with regard to school buses and other vehicles as prescribed by law.
- C. The premiums for such insurance shall be paid from the District school fund as provided by law upon approval by the Board.
- D. Any employee or parent using a privately owned motor vehicle for school business shall have liability insurance on such motor vehicle. Any employee or parent using a privately owned motor vehicle for the transportation of employees or students shall comply with the provisions of 6.06 S.B.R. and the then most current edition of the Board publication entitled: School Transportation Guidelines, as has been adopted and published by the Board.

(9) SCHOOL PLANT PROJECTS

- A. The general contractor on a school plant project shall be responsible for procuring and maintaining in force all insurance required by law and rule. The general contractor, prior to commencement of any work on the project, shall furnish all required certificates of insurance naming the Board as an additional insured, and where required, furnish insurance policies in the name of the Board only. When the project has been accepted by the Board and the State Department of Education, the project will be added to the building and contents schedule.
- B. Design-build professionals such as architects and engineers shall be required to provide proof of errors and omissions insurance upon entering into any contract for professional services with the Board with coverage in an amount not less than \$1,000,000 with the Board named as additional insured.

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- C. The Board requires strict compliance with Section 255.05, F.S. Any bidder to whom a contract is awarded must provide payment and performance bonds for 100 percent of the contract amount to cover performance, materials, and labor from beginning date of contract until one year after completion date. All required bonds must be secured and provided to District personnel prior to beginning any work. Bond requirements for projects of \$200,000 or more cannot be waived and no contractor may rely on assertions to the contrary. Any contractor who performs work without having posted the appropriate bonds expressly waives any right to payment for all work completed prior to the posting of the bonds, including but not limited to the cost of labor and materials.

(10) ADMINISTRATION OF LOSS FUND

- A. The Director of Risk Management has authority to authorize payment and, when required, publish notice of the settlement, of property claims, expenses, attorney fees, workers' compensation payments for indemnity, medical, drugs, travel expenses, other expenses related to workers' compensation, liability and casualty claims including, but not limited to the payment of bodily injury, loss of consortium, loss of use, property damage claims, fidelity, or any loss or claim that falls within the scope of the Risk Management Program and Employee Benefit Program.
- B. The Director of Risk Management has the authority to issue fund drafts for workers' compensation payments for indemnity, medical, drugs, travel expenses, and other expenses related to workers' compensation claims. The limit of this authority shall not exceed the category amount established in Section 287.017, F.S. for purchasing category two per claim payment. The Director of Risk Management shall submit all claims for payment in excess of the category two limit to the Board for approval. Where payment of a claim mandated by law or court order requires prompt payment or payment within a specified period of time to avoid a penalty, the Director of Risk Management upon approval of the General Counsel, may exercise payment authority in excess of the amount set forth above, provided the expenditure is reported to the Board at its next regularly scheduled meeting.
- C. For claims other than workers' compensation, the Director of Risk Management or designee, shall prepare a draft request for payment of claims. The Director of Risk Management shall attach his signature to the draft request which shall be the authority for the Finance and Business Services Department to issue the fund draft. The limit of this authority shall not exceed \$15,000 per claim. Where payment of a claim requires prompt payment to avoid additional cost (i.e., rental or storage fees), the Director of Risk Management upon approval of the General Counsel, may exercise payment authority in excess of the amount set forth above, provided the expenditure is reported to the Board at its next regularly scheduled meeting.

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- D. The Director of Risk Management shall submit all claims for payment in excess of \$15,000 to the Board for approval. Where mediation of a claim mandated by law or court order, requires immediate settlement authority, the Board may grant the Director of Risk Management upon his/her request, and upon the recommendation of the General Counsel, a range of settlement authority in excess of the amount set forth above in advance of the mediation.

Rulemaking Authority: Sections 1001.32; 1001.41; 1001.42, F.S.

Law Implemented: Sections 1001.42; 1006.22; 1006.24; 1010.07; 768.28, F.S.

History: New: 04/30/92. Revised/Amended: 06/19/2001; 11/20/01; 8/15/06; 03/16/10; 04/21/15.

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5.10 EDUCATIONAL ENHANCEMENT FUND

(1) DEFINITION

The term “educational enhancement” is defined as the expenditure of the District Discretionary Lottery Funds and shall include, but not be limited to, instructional materials, salaries, fringe benefits, equipment, and other expenses which are associated with the allowable uses.

(2) ALLOWABLE USES

- A. To fully fund programs which were previously funded through State categorical funds;
- B. To supplement partially funded State categorical programs;
- C. To enhance existing programs by providing cultural enrichment activities, sponsoring academic competitions, and funding computer system and other equipment and supply acquisition;
- D. To provide salaries to maintain or improve a pupil-adult ratio;
- E. To fund programs designed to have a positive impact on student achievement and behavior; and
- F. To develop and implement school improvement plans.

Statutory Authority: Sections 1001.32; 1001.41, F.S.

Law Implemented: Sections 24.121; 1011.62, F.S.

History: Revised/Amended: 03/16/10.

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5.11 PURCHASE OF FOOD FOR PARENTAL INVOLVEMENT

As authorized in Section 1001.43(2)(g), F.S., federal funds may be used to purchase food for parental involvement activities when federal guidelines permit such use.

Statutory Authority: Sections 120.536; 1001.32; 1001.41; 1001.42; 1001.43, F.S. (2004).

Law Implemented: Sections 1001.43(2)(g), F.S. (2006).

History: Revised/Amended: New 12/21/2006; 03/16/10.

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5.12 JESSICA LUNSFORD ACT

(1) JESSICA LUNSFORD ACT

In order to comply with the Jessica Lunsford Act (JLA) as amended relating to vendors and contractors the following policy shall apply. Although the JLA, as amended, may allow more latitude for contractors than the policies outlined herein, the Board reserves the right to set more stringent policies than the threshold required by the statute.

(2) SCREENING STANDARDS

The revised JLA has narrowed the list of prior offenses which disqualify non- instructional contractor personnel from access to school facilities, allowing a wider range of potential workers to be employed at school jobsites. However, it is the ongoing duty of the Board to protect student welfare. Therefore, the Board reserves the right to restrict access to a higher standard than the threshold set forth in the revised statute. Screening shall be commensurate with the screening standards in Level 2 as defined by Section 435.04, F.S.

(3) APPEALS

In cases where non-instructional contractors who under Section 1012.467(2)(a), F.S., would be subject to reduced screening standards are denied access as a result of Level 2 screening, the contractor may appeal the decision in writing within 10 days of notification of denial. The Superintendent shall act upon the appeal within 30 days of receipt of the appeal. In the review of all appeals a reasonable basis shall apply.

(4) LINE-OF-SIGHT PROVISION

- A. The JLA Section 1012.468(2)(a), F.S., as amended, allows contractors who have not passed background screening to work on school grounds as long as they are under direct line of sight supervision of a screened supervisor or District employee. Except as outlined in (b) and (c) of this rule, the Board does not grant this degree of latitude due to the possibility that the screened supervisor may be called away by an emergency or lose sight of an employee.
- B. Line-of-sight provisions may be used for individual contractors providing training or educational resource presentations provided they are escorted by responsible District administrative staff to and from the delivery venues and remain under constant supervision throughout their lecture/training delivery obligation. Departments utilizing such individual contractors must notify the Protection Services Division in writing prior to their arrival. Furthermore, these exempted individual contractors must be checked against the national sexual offender database by the responsible District administrative staff member.

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- C. Line-of-sight provisions may be used for contractors responding to time sensitive critical emergencies provided they are escorted by responsible District administrative staff to and from the work site and remain under constant supervision throughout their service/repair obligation. Departments utilizing such individual contractors should coordinate with the Protection Services Division. Furthermore, these exempted individual contractors must be checked against the national sexual offender database by the responsible District administrative staff member.

(5) PHYSICAL BARRIER PROVISION

The JLA Section 1012.468(2)(e), F.S., as amended, allows personnel who have not passed background screening to work on a school campus if there is a barrier in place configured so as to ensure reasonable physical separation from normal student activity. This requires a 6-foot chain link fence, with a single ingress/egress point allowing access only from off-campus/public right-of-way. The physical barrier provision is allowed, however, the fence must also include a visual fabric screen and remain intact throughout the time workers are on campus. Should the fence be damaged, repairing it shall be the contractor's immediate priority. If the fence is not repaired, all unscreened workers will be required to leave the jobsite.

(6) SCREENING EXEMPTION PROVISION

- A. Section 1012.468(2)(f), F.S., allowing exemption for delivery personnel is reasonable and shall be applied. Contractor personnel who enter campuses only briefly to pick up or deliver materials, commodities, or property and who are under supervision of school employees their entire time on campus will be exempt from screening. This does not include service technicians who make more lengthy visits to work on equipment on campuses.
- B. District properties where students are not present during the course of the normal education process are exempt from the requirements of JLA screening. District facilities employing student workers are not exempt.

(7) PERIODIC BACKGROUND SCREENING

Background checks, where required, are to be done at least every five (5) years. However, the Board reserves the right to limit some credentials to a shorter term and can require more frequent background checks for renewal as deemed necessary

(8) SCREENING RESULT SHARING

Screening information will be shared with other districts as provided by Section 1012.467(7)(a), F.S.

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Statutory Authority: Sections 1001.32; 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 435.04; 1012.467; 1012.468, F.S.

History: Revised/Amended: 07/21/09; 03/16/10.

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5.13 INVESTMENT OF FUNDS

(1) PURPOSE

The purpose of this policy is to set forth the investment objectives, policy and guidelines for the management of public funds of the School Board of Escambia County, Florida (hereinafter “Board”). These policies are designed to ensure the prudent management of public funds, the availability of operating and capital funds when needed, and an acceptable investment return consistent with policy objectives.

(2) SCOPE

In accordance with Section 218.415, F.S., this investment policy applies to all cash and investments held or controlled by the Board with the exception of Pension Funds, Trust Funds, and funds related to the issuance of debt where there are other existing policies or indentures in effect for such funds. Funds held by state agencies (e.g., Department of Education) are not subject to the provisions of this policy.

(3) INVESTMENT OBJECTIVE

The objective of the investment policy is to provide for the appropriate diversification of public funds entrusted to the Board in order to maintain safety of principal, preserve adequate liquidity, and provide for a reasonable return on investment.

Safety of Principal

The foremost objective of this investment program is the safety and preservation of the principal of those funds held or controlled by the Board. Investment transactions shall seek to prevent capital losses and allow for diversification of investments.

Adequate Liquidity

The portfolios shall be managed in such a manner that funds are available to meet reasonably anticipated cash flow requirements in an orderly manner. Periodical cash flow analyses will be completed in order to ensure that the investment choices provide sufficient liquidity.

Return on Investment

Return on investment is of lesser importance compared to the safety and liquidity objectives described above. The core of investments may be limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Investments shall be considered with the objective of maximizing return on idle funds held throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs.

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(4) DELEGATION OF AUTHORITY

The responsibility for providing oversight, direction, and management of the District's investment program is delegated by the Board to the Assistant Superintendent – Finance and Business Services. The Assistant Superintendent shall establish written procedures for the operation of the investment portfolio and provide for a system of evaluating investment performance. The Board also may employ an Investment Advisor to assist in managing some of the Board's investments. Such Investment Advisor must be registered under the Investment Advisors Act of 1940.

(5) STANDARDS OF PRUDENCE

The standard of prudence to be used by investment officials who are officers or employees shall be the "Prudent Person" standard and shall be applied in the context of managing the overall investment program. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectation are reported to the Board in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy. The "Prudent Person" rule states the following:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

While the standard of prudence to be used by investment officials who are officers or employees is the "Prudent Person" standard, any person or firm hired or retained to invest, monitor, or advise concerning these assets shall be held to the higher standard of "Prudent Expert". The standard shall be that in investing and reinvesting moneys and in acquiring, retaining, managing, and disposing of investments of these funds, the contractor shall exercise: the judgment, care, skill, prudence, and diligence under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the funds, so as to minimize the risk, considering the probable income as well as the probable safety of their capital.

(6) ETHICS AND CONFLICTS OF INTEREST

Employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Also, employees involved in the investment process shall disclose to the Board any material financial interests in financial institutions that conduct business with the Board, and they shall further disclose any

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material personal financial/investment positions that could be related to the performance of the Board's investment program.

(7) INTERNAL CONTROLS AND INVESTMENT PROCEDURES

The Assistant Superintendent – Finance and Business Services shall establish a system of internal controls and operational procedures that are in writing and made a part of the Board's operational procedures. The internal controls should be designed to prevent losses of funds, which might arise from potential fraud, misuse, theft, malfeasance, or misrepresentation by third parties, and error or imprudent actions by employees. The written procedures should include reference to authority, safekeeping, separation of duties, security, and agreements or contracts. No person may engage in an investment transaction except as authorized under the terms of this policy.

(8) CONTINUING EDUCATION

The Assistant Superintendent – Finance and Business Services and other appropriate staff shall annually complete continuing education in subjects or courses of study related to investment practices and products.

(9) AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS

Authorized Board staff and Investment Advisors shall only purchase securities from financial institutions, which are qualified as public depositories by the Treasurer of the State of Florida, or institutions designated as "Primary Securities Dealers" by the Federal Reserve Bank of New York.

Authorized Board staff and Investment Advisors shall only enter into repurchase agreements with financial institutions that are state qualified public depositories and primary securities dealers as designated by the Federal Reserve Bank of New York.

(10) MATURITY AND LIQUIDITY REQUIREMENTS

To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash flow requirements. Investments of current operating funds shall have maturities of no longer than twenty-four (24) months.

Investments of bond reserves, construction funds, and other non-operating funds ("core funds") shall have a term appropriate to the need for funds and in accordance with debt covenants, but in no event shall exceed five (5) years.

(11) COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS

After the Assistant Superintendent – Finance and Business Services has determined the approximate maturity date based on cash flow needs and market conditions and has analyzed and selected one or more optimal types of investments, a minimum of three (3)

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qualified banks and/or approved broker/dealers must be contacted and asked to provide bids/offers on securities in questions. Bids will be held in confidence until the bid deemed to best meet the investment objectives is determined and selected.

However, if obtaining bids/offers are not feasible and appropriate, securities may be purchased utilizing the comparison to current market price method on an exception basis. Acceptable current market price providers include, but are not limited to:

- A. Telerate Information System
- B. Bloomberg Information Systems
- C. Wall Street Journal or a comparable nationally recognized financial publication providing daily market pricing
- D. Daily market pricing provided by the Board's custodian or their correspondent institutions

The Assistant Superintendent – Finance and Business Services or the Investment Advisor shall utilize the competitive bid process to select the securities to be purchased or sold. Selection by comparison to a current market price, as indicated above, shall only be utilized when, in judgment of the Assistant Superintendent or the Investment Advisor, competitive bidding would inhibit the selection process.

Examples of when this method may be used include:

- A. When time constraints due to unusual circumstances preclude the use of the competitive bidding process
- B. When no active market exists for the issue being traded due to the age or depth of the issue
- C. When a security is unique to a single dealer, for example, a private placement
- D. When the transaction involves new issues or issues in the "when issued" market

Overnight sweep repurchase agreements will not be bid, but may be placed with the Board's depository bank relating to the demand account for which the repurchase agreement was purchased.

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(12) AUTHORIZED INVESTMENTS

Appropriate investments should be determined subject to cash flow needs and market conditions. As needs and conditions change, the Assistant Superintendent – Finance and Business Services may liquidate any investment and place the proceeds into an alternative account.

The following are the investment recommendations and permissible types of investments, as established by the Board. The Assistant Superintendent – Finance and Business Services shall have the authority to consider these options based on market conditions, risk, and diversification investment strategies. Investments not listed in this policy are prohibited.

A. The Florida Local Government Surplus Funds Trust Fund (Florida PRIME)

1. Purchase Authorization

The Assistant Superintendent – Finance and Business Services may invest in Florida PRIME.

2. Portfolio Composition

A maximum of 35% of available funds may be invested in Florida PRIME.

3. Rating Requirements

The Fund shall be rated no less than the credit rating assigned to the U.S. Government by Standard & Poor's, or the equivalent by another rating agency.

B. United States Government Securities

1. Purchase Authorization

The Assistant Superintendent – Finance and Business Services may invest in negotiable direct obligations, or obligations the principal and interest of which are unconditionally guaranteed by the United States Government. Such securities will include, but not be limited to, the following:

- Cash Management Bills
- Treasury Securities- State and Local Government Series ("SLGS")
- Treasury Bills
- Treasury Notes
- Treasury Bonds
- Treasury Strips

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2. Portfolio Composition

A maximum of 75% of available funds may be invested in the United States Government Securities with no more than 10% of those funds invested in any one issue size (per CUSIP).

3. Maturity Limitations

The maximum length to maturity of any direct investment in the United States Government Securities is five (5) years from the date of purchase.

C. United States Government Agencies

1. Purchase Authorization

The Assistant Superintendent – Finance and Business Services may invest in bonds, debentures, notes or callables issued or guaranteed by United States Government agencies, provided such obligations are backed by the full faith and credit of the United States Government. Such securities will include, but not be limited to the following:

United States Export – Import Bank

- Direct obligations or fully guaranteed certificates of beneficial ownership

Farmer Home Administration

- Certificates of beneficial ownership

Federal Financing Bank

- Discount notes, notes and bonds

Federal Housing Administration Debentures

General Services Administration

United States Maritime Administration Guaranteed

- Title XI Financing

New Communities Debentures

- United States Government guaranteed debentures

United States Public Housing Notes and Bonds

- United States Government guaranteed public housing notes and bonds

United States Department of Housing and Urban Development

- Project notes and local authority bonds

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2. Portfolio Composition

A maximum of 50% of available funds may be invested in United States Government agencies.

3. Limits on Individual Issuers

A maximum of 25% of available funds may be invested in individual United States Government agencies with no more than 10% of those funds invested in any one issue size (per CUSIP).

4. Maturity Limitations

The maximum length to maturity for an investment in any United States Government agency security is five (5) years from the date of purchase.

D. Federal Instrumentalities (United States Government sponsored agencies)

1. Purchase Authorization

The Assistant Superintendent – Finance and Business Services may invest in bonds, debentures, notes or callables issued or guaranteed by United States Government sponsored agencies (Federal Instrumentalities) which are non-full faith and credit agencies limited to the following:

Federal Farm Credit Bank (FFCB)

Federal Home Loan Bank or its district banks (FHLB)

Federal National Mortgage Association (FNMA)

Federal Home Loan Mortgage Corporation (Freddie-Macs) including Federal - Home Loan Mortgage Corporation participation certificates

Student Loan Marketing Association (Sallie-Mae)

2. Portfolio Composition

A maximum of 50% of available funds may be invested in Federal Instrumentalities.

3. Limits on Individual Issuers

A maximum of 25% of available funds may be invested in individual Federal Instrumentality security with no more than 10% of those funds invested in any one issue size (per CUSIP).

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4. Maturity Limitations

The maximum length to maturity for an investment in any Federal Instrumentality security is five (5) years from the date of purchase.

E. Interest Bearing Time Deposit or Saving Accounts

1. Purchase Authorization

The Assistant Superintendent – Finance and Business Services may invest in any bank obligations insured by the FDIC, including certificates of deposit and bank deposit accounts administered directly to each bank or through a custodial deposit program that administers to multiple banks, provided that the total value of the investment with each banking institution does not exceed the insured limit by the FDIC program.

2. Portfolio Composition

A maximum of 25% of available funds may be invested in non-negotiable interest bearing time certificates of deposit (CD's).

3. Limits on Individual Issuers

A maximum of 15% of available funds may be deposited with any one CD.

4. The maximum maturity on any certificate shall be no greater than one (1) year from the date of purchase.

F. Repurchase Agreements

1. Purchase Authorization

a. The Assistant Superintendent – Finance and Business Services may invest in repurchase agreements composed of only those investments based on the requirements set forth by the Master Repurchase Agreement.

b. A third party custodian with whom the Board has a current custodial agreement shall hold the collateral for all repurchase agreements with a term longer than one (1) business day. A clearly marked receipt that shows evidence of ownership must be supplied to the Investment Committee.

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- c. Securities authorized for collateral are negotiable direct obligations of the United States Government, Government Agencies, and Federal Instrumentalities with maturities under five years and must have a market value for the principal and accrued interest of 102 percent of the value and for the term of the repurchase agreement. Immaterial short-term deviations from 102 percent requirement are permissible only upon the approval of the Investment Committee.

2. Portfolio Composition

A maximum of 50% of available funds may be invested in repurchase agreements excluding one business day agreements and overnight sweep agreements.

3. Limits on Individual Issuers

A maximum of 15% of available funds may be invested with any one institution.

4. Limits on Maturities

The maximum length to maturity of any repurchase agreement is 90 days from the date of purchase.

- G. Commercial Paper

1. Purchase Authorization

The Assistant Superintendent – Finance and Business Services may invest in commercial paper of any United States company that is rated, at the time of purchase, Prime-1 by Moody's or A-1 by Standard & Poor's (prime commercial paper). If the commercial paper is backed by a letter of credit (LOC) the long-term debt of the LOC provider must be rated A or better by at least two nationally recognized rating agencies.

2. Portfolio Composition

A maximum of 35% of available funds may be directly invested in prime commercial paper.

3. Limits on Individual Issuers

A maximum of 10% of available funds may be invested in any one issuer with no more than 5% of those funds invested in any one issue size.

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4. Maturity Limitations

The maximum length to maturity for prime commercial paper shall be 180 days from the date of purchase.

H. Bankers' Acceptances

1. Purchase Authorization

The Assistant Superintendent – Finance and Business Services may invest in Bankers' Acceptances issued by a domestic bank or a federally chartered domestic office of a foreign bank, which are eligible for purchase by the Federal Reserve System, at the time of purchase, the short-term paper is rated, at a minimum, P-1 by Moody's Investors Services or A-1 by Standard & Poor's.

2. Portfolio Composition

A maximum of 35% of available funds may be directly invested in Bankers' acceptances

3. Limits on Individual Issuers

A maximum of 10% of available funds may be invested with any one issuer with no more than 5% of those funds invested in any one issue size.

4. Maturity Limitations

The maximum length to maturity for Bankers' acceptances shall be 180 days from the date of purchase.

I. State and/or Local Government Taxable and/or Tax-Exempt Debt

1. Purchase Authorization

The Assistant Superintendent – Finance and Business Services may invest in state and/or local government taxable and/or tax-exempt debt, general obligation and/or revenue bonds, rated at least Aa by Moody's or AA by Standard & Poor's for long-term debt, or rated at least MIG-2 by Moody's or SP-2 by Standard & Poor's for short-term debt.

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2. Portfolio Composition

A maximum of 20% of available funds may be invested in taxable and tax-exempt debt.

3. Limits on Individual Issuers

A maximum of 10% of available funds may be invested with any one issuer with no more than 5% invested in any one issue size.

4. Maturity Limitations: A maximum length to maturity for an investment in any state or local government debt security is three (3) years from the date of purchase.

J. Registered Investment Companies (Mutual Funds and Money Markets)

1. Investment Authorization

The Assistant Superintendent – Finance and Business Services may invest in shares in open-end, no-load mutual funds which invest primarily in short term government bonds provided such funds are registered under the Federal Investment Company Act of 1940. The mutual fund investment objective must seek a high level of income over the long term consistent with preservation of capital. Government bonds include securities issued or guaranteed by the U.S. government, as well as securities issued by its agencies or instrumentalities.

Money Market funds must be operated in accordance with 17 CFR 270.2a-7, which stipulates that money market funds must have an average weighted maturity of 90 days or less. In addition, the share value of the money market funds must equal to \$1.00.

2. Portfolio Composition: A maximum of 20% of available funds may be invested in mutual funds (investing in short-term government bonds) and 75% of available funds may be invested in money market funds.

3. Limits on Individual Issuers

A maximum of 20% of available funds may be invested with any one mutual fund or money market fund.

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4. Rating Requirements

The Funds shall be rated no less than the credit rating assigned to the U.S. Government by Standard & Poor's, or the equivalent by another rating agency.

K. Intergovernmental Investment Pool

1. Investment Authorization

The Assistant Superintendent – Finance and Business Services may invest in intergovernmental investment pools that are authorized pursuant to the Florida Interlocal Cooperation Act, as provided in Section 163.01, F. S., and provided that said funds contain no derivatives.

2. Portfolio Composition

A maximum of 50% of available funds may be invested in intergovernmental investment pools.

3. Limits on Individual Issuers

A maximum of 25% of available funds may be invested with any one intergovernmental investment pool (excludes Florida PRIME).

(13) DERIVATIVES AND REVERSE REPURCHASE AGREEMENTS

Investment in any derivative products or the use of reverse repurchase agreements requires specific Board approval prior to their use. If the Board approves the use of derivative products, the Assistant Superintendent – Finance and Business Services shall develop sufficient understanding of the derivative products and have the expertise to manage them. A “derivative” is defined as a financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets or indices or asset values. If the Board approves the use of reverse repurchase agreements or other forms of leverage, the investment shall be limited to transactions in which the proceeds are intended to provide liquidity.

(14) PERFORMANCE MEASUREMENTS

- A.** The State Board of Administration's Local Government Surplus Funds Trust Fund (“Florida PRIME”) will be used as a benchmark to compare rate of return for current operating funds and of funds designated as longer-term investments.
- B.** Investment performance of funds designated as core funds and other non- operating funds that have a longer-term investment horizon will be compared to an index comprised of U.S. Treasury or Government securities. The appropriate index will

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have a duration and asset mix that approximates the portfolios and will be utilized as a benchmark to be compared to the portfolio's total rate of return.

- C. Investment advisors will report performance on both book value and total rate of return basis and compare results to the above-stated benchmark for any investments held outside of Florida PRIME.

(15) REPORTING

The Assistant Superintendent – Finance and Business Services shall provide the Board with quarterly investment reports. Schedules in the quarterly report should include the following:

- A. A report listing the individual investments or types of investments held at the end of the reporting period.
- B. Percentage of available funds represented by each investment type
- C. Earnings rate
- D. Duration and final maturity of all investments
- E. Par value and market value, as appropriate.

On an annual basis, the Assistant Superintendent – Finance and Business Services shall prepare and submit to the Board a written report on all invested funds. Depending upon the diversity of investments, the annual report shall provide, if applicable, but not limited to, the following: a complete list of all invested funds, name or type of security in which the funds are invested, the amount invested, the maturity date, earned income, the book value, the market value and the yield on each investment.

The annual report will show performance on both a book value and total rate of return basis and will compare the results to the above-stated performance benchmark. All investments shall be reported at fair value per GASB standards. Investment reports shall be available to the public.

(16) THIRD-PARTY CUSTODIAL AGREEMENTS

Securities, with the exception of certificates of deposits, shall be held with a third party custodian; and all securities purchased by, and all collateral obtained by the Board, should be properly designated as an asset of the Board. The securities must be held in an account separate and apart from the assets of the financial institution. A third party custodian is defined as any bank depository chartered by the Federal Government, the State of Florida, or any other state or territory of the United States which has a branch or principal place of business in the State of Florida as defined in Section 658.12, F. S., or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in the State of Florida. Certificates

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of deposits will be placed in the provider's safekeeping department for the term of the deposit.

The custodian shall accept transaction instructions only from those persons who have been duly authorized by the Investment Committee and which authorization has been provided, in writing, to the custodian. No withdrawal of securities, in whole or in part, shall be made from safekeeping except that which is permitted by such a duly authorized person.

The custodian shall provide the Assistant Superintendent – Finance and Business Services with safekeeping receipts that provide detailed information on the securities held by the custodian. Security transactions between a broker/dealer and the custodian involving the purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction. Securities held as collateral shall be held free and clear of any liens.

Summary of Key Limitations on Authorized Investment

<u>Investment</u>	<u>Portfolio Maximum</u>	<u>Issuer Limitations</u>	<u>Issue Limitations</u>	<u>Maximum Maturity</u>
Florida PRIME	35%	N/A	N/A	N/A
US Government Securities	75%	N/A	10%	2-5 Years
US Government Agencies	50%	25%	10%	2-5 Years
Federal Instrumentalities	50%	25%	10%	2-5 Years
Time Deposits	25%	15%	N/A	1 Year
Repurchase Agreements	50%	15%	N/A	90 Days
Commercial Paper	35%	10%	5%	180 Days
Banker Acceptance Notes	35%	10%	5%	180 Days
State and Local Gov. Debt	20%	10%	5%	3 Years
Registered Investment Companies:				
SEC Registered MM Funds	75%	20%	N/A	90 Days
Bond Funds	20%	20%	N/A	2-5 Years
Interlocal Investment Pools	50%	25%	N/A	1 Year

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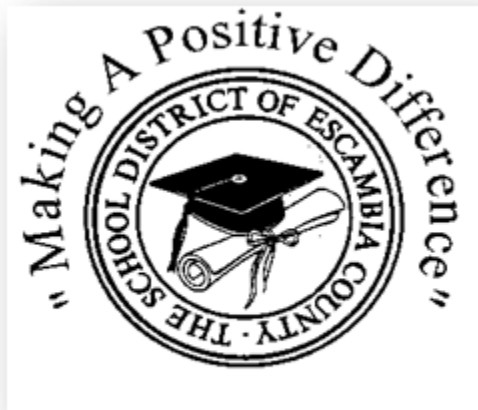
Rulemaking Authority: Sections 1001.41, 1001.42; 1001.43, F.S.

Law Implemented: Sections 1001.32; 1001.43; 1011.09, F.S.

History: New: 05/19/11. Revised/Amended: 04/21/15.

**RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD
ESCAMBIA COUNTY, FLORIDA**

CHAPTER 6 - STUDENT TRANSPORTATION



CHAPTER 6 – STUDENT TRANSPORTATION

6.01 GENERAL POLICY

(1) Mission and Implementation.

The mission of the Transportation Department is to provide safe, dependable, and efficient transportation in support of District Aims. All planning for and implementation of transportation services shall be conducted with maximum regard for the safety and protection of eligible students, the dependability of transportation services, and the service efficiency and economy of the transportation operation. These transportation services shall be conducted in accordance with federal and state law and State Board of Education and Board Rules.

(2) Student Conduct and Discipline.

The conduct of any student while on a school bus shall be controlled by the school bus operator and the principal of the school that the student is authorized to attend. Disciplining of such student shall be the responsibility of the principal of the school that the student is authorized to attend and may include withdrawal of special transportation accommodations authorized under Board Rules or permission to use the school bus service.

(3) Space Available Transportation Service.

Space available transportation service is provided under specified circumstances as a courtesy and is sustained at the District's discretion. The services may be terminated or altered at any time without notice or right to challenge. Student discipline outcomes may include the immediate withdrawal of the space available transportation accommodation. Requests for transportation service provided on a space available basis must be submitted each year.

(4) Student Records.

A student whose home address is not accurately recorded in the District student database will not likely be routed for school bus transportation to and from school until the parent/guardian has provided proof of residence to school officials in sufficient time for the District to arrange for transportation services.

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 1006.09; 1006.10; 1006.21; 1006.22, F.S.

History: New: 05/26/92; Revised/Amended: 11/18/03; 12/18/07; 01/21/14.

CHAPTER 6- STUDENT TRANSPORTATION

6.02 DEFINITIONS

(1) Attendance Zone.

An attendance zone determines where a student will attend school based on the location of his or her permanent residence.

(2) Center Bus Stop.

A center bus stop is a bus stop located at each end of a center-to-center bus route at an education center.

(3) Center-to-Center Route.

A center-to-center route is a direct route between education centers without intermediate stops between the point of origin and the destination.

(4) Field Trip Window.

A set period of time during the school day established at the start of the school year during which local area field trips can be scheduled without interrupting the normal transportation of students between home and school. Local area field trips will not generally be approved outside of the field trip window due to the availability of drivers and/or assistants not already assigned to duties associated with the normal transportation of students.

(5) Loop Route.

A loop route is a route that has connections at each end on the trunk route. Only all-weather roads that are open to the public and maintained at public expense shall be suitable for District transportation services.

(6) Majority-Minority Transfer.

A majority-minority transfer is a student transfer from a school in which the student is in the racial majority to a school in which the student is in the racial minority.

(7) Neighborhood Bus Stop.

A neighborhood bus stop is a bus stop along a trunk, spur, or loop route that services students eligible for transportation attending the nearest appropriate school.

(8) Non-Transportation Zone.

A non-transportation zone is an area in which it is unnecessary or impractical to furnish transportation. Such zones shall be designated annually prior to the opening of school by the Board after considering recommendations of the Superintendent.

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(9) Reasonable Walking Distance.

For the purpose of determining eligibility for transportation, a reasonable walking distance for students to school is one (1) mile for elementary, one and one-half (1½) miles for middle, two (2) miles for high schools; and to a school bus route, is one-half (½) mile for elementary and one (1) mile for middle and high schools. Such mileage shall be measured by the nearest traveled route over which a pedestrian can walk to the nearest entrance to the school or the nearest school bus stop. The distance (permanent residence to school) may be measured by an automobile having an odometer that has been certified for accuracy. A student shall be eligible for transportation services when the student's physical, mental or emotional impairment requires that special transportation be provided as determined by the Individual Education Plan Committee or when the student's placement by the Individual Education Plan Committee is in a school other than the school which the student would have attended due to the student's place of residence.

(10) Spur Route.

A spur route is a road forming a branch from a longer, more important route (a trunk route). A spur route serves students whose permanent residence is more than the safe walking distance from the nearest trunk route. Only all-weather roads that are open to the public and maintained at public expense shall be suitable for District transportation services. Spur routes must also have provided on them a suitable and safe place to turn the bus around with a turning area sufficient for a bus of the size designated to serve the area to turn without the necessity of backing onto a roadway or creating a hazardous situation for students or resulting in damage to the bus.

(11) Trunk Route.

A trunk route is a major road on which main line bus route is situated.

Statutory Authority: Sections 1001.32; 1001.41; 1006.21, F.S.

Law Implemented: Sections 1006.21; 1006.21(3); 1006.22-23, F.S.

History: Revised/Amended: 06/26/90; 05/26/92; 03/26/96; 07/24/01-Elementary Rule Adoption; 08/21/01-Emergency Rule Adoption; 09/18/01; 11/20/01; 11/18/03; 12/18/07; 07/15/08; 08/19/08; 10/21/08.

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6.03 ELIGIBILITY FOR TRANSPORTATION

(1) Basic Eligibility.

All students living within the District who are legally enrolled in the District's public schools and whose permanent residence is equal to or greater than the reasonable walking distance, as defined herein, from the nearest appropriate school or school bus route serving that school shall be eligible for transportation.

Note: The existence of extraordinary circumstances not otherwise provided in these rules may be considered in determining the reasonable walking distance for a student.

(2) Special Transportation.

A student shall be eligible for transportation services when the student's physical, mental or emotional impairment requires that special transportation be provided as determined by the Individual Education Plan Committee or the Section 504 Plan or when the student's placement by the Individual Education Plan Committee or the Section 504 Plan is in a school other than the school which the student would have attended due to the student's place of residence.

Note: Any student, who is eligible for and is receiving exceptional student education services from the Board and who otherwise attends a non-public school or a home school, may request and be granted permission to be transported on a school bus on normal runs of that bus to and from the facility where such student is receiving exceptional student education services if space on such school bus is available; however, the Board shall not be required to provide additional or different transportation to accommodate such a student. The principal or other administrator in charge of the facility where any such student is receiving exceptional student education services shall determine whether such a request can be granted.

(3) Hazardous Walking Conditions.

Elementary students whose walking conditions meet the parameters established in Section 1006.23, F.S. shall be eligible for transportation after such determination has been made in accordance with the Statutes.

Statutory Authority: Sections 1001.32; 1001.41; 1006.21, F.S.

Law Implemented: Sections 1006.21; 1006.21(3); 1006.22-23, F.S.

History: Revised/Amended: 06/26/90; 05/26/92; 03/26/96; 07/24/01; 09/20/11 – Emergency Rule Adoption; 08/21/01 - Emergency Rule Adoption; 09/18/01; 11/20/01; 11/18/03; 12/18/07; 07/15/08; 08/19/08; 10/21/08.

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6.04 AUTHORIZED TRANSPORTATION SERVICES

(1) Eligible Students Attending Designated Schools.

A student who is eligible for District transportation under these Rules shall be authorized transportation between a designated bus stop servicing their permanent residence and their designated school on one assigned bus. Except as permitted under these Rules, students shall ride only their assigned school bus and only to or from their assigned bus stop.

(2) Students With Bona Fide Emergencies.

In the event of a bona fide emergency, the school principal or designee may temporarily change a bus or bus stop assignment. The school principal or designee shall present the original written authorization for transportation authorized under this Rule to the bus operator who will be providing the transportation. The Transportation Department shall assess the situation and determine when or if the emergency bus or bus stop will be reverted to the original assignment.

(3) Students Requesting Transportation for After-School Child Care.

Parents/guardians may request transportation for their child or children who is/are eligible for transportation on a school bus for after-school child care by submitting a request for transportation accommodation each year to the Transportation Department. Requests will be approved on a space available basis if the child care facility is located along the existing bus route and the duration is five or more consecutive school days. The board will not provide additional or different transportation service for students accommodated under this rule, to include the establishment or relocation of bus stops, alteration of school bus ride times, or deployment of additional school buses for route service.

(4) Students Requesting Alternate Buses.

Parents/guardians may request transportation on a school bus other than the one assigned to their child to and from an existing bus stop located in his/her destination school's attendance zone by submitting a request for transportation accommodation each year to the Transportation Department. Requests will be approved on a space available basis if the duration is five or more consecutive school days. The board will not provide additional or different transportation service for students accommodated under this rule, to include the establishment or relocation of bus stops, alteration of school bus ride times, or deployment of additional school buses for route service.

(5) Students Requesting an Alternate Bus Stop along their Regular Route.

Parents/guardians of students may request transportation to and from an alternate bus stop along the regular route for their assigned bus by submitting a request for transportation accommodation each year to the Transportation Department. Requests will be approved if the duration is five or more consecutive school days. The Board will not provide additional

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or different transportation service for students accommodated under this rule, to include the establishment or relocation of bus stops, alteration of school bus ride times, or deployment of additional school buses for route service.

(6) Students Who Reside Outside School Attendance Zones.

Students authorized to attend a school outside of his or her residential attendance zone not as part of a District Choice plan option that includes transportation shall arrange for his or her own transportation to and from school. Parents/guardians of students who reside outside of their school's attendance or Choice zone may request transportation from an existing bus stop located in his or her destination school's attendance zone by requesting a transportation accommodation each year from the Transportation Department. Requests will be approved on a space available basis. The Board will not provide additional or different transportation service for students accommodated under this rule, to include the establishment or relocation of bus stops, alteration of school bus ride times, or deployment of additional school buses for route service.

(7) Students Attending Certain Choice Schools and Programs.

Student transportation to a District Choice option school outside the student's residential attendance zone is the responsibility of the parent/guardian, but parents/guardians may request school bus transportation for students who reside more than two (2) miles from certain Choice schools in accordance with procedures established for Choice transportation. Students may be authorized school bus transportation from an existing bus stop assigned by the District either at a bus stop located within the attendance boundary of the approved school of choice on a space available basis, or from a center-to-center bus stop as appropriate. Additional considerations and conditions of transportation under this provision include:

- A. Except as permitted under these Rules and excluding District-wide magnet programs, transportation services will not be provided for students who opt out of or by-pass a program or academy offered at their zoned school or a school choice option in favor of a program or academy offered at an out-of-zone or non-school choice option school.
- B. Students may request and may be authorized transportation aboard neighborhood buses to and from center-to-center route bus stops on a space available basis; however, bus stops will neither be created nor relocated in order to accommodate such additional transportation. The District will not normally approve the transportation of middle and high school students accommodated under this Rule if the neighborhood bus in question is transporting elementary school students.
- C. Center-to-center bus stops and routes may be altered or canceled at any time and may involve extended waiting periods between bus transfers.

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- D. Students may ride special or regular school buses on a space available basis to secondary programs only where the Board specifically authorizes transportation to said secondary program.
- E. Students with disabilities on an Individual Education or Section 504 Plan will be provided transportation services consistent with that Individual Education or Section 504 Plan to choice schools and programs if transportation to those choice schools and programs is normally provided for general education students.
- F. The board will not provide additional or different transportation service for students accommodated under this rule, to include the establishment or relocation of bus stops, alteration of school bus ride times, or deployment of additional school buses for route service.
- G. Requests for School Choice transportation must be made each year.

(8) Majority-Minority and Hardship Transfers.

A student who is granted a “majority-minority” transfer and any student attending a grade below the sixth grade who is granted a hardship transfer for child care purposes may request and be granted permission to be transported on a school bus on normal runs of that bus to and from the school where such student is authorized to attend, if space on such school bus is available; however, the Board shall not be required to provide additional or different transportation to accommodate such a student. The principal of the school, which any such student is authorized to attend, shall determine whether such a request can be granted.

(9) Unique and Compelling Hardships.

The Superintendent or designee is authorized to grant limited-time case-by-case accommodations for hardship situations involving students who are otherwise eligible for transportation under these Rules, only on a determination that a unique and compelling hardship exists that justifies the exception, provided the exception does not degrade student safety to any extent. Under these unique circumstances, the accommodation is provided only if space is available on the school bus. A special accommodation authorized under this Rule shall be limited to the scope and nature of the hardship only and shall not include accommodations unrelated to the unique and compelling hardship at issue. If a determination is made that student safety is at risk because of the exception, the accommodation shall be immediately revoked. The Transportation Department shall maintain a record of accommodations granted under this provision.

(10) Bus Stop Change Requests.

Parents/guardians may request bus stops be repositioned by contacting routing staff directly. Routing staff has the authority to relocate bus stops as appropriate in a manner consistent with these Rules as long as the safety, efficiency, and dependability of the existing bus stop is not degraded, and as long as a bus stop change will not pose an

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unwarranted hardship on another student. Parents/guardians may appeal denied stop location decisions to the Bus Stop Change Committee (BSCC). The BSCC possesses the same authority to relocate bus stops as the routing staff has, but is encouraged to apply its collective judgment to matters under appeal. Bus Stop Change Request forms can be submitted directly to the Transportation Department. Forms are available at schools and online.

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 1001.43; 1006.21; 1006.22; 1006.23, F.S.

History: New: 06/29/90. Revised/Amended: 05/26/92; 03/26/96; 07/24/01; 08/21/01; 09/18/01; 11/20/01; 11/18/03; 07/19/05; 12/18/07; 07/15/08; 08/19/08; 10/21/08; 05/19/11; 09/20/11; 1/22/13; 01/21/14.

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6.05 STUDENT PASSENGER LOADS

A school bus shall not be considered overloaded if all passengers on the bus are safely seated. If the passengers on the bus cannot be safely seated, the school bus operator shall report this in writing to the Route Manager who shall make adjustments in bus routes or bus assignments to correct the problem as soon as possible.

Statutory Authority: Sections 1001.32; 1001.41; 1006.21, F.S.

Law Implemented: Sections 1006.21; 1006.22, F.S.

History: Revised/Amended: 05/26/92.

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6.06 SCHOOL BUS ROUTING

(1) Route Start Points.

School bus routes shall begin officially at the school bus stop where the first eligible student is picked up in the morning. Bus stops for students who can be picked up later or by another school bus cannot be considered the beginning point of the designated route.

(2) Route Overlapping.

School bus routes shall not overlap unless necessary due to the concentration of student population or for safety reasons. When more than one school bus travels a roadway and each bus is assigned student stops along such routes, each bus shall be assigned a section of the route and all students living within the area shall ride the bus to which they are assigned.

(3) Route Design.

The Transportation Department shall design routes each year with maximum regard for safety, efficiency, and dependability of routes and the bus stops that are situated along those routes. It is presumed that changes in ridership will necessitate changes in routing.

(4) Trunk Routing.

The Board, at its discretion, may provide transportation for students by trunk routing, even where the distance from the student's residence to the nearest trunk route bus stop is greater than one mile.

(5) Route Certification.

The Superintendent, or designee, shall conduct annually a study of school bus routes in order to determine the roads over which school buses may be operated safely and efficiently and within the time needed to transport students to school in the most economical way. Such bus routes and stops shall be approved by the Board. A bus route established by the Board shall not be extended or changed until such proposed change has been studied by the Superintendent or designee to determine whether the proposal meets all laws, and rules and regulations pertaining to safety, efficiency, and economy of student transportation.

Statutory Authority: Sections 1001.32; 1001.41; 1006.21; 1006.25; 1006.22, F.S.

Law Implemented: Sections 1006.21; 1006.25; 1006.22, F.S.

History: Revised/Amended: 05/26/92; 11/20/01; 11/18/03.

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6.07 SCHOOL BUS STOP SAFETY

(1) Bus Stop Intervals.

In general, for the safety of transported students and in consideration of other motorists, school bus stops shall not be made at intervals closer than one fourth (1/4) mile. School bus stops shall be made at locations affording the greatest degree of safety for students waiting for a bus and protection of the bus and its passengers while loading or unloading students. School bus stops shall not be made at hazardous locations for the convenience of students.

(2) Loading and Unloading Safety.

School bus operators shall instruct students in the correct procedure for loading and unloading and shall supervise the activities of students leaving the bus until the students have crossed the highway, or are otherwise not subject to hazards.

(3) Four-Lane Highways.

On certain highways having four or more lanes of traffic and a median strip five (5) or more feet wide, school bus routes shall be designated in such manner that students will be picked up and unloaded without the necessity of their crossing the highway. Before such bus routing plan is implemented, the Board shall designate those roads or highways that qualify for double routing and, when so designated, buses shall be routed in such manner that a bus will not make a “U” turn on the main traveled portion of the roadway. If necessary, “U” turns shall be made either by the school bus leaving the road at a safe place, turning around and re-entering the roadway, or making a “U” turn where the width of the median strip exceeds the length of the bus. No double routing shall be approved for roads or highways where stop-and-go traffic control devices are in use, where an officer is directing traffic, or where the roadway has less than four traffic lanes.

(4) Accident Reporting.

Personnel aware of accidents shall report immediately to the Transportation Department any accident involving a transported student when the accident occurs while the student is entering into or alighting from the bus, while crossing the road at the bus stop, or while the student is actually on the bus.

(5) Registered Sexual Offenders.

A. Upon notification by law enforcement of the existence of a sexual offender whose victim was under the age of 18 subject to conditional release supervision as described in Section 947.1405, F.S., the Court Liaison Department shall immediately provide the Director of Transportation with a complete profile of the offender. Transportation staff shall plot the residence of the sexual offender on the master routing map and assess all bus stop locations in the area. Transportation

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staff shall initiate bus stop change procedures to relocate any stop that is located within 1,000 feet of the existing residence of the supervised offender. If a student resides at the offender's location and Transportation staff determines there are no suitable stops within walking distance of the student's home, a bus stop may be established at the offender's location, but in this event, only the student residing at that location may utilize the stop.

- B. Upon becoming aware that a registered sexual offender or predator resides within 100 feet of a bus stop, Transportation staff shall reposition that bus stop whether the offender or predator is still serving sanctions imposed by law or not.
- C. Transportation staff shall alert schools of any bus stop changes in reaction to a sexual offender's location and shall, as a redundant measure, alert school staff of any offender notification for a supervised offender residing within the school walk zone.
- D. In instances where walking distances defined in S.B.R. conflict with Section 947.1405, F.S., statutory mandates regarding the proximity of bus stops to Section 947, F.S., related offenders shall prevail.
- E. Transportation staff shall place a link to the Florida sexual offender registry on the Transportation web site.

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 947.1405; 1001.43; 1006.21; 1006.22, F.S.

History: New: 05/26/92. Revised/Amended: 08/23/94; 11/20/01; 11/18/03; 07/19/05; 12/18/07; 05/19/11; 01/21/14.

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6.08 EXTRA-CURRICULAR TRIPS AND FIELD TRIPS

(1) Basic Policy.

School buses owned and operated by the Board may be used to transport participating students to school activities that they are required or expected to attend. The school principal shall request, in writing, permission to use one or more school buses to transport students to school activities a minimum of two (2) weeks prior to the date of the proposed trip on a form prepared by the Transportation Department. Use of school buses for field trips and extra-curricular shall not be authorized if to do so would interrupt the normal transportation of students between home and school; thus, a field trip window will be established at the start of each year within which local area field trips can be scheduled. Local area field trips will not generally be approved outside of the field trip window due to the availability of drivers and/or bus assistants not already assigned to duties associated with the normal transportation of students. Requests for school buses in support of field trips and extra-curricular activities will not be approved as a general rule in the last two weeks of the school year. With regard to any such approved trip:

- A. The school or school organization sponsoring the trip shall be billed by the Finance Department for all school buses used on the trip at a rate predetermined by the Superintendent.
- B. Personnel certified by the Transportation Department may drive school buses while on extra-curricular trips within the District.
- C. Only District personnel certified by the Transportation Department shall drive school buses while on extra-curricular trips outside the District.

(2) Band Students When School is Involved in State Football Playoff Competition.

The Superintendent is authorized to approve, at the Board's expense, transportation for band students when a school is involved in State football playoff competition.

(3) Transportation in a Vehicle Other Than a School Bus.

When the transportation of students is necessary or practical in a motor vehicle owned or operated by the Board other than a school bus, such transportation must be provided in designated seating positions in a passenger car not to exceed eight (8) students or in a multi-purpose passenger vehicle designated to transport ten (10) or fewer persons which meets all applicable federal motor vehicle safety standards. Multipurpose passenger vehicles classified as utility vehicles with a wheel base of one hundred ten (110) inches or less, which are required by federal motor vehicle standards to display a rollover warning label may not be used. The transportation of students in vehicles other than school buses shall only be done pursuant to the Student Transportation Guidelines adopted in Rule 3.04.

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Statutory Authority: Sections 1001.32; 1001.41; 1006.21, F.S.

Law Implemented: Section 1006.21; 1006.22, F.S.

History: Revised/Amended: 05/26/92; 11/20/01; 11/18/03; 08/15/06; 05/19/11.

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6.09 RESPONSIBILITIES

(1) School Bus Operators.

Each school bus operator shall comply with the State and Federal Statutes and State and Board Rules. They shall be further guided by the Operations and Transportation Standard Operating Procedures and the District School Bus Operator & Bus Assistant Handbook as these publications relate to the transportation of public school students, which requirements are incorporated herein by reference.

(2) Transported Students.

Each student transported aboard District school buses shall comply with the State and Federal Statutes and State and Board Rules. They shall be further guided by the Student Rights and Responsibilities Handbook as this publication relates to the transportation of public school students, which requirements are incorporated herein by reference.

(3) Parents/Guardians of Transported Children.

Parents/Guardians whose children are transported at public expense shall:

- A. Ascertain and ensure that their children arrive at the bus stop on time.
- B. Provide necessary protection for their children in going to, from and at bus stops. Parents/guardians are responsible for ensuring the safety of their students during the portions of each trip to and from home and at the assigned bus stop (including center-to-center bus stops) when the District provides bus transportation.
- C. Accept joint responsibility with school authorities for proper conduct of their children.
- D. Make a reasonable effort to understand and cooperate with those responsible for student transportation.
- E. Pay for any damage to a bus or equipment caused by acts of vandalism of their children.
- F. Parents/Guardians of Pre-K students transported aboard District buses shall comply with established District Pre-K Transportation Guidelines.
- G. Parents/Guardians whose children utilize center-to-center bus stops shall meet their children at the bus stop at bus arrival time in the afternoon.
- H. Ensure student address and contact information remains current and accurate in the school's student database.

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(4) School Principals.

Each school principal shall comply with the State and Federal Statutes, the State Requirements for Educational Facilities (SREF), and State and Board Rules. They shall be further guided by the provisions contained in the Student Rights and Responsibilities Handbook as this publication relates to the transportation of public school students.

(5) Drivers of Board Vehicles.

- A. The District owns and maintains vehicles assigned to various departments to provide transportation for District employees in the performance of their duties and to support instructional programs. These vehicles are to be used when cost savings can be realized. The department with operational custody of the vehicle has the financial and operational responsibility for the vehicle.
- B. Any District employee who drives a Board vehicle as part of his or her job duties shall be responsible for the safe and efficient operation of such vehicle. Each such employee shall exercise good common sense and treat such vehicles with care and respect. Abuse of such vehicles shall not be tolerated.
- C. Listed below are specific duties and guidelines that shall be followed by each employee who drives a Board vehicle. Failure to do so could affect the employee's job evaluation and employment.
 - 1. Maintain a valid driver's license of the type required by the vehicle to be operated.
 - 2. Be knowledgeable of and adhere to all laws, rules and policies regarding the operation of the vehicle.
 - 3. Drive only when in the proper physical and mental condition to safely operate the vehicle.
 - 4. Use the vehicle only in the performance of job related duties and keep current all required logs and/or reports.
 - 5. Report any traffic ticket received while operating a Board vehicle within two (2) working hours to the Route Manager. School bus operators shall report any traffic ticket received while operating a non-Board vehicle within twenty four (24) hours to the Route Manager.
 - 6. Report any accident involving a Board vehicle, whether on or off Board property, to the Transportation Department and/or the respective department immediately. Any accident that happens off Board property involving a Board vehicle or property shall be investigated by the

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appropriate police agency and the District department with supervisory authority over the vehicle and its operator.

7. Wear a seat belt and require all passengers to wear seat belts.
8. The driver must comply with other specific requirements, duties, and procedures prescribed in Transportation SOPs pertaining to driver responsibilities, vehicular accidents, accident investigations, and post-accident drug and alcohol testing, which are incorporated herein by reference.
9. Each employee assigned to drive a District vehicle must read and sign the “Driver Responsibilities: Non-School Bus” acknowledgement published by the Transportation Department.
10. Any employee convicted of driving while under the influence of alcohol or any other drug shall not be permitted to drive a Board vehicle.
11. Operators of Board vehicles are permitted to use cellular and other personal electronic devices in Board vehicles only when the vehicle is safely pulled off of the roadway and is out of gear with the brake applied. Exception: Operators of Board vehicles other than school buses are permitted to use cellular devices in Board vehicles while being actively dispatched for work assignments via hands-free technology, provided such use does not require the operator to take his/her eyes off the forward roadway or otherwise distract him/her from the safe operation of the vehicle.

(6) Seat Belt Policy.

The driver and passengers of all other vehicles on Board property, on Board business, or participating in school sponsored activities shall wear seat belts at all times the vehicle is in motion. Violation of this policy could result in loss of driving privileges on Board property.

(7) Idling Policy.

Idling is the continuous operation of a vehicle’s main drive engine while the vehicle is stopped. An effective idling policy is necessary in order to reduce wasteful fuel consumption and greenhouse gas emission. District employees shall not idle motor powered vehicles for more than five (5) minutes, ten (10) minutes for school buses, except as follows:

- A. Idling while stopped for traffic conditions over which the driver has no control, including being stopped for an official traffic control device or signal, in a line of traffic, at a railroad crossing, at a construction zone, or at the direction of law enforcement.

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- B. Where student medical needs documented through an individual education plan (IEP) require a controlled temperature environment, operations may idle the bus only as much as is necessary to maintain that environment while the student is on board.
- C. If idling is necessary to verify that the vehicle is in safe operating conditions as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or as otherwise needed, provided that engine idling is mandatory for such verification.

Rulemaking Authority: Sections 1001.41; 1001.42; F.S.

Laws Implemented: Sections 1001.32; 1002.42; 1006.09; 1006.10; 1006.21; 1006.22; 1012.45, F.S.

History: New: 05/26/92. Revised/Amended: 08/23/94; 02/28/95; 11/20/01; 11/18/03; 07/19/05; 12/18/07; 05/19/11; 01/21/14; 01/17/17.

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6.10 ASSIGNMENT OF DISTRICT VEHICLES

Certain District employees, given the nature of their duties and responsibilities, may be required to use a vehicle in the effective performance of their jobs. Employees authorized to use their personal vehicles in the performance of their official duties will be reimbursed at the approved District mileage rate.

In lieu of mileage reimbursement, a district-owned vehicle may be assigned to an employee for his/her official use only if it is more practical or economically feasible to the District to do so. The Superintendent will issue administrative directives to implement this rule, which shall provide for an annual review of such vehicle assignments.

Statutory Authority: Sections 1001.32; 1001.41; 1001.42, F.S.

Law Implemented: Sections 1001.42, F.S.

History: Revised/Amended: 08/26/97; 08/15/06; 05/19/11.

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6.11 OVERNIGHT VEHICLE ASSIGNMENT

- (1) Personnel required by the nature of their job duties and responsibilities to be subject to 24-hour call out to school sites or required by the nature of their job duties and assignments to visit school sites on a daily basis and may, from time to time, be required to be at those sites either before normal working hours or after normal working hours may be assigned a Board vehicle. Assignments shall be based upon the recommendation and approval of the supervisor and the approvals of the department head, the division head and the Superintendent, which approvals shall be the “Request for 24-Hour Assignment of Vehicle” form filed with the supervisor and department head. Personnel assigned a vehicle other than a school bus shall abide by all Board Rules regarding the driving of a Board vehicle other than those rules pertaining exclusively to the driving of a school bus. Personnel who are assigned vehicles on a 24-hour basis (except school buses) shall keep vehicle utilization logs.
- (2) The above policy notwithstanding, vehicle utilization logs shall be examined not less frequently than annually to determine whether actual practice warrants the continued expense of providing the employee with a vehicle on a 24-hour basis. Such recommendation shall be made by the immediate supervisor in a memorandum to the Superintendent after examination of the vehicle logs.
- (3) The District may require maintenance utility vehicles to be assigned on a 24-hour basis in order to be on call. These employees are assigned such a vehicle on a 24-hour basis due to their ability to respond to an emergency. Due to the specialized functions these utility vehicles perform, assignment of these vehicles to employees is not subject to the provisions of subsection (2) above.

Statutory Authority: Sections 1001.32; 1001.41; 1006.21, F.S

Law Implemented: Section 1001.42, F.S.

History: Revised/Amended: 05/26/92; 02/28/95; 11/18/03.

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6.12 REIMBURSEMENT FOR TRANSPORTATION OF PARENT OF ESE STUDENT

The Exceptional Student Education (ESE) Department occasionally receives a request for parent/guardian mileage reimbursement for an ESE student. Due to the immediate action that must be taken in these instances, the ESE Director will review and approve all requests for transportation reimbursement. Each request must include at a minimum, the following:

- (1) A detailed rationale for the request as documented in the students I.E.P.;
- (2) Proof of current automobile insurance, and
- (3) A valid Florida driver's license. (For military personnel a valid driver's license from the state home of record will be accepted.) Approved requests will be forwarded to the Transportation Department to determine the exact mileage to and from school. Parents/guardians will be notified in writing if the request is approved or denied. Reimbursement begins on the day the ESE Director approves the request. School attendance will be used to verify and determine the amount of payment at the end of each calendar month. All changes to the original request should be submitted to the ESE Director for immediate review. Requests must be reviewed at least annually. All requests are subject to ratification by the Board at its next regularly scheduled meeting.

Statutory Authority: Sections 1001.32; 1001.41; 1006.21, F.S.

Law Implemented: Sections 1006.21; 1006.21(3); 1006.22; 1006.23, F.S.

History: Revised/Amended: 08/26/97.

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6.13 BUS DONATION AND EMERGENCY TRANSFER PROVISIONS (CHARTER SCHOOLS)

- (1) All charter school requests for surplus buses shall be in writing. Only buses that have been approved as surplus by Board action may be donated. The Transportation Department will determine which vehicle(s) from the surplus fleet are viable for transfer.
- (2) Upon Board approval, vehicle title(s) will be transferred to the receiving charter school by the Director of Transportation and delivered to the Director of Alternative Education. The Director of Alternative Education will generate a transmittal letter to accompany the title(s). The transmittal letter will inform the receiving charter school of reporting obligations and compliance responsibilities in accordance with laws and regulations.
- (3) At the time of transfer, the charter school shall accept in writing all responsibility and liability commensurate with vehicle transfer and title laws', compliance and reporting responsibilities and all applicable laws and regulations.
- (4) In the event of a transportation emergency, the Director of Transportation may authorize the immediate transfer of District bus(es) as an interim measure until the next regularly scheduled Board Meeting. Upon said transfer, the Superintendent and all Board Members shall be immediately informed of the transfer in writing.
- (5) Final disposal of all donated surplus buses is the responsibility of the charter school. The receiving charter school is hereby authorized to dispose of a transferred bus without need for further authorization by the Board.
- (6) For purposes of this rule only a “transportation emergency” is defined as any situation in which students are impeded from attending classes as a result of a charter school’s permanently inoperable bus.
- (7) Prior to the physical transfer of any surplus vehicle, either by sale through auction, donation or scrap disposition, all District markings, including District name and vehicle number shall be removed in accordance with Transportation Department’s Standard Operating Procedures.

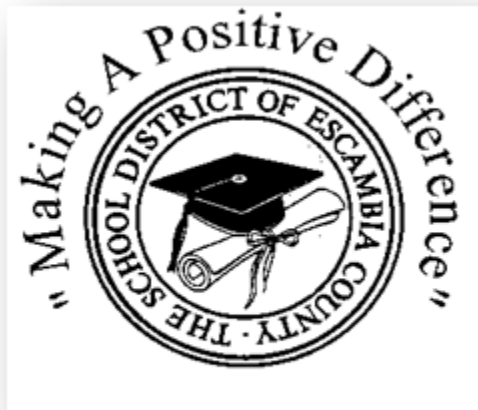
Statutory Authority: Sections 1001.32; 1001.41; 1002.33; 1006.22, F.S

Law Implemented: Section 1002.33, F.S.

History: Revised/Amended: 11/18/03.

**RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD
ESCAMBIA COUNTY, FLORIDA**

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7.01 ATTENDANCE RULES AND REGULATIONS

(1) Attendance in General

Student attendance shall be governed by the applicable provisions of the then most current edition of the Board publication entitled the *School District of Escambia County Rights and Responsibilities Handbook*, as adopted by the Board pursuant to S.B.R. 7.02.

(2) Certificates of Exemption (Section 1003.21, F.S.)

Any child within the compulsory attendance age limits who hold valid certification of exemption, which has been issued by the Superintendent, shall be exempt from attending school. A certificate of exemption shall cease to be valid at the end of the school year in which it is issued.

(3) Attendance of Students who are Married, Pregnant, or are Parents (Section 1003.21, F.S.)

Students who are married and students who are pregnant shall not be prohibited from attending school. These students shall receive the same educational instruction or its equivalent as other students, but may be assigned voluntarily to a class or program suited to their special needs. Consistent with Section 1003.54, F.S., pregnant or parenting teens shall be entitled to participate in a teenage parent program. Pregnant students may attend alternative education programs or adult education programs, if the curriculum allows the student to continue to work toward a regular or special high school diploma.

(4) Student Transfer Procedures

Student transfers shall be governed by the provisions of Chapter 3 of the Board Policy.

(5) Absence for Religious Instruction

A. A student with a notarized written consent of his or her parents or guardian, or a student who has attained the age of majority upon application of the student, may be excused from attendance in school in grades nine (9) through twelve (12) for a period of not more than one class period each school day, but not to exceed five (5) hours per week, to participate in religious instruction at the student's place of worship or at any other suitable place away from school property designated by the religious group, church, or denomination. Such notarized statement must be submitted and approved each semester. Such religious instruction is not the responsibility of the Board and shall not be conducted on school property. A principal or designee shall not grant permission for such absences unless the following conditions are met:

1. The class period chosen and approved by the principal is not the period during which the student is scheduled to attend class.

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2. Transportation to and from religious instructions is the complete responsibility of the religious institution or parents or guardian of the student.
 3. The parents or guardians of the student agree in writing to release and indemnify the Board and its agents and employees from and against any claim for injury or death occurring while the student is absent from school in order to attend religious instruction including travel to and from such instruction.
 4. The religious institution maintains weekly attendance records and makes them available to the school attended by each student.
- B. A principal or designee has the right to refuse a student's request for such religious instruction release time if, according to the *Student Progression Plan* (S.B.R. 7.09);
1. the student is not enrolled in sufficient courses to allow for the student's promotion or graduation, and thus the release time would not be equivalent to an optional period, or
 2. the student's grades are insufficient to allow for the student's promotion or graduation.
- C. Nothing in this rule shall be construed to require the Board to permit religious instruction programs or to deny a principal or designee the right to terminate an individual student's permission to be absent to participate in such religious instruction due to the student's non-attendance at such instruction.

(6) Agency Agreements Regarding Enrollment

The Board will enter into agreements with the Department of Children and Families (DCF) as provided by Section 39.0016, F.S., in order to provide educational access to children known to DCF for the purpose of facilitating the delivery of services or programs to such children.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1003.02; 1003.21; 1003.31; 1003.54, F.S.

History: New: 06/23/92. Revised/Amended: 12/14/93; 07/17/01; 11/20/01; 01/20/04; 09/20/05; 05/18/10; 05/19/11; 04/18/17.

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7.02 CODES OF STUDENT CONDUCT: SCHOOL DISTRICT OF ESCAMBIA COUNTY RIGHTS AND RESPONSIBILITIES HANDBOOK

- (1) The rules governing student conduct and control shall be as prescribed in the then most current edition of the Board publications entitled the *School District of Escambia County Rights and Responsibilities Handbook*, as adopted and published by the Board. These rules shall include but are not limited to attendance, absences, truancy, parental responsibilities, prohibition of corporal punishment, detention after school, harassment of personnel, damage to schools by students, assault upon personnel, drug abuse, grooming and dress of students, records and reports regarding students, penalties for infraction of rules, suspensions, and expulsions.
- (2) The reports and recommendations of the Superintendent and the orders of the Board regarding extended student suspension, student expulsion, and student expulsion after formal hearing shall be in the format prescribed by the then most current edition of forms adopted by the Board for this purpose; the most current editions are incorporated by specific reference and made a part hereof.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1003.02; 1003.31; 1003.32; 1006.07, F.S.

History: New: 04/23/91. Revised/Amended: 04/30/92; 06/23/92; 07/28/92; 06/22/93; 09/27/94; 06/27/95; 05/28/96; 06/24/97 (Secondary); 08/26/97 (Secondary); 07/22/97 (Elementary); 10/28/97; 05/26/98; 08/17/99; 07/18/00; 01/23/01; 07/17/01; 09/18/01; 10/16/01; 08/20/02; 07/22/03; 08/17/04; 06/21/05; 06/20/06; 07/23/07; 01/22/08; 07/15/08; 10/21/08; 05/18/10; 05/19/11; 04/18/17.

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7.03 SALE OF CIGARETTES AND WRAPPERS TO STUDENTS

No person shall possess, use, furnish, or give away, directly or indirectly, or otherwise dispose of any cigarette, cigarette wrapper, clove cigarette, other tobacco product or any derivative thereof, to any student under the age of eighteen (18) years. Any such instances shall be reported to the proper law enforcement authorities.

Statutory Authority: Sections 1001.32; 1001.41-43; 1003.02; 1003.31-32, F.S.

Law Implemented: Sections 1001.41-43; 1003.02; 1003.31-32; 1006.07, F.S.

History: Revised/Amended: 06/23/92; 06/20/06; 05/18/10

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7.04 HOMEWORK

- (1) Principals shall ensure that students are not assigned an unreasonable amount of homework by teachers.
 - A. The principal and teachers are responsible for coordinating assignments so that the total of out-of-school assignments to each student each day is not excessive or unreasonable. Homework should be assigned for the purpose of extending, supporting, and strengthening the work being done in the classrooms or for the purpose of enrichment.

Statutory Authority: Sections 1001.32; 1001.41-43; 1003.02; 1003.31-32, F.S.

Law Implemented: Sections 1001.41-43; 1003.02; 1003.31-32; 1008.25, F.S.

History: Revised/Amended: 06/23/92; 05/18/10

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7.05 RECORDS AND REPORTS

(1) Records Confidential

The educational records of students shall be kept confidential and disclosed only by permission of the principal who shall comply with federal and state law regarding students' right to privacy (Section 1002.22, F.S.) and be guided by the provisions of the then most current edition of the applicable *School District of Escambia County Rights and Responsibilities Handbook* publication or the Student Records Guideline Manual, as adopted by the Board pursuant to S.B.R. 7.02.

(2) Cumulative Records

A permanent cumulative record shall be kept for each student enrolled in a school. The principal/designee shall ensure that each student's cumulative record is current, contains all required data, and is maintained in the proper form.

(3) Grade Report

- A. At the beginning of each school year, the dates for each grading period and the dates for dissemination of grade reports will be published. A grade report indicating student progress shall be provided to parents following each grading period.
- B. Such grade reports may be provided as hard copy and/or through on-line access in formats as approved by the Superintendent.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1002.22; 1003.02; 1003.23; 1003.31; 1003.32; 1003.33; 1003.437, F.S.

History: New: 06/23/92. Revised/Amended: 11/20/01; 09/20/05; 01/22/08; 05/18/10; 05/19/11; 04/18/17.

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7.06 STUDENT CLUBS AND ORGANIZATIONS

Student clubs and organizations may be a part of the school program. Procedures for establishing and operating clubs or organizations shall be as set forth in the current *School District of Escambia County Rights and Responsibilities Handbook*.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1003.02; 1003.31-32; 1006.135; 1006.14, F.S.

History: New: 06/23/92. Revised/Amended: 05/18/10; 05/19/11; 04/18/17.

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7.07 SECRET SOCIETIES

It is a violation of Section 1006.14, F.S. for any student enrolled in any public elementary or secondary school of this state to be a member of, to become a member of, or to pledge to become a member of any secret fraternity, sorority, or group wholly or partly formed from the membership of pupils attending such public schools or to take part in the organization or formation of any such fraternity, sorority, or secret society. However, students shall not be prevented from belonging to any organization fostered and promoted by school authorities, or which is first approved and accepted by the school authorities and whose membership is selected based on good character, good scholarship, leadership ability, and achievement.

Statutory Authority: Sections 1001.32; 1001.41-43; 1003.02; 1003.31-32; 1006.14, F.S.

Law Implemented: Sections 1001.41-43; 1003.02; 1003.31-32; 1006.14, F.S.

History: Revised/Amended: 06/23/92; 09/20/05; 05/18/10

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7.08 DELETED

DELETED

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7.09 STUDENT PROGRESSION AND PROMOTION

Pupil progression and promotion shall be governed by the provisions of the then most current edition of the Board publication entitled: *Student Progression Plan* for the Escambia County School District, as has been adopted and published on the District Website. This *Student Progression Plan* shall include but is not limited to provisions regarding admission of students to the various programs, progression of students in those programs, and requirements for students to complete or graduate from those programs.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1001.31; 1003.02; 1003.21; 1003.437; 1004.93; 1007.35; 1008.22; 1008.25; 1011.62, F.S.

History: New: 03/25/91. Revised/Amended: 06/23/92; 04/23/96; 06/23/98; 01/18/00; 04/17/01; 10/16/01; 09/17/02; 04/17/03; 07/22/03; 11/18/03; 01/18/05; 09/20/05; 01/17/06; 12/21/06; 01/22/08; 07/15/08; 10/21/08; 11/18/08; 01/20/09; 05/18/10; 04/18/17.

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7.10 STUDENT PUBLICATIONS

As citizens in our democratic society, students are permitted freedom of expression under the First and Fourteenth Amendments to the United States Constitution. School-sponsored student publications including but not limited to productions; newspapers; yearbooks; literary magazines; and broadcast, audio and video tape productions provide forums for students to inquire, question, and exchange ideas. It is the responsibility of school officials to ensure freedom of expression, legality, and ethicality in such student publications.

- (1) School administrators, as principal publishers, shall
 - A. communicate to the advisors and student editors any guidelines which may affect student publications;
 - B. be aware of the most current court rulings regarding free expression;
 - C. support the First Amendment rights of students and the efforts of advisors to ensure those rights in their daily work with publications;
 - D. promote the rights of student journalists to question, inquire, and express themselves through school-sponsored student publications;
 - E. refrain from imposing disciplinary action upon advisors and/or students due to material published in school-sponsored student publications that does not violate this policy;
 - F. set up an advisor/principal pre/post publication procedure and a prompt and adequate due process procedure to deal with any possible conflicts over publication of material; and
 - G. consult with the Board attorney and/or other legal resources in any case where an editorial board, editor, advisor, and/or principal are in disagreement over the legality of content. The classification of prohibited material as described in this rule shall be used as the basis for making final decisions regarding content.
- (2) Faculty advisors to school-sponsored student publications shall
 - A. serve primarily as teachers whose chief responsibility is to guide students to an understanding of the nature, the functions, and the ethics of a free press and of student publications; advisors are not expected to act as censors; (the classification of prohibited material as described in this rule shall be used as the basis for making final decisions regarding content.);
 - B. encourage the student staff toward editing an intelligent publication that presents complete unbiased reports reflecting accurate reporting and that presents editorial opinion based on verified facts;

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- C. be aware of the most current court rulings regarding free expression;
 - D. function as liaison between school administrators and students to ensure full communication to students and to promote the rights of student journalists to question, inquire, and express themselves through school-sponsored student publications;
 - E. ensure that guidelines for the staffing and operation of scholastic publications are developed in concert with the current publications staff and are furnished to school administrators; and
 - F. consult with legal resources available through professional and/or volunteer arrangements (at no cost to the school or the Board) where legality of content is questionable.
- (3) Students who work on official student publications shall
- A. rewrite material as required by the faculty advisors to improve sentence structure, grammar, spelling, and punctuation;
 - B. check and verify the accuracy of all facts and quotations;
 - C. provide an equivalent avenue, when feasible, for rebuttal comments and opinions in official student publications concerning controversial issues;
 - D. determine the content of the student publications; and
 - E. consult with legal resources available through professional and/or volunteer arrangements (at no cost to the school or the Board) where legality of content is questionable.
1. Although the Board is the final policy and decision maker and, as such, will finally hear and decide any unresolved disputes arising out of the operation of this rule, it is the desire and policy of the Board that the editorial board (composed of the student publishing staff and the faculty advisor for each school-sponsored student publication) shall submit to the principal (the publisher of the publication) for resolution, any disputes and/or disagreements regarding the operation and effect of this rule.
 2. All material submitted for publication shall meet generally accepted journalistic standards and shall be approved first by a majority of the editorial board and the faculty advisor.
 3. Any editorial board member who disagrees with a decision of the editorial board may appeal such decision to the principal-publisher. Any appeal to the principal-publisher shall be in writing.

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4. Within a reasonable period of time not to exceed five (5) school days after receipt of a request for appeal or review, the principal-publisher shall hold a conference for purposes of hearing all evidence in support of and in opposition to the editorial board decision. The principal-publisher shall render a decision within two (2) school days after the appeal/review conference.

(4) Classification of Prohibited or Unsuitable Materials

Material submitted for publication in school-sponsored student publications which is prohibited by law or not protected by the First Amendment shall not be published. Such prohibited materials are classified as follows:

A. Material which is obscene as to minors

"Obscene as to minors" is defined as meeting one of the following tests:

1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to a minor's prurient interest in sex.
2. The material depicts or describes, in a patently offensive way, sexual conduct such as ultimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals.
3. The material, taken as a whole, lacks serious literary, artistic, political or scientific value. "Minor" means any person under the age of eighteen (18) years.

B. Material which is libelous

"Libelous" is defined as a false and unprivileged statement about a specific individual which injures the individual's reputation in the community.

1. If the individual who will allegedly be libeled by the material is a "public figure" or "public official" as defined below, then school officials must show that the false statement would be published "with actual malice;" i.e., that the student journalist knew that the statement was false or that the statement was to be published with reckless disregard for the truth without trying to verify the truthfulness of the statement. A public figure may be defined in the following manner:
 - a. A public official is a person who holds an elected or appointed public office.

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- b. A public figure is a person who either seeks the public's attention or is well known because of his achievements.
 - c. School employees are to be considered public officials or public figures in material concerning their school-related activities.
- 2. When an allegedly libelous statement concerns a private individual, school officials must show that the false statement was to be published willfully or negligently; i.e., the student journalist failed to exercise the care that a reasonably prudent person would exercise.
- 3. Under the "fair comment rule," a student is free to express an opinion on matters of public interest.
- C. Material which will cause "a material and substantial disruption of school activities"

"Disruption" is defined as student rioting; unlawful seizures of property; shouting or boisterous conduct; or substantial student participation in a school boycott, sit-in, stand-in, walk-out, or other related form of activity. Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited. In order for a school publication to be considered disruptive, specific facts must exist upon which it would be reasonable to forecast that a clear and present likelihood of disruption to normal school activity would occur if the material were to be distributed. In determining whether material is disruptive, consideration must be given to the context of the distribution as well as the context of the material. In this regard, consideration ought to be given to past experience in the school with similar material, past experience in the school dealing with and supervising the students in the subject school, current events influencing students' attitudes and behavior, and any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question.

(5) Time, Place, and Manner of Distribution

Each school shall establish reasonable regulations regarding the time, place, and manner of distribution of all student publications.

- A. School regulations shall prohibit the distribution of student publications and other literature by or to students engaged in, or supposed to be engaged in, normal classroom activities.
- B. Distribution shall be conducted in a manner which does not interfere with the normal flow of traffic within the school and at exterior doors.
- C. Distribution shall be conducted in a manner to prevent undue levels of noise which interfere with normal classroom activities.

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- D. Students distribution of literature shall not interfere with the rights of others to accept or reject such literature.
- E. The distribution process shall not be regulated except, as with other modes of expression, where such activity directly causes or is clearly likely to cause physical harm or the substantial and material disruption of the educational process.
- F. Physical and/or electronic space may be provided for the use of students and student organizations, for notices relating to out-of- school activities or matters of general interest to students.
- G. Regulations shall require that all student communications be dated and approved before posting and that such materials be removed after a prescribed reasonable time.
- H. School authorities may restrict the use of physical and/or electronic space for official school announcements.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1003.02; 1003.31; 1003.32, F.S.

History: New: 04/30/90. Revised/Amended: 06/23/92; 09/20/05; 01/22/08; 05/18/10; 04/18/17.

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7.11 STUDENTS WITH SERIOUS COMMUNICABLE DISEASES

- (1) Serious communicable diseases include but are not limited to Acquired Immune Deficiency Syndrome (AIDS), contracted from Human Immunodeficiency Virus (HIV), and other communicable diseases such as Hepatitis B and Meningitis. School health personnel will work in conjunction with the Florida Department of Health in Escambia County (DOH-Escambia) to develop and refine guidelines for parent notification case findings and District response to communicable diseases. Information regarding these guidelines are available on the Health Services' web page: http://ecsd-fl.schoolloop.com/health_services.
- (2) Whenever the Superintendent receives information believed to be reliable that a student has a serious communicable disease, the Superintendent, through his designee, shall then relate the information to the DOH-Escambia. The DOH-Escambia shall gather such additional information regarding the report as is available through the resources of the DOH-Escambia and its access to the subject student. The DOH-Escambia shall then immediately release to the Superintendent's designee all such information relative to the subject student and the report unless otherwise prohibited by law. Upon receipt of information on the subject student by the DOH-Escambia, the Superintendent may, after appropriate medical consultation, request the student to be tested for serious communicable diseases by a physician who is licensed to practice medicine in this state and who is approved by the Superintendent. Additionally, the Superintendent or the designee may request access to the student's medical records to the extent necessary to determine whether the student has a serious communicable disease. The reasonable cost of such testing and accessing of information shall be paid by the Board.
- (3) If the student identified in paragraph (2) above based on available information is reasonably believed to have a serious communicable disease and is believed to represent a significant risk of communicating that disease to others in the usual school environment, then such student shall immediately and temporarily be provided an appropriate alternate education program.
- (4) For any student identified as set forth in paragraph (3) above, a Case Conference Committee shall be convened if necessary and shall function pursuant to the procedures set forth below:
 - A. A student's Case Conference Committee shall be composed of the Director of Exceptional Student Education, the District Coordinator of School Health Services, the student's physician and/or attorney (if requested by the student or his parents), the director of the DOH-Escambia or his/her designee, the student's principal, and any other Board personnel, medical or other consultant, deemed appropriate by the Superintendent. The Superintendent shall appoint the committee chairperson. Should the student or the student's parents request the student's physician and/or attorney to participate in the Case Conference Committee as provided above, it shall be the student's physician's and/or attorney's responsibility, upon reasonable notice, to attend such Case Conference Committee meetings as are scheduled. The unavailability or absence of the student's physician and/or attorney after reasonable

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notice will not preclude the Case Conference Committee from proceeding with formulating recommendations for an individual instructional plan for the student. The student's parents or guardian shall be permitted to attend the Case Conference Committee's meetings.

- B. Pertinent information to be examined by the Case Conference Committee shall include but not be limited to age; behavior; neurological, physical, emotional, and medical condition; educational performance in school; educational evaluations; and the risks and benefits to the student and other individuals who are in contact with the student in school.
 - C. The Case Conference Committee's recommended individual instructional plan delivery mode shall follow the appropriate scope and sequence of student performance standards adopted by the Board.
- (5) The individual instructional plan formulated and recommended by the student's Case Conference Committee shall be submitted to the Superintendent for approval before implementation.
 - (6) A re-evaluation of the student's medical condition shall occur every sixty (60) days or sooner if medically appropriate. The examination to ascertain the student's medical condition shall be performed by a physician licensed to practice medicine in the state who is approved by the Superintendent at the expense of the Board. The results of the examination shall be reviewed by the Case Conference Committee. Any modification of the educational setting and/or plan as a result of such re-evaluation shall be implemented as soon as possible.
 - (7) The responsibility of the Case Conference Committee and the implementation of an individual instructional plan for the student terminate only at such time as a physician, licensed to practice medicine in the state who is approved by the Superintendent, certifies that the student no longer has a serious communicable disease and/or may return to his/her regular school program without significant risk to the health of the student or those students with whom the subject student would come in contact.
 - (8) The confidentiality of the student's record shall be maintained pursuant to Section 1002.22, F.S., and the "Memorandum of Understanding Between the School Board of Escambia County, Florida and the Florida Department of Health in Escambia County for the Management of Medical Records and Health Information. Members of the Case Conference Committee shall have access to the student's record for formulating recommendations for or modifications of the individual instructional plan for the student.
 - (9) The Superintendent shall periodically provide the Board statistics concerning the implementation of this rule.

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(10) HIV/AIDS Policy

A. The District strives to protect the safety and health of children and youth in our care, as well as their families, our employees, and the general public. Staff members cooperate with public health authorities to promote these goals. The evidence is overwhelming that the risk of transmitting a Human Immunodeficiency Virus (HIV) is extremely low in school settings when standard precautions are followed. The presence of a person living with HIV infection or diagnosed with Acquired Immune-Deficiency Syndrome (AIDS) poses no significant risk to others in school, day care, or school athletic settings.

1. Definitions

a. Human Immunodeficiency Virus (HIV)

i. A virus that causes progressive immune deficiency.

b. Autoimmune Deficiency Syndrome (AIDS)

i. A syndrome (group of symptoms) is characterized by life-threatening infectious diseases and certain cancers that occur due to progressive immune deficiency caused by HIV infection.

B. School Attendance

1. A student with HIV infection has the same right to attend school and receive services as any other student and will be subject to the same rules and policies. HIV infection will not factor into decisions concerning class assignments, privileges, or participation in any school-sponsored activity. A student will be assigned to a regular classroom.

2. The Superintendent or designee will determine the educational placement of a student with special needs on a case-by-case basis by following established policies and procedures for students with chronic health problems or students with disabilities. The Superintendent or his designee must consult with the student's physician and parent or guardian; respect the student and family's privacy rights; and reassess the placement if there is a change in the student's need for accommodations or services.

C. Privacy

1. Pupils are not required to disclose HIV infection status to anyone in the education system. HIV antibody testing is not required for any purpose.

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2. No information regarding a student's HIV status will be divulged to any individual or organization without a COURT ORDER, or the HIV specific-informed, consent of the person with HIV infection (the parent or guardian of a legal minor or authorized person). The consent must be in writing, identify the person by name to whom the information is given, state the purpose for disclosure, and signed and dated by the HIV infected person or other authorized person.
3. Every employee has a duty to treat, as highly confidential, any knowledge or speculation concerning the HIV status of a student.

Violation of medical privacy is cause for disciplinary action, criminal prosecution, and/or personal liability for a civil suit.

4. All health records, notes, and other documents that reference a student's HIV status will be kept CONFIDENTIAL. Access to confidential records is limited to persons identified in writing by the HIV infected person (parent/guardian or authorized person), and to emergency medical personnel in the event of exposure to the HIV infected person's blood or body fluids to which standard precautions apply. Information regarding HIV status will not be added to a student's permanent educational or health record without written consent.
5. School staff members will always strive to maintain a respectful school climate and not allow physical or verbal harassment of any individual or group by another individual or group. This harassment includes taunts directed against a student living with HIV infection, perceived as having HIV infection, or associated with someone with HIV infection.

D. Infection Control

1. All employees are required to follow standard precautions consistently in all settings and at all times, including playgrounds and school buses. Schools will operate according to the standards promulgated by the U.S. Occupational Health and Safety Administration for the prevention of blood-borne infections. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept reasonably accessible. Risk Management will implement the precautions and investigate, correct and report on instances of lapses.
2. A school staff member is expected to alert the District's Health Services Coordinator if a student's health condition or behavior presents a reasonable risk of transmitting any infection. If a situation occurs at school in which a person might have been exposed to an infectious agent, such as blood-to-blood contact, school authorities will counsel that person (or, if a minor, alert a parent or guardian) to seek appropriate medical evaluation.

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E. HIV and Physical Education & Athletics

1. The privilege of participating in physical education classes, athletic programs, competitive sports, and recess is not conditional on a student's HIV status. School authorities will make reasonable accommodations to allow students living with HIV infection to participate in school-sponsored physical activities.
2. All employees must consistently adhere to infection control guidelines in locker rooms and in all play and athletic settings. District-developed physical education curriculum materials and athletic handbooks will reflect these guidelines. First aid kits must be on hand at every athletic event.
3. Student orientation about safety on the playing field will include guidelines to avoid HIV infection.

F. HIV Prevention Education

1. The goal of HIV prevention education is to promote healthful living and effectively instruct students how to avoid exposure to HIV. Instruction in HIV education may include but not limited to the known modes of transmission, signs and symptoms, behavioral and medical risk factors associated with HIV, and means used to prevent and control the spread of HIV. The instruction shall be appropriate to the grade and age of the student and shall reflect current theory, knowledge, and practice regarding HIV and its prevention.

Throughout instruction in HIV, a school shall

- a. provide instruction that includes human sexuality and that all school-age children are expected to abstain from sexual activity outside of marriage and teach the benefits of marriage and monogamy.
- b. emphasize that abstinence from sexual activity is a certain way to avoid unplanned pregnancy, sexually transmitted diseases, including HIV, and other associated health problems.
- c. teach that each student has the power to control personal behavior and encourage students to base actions on reasoning, self-esteem, and respect for others.
- d. provide instruction material that is appropriate for the grade and age of the student, Section 1003.46, F.S.

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- e. parents and guardians will have convenient opportunities to preview all HIV prevention curricula and materials. School staff members will assist parents or guardians who ask for help in discussing HIV infection with their children. A parent or guardian may submit a written request to the principal that a child is not to receive specific HIV instruction.
- f. the education system will endeavor to cooperate with HIV prevention efforts in the community that address out-of-school youth and youth in situations that put them at high risk of acquiring HIV.

G. Related Services

Students will have access to voluntary, confidential, age and developmentally appropriate counseling about matters related to HIV infection. School administrators will maintain confidential linkage and referral mechanisms to facilitate voluntary student access to appropriate HIV counseling and testing programs and to other HIV-related services for voluntary student use.

(11) Staff Development

All school staff members will participate in a planned blood-borne pathogen education program that conveys factual and current information; provides guidance on infection control procedures; informs about current law and state, district, and school policies concerning blood-borne pathogens; and assists staff to maintain productive parent and community relations. Certain employees will also receive additional specialized training as appropriate to their positions and responsibilities.

(12) General Provisions

This policy is effective immediately upon adoption. In accordance with the established policy review process, or at least every three (3) years, the District Health Service Coordinator and the Protection Services Department will report on the accuracy, relevance, and effectiveness of this policy and, when appropriate, provide recommendations for improving and/or updating the policy.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 381.981; 1002.20; 1003.02; 1003.31; 1003.32; 1003.42, F.S.

History: New: 05/22/90. Revised/Amended: 06/23/92; 11/20/01; 09/20/05; 01/22/08; 01/20/09; 05/18/10; 04/18/17.

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7.12 HARDSHIP WAIVER OF OPERATOR'S LICENSE REQUIREMENTS

- (1) A student under the age of eighteen (18) years who cannot obtain a motor vehicle operator's license or who has been notified that the Department of Highway Safety and Motor Vehicles intends to suspend such license due to the student's failure to satisfy relevant attendance requirements shall be granted a waiver of such requirements if a hardship exists requiring the student to have an operator's license for his/her own or a family member's employment or medical care. A waiver shall be granted by the principal or the principal's designee who shall consult with the student's guidance counselor, academic advisor, or other appropriate school staff member before waiving the attendance requirements.
- (2) A student or the parent/guardian shall have fifteen (15) days after receipt of written notice by the Department of Highway Safety and Motor Vehicles of the Department's intent to suspend the student's operator's license to submit to the principal a written request for a hardship waiver hearing setting forth in detail the extraordinary circumstances making the denial or suspension of an operator's license unfair or unjust to the student or the student's family. Such circumstances, if substantiated, include but are not limited to the following:
 - A. the student's disabled or ill parent, guardian, minor sibling, or child can only obtain ongoing periodic medical treatment outside the home if transported by the student;
 - B. the student's immediate family's basic economic needs are dependent upon the student's being able to drive;
 - C. the student is required to drive according to a court of competent jurisdiction or the Florida Department of Children and Family Services;
 - D. the student's child has no other means of being transported to or from the day care facility the child regularly attends.
- (3) The hardship waiver hearing shall be conducted within thirty (30) days of the receipt of the written request by the principal or the principal's designee. The student shall be notified in writing by the principal or the principal's designee if the hardship waiver will not be recommended. Notwithstanding any other law or rule to the contrary, the student shall have fifteen (15) calendar days after receipt of this notice to request a hearing appealing the decision not to recommend the requested waiver. Such hearing may come before a committee appointed by the Superintendent or his/her designee and shall be conducted within thirty (30) days after the request for hearing is received.
- (4) The student shall be notified by the committee chairperson if the requested waiver is being recommended and shall be provided written notification of the Board's action within seven (7) days after it acts upon the recommendation.

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Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 322.091; 1003.02; 1003.21; 1003.27; 1003.31; 1006.07, F.S.

History: New: 07/24/90. Revised/Amended: 06/23/92; 04/29/99; 11/20/01; 09/20/05; 05/18/10; 05/19/11; 04/18/17.

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7.13 CHILD CARE RULES AND REGULATIONS

Child care programs in schools shall be governed by the provisions of the then most current edition of the publication entitled: *School Age Child Care Guidelines*, available from the Workforce Education Department website. These rules shall include but not be limited to statements regarding program management, personnel descriptions, and responsibilities, registration, operation, and fees.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1000.04; 1003.02; 1003.31; 1003.32; 1003.54, F.S.

History: New: 07/24/90. Revised/Amended: 06/23/92; 05/18/10; 04/18/17.

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7.14 CRIME AND SUBSTANCE ABUSE

- (1) Consistent with the District's aim to provide a safe and orderly learning and work environment, a student's bringing a firearm or weapon, using, possessing, selling or attempting to sell an illegal or controlled substance or initiating or knowingly and willingly participating in the commission of a bomb threat on school property, a school bus stop, or at a school-sponsored event will result in a change of placement and/or expulsion, for a period of not less than one full year, with or without continuing educational services.
- (2) Crime and substance abuse are not tolerated in this District. Delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the District must be timely and properly reported to the appropriate law enforcement agency.
- (3) Each school principal is responsible for ensuring
 - A. that all school personnel are properly informed as to their responsibilities regarding crime reporting;
 - B. that delinquent acts and crimes are properly reported; and
 - C. that actions taken in cases with special circumstances are properly documented.
- (4) On or after the effective date of this rule, the District shall enter into an agreement or agreements with the Escambia County Sheriff's Office and/or local police departments specifying guidelines for ensuring that
 - A. felonies and violent misdemeanors whether committed by a student or adult, and
 - B. delinquent acts that would be felonies or violent misdemeanors if committed by an adult are reported to law enforcement.
- (5) Such agreement or agreements shall include
 - A. the role of School Resource Officers (SROs), if applicable, in handling reported incidents;
 - B. special circumstances in which school officials may handle incidents without filing a report to law enforcement; and
 - C. a procedure for ensuring that school personnel properly report appropriate delinquent acts and crimes.

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- (6) **SAFE HARBOR:** If a student who is in possession of an item of contraband (such as a pocket knife, drugs, etc.) voluntarily surrenders the item as soon as he/she realizes that it is in his/her possession to a responsible staff member, then the student may be eligible for mitigation, in whole or in part, of the penalty for possessing the item as appropriate under the circumstances. To qualify for this provision, such surrender must occur prior to the beginning of any investigation or search that might uncover the item.

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 1003.02; 1003.31-32; 1006.07; 1006.13, F.S.

History: New: 07/28/98. Amended: 09/20/05; 01/20/09; 05/18/10; 07/16/13

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7.15 CELL PHONES AND OTHER ELECTRONIC DEVICES

The Superintendent shall ensure that policies regarding cell phones and other electronic devices are published in the *School District of Escambia County Rights and Responsibilities Handbook*. Each school principal shall implement and enforce the provisions set out in the *School District of Escambia County Rights and Responsibilities Handbook* and shall ensure that a copy of the most current *School District of Escambia County Rights and Responsibilities Handbook* is delivered to every student in the school.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Sections 1003.02; 1003.31; 1003.32; 1006.07, F.S.

History: New: 10/16/01. Revised/Amended: 07/22/03; 01/1/05; 09/20/05; 05/18/10; 05/19/11; 07/16/13; 04/18/17.

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7.16 MOMENT OF SILENCE

- (1) In each public school classroom the administrator in charge shall, in accordance with this rule, at the opening of school upon every school day conduct a brief period of quiet reflection for not more than sixty (60) seconds with the participation of all the pupils therein assembled.
- (2) During the moment of silence, the teacher responsible for each classroom shall ensure the following:
 - A. Each student shall
 1. remain silent;
 2. make no distracting display; and/or
 3. not interfere with or impede other pupils in the exercise of individual choice.
 - B. No person and no employee or agent of the district shall
 1. coerce, advocate, or encourage in any way whatsoever prayer or any religious activity by students; or
 2. discourage in any way whatsoever prayer or any religious activity by a student.
- (3) The moment of quiet reflection authorized by paragraph one (1) of this rule is not intended to be and shall not be conducted as a religious service or exercise but shall be considered as an opportunity for a moment of silent reflection on the anticipated activities of the day.
- (4) A school administrator or designee shall initiate the moment of silence for the entire school.

Statutory Authority: Sections 1001.41-43; 1003.02; 1003.31-32; 1003.45, F.S.

Law Implemented: Sections 1001.41-43; 1003.02; 1003.31-32; 1003.45, F.S.

History: New: 12/18/01. Revised/Amended: 09/20/05; 05/18/10

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7.17 STUDENT DRESS CODE

The Superintendent shall ensure the dress code and the procedures for adopting school uniforms is published in the *School District of Escambia County Rights and Responsibilities Handbook*. Each school principal shall implement and enforce the provisions set forth in the *School District of Escambia County Rights and Responsibilities Handbook* and shall ensure that a copy of the most current *School District of Escambia County Rights and Responsibilities Handbook* is delivered to every student in the school.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1003.02; 1003.31; 1003.32, F.S.

History: New: 05/20/03. Revised/Amended: 10/21/03; 08/17/04; 09/20/05; 06/20/06; 01/22/08; 05/18/10; 05/19/11; 04/18/17.

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7.18 POLICY AGAINST BULLYING AND HARASSMENT

- (1) The policy of the District is that all of its students and employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The district will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein is prohibited. Consistent with the intent and requirements of Section 1006.147, F.S., the District prohibits bullying or harassment by any student or employee on school property, during any school-related or school-sponsored program or activity, or during school-sponsored transportation.

A. Definition of bullying and a definition of harassment:

1. Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:
 - a. teasing
 - b. social exclusion
 - c. threat
 - d. intimidation
 - e. stalking
 - f. physical violence
 - g. theft
 - h. sexual, religious, or racial harassment
 - i. public or private humiliation
 - j. destruction of property
2. Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:
 - a. places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
 - b. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
 - c. has the effect of substantially disrupting the orderly operation of a school.

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3. Bullying and harassment also encompasses:

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

4. Cyberbullying as defined in Section 1006.147

“Cyberbullying” means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages, or facsimile communications. Cyberbullying includes the creations of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

(2) Description of the type of behavior expected from each student and school employee of a public K-12 educational institution:

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

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- B. The District believes that standards for student behavior must be set cooperatively through interaction among the students, parent(s)/guardian(s), staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.
- C. The District upholds that bullying or harassment of any student or school employee is prohibited:
1. during any education program or activity conducted by a public K-12 educational institution;
 2. during any school-related or school-sponsored program or activity;
 3. on a school bus of a public K-12 educational institution; or
 4. through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 education institution.
- D. All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success, as seen in the required school plan to address positive school culture and behavior (aka District Intervention Matrix and School Wide Behavior Management Plans).
- Student rights shall be explained as outlined in this policy and in the District Intervention Matrix, School Wide Behavior Management Plans and the *School District of Escambia County Rights and Responsibilities Handbook*.
- E. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the District Intervention Matrix, School Wide Behavior Management Plans and the *School District of Escambia County Rights and Responsibilities Handbook*.
- F. Consequences for students, employees, visitors, or volunteers of a public K-12 educational institution who commit an act of bullying or harassment, including whether a particular action or incident constitutes a violation of this policy, requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action. Such consequences are:

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1. Consequences for students shall range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *School District of Escambia County Rights and Responsibilities Handbook*.
 2. Consequences for employees shall be in accordance with district policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. (See 6A-10.081, F.A.C., The Principles of Professional Conduct of the Education Profession in Florida.)
 3. Consequences for visitors or volunteers shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
- G. Consequences for students, employees, visitors, or volunteers of a public K-12 educational institution who are found to have wrongfully and intentionally accused another of an act of bullying or harassment are as follows:
1. Consequences for students shall range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *School District of Escambia County Rights and Responsibilities Handbook*.
 2. Consequences for school employees shall be in accordance with district policies, procedures, and agreements.
 3. Consequences for visitors or volunteers, shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
- (3) Procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. (See District homepage "Report School Violence" hyperlink)
- A. At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parent(s)/guardian(s), volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal's designee.
- B. The principal of each school in the district shall establish and prominently publicize to students, staff, volunteers, and parent(s)/guardian(s), how a report of bullying or harassment may be filed either in-person or anonymously and how this report will be acted upon. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment.

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A school employee, school volunteer, student, parent(s)/guardian(s) or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the district policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

- C. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely upon an anonymous report.
- (4) The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act:
- A. The principal or designee will select a designee(s), employed by the school, trained in investigative procedures to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.
 - B. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
 - C. The investigator shall collect and evaluate the facts including but not limited to
 - 1. description of incident(s) including nature of the behavior;
 - 2. context in which the alleged incident(s) occurred, etc.;
 - 3. how often the conduct occurred;
 - 4. whether there were past incidents or past continuing patterns of behavior;
 - 5. the relationship between the parties involved;
 - 6. the characteristics of parties involved (i.e., grade, age, etc.);
 - 7. the identity and number of individuals who participated in bullying or harassing behavior;
 - 8. where the alleged incident(s) occurred;
 - 9. whether the conduct adversely affected the student's education or educational environment;

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10. whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 11. the date, time, and method in which the parent(s)/guardian(s) of all parties involved were contacted.
- (5) Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes
- A. recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
 - B. a written final report to the principal.
- (6) A maximum of ten (10) school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment, and the investigative procedures that follow.
- (7) The process to investigate whether a reported act of bullying or harassment is within the scope of the District and, if not, the process for referral of such an act to the appropriate jurisdiction:
- A. A principal or designee will assign a designee(s) trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the District.
 - B. The trained designee(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District.
 1. If it is within the scope of the District, move to Procedures for Investigating Bullying and/or Harassment.
 2. If it is outside the scope of the District, and determined a criminal act, refer to appropriate law enforcement.
 3. If it is outside the scope of the District, and determined not a criminal act, inform parent(s)/guardian(s) of all students involved.
- (8) Procedure for providing immediate notification to the parent(s)/guardian(s) of a victim of bullying or harassment and the parent(s)/guardian(s) of the perpetrator of an act of bullying or harassment as well as notification to all local agencies where criminal charges may be pursued against the perpetrator:
- A. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or

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harassment as defined by this policy to the parent(s)/guardian(s) of all students involved on the same day an investigation of the incident(s) has been initiated.

- B. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
- (9) If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform parent(s)/guardian(s) of the victim(s) involved in the bullying incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states “...a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public school that the student attends, be allowed to attend a safe public school within the local educational agency, including a public charter school.”
- (10) Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.
- (11) Procedure to refer victims and perpetrators of bullying or harassment for counseling:
- A. A teacher or parent(s)/guardian(s) may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern in any bullying incident (the involved students’ parent(s)/guardian(s) may be included).
 - B. School personnel or the parent(s)/guardian(s) may refer students to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services. (Parent(s)/guardian(s) involvement is required at this point.)
 - C. If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. (Parent(s)/guardian(s) involvement is required at this point.)
 - D. The intervention team may determine appropriate intervention and assistance that includes:
 - 1. Counseling and support to address the needs of the victims of bullying or harassment;
 - 2. research-based counseling/interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management); or

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3. research-based counseling/interventions, which include assistance and support, provided to parent(s)/guardian(s), if deemed necessary or appropriate.
- (12) Procedure for including incidents of bullying or harassment in the school's report of data concerning School Safety and Discipline Data required under Section 1006.09(6), F.S.
- A. The report shall include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report shall include, in a separate section, each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents:
 1. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment as an incident code as well as bullying-related as a related element code. The SESIR definition of bullying/harassment is unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation, or unreasonably interfere with the individual's school performance or participation.
 2. If a bullying and/or harassment incident occurs then it will be reported in SESIR with the appropriate code. If the bullying/harassment results in a SESIR incident, the incident will be coded appropriately using the relevant incident code and the related element code.
- (13) Discipline and referral data will be recorded in the District's Student Information System.
- (14) The District will provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.
- (15) Procedure for providing instruction to students, parent(s)/guardian(s), teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment:
- A. The District shall endeavor to ensure that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses, other non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parent(s)/guardian(s), and students.

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- B. Students, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's Policy and Regulations against bullying and harassment. Instruction on the District's Policy and Regulations against bullying and harassment shall be offered to parent(s)/guardian(s) and school volunteers at least annually. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying in schools.
- (16) Procedure for regularly reporting to a victim's parent(s)/guardian(s) the actions taken to protect the victim:
- A. The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying as defined by this policy to the parent(s)/guardian(s) of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parent(s)/guardian(s) will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
- (17) Procedure for publicizing the policy, which must include its publication in the *School District of Escambia County Rights and Responsibilities Handbook*, required under Section 1006.07(2), F.S., and in all employee handbooks:
- A. At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parent(s)/guardian(s), or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.
 - B. Each district school shall provide notice to students and staff of this policy through appropriate references in the *School District of Escambia County Rights and Responsibilities Handbook* and employee handbooks, and/or through other reasonable means. The Superintendent shall also make all contractors contracting with the District aware of this policy.
- (18) The principal of each school in the district shall establish and sustain a healthy, positive, and safe learning environment for all students. This requires the efforts of everyone in the school environment: teachers, administrators, counselors, school nurses, other non-teach staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parents/legal guardians, and students.

Each school principal shall develop an annual process for discussing the District's policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the District school buses.

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Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the district's Policy and Regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying or harassment in schools.

The District provides the following list of authorized programs including, but not limited to: *(Programs listed below are provided as examples only. Inclusion of programs within this list does not imply endorsement or promotion by the School Board of Escambia County.)*

1. Learning for Life
2. PBS/PBIS (Positive Behavior Support/Positive Behavioral Interventions & Supports)
3. Capturing Kids Hearts
4. RISE (Resiliency Increasing Skills and Education) Program
5. ECHO (Education and Counseling for High School Opportunities) Program
6. Child Safety Matters Program
7. Safe Schools Training
8. Ripple Effects

Decisions to include additional instructional programs or activities not previously listed within this policy will be made on a case-by-case basis in consultation with the Division of Curriculum and Instruction.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: 6A-10.081, F.A.C.; Sections 784.048; 1003.31; 1003.32; 1006.07; 1006.08; 1006.09; 1006.10; 1006.147, F.S.

History: New: 01/20/09. Revised/Amended: 05/18/10; 05/19/11; 07/16/13; 03/15/16; 04/18/17.

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7.19 HEARING OFFICER APPOINTEES FOR EXPULSIONS

(1) Selection of Hearing Officer Appointees

The General Counsel shall make a recommendation to the Board on an as-needed basis for appointment of Hearing Officers.

(2) Hearing Officer Appointee Qualifications

- A. Appointees must be a member in good standing of the Florida Bar.
- B. The appointee must possess experience and training in juvenile criminal law, family law, or other appropriate legal subject matter.
- C. Hearing Officers shall not represent a party in litigation against the Board of Escambia County, Florida.

(3) Vacancy Advertisement

- A. The Superintendent shall effect an announcement to fill a Hearing Office vacancy in the local bar association newsletter and/or a similar publication.
- B. A Hearing Officer appointee shall be selected by majority vote of the Board.

Statutory Authority: Sections 120.569; 120.57(2); 286.011; 1006.07, F.S.

Law Implemented: Sections 120.569; 120.57(2); 286.011; 1006.07, F.S.

History: New: 01/20/09. Revised/Amended: 05/18/10.

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7.20 DATING VIOLENCE AND ABUSE

- (1) The policy of the District is that all of its students have an educational setting that is safe, secure, and free from dating violence and abuse of any kind. The District will not tolerate any form of dating violence and abuse as defined in section A. of this policy which is listed below. Consistent with the intent and requirements of Section 1006.148, F.S., the District prohibits dating violence by any student on school property, during any school-related or school-sponsored program or activity, or during school-sponsored transportation.

A. Definition of dating violence and abuse:

1. Dating violence is a pattern of emotional, verbal, sexual, or physical abuse exhibited by one person in a current or past dating relationship to exert power and control over another.
2. Abuse may include but is not limited to
 - a. insult;
 - b. coercion;
 - c. social sabotage;
 - d. sexual harassment;
 - e. stalking;
 - f. threat;
 - g. act of physical or sexual abuse;
 - h. abuse harassment to include, stalking via electronic devices such as cell phones and computers; or
 - i. harassment through a third party. This type of behavior may be physical, mental, or both.

B. An alleged act of dating violence and abuse may be reported via the online mechanism which can be found on the home page of the District web-site listed as: Report Bullying / Date Violence / Harassment.

C. Procedures for reporting and investigating an alleged act of dating violence and abuse shall be outlined in the *School District of Escambia County Rights and Responsibilities Handbook*.

D. The District includes a dating violence and abuse component in various courses at the secondary level.

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Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Sections 1001.43; 1003.42; 1006.07; 1006.148, F.S.

History: New: 05/19/11. Revised/Amended: 07/16/13; 04/18/17

