BAY DISTRICT SCHOOLS

SCHOOL BOARD POLICY MANUAL

William V. Husfelt, III

Superintendent

Board Members

Jerry Register, District 1
Brenda Ruthven, District 2
Pamm Chapman, District 3
Winston Chester, District 4
Steve Moss, District 5

Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Policy Manual Update)

The following listing is included in this Policy Manual as a ready guide for the user to determine whether the Policy Manual properly reflects the latest printing of each page.

The first Column lists the Policy Update number and date of the Board Meeting that prompted the Policy Update. In Column 2 are listed the page numbers you should remove from the Policy Manual and replace with the new page numbers listed in Column 3. Replace the old Checklist page with this Checklist page.

In addition to assisting existing holders of the Policy Manual, this list may be used in compiling an up-to-date copy from the original Policy Manual and subsequent Policy Updates.

Policy Update # and Date of Board Meeting	Pages to be **Removed**	Pages to be **Added**
Policy Update #1 Current thru 10/10/01 Meeting	All Chapters Master Table of Contents Each Chapter Table of Contents	All Chapters Master Table of Contents Each Chapter Table of Contents
Policy Update #2 Current thru 11/14/01 Meeting	Pages 713-714 719-720	Pages 713-714 719-720
Policy Update #3 Current thru 12/12/01 Meeting	Master Table of Contents 405-410 601-606 645-648 703-708 727-732 Chapter 8 Table of Contents 807-810 815-820 849-End of Chapter 8	Master Table of Contents 405-410 601-606 645-648 703-708 727-728 Chapter 8 Table of Contents 807-810 815-820 849-856
Policy Update #4 Current thru 04/24/02 Meeting	Master Table of Contents Chapter 6 Table of Contents 600-620 711-722 813-824	Master Table of Contents Chapter 6 Table of Contents 600-620 711-722 813-824

Policy Update # and Date of Board Meeting	Pages to be **Removed**	Pages to be **Added**
Policy Update #5 Current thru 07/24/02 Meeting	Master Table of Contents Chapter 7 Table of Contents 700-737 Chapter 8 Table of Contents 800-856	Master Table of Contents Chapter 7 Table of Contents 700-737 Chapter 8 Table of Contents 800-857
Policy Update #6 Current thru 08/28/02 Meeting	Master Table of Contents Chapter 2 Table of Contents 200-211 Chapter 3 Table of Contents 300-316 Chapter 4 Table of Contents 400-413 700-711 800-825	Master Table of Contents Chapter 2 Table of Contents 200-211 Chapter 3 Table of Contents 300-316 Chapter 4 Table of Contents 400-413 700-711 800-825
Policy Update #7 Current thru 01/15/03 Meeting	Master Table of Contents 210-211 Chapter 7 Table of Contents 700-737 Chapter 8 Table of Contents 822-837	Master Table of Contents 210-213 Chapter 7 Table of Contents 700-738 Chapter 8 Table of Contents 822-837
Policy Update #8 Current thru 12/15/03 Meeting	Remove all pages	Replace all pages
Policy Update #9 04/14/04 Board Meeting	Pages 736-737	Pages 736-737
Policy Update #10 05/26/04 Board Meeting	Page 652	Page 652
Policy Update #11 06/09/04 Board Meeting	Pages 704-713	Pages 704-713
Policy Update #12 07/28/04 Board Meeting 08/11/04 Board Meeting	Master Table of Contents Chapter 7 Table of Contents 702-715 738-739 Chapter 8 Table of Contents 804-857	Master Table of Contents Chapter 7 Table of Contents 702-715 738-739 Chapter 8 Table of Contents 804-859
Policy Update #13 09/08/04 Board Meeting 11/16/04 Board Meeting	Cover Master Table of Contents Chapter 2 Table of Contents 208-209 706-711 Chapter 8 Table of Contents 801-859	Cover Master Table of Contents Chapter 2 Table of Contents 208-209 706-711 Chapter 8 Table of Contents 801-861

Policy Update # and Date of Board Meeting	Pages to be **Removed**	Pages to be **Added**
Policy Update #14 01/12/05 Board Meeting	616-617 700-711	616-617 700-711
Policy Update #15 2/23/05 Board Meeting 03/09/05 Board Meeting	Master Table of Contents 400-411 700-723 Chapter 8 Table of Contents 800-861	Master Table of Contents 400-412 700-723 Chapter 8 Table of Contents 800-862
Policy Update #16 03/23/05 Board Meeting	Master Table of Contents Chapter 7 Table of Contents 700-725	Master Table of Contents Chapter 7 Table of Contents 700-725
Policy Update #17 04/27/05 Board Meeting	Master Table of Contents Chapter 8 Table of Contents 500-506 822-831	Master Table of Contents Chapter 8 Table of Contents 500-507 822-831
Policy Update #18 5/11/05 Board Meeting	Master Table of Contents Chapter 8 Table of Contents 816-821	Master Table of Contents Chapter 8 Table of Contents 816-821
Policy Update #19 6-8-05 Board Meeting 7-7-05 Board Meeting	Master Table of Contents Chapter 4 Table of Contents Chapter 7 Table of Contents 410-411 720-721 726-739	Master Table of Contents Chapter 4 Table of Contents Chapter 7 Table of Contents 410-411 720-721 726-739
Policy Update #20 9/14/05 Board Meeting	Master Table of Contents Chapter 3 Table of Contents 300-316 Chapter 6 Table of Contents 650-651 Chapter 8 Table of Contents 822-831	Master Table of Contents Chapter 3 Table of Contents 300-316 Chapter 6 Table of Contents 650-651 Chapter 8 Table of Contents 822-831
Policy Update #21 10/26/05 Board Meeting	608-611	608-611
Policy Update #22 11/9/05 Board Meeting	Master Table of Contents Chapter 8 Table of Contents 810-817	Master Table of Contents Chapter 8 Table of Contents 810-817
Policy Update #23 11/22/05 Board Meeting	Master Table of Contents Chapter 3 Table of Contents 308-316	Master Table of Contents Chapter 3 Table of Content 308-316

Policy Update # and Date of Board Meeting	Pages to be **Removed**	Pages to be **Added**
Policy Update #24 12/14/05 Board Meeting 1/11/2006 Board Meeting 1/25/2006 Board Meeting	Master Table of Contents Chapter 1 Table of Contents Chapter 2 Table of Contents 210-212 Chapter 3 Table of Contents Chapter 4 Table of Contents Chapter 6 Table of Contents 632-633 Chapter 7 Table of Contents 700-739 Chapter 8 Table of Contents 822-862	Master Table of Contents Chapter 1 Table of Contents Chapter 2 Table of Contents 210-212 Chapter 3 Table of Contents Chapter 4 Table of Contents Chapter 6 Table of Contents 632-633 Chapter 7 Table of Contents 700-738 Chapter 8 Table of Contents 822-860
Policy Update #25 February 22, 2006	Master Table of Contents Chapter 8 Table of Contents 822-860	Master Table of Contents Chapter 8 Table of Contents 822-861
Policy Update #26 April 12, 2006	Master Table of Contents Chapter 7 Table of Contents 738	Master Table of Contents Chapter 7 Table of Contents 738-739
Policy Update #27 May 24, 2006	202-203 600-603 804-809	202-203 600-603 804-809
Policy Update #28 June 14, 2006	Master Table of Contents Chapter 2 Table of Contents 202-212 Chapter 6 Table of Contents 600-621 Chapter 7 Table of Contents 704-735 804-811	Master Table of Contents Chapter 2 Table of Contents 202-213 Chapter 6 Table of Contents 600-621 Chapter 7 Table of Contents 704-735 804-811
Policy Update #29 June 28, 2006	Master Table of Contents Chapter 7 Table of Contents 700-739	Master Table of Contents Chapter 7 Table of Contents 700-739
Policy Update #30 July 26, 2006	700-701	700-701
Policy Update #31 September 13, 2006	Master Table of Contents Chapter 6 Table of Contents 638-645 Chapter 7 Table of Contents 726-739 858-859	Master Table of Contents Chapter 6 Table of Contents 638-645 Chapter 7 Table of Contents 726-739 858-859

Policy Update # and Date of Board Meeting	Pages to be **Removed**	Pages to be **Added**
Policy Update #32 January 10, 2007	Master Table of Contents 628-629 Chapter 7 Table of Contents 706-735 Chapter 8 Table of Contents 800-861 900-901	Master Table of Contents 628-629 Chapter 7 Table of Contents 706-735 Chapter 8 Table of Contents 800-864 900-901
Policy Update #33 February 14, 2007	Master Table of Contents Chapter 2 Table of Contents 204-213	Master Table of Contents Chapter 2 Table of Contents 204-213
Policy Update #34 February 28, 2007	826-833	826-833
Policy Update #35 April 11, 2007	Master Table of Contents Chapter 6 Table of Contents 620-621	Master Table of Contents Chapter 6 Table of Contents 620-621
Policy Update #36 April 25, 2007	726-739	726-739
Policy Update #37 May 23, 2007	826-833	826-833
Policy Update #38 June 13, 2007	314-315	314-315
Policy Update #39 August 22, 2007	Master Table of Contents Chapter 7 Table of Contents 700-739 812-815	Master Table of Contents Chapter 7 Table of Contents 700-739 812-815
Policy Update #40 September 12, 2007	Master Table of Contents Chapter 7 Table of Contents 726-739 830-833	Master Table of Contents Chapter 7 Table of Contents 726-739 830-833
Policy Update #41 November 14, 2007	Master Table of Contents 118-121 700-703 714-715 726-727 Chapter 8 Table of Contents 802-809 812-815 822-823 826-827 834-845	Master Table of Contents 118-121 700-703 714-715 726-727 Chapter 8 Table of Contents 802-809 812-815 822-823 826-827 834-845
Policy Update #42 December 14, 2007	Master Table of Contents Chapter 6 Table of Contents 638-639 706-711	Master Table of Contents Chapter 6 Table of Contents 638-639 706-711

Policy Update # and Date of Board Meeting	Pages to be **Removed**	Pages to be **Added**
Policy Update #43 January 23, 2008	Master Table of Contents 102-103 118-119 Chapter 7 Table of Contents 700-739 Chapter 8 Table of Contents 802-864	Master Table of Contents 102-103 118-119 Chapter 7Table of Contents 700-740 Chapter 8 Table of Contents 802-865
Policy Update #44 February 28, 2008	Master Table of Contents Chapter 6 Table of Contents 618-621	Master Table of Contents Chapter 6 Table of Contents 618-621
Policy Update #45 May 28, 2008	820-823 848-857	820-823 848-857
Policy Update #46 September 24, 2008	212-213	212-214
Policy Update #47 October 22, 2008	Master Table of Contents Chapter 8 Table of Contents 802-865	Master Table of Contents Chapter 8 Table of Contents 802-868
Policy Update #48 November 12, 2008	100-117	100-117
Policy Update #49 December 10, 2008	Master Table of Contents Chapter 3 Table of Contents 310-316 Chapter 7 Table of Contents 722-740	Master Table of Contents Chapter 3 Table of Contents 310-317 Chapter 7 Table of Contents 722-745
Policy Update #50 January 14, 2009	700-707 714-723	700-707 714-723
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Policy Update #54 May 13, 2009	600-603 815-820 827-836	600-603 815-820 827-836

Policy Update # and Date of Board Meeting	Pages to be **Removed**	Pages to be **Added**
Policy Update #55 May 27, 2009	Master Table of Contents Chapter 1 Table of Contents 120-121 Chapter 2 Table of Contents 214	Master Table of Contents Chapter 1 Table of Contents 120-121 Chapter 2 Table of Contents 214-215
Policy Update #56 June 24, 2009	734-737 845-848	734-737 845-848
Policy Update #57 July 8, 2009	Master Table of Contents 626-629 632-633 Chapter 7 Table of Contents 714-715	Master Table of Contents 626-629 632-633 Chapter 7 Table of Contents 714-715
Policy Update #58 July 22, 2009	861-864	861-864
Policy Update #59 August 26, 2009	Master Table of Contents Chapter 6 Table of Contents 626-645	Master Table of Contents Chapter 6 Table of Contents 626-645
Policy Update #60 September 23, 2009	Master Table of Contents Chapter 7 Table of Contents 706-747 Chapter 8 Table of Contents 865-868	Master Table of Contents Chapter 7 Table of Contents 706-751 Chapter 8 Table of Contents 865-869
Policy Update #61 December 9, 2009	Master Table of Contents Chapter 8 Table of Contents 800-868	Master Table of Contents Chapter 8 Table of Contents 800-872
Policy Update #62 January 13, 2010	Master Table of Contents Chapter 6 Table of Contents 626-658 Chapter 7 Table of Contents 700-751	Master Table of Contents Chapter 6 Table of Contents 626-659 Chapter 7 Table of Contents 700-752
Policy Update #63 February 24, 2010	Master Table of Contents Chapter 3 Table of Contents 306-309 316-317 830-839	Master Table of Contents Chapter 3 Table of Contents 306-309 316-318 830-839
Policy Update #64 April 14, 2010	Master Table of Contents Chapter 3 Table of Contents 314-317	Master Table of Contents Chapter 3 Table of Contents 314-318
Policy Update #65 May 26, 2010	Master Table of Contents Chapter 5 Table of Contents 500-507	Master Table of Contents Chapter 5 Table of Contents 500-507

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Policy Update #66 June 9, 2010	652-655 720-729 744-747	652-655 720-729 744-747
Policy Update #67 June 23, 2010	Master Table of Contents Chapter 6 Table of Contents 600-653	Master Table of Contents Chapter 6 Table of Contents 600-653
Policy Update #68 July 14, 2010	738-741	738-741
Policy Update #69 November 16, 2010	Cover Page Master Table of Contents 118-121 Chapter 6 Table of Contents 600-659 740-752	Cover Page Master Table of Contents 118-121 Chapter 6 Table of Contents 600-663 740-752
Policy Update #70 December 7, 2010	Master Table of Contents Chapter 8 Table of Contents 800-872	Master Table of Contents Chapter 8 Table of Contents 800-871
Policy Update #70 (corrected) January 20, 2011	828-839	828-839
Policy Update #71 January 25, 2011	738-739 744-747	738-739 744-747
Policy Update #72 March 22, 2011	700-711	700-711
Policy Update #73 April 12, 2011	642-643 646-651	642-643 646-651
Policy Update #74 June 14, 2011	612-615	612-615
Policy Update #75 August 23, 2011	Master Table of Contents 318 Chapter 7 Table of Contents 720 - 752	Master Table of Contents 318 Chapter 7 Table of Contents 720-753
Policy Update #76 September 13, 2011	738 - 753	738 - 753
Policy Update #77 October 25, 2011	212 - 213	212-213
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Policy Update #79 February 14, 2012	704-711	704-711
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Policy Update #81 July 24, 2012	Master Table of Contents Chapter 7 Table of Contents 744-758	Master Table of Contents Chapter 7 Table of Contents 744-759
Policy Update #82 August 14, 2012	712-717 746-747	712-717 746-747
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Policy Update #90 April 9, 2013	704-711 742-745 868-871	704-711 742-745 868-871
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Policy Update #92 May 14, 2013 ***** (CORRECTED & REVISED 7/29/13 Only affected pages replaced)	Master Table of Contents Chapter 3 Table of Contents 304-322 712-719 742-747 ***** 712-719 742-747	Master Table of Contents Chapter 3 Table of Contents 304-322 712-719 742-747 ***** 712-719 742-747
Policy Update #93 July 23, 2013	722-731	722-731
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Policy Update #100 June 24, 2014	Master Table of Contents 310-311 Chapter 4 Table of Contents	Master Table of Contents 310-311 Chapter 4 Table of Contents 412
Policy Update #101 July 22, 2014	Master Table of Contents Chapter 6 Table of Contents 612-613 640-663	Master Table of Contents Chapter 6 Table of Contents 612-613 640-664

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Policy Update #102 August 12, 2014	Master Table of Contents Chapter 2 Table of Contents 206-216 Chapter 6 Table of Contents 600-666 732-747	Master Table of Contents Chapter 2 Table of Contents 206-218 Chapter 6 Table of Contents 600-666 732-747
Policy Update #103 September 23, 2014	Master Table of Contents Chapter 7 Table of Contents 722-753	Master Table of Contents Chapter 7 Table of Contents 722-753
Policy Update #104 October 14, 2014	Master Table of Contents Chapter 4 Table of Contents 400-412 840-841	Master Table of Contents Chapter 4 Table of Contents 400-412 840-841
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Policy Update #112 October 13, 2015	409	409
Policy Update #113	Master Table of Contents Chapter 6 Table of Contents	Master Table of Contents Chapter 6 Table of Contents

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Policy Update #114 April 12, 2016	Chapter 7 Table of Contents 781 805-810 821 831 849-856 874-875 876-877 894-898	Chapter 7 Table of Contents 781 805-810 821 831 849-856 874-875 876-877 894-898
Policy Update #115 May 24, 2016	800-801 819-820 832-846 849 854-855 870	800-801 819-820 832-846 849 854-855 870
Policy Update #116 June 14, 2016	822-824	822-824
Policy Update #117 June 28, 2016	672-673 762-764 900 (Chapter 9) 902-903 (Chapter 9)	672-673 762-764 900 (Chapter 9) 902-903 (Chapter 9)
Policy Update #118 July 26, 2016	203 205 600-608	203 205 600-608
Policy Update #119 August 23, 2016	717-721 730-758 894-898	717-721 730-758 894-898
Policy Update #120 September 13, 2016	505-507 815-818	505-507 815-818
Policy Update #121 September 27, 2016 **** (CORRECTED & REVISED *without requirement of meeting)*	763-764 **** 601 – 602 608 634	763-764 **** 601 – 602 608 634
Policy Update #122 November 8, 2016 **** (CORRECTED)	507 805-806 810 859-866 868 **** 608 634	507 805-806 810 859-866 868 **** 608 634
Policy Update #123 December 13, 2016	800-801 811 851 855 874-877 907	800-801 811 851 855 874-877 907

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Policy Update #124 February 14, 2017	333 847-848	333 847-848
Policy Update #125 April 11, 2017	334 (formatting typo) 410 413-414 415 804 834-835 847-848	334 (formatting typo) 410 413-414 415 804 834-835 847-848
Policy Update #126 April 25, 2017	502-503 703-707 717-721 849-855	502-503 703-707 717-721 849-855
Policy Update #127 May 4, 2017	Master Table of Contents Chapter 7 Table of Contents 775-786	Master Table of Contents Chapter 7 Table of Contents 775-787
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Policy Update #129 September 26, 2017	419 510 768-774 805-810	419 510 768-774 805-810
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Policy Update #132 April 24, 2018	318 (formatting issue) 685	318 685
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Policy Update #137 June 25, 2019	Master Table of Contents 205 (corrected) Chapter 3 Table of Contents 332-339 805-810	Master Table of Contents 205 (corrected) Chapter 3 Table of Contents 332-340 805-810
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Policy Update #149 March 9, 2021 **** (CORRECTED *without requirement of meeting)*	Master Table of Contents Chapter 3 Table of Contents 311 416 514 **** 732 770	Master Table of Contents Chapter 3 Table of Contents 311 341-342 416 514 **** 732 770
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CHAPTER ONE
THE DISTRICT SCHOOL BOARD

PART ONE
RULES OF PROCEDURE

ORGANIZATION OF THE BAY COUNTY SCHOOL SYSTEM **1.101**

Agency Head. The District School Board is the Agency Head for the Bay County School System. Members of the Board are elected for four year terms at the general election held in November of even numbered years, pursuant to Sections 1001.34, 1001.35, 1001.36, Florida Statutes. The general duties and responsibilities of the School Board are as stated in these rules and in Section 1001.42, Florida Statutes.

Description of Organization and Operation. The Bay County School System is organized as illustrated in the chart at the conclusion of this rule.

General Information.

Office Hours. The District office for the school system shall be open to the public from 7:30 A.M. to 4:30 P.M. Monday through Friday of each week, except for authorized holidays. The work week and daily schedule may be adjusted during the summer months when school is not in session.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1003.01, 1013.01, 1001.35, 119.07, 286.011, 1013.14, 447.605, Fla. Stat.; 28-1.33, F.A.C.; Chapter 84-298, Laws of Florida
History: New, June 12, 1989
Revised: November 12, 2008; July 27, 2021

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CHAPTER ONE
THE DISTRICT SCHOOL BOARD

SCHOOL BOARD MEETINGS AND WORKSHOPS 1.102

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

Regular Meetings. Regular meetings of the School Board will be held at least once during each calendar month. The time of such meetings will be established at the organizational meeting in November each year. The date of a regular meeting may be changed by action of the Board at any previous meeting provided that every member is notified either by letter or by the distribution of the minutes carrying a record of the change.

Special Meetings. Special meetings may be called at any time by the Superintendent, either upon his own initiative or upon the request of the Chairman or a majority of the membership of the Board. If the Superintendent should refuse to call such a meeting upon request of the Chairman or a majority of the Board, the Chairman or the majority may, by giving written notice to the Superintendent and all members of the Board in the manner prescribed by law, call a special meeting.

Emergency Meetings. The Superintendent may call an emergency meeting of the Board at any time for the purpose of acting upon emergency matters affecting the public health, safety or welfare.

Notice of Meetings.

Regular Meetings. The Superintendent shall give at least seven (7) days public notice of any regular meeting of the School Board. Such notice of meeting shall be in the following format:

"NOTICE OF PUBLIC MEETING

The Bay County School Board announces a public meeting to which all persons are invited.

Date and Time:_____
Place:_____
Purpose:_____

If a person intends to appeal the Board's decision with respect to any matter, or has any thought that an appeal may be taken, the person has the responsibility to insure that a verbatim (word for word) record of the proceeding is made, and that the verbatim record includes all testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting the Superintendent of Schools at P.O. Drawer 820, Panama City, Florida 32402."

The notice of meeting shall be made:

a. By posting at the Superintendent's office and by publication in a newspaper of general circulation in the County; and
b. By mail to all persons who have made requests of the Board for advance notice of its meetings.

Special Meetings. The Superintendent shall give at least 48 hours public notice prior to any special meeting of the School Board. Notice of such meetings shall be in the format prescribed herein for regular meetings of the Board. The notice shall be given in the following manner:

a. By posting at the at the office of the Superintendent of Schools; and
b. By mail to all persons who have made requests of the Board for advance notice of its meetings.

Emergency Meetings. The Superintendent shall notify at least one (1) newspaper of general circulation in the District of the time, date, place and purpose of an emergency meeting.

Agenda for Meetings.

Regular Meetings. The Superintendent shall prepare and distribute an agenda for each regular meeting so that a copy may be received at least seven (7) days before the event by any person who has requested a copy and pays the reasonable cost per copy.

Special Meetings. The Superintendent shall prepare and distribute an agenda for each special meeting so that a copy may be received at least 48 hours before the meeting by any person who has requested a copy and pays the reasonable cost per copy.

Emergency Meetings. No advance distribution of an agenda will be required for emergency meetings of the School Board. However, following an emergency meeting the Superintendent shall publish in a newspaper of general circulation in the County the following information:

1. Time, date and place of the emergency meeting;
2. Reasons why an emergency meeting was necessary; and
3. A statement setting forth the action taken at the meeting.

Format of Agenda. The Superintendent and School Board Chairman shall prepare the agenda for regular and special meetings. The agenda shall be specific as to items to be considered. All matters involving the exercise of Board discretion and policymaking shall be listed and summarized on the agenda. Additions to agenda items such as "old business", "new business," "other business," or "other matters which may come before the Board" or similar terms shall be for consideration of solely ministerial, or internal-administrative matters which do not affect the interests of the public generally. The agenda shall be prepared in essentially the following format:

"BAY COUNTY SCHOOL BOARD

Time, Date, and Place of Meeting
This Meeting is Open to the Public
1. Call to Order
2. Public Hearings (if applicable)
3. Input from Public, Board Committees, and School-Related Organizations
4. Review of Agenda and Minutes
5. Superintendent's Report
6. Business Services Report
7. Instructional Services Report
8. Administrative Services Report
9. Reports from Chairman, Board Members and Attorney
10. Reports and Input from Employee Organizations"

Superintendent's Recommendations. The agenda or the agenda materials should reflect the Superintendent's recommendation on each item to be presented to the Board for consideration.

Following of Agenda. The agenda shall list the items in the order they are to be considered. For good cause stated in the record, items on the agenda may be considered out of their stated order with the approval of the Chairman. Items not appearing on the posted agenda which require action, may not be added except by majority vote of the Board Members present at the meeting declaring the item an emergency that requires action at the particular meeting. The reason for the emergency must be entered in the record. All meetings shall be conducted in accordance with Section 1.207.

Materials and Information. In order for Board Members to properly prepare for Board meetings, they must be given materials and information far enough in advance of the meeting to allow them to adequately review them. All backup material concerning the items on the agenda of regular School Board meeting should be delivered to each of the Board Member at least six (6) days prior to the meeting. If backup material for the agenda is not delivered to the Board Member at least 48 hours prior to the meeting, the item shall be automatically tabled until the next Board meeting. The agenda item may be heard and not tabled only if there is a vote by a majority of the Board Members present declaring the item an emergency that requires it not be tabled until the next regular meeting. The reason for the emergency must be entered in the record.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.372(1), 120.53(1)(d), 120.54(10), 1001.372(2), 1001.371, Fla. Stat.; Chapter 28-2, F.A.C.
History: New, June 12, 1989
Revised: July 11, 1991

ADOPTION, AMENDMENT AND
REPEAL OF BOARD RULES **1.103**

Regular Actions Initiated by School Board or Staff. If the Superintendent or a member of the School Board wishes to propose the adoption of a new rule or the amendment or repeal of an existing rule, he\she shall have the proposed action placed on the agenda for a regular or special meeting in the manner prescribed above.

At the meeting the Board shall consider the proposal and either reject or tentatively approve the proposal, with or without modification. Following tentative approval the Board shall direct the Superintendent to give public notice of the Board's proposed action.

Public notice of intent to adopt, amend or repeal a rule shall be made at least 21 days prior to intended action:

a. By publication in a newspaper of general circulation in the County;
b. By mail to all persons who have made requests of the Board for advance notice of its proceedings;
c. By posting a copy of the notice in each school or work area where it will be clearly visible to employees and students; and
d. By mail to organizations representing groups of Board employees.

If such public notice does not contain a copy of the complete text of the proposed rule or change, the notice shall identify the location where a copy of the text may be examined or obtained.

The public notice shall also contain the name of the person originating the rule and the name of the person approving the proposed rule for initial consideration by the Board.

After the publication of public notice initiating rulemaking, the Superintendent shall make available for public inspection, and shall provide upon request, copies of the following materials:

a. The text of the proposed rule, or any amendment, or repeal of any existing rule;
b. A detailed written statement justifying the proposed rule;
c. A copy of the economic impact statement required by Section 120.54, Fla. Stat.;
d. The published notice.

Public Hearing. If the proposed rule or rule change does not relate exclusively to organization, practice or procedure, the School Board shall provide, upon request, a public hearing for presentation of evidence, argument and oral statements, within reasonable limitations to avoid duplication, irrelevant comments, unnecessary delay or disruption of the proceeding. Written statements may be submitted to the School Board following the hearing by any person, and may be considered and made part of the record if authorized by the Board.

Such public hearing shall be held if requested by a person affected by the rule within 21 days after the date of publication of the public notice. However, the School Board may elect on its own initiative to hold a public hearing and publish notice of this fact.

An agenda shall be prepared for the public hearing that provides affected persons with sufficient time to present evidence, argument or oral statements, and other information.

The hearing shall be conducted by the School Board as a body.

The School Board may take official recognition of any material that is of common and general knowledge, authoritatively well settled and free from uncertainty. If the material is officially recognized by the School Board it is deemed to be admissible without the necessity of the offering party presenting evidence. This material shall be a part of the record and all affected persons shall be given a reasonable opportunity to examine and offer evidence and argument in opposition.

Upon request of any affected person a transcript shall be made of the proceedings and made available to the public. Costs of preparing the transcript and having the proceeding recorded shall be paid by the requesting person. A copy of the transcript shall be available to the public at cost.

At any time prior to the conclusion of the public hearing, any person may assert that such hearing does not provide an adequate opportunity to protect his substantial interests and request that the hearing be conducted under the provisions of Section 120.57, Fla. Stat. Upon receipt of such request, the School Board shall proceed in the manner prescribed by Section 1.105(4)(c) of these rules.

Any person who is substantially affected by the proposed rule may, in addition, within 14 days following advertising of the public notice, request an administrative determination of the validity of the proposal on the grounds and in the manner prescribed in Section 120.54(3), Fla. Stat.

a. If such hearing is granted by the state Division of Administrative Hearings, the School Board is precluded from taking any final action of the proposed rule pending the final decision of the hearing officer.

b. The hearing officer may declare all or any part of the proposed rule to be invalid. No proposal or portion of a proposal so declared invalid may be subsequently adopted by the School Board.

Following the public hearing, or the final decision of the state hearing officer, or a 14 day waiting period if no hearing is requested or challenge made, the School Board may take action on the final adoption of the rule.

Following the final adoption the Superintendent shall file a certified copy of the new rule, amendment, or repeal in the district office complete with the data, and in the form required by applicable portions of Section 120.54(11)(b), Fla. Stat.

Petitions to Initiate Rulemaking Proceedings by Substantially Affected Persons. Any person subject to the jurisdiction of or affected by actions of the School Board may submit a petition for initiation of rule-making proceedings at any time.

All such petitions must contain the name and address of the petitioner, specific reasons for adoption, amendment or repeal, the specific action requested, the date submitted, and shall specify the proposed rule.

Any interested person may file a statement in support of or in opposition to any petition for the initiation of rulemaking proceedings. The interested person shall furnish the petitioner with a copy upon filing of the statement.

Any interested person may submit a reply to the statement in paragraph (b) herein prior to action being taken by the School Board. The interested person shall furnish the petitioner and the person filing under paragraph (b) with a copy upon filing of the reply.
School Board Action on Petitions to Initiate Rulemaking.

Upon receipt of any petition for the initiation of rulemaking pursuant to Section 120.54(5), Fla. Stat., the School Board shall publish notice of receipt and disposition in the manner required in Subsection(1) herein.

If the School Board determines that the petitioner is not regulated by the Board or does not have a substantial interest in the rule, or does not have the interest as stated in the petition, the School Board may forthwith deny the petition, and shall notify the petitioner in writing with particularity the reasons for the denial. If the agency determines that rulemaking should not be initiated, a written statement setting forth, with particularity, the reasons for such determination shall be provided to the petitioner.

After the publication of notice initiating rulemaking, the School Board shall make available for public inspection and shall provide upon request, copies of the following materials:

(1) The text of the proposed rule, or any amendment, or repeal of any existing rule;
(2) A detailed written statement justifying the proposed rule;
(3) A copy of the economic impact statement required by Section 120.54, Fla. Stat.;
(4) The published notice.

The School Board shall then proceed to consider the proposed rule in the manner prescribed in Subsection (1)(g) herein.

Emergency Actions. If the School Board finds at any time that an immediate danger to the public health, safety, or welfare requires emergency action, an emergency rule may be adopted, modified or repealed without the necessity of following the procedure outlined in Subsection (1) herein.

If possible, the Superintendent will notify all local newspapers and all groups of affected persons prior to adoption of an emergency rule. The Board will permit, upon request, all affected persons to present testimony, evidence, and submit written statements.

Upon the request of any affected person, a transcript shall be made of the proceeding and a record shall be made consisting of the transcript and any other matter of information considered by the School Board in adopting the emergency rule. Cost of preparing the transcript shall be paid by the requesting person. In any event, a recording shall be made of the proceeding.

Notwithstanding the paragraphs above, the School Board reserves the right to use any procedure which is fair under the circumstances in the adoption of an emergency rule as long as it protects the public interest and otherwise complies with applicable statutory provisions.

Any emergency rule shall become effective immediately upon adoption and shall be automatically repealed upon expiration of 90 days, unless an earlier expiration date is prescribed within the rule.

Exemption for Collective Bargaining Agreements. In the event that any provision of a collective bargaining agreement, ratified by the Board either prior to or subsequent to the effective date of any rule herein, conflicts with all or part of any such rule, the provisions of the agreement shall be controlling and the rule shall be deemed to be amended to the extent of the conflict during the term of the agreement only insofar as it is applicable to members of the bargaining unit covered by the agreement.

If any such agreement expires prior to the ratification of a subsequent agreement, the provisions of the expired agreement shall remain in full force and effect until ratification of the subsequent agreement unless a rule or rules contrary to the agreement are adopted in the interim.

Exemption for Changes in Law. In the event that a law, enacted subsequent to the adoption of any rule herein, conflicts with all or part of such rule, the provisions of the law shall be controlling and the rule shall be deemed to be amended to the extent of the conflict.

Non-Substantive Amendments to Rules. The School Board Attorney, as the Board's designee, shall have the authority to review the School Board Rules and to:

(1) Amend grammatical, typographical, titles and similar matters not affecting the meaning of the rules; and
(2) Make structural changes including renumbering of sections which do not affect the substance of the rules.

Such editorial changes shall be provided to the Agency Clerk for distribution to all registered holders of policy manuals.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 120.54, 120.57, 447.309(3), Fla. Stat.; Chapter 28-3, F.A.C.
History: New, June 12, 1989
Revised: August 14, 1996

DECLARATORY STATEMENTS 1.104

Purpose and Use. A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of any statutory provision, rule, or order as it does, or may apply to a petitioner in his particular circumstances only. The potential impact upon petitioner's interests must be alleged in order for petitioner to show the existence of a controversy, question, or doubt.

Application. Any person may seek a declaratory statement as to the applicability of a specific statutory provision or of any rule or order of the School Board as it applies to the petitioner in his particular set of circumstances only. The School Board will give notice of each petition, briefly stating the question presented, in the manner prescribed by Section 120.565, Fla. Stat., and shall similarly give notice of the disposition of each petition, briefly explaining the School Board's response.

(1) The petition seeking a declaratory statement shall be filed in writing with the Superintendent and shall provide substantially the following information:
   (a) Heading: Petition for Declaratory Statement
   (b) Name or Petitioner
   (c) Address of Petitioner
   (d) School Board rule, order or statutory provision on which declaratory statement is sought
   (e) Description of how this rule, order or statute may or does affect the petitioner in his/her particular set of circumstances only
   (f) Signature of Petitioner
   (g) Date

Disposition. Upon receiving an application for a declaratory statement the Superintendent shall prepare a written statement of interpretation clarifying the application of the particular statute, order or rule to the petitioner.

The statement shall be transmitted to the individual and to each member of the Board within ten (10) days of receipt of the application. Either the petitioner or any member of the Board may within ten (10) days of receipt of the proposed statement, request an appeal of the proposed statement to the entire Board.

If an appeal is requested, the Superintendent shall place the matter on the agenda of the next regular meeting of the School Board. The Board shall review the Superintendent's proposed statement and either approve or modify the statement. In considering the adoption of such statement the School Board may, at its discretion, hold a hearing to dispose of the petition. If such hearing is held, it shall be conducted pursuant to Section 120.57, Fla. Stat., on an expedited basis, or as otherwise agreed upon by the School Board and the petitioner.

In the event that no appeal is requested by the Petitioner or by a member of the School Board within the ten (10) day period, the proposed statement of the Superintendent shall be considered final and binding on both the petitioner and the School Board. However, the School Board shall, at its next regular meeting, ratify and confirm the statement.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 120.53(1), 120.54(10), 120.565, Fla. Stat.; Chapter 28-4, F.A.C.
History: New, June 12, 1989

DECISIONS OF THE SCHOOL BOARD
DETERMINING SUBSTANTIAL INTERESTS **1.105**

General Provisions.

Scope. This Section shall apply in all proceedings in which substantial interests of a party are determined by the Board, and shall be construed to secure the just, speedy and inexpensive determination of every proceeding. Specifically, this section applies to all proceedings under Section 120.57, Fla. Stat., as well as those initiated under Section 120.54(16), Fla. Stat., which are required to be conducted in accordance with Section 120.57, Fla. Stat.

Presiding Officer. As used herein "presiding officer" shall mean the School Board, a member of the Board who conducts a hearing on behalf of the Board, or a Hearing Officer assigned by the Division of Administrative Hearings.

Computation of Time. In computing any period of time prescribed or allowed by these rules, by order of a presiding officer, or by any applicable statute, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. As used in these rules, legal holiday means those days designated in Section 110.117, Fla. Stat., and any other day the District School Board offices are closed. Three days may be added to prescribed time limits when service is made by mail.

Parties. Parties in any proceeding conducted in accordance with Section 120.57, Fla. Stat., are petitioners, respondents, or interveners. Parties shall be entitled to receive copies of all pleadings, motions, notices, orders and other matters filed in a proceeding, and shall be entitled to all rights afforded under Chapter 120, Fla. Stat. According to the nature of the proceeding the term "party" may include the School Board.

Who May Appear; Criteria for Other Qualified Representatives. The intent of the administrative process is to secure the just, speedy, and inexpensive determination of proceedings in which the substantial interests of a person are affected. Any person compelled to appear, or who appears voluntarily, before any hearing officer or the Board in an investigation or in any Board proceeding has the right, at his/her own expense, to be accompanied, represented, and advised by counsel or by other qualified representative. (Counsel shall mean a member of The Florida Bar or a law student certified pursuant to Article XVIII of the Integration Rule of the Florida Bar.) This rule shall be liberally construed to promote and facilitate access to the decision making process of government.

Representation. If a person is not represented by counsel or does not appear on his/her own behalf, but is desirous of representation by a qualified representative, the presiding officer shall make diligent inquiry of the prospective representative during a non-adversary proceeding, under oath and on the record, to assure that the prospective representative is qualified to appear in the administrative proceeding(s) and capable of representing the rights and interests of the person. However, in lieu of the above, the presiding officer may consider the prospective representative's sworn affidavit setting forth his/her qualifications.

The presiding officer shall determine the qualifications of the prospective representative within a reasonable time subsequent to the appearance of a prospective representative in an administrative proceeding on behalf of any person, but, in any case, prior to hearing on the merits or the taking of testimony. If the prospective representative appears in the administrative proceeding prior to the naming of a presiding officer, the Board or its designee may make the determination of qualifications under the terms of this rule.

The person desirous of non-attorney representation during the administrative proceeding(s) shall be in attendance during any such inquiry conducted by the presiding officer and shall state on the record his/her request for, and acceptance and approval of, the non-attorney representative. However, if the person is unable to appear, he/she shall furnish written notice expressly stating his/her request for, and acceptance and approval of, the non-attorney representative. In addition, the person shall state during the inquiry or in the written notice that he/she is aware of the nature and extent of the services which his/her non-attorney representative can and will provide, and that he/she is aware that he/she can be represented by an attorney at his/her own expense and has chosen otherwise.

Subject to the qualification procedures herein set forth, the decision to have non-attorney representation rests solely with the person making the request, and will be considered a voluntary and informed choice.

In general, the presiding officer shall authorize the prospective representative to appear in the pending administrative proceeding(s) if the presiding officer is satisfied that the prospective representative has the necessary qualifications to render competent and responsible representation of the person's interests in a manner which will not impair the fairness of the proceeding or the correctness of the action to be taken.

In particular, in rulemaking proceedings pursuant to 120.54(3), Fla. Stat., the presiding officer shall allow a representative to present evidence and argument on behalf of a person on all issues under consideration provided the representative states his/her name, address and authority to appear on behalf of the affected person desiring to comment. In all other administrative proceedings, the presiding officer shall make a determination of the qualifications of the prospective representative in light of the nature, scope, and extent of the proceedings, the proposed representation, the applicable Federal and State laws, rules, and regulation, and the factual and legal issues to be presented during the administrative proceeding. (However, the prospective representative shall not be required to disclose facts and legal theories to the prejudice of his client.) In this regard, the presiding officer shall consider the following criteria to the extent they are relevant, material, and applicable to the proceeding:

(1) The prospective representative's knowledge of jurisdiction and supportive legal authority to file the initial notice;
(2) The knowledge or experience of the prospective representative regarding Chapter 120, Fla. Stat., (Administrative Procedure Act); Florida Administrative Code Chapter 22I-1 through 4 (Rules of the Division of Administrative Hearings); Rules 9.020, 9.030, 9.110, 9.310, and 9.800 of the Florida Rules of Appellate Procedure; and Sections 1.101 through 1.105, Bay County School Board Rules;
(3) The knowledge or experience of the prospective representative regarding the application and interpretation of the Florida Rules of Civil Procedure as they relate to discovery in an administrative proceeding;
(4) The knowledge or experience of the prospective representative regarding the rules of evidence, including the concept of hearsay and its use in an administrative proceeding;
(5) The knowledge or experience of the prospective representative regarding the statutes or rules which may be at issue;
(6) Knowledge of the prospective representative regarding the Standards of Conduct for Administrative Proceedings prescribed herein;
(7) The educational background, training, or work experience of the prospective representative relevant to the subject matter involved in the proceeding; and
(8) The relationship of the prospective representative to the person, and the need of the person to have a representative speak on his/her behalf.

It shall be presumed, although not conclusively, by the presiding officer that a non-attorney representative who has appeared in previous administrative proceedings involving similar legal and factual issues and was determined to be a qualified representative therein is qualified to appear in subsequent similar administrative proceedings.

If the presiding officer determines a prospective representative is not qualified, the findings and conclusions supporting the decision shall be reduced to writing and placed in the record.

Any finding which disqualifies a prospective representative from appearing in an administrative proceeding shall not act to bar said person from appearing in future administrative proceedings where such person is found to be a qualified representative. However, a violation of the Standards of Conduct for Administrative Proceedings, as prescribed herein, by a representative other than counsel subject to the disciplinary procedures of the Florida Bar may be considered as grounds for disqualification in a subsequent proceeding.

A representative who has filed an initial pleading or notice of appearance for that person shall remain the attorney or representative of record and shall receive pleadings and continue in the representative capacity until his withdrawal has been approved in writing by the presiding officer.

Any successor or associated attorney or other qualified representative shall file a notice of appearance prior to, or at the time of, the filing of any pleading with, or appearance before, the presiding officer.

It is recognized that there may be Federal and State laws, regulations or rules which may impose greater or lesser restrictions on the qualification for representation in administrative proceedings than those recited here or in Chapter 120, Fla. Stat. If an issue is raised pertaining to the applicability of such laws, regulations, or rules during an administrative proceeding, the presiding officer shall determine the question in light of the factual and legal issues presented and in light of the applicable principles of Federal and State law.

In any administrative proceeding, a representative, other than counsel subject to the disciplinary procedures of the Florida Bar, shall be bound by the Standards of Conduct for Administrative Proceedings prescribed herein.

Standard of Conduct for Administrative Proceedings.

Preamble. No rules of conduct can be framed which will set out all the duties of the representative in the varying administrative proceedings or in the relationship of the representative to his client, adversaries, other representatives, the School Board, and the public. It will be remembered that the representatives before the School Board include members of the Florida Bar in good standing, law students who are certified pursuant to and satisfy the requirements of Article XVIII of the Integration Rule of the Florida Bar, and other qualified representatives. Members of the Florida Bar and certified law students are bound by a broad code of ethics, the Florida Bar Code of Professional Responsibility, and unwritten rules of professional conduct; for other qualified representatives, no standards of conduct have previously been written. The following standards of conduct are adopted as a general but mandatory guide for all representatives appearing in any administrative proceeding except counsel subject to the disciplinary procedures of The Florida Bar.

Standards of Conduct. A representative shall exercise due diligence in the filing and argument of any motion or pleading to insure that the motion or pleading is filed and argued in good faith.

The signature of a representative upon any motion or pleading shall constitute a certificate that he has read the motion or pleading, that to the best of his/her knowledge it is supported by good grounds, and that it has not been presented solely for delay.

A representative shall advise his/her client to observe and to obey the law. However, where a statute or rule has not been interpreted by competent adjudication, the representative may conscientiously advise the person as to the validity and application of the statute or rule in question. A representative shall not:

(1) Violate any of the provisions contained herein; circumvent a provision through actions of another; engage in conduct involving dishonesty, fraud, deceit, or misrepresentation; or engage in conduct that is prejudicial to the administration of justice.

(2) File a pleading, assert a position, conduct a defense, delay an administrative proceeding, or take other action on behalf of his/her client when he/she knows or when it is obvious that such action would serve merely to harass or maliciously injure another; or engage in any tactics primarily dilatory, disorderly, contemptuous in nature, or combination thereof.

(3) Handle a legal or factual matter which he/she knows or should know that he/she is not competent to handle without associating with him/her an attorney or another qualified representative; or handle a legal or factual matter without adequate preparation.

(4) Accept representation in a matter upon the merits of which he/she has acted in a judicial or quasi judicial capacity, or in which he/she had substantial responsibility while he was a public employee.

(5) State or imply that he/she is able to influence improperly or upon irrelevant grounds any agency or public official; attempt to exert any political or personal influence to sway the judgment of the presiding officer; give or lend anything of value to a presiding officer, official or employee of the Board; knowingly make false accusations against a presiding officer; or in an adversary proceeding, communicate, or cause another to communicate, as to the merits of the proceeding with a presiding officer or an official before whom the proceeding is pending, except:
   (a) In the course of official proceedings,
   (b) In writing if he/she promptly delivers a copy of the writings to the opposing representative, or adverse party if he/she is not represented,
   (c) Orally upon adequate notice to the opposing representative, or the adverse party if he/she is not represented, or
   (d) As otherwise authorized by law.

(6) Communicate or cause another to communicate with an adverse party regarding matters at issue in the administrative proceeding where the representative knows that the adverse party is represented by an attorney or other qualified representative unless the representative has received reasonable notice prior thereto.

(7) Disregard or advise his/she client to disregard a statute or rule of the School Board, or a ruling of the School Board made in the course of an administrative proceeding, but he/she may take appropriate steps in good faith to test the validity of such rule, statute, or ruling.

(8) Conceal or knowingly fail to disclose that which one is bound to reveal by law.

(9) Knowingly use perjured testimony or false evidence.

(10) Knowingly make a false statement of law or fact.

(11) Disclose the secrets of his/her client without the consent of the client. (Secret refers to information gained in the representative relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely detrimental to his/her client.) However:
   (a) A representative shall reveal secrets when required by law, provided a representative required by a presiding officer to make such disclosure may first avail himself of all appellate remedies available to him/her.
   (b) The representative shall also reveal the intention of his/her client to commit a crime and the information necessary to prevent the crime.
   (c) The representative may disclose the truth in respect to a false accusation made by his/her client.

(12) Suppress any evidence that he/she or this client has a legal obligation to reveal or produce; participate in the creation or preservation of evidence when he/she knows or it

is obvious that the evidence is false; counsel or assist his/her client in conduct that he knows to be illegal or fraudulent.

(13) Advise or cause a person to secrete him/herself or leave the jurisdiction of the School Board for the purpose of making him/her unavailable as a witness therein; pay, offer to pay or acquiesce in the payment of compensation to a witness contingent upon the content of his/her testimony or the outcome of the case; counsel or advise a witness to provide other than honest testimony.

A representative who receives information clearly establishing that his/her client has, in the course of the representation, perpetrated a fraud upon a person or the School Board shall promptly call upon his/her client to rectify the fraud; and if his/her client refuses or is unable to do so, he/she shall reveal the fraud to the affected person or the School Board.

A representative who receives information clearly establishing that a person other than his/her client has perpetrated a fraud upon the School Board shall promptly reveal the fraud to the presiding officer.

Failure to comply with these provisions shall authorize the presiding officer to disqualify, censure, or suspend the representative appearing in the administrative proceeding. However, no representative may be disqualified, censured, or suspended until after he/she has been apprized of the charges, afforded an opportunity to confront his/her accusers, and be heard in his/her defense.

Consolidation. If there are separate matters before the presiding officer which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party. Any party to a proceeding may request that it be consolidated with other proceedings, or the presiding officer may on his/her own initiative order separate proceedings to be consolidated.

Joinder of Parties. If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may, upon motion of a party, or upon his own initiative enter an order requiring that the absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.

Disqualification. Unless good cause is shown, all motions for disqualification of a presiding officer should be made at least five days prior to the date scheduled for the final hearing.

Service of Papers. Unless the presiding officer otherwise orders, every pleading and every other paper filed in a proceeding, except applications for witness subpoenas shall be served on each party. Service shall be made upon the party or his/her representative by delivering a copy or by mailing it to the last known address.

Agency Investigations and Probable Cause Determinations. This rule shall not apply to School Board investigations or to determinations of probable cause preliminary to Agency action.

The School Board may conduct or have conducted such investigations and make such probable cause determinations as are authorized or required by law. An investigation or determination of probable cause is a non-adversary executive function to discover or procure evidence as part of the fact-finding function of the School Board. The School Board need not have an administrative complaint pending to conduct an investigation or make such determination.

Point of Entry into Proceeding. Unless otherwise provided by law:

(1) Persons requesting a hearing on a School Board decision which does or may determine their substantial interest shall file a petition with the School Board within 21 days of

receipt of written notice of the decision, or within 21 days of receipt of written notice of intent to render such decision. Whenever possible, the School Board shall issue a written notice of intent to render a decision prior to the decision and allow person who may be substantially affected thereby 21 days from receipt in which to request a hearing. The notice shall state the time limit for requesting a hearing and shall reference the Board's procedural rules.

(2) Any person who receives written notice of a School Board decision or who receives written notice of intent to render a decision and who fails to request a hearing within 21 days, shall have waived his/her right subsequently to request a hearing on such matters.

(3) The School Board may publish notice of its decision, or of its intent to render a decision in newspapers of general circulation in the County and may also, where appropriate, mail copies of its notice to applicants, competitors, and interested groups. Such action by the School Board may be used in establishing petitioner's date of receiving notice.

Formal Proceedings.

Prehearing Procedures.

Initiation of Formal Proceedings. Initiation of formal proceedings shall be made by petition to the School Board. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper of standard size. Unless printed, the impression shall be on one side of the paper only and lines shall be doubled-spaced and indented. All petitions filed under these rules should contain:

(i) The name and address of each Agency affected and each Agency's file or identification number, if known;

(ii) The name and address of the petitioner or petitioners, and an explanation of how his/her substantial interests will be affected by the School Board determination;

(iii) A statement of when and how petitioner received notice of the School Board decision or intent to render a decision;

(iv) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(v) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;

(vi) A demand for relief to which the petitioner deems him/herself entitled; and

(vii) Other information which the petitioner contends is material.

Upon receipt of a petition for formal proceedings, the School Board shall either accept or deny the petition, and if accepted shall elect either to conduct the hearing itself through the School Board or a member thereof, or request that a Hearing Officer from the Division of Administrative Hearings be assigned to conduct the hearing. In proceedings involving dismissal of a member of the instructional staff employed on the basis of an Annual Contract or a Professional Services Contract, the selection of the hearing officer or panel shall be determined by the defendant, rather than by the School Board. In such proceedings involving a member of the instructional staff employed on the basis of a Continuing Contract, the selection of the hearing officer or panel shall be determined by the School Board.

A petition may be denied if the petitioner does not state adequately a material factual allegation, such as a substantial interest in the School Board determination, or if the petition is untimely.

The School Board shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

If he School Board elects to request that a Hearing Officer of the Division of Administrative Hearings be assigned to conduct the hearing, the Superintendent shall forward the petition, and all materials filed with the Board, to the Division of Administrative Hearings, and shall notify all parties of its action.

Amendments of Petitions. The petitioner may amend the petition prior to the School Board's designating the presiding officer by filing and serving an amended petition in the manner prescribed for filing and serving an original petition. The petitioner may amend its petition after the designation of the presiding officer only upon order of the presiding officer.

Answer. A respondent or intervenor may file an answer which shall contain any available affirmative defenses. If an answer is filed, it shall be filed within 20 days of service of the petition.

Motions. All motions shall be in writing unless made on the record during a hearing, and shall fully state the action requested and the grounds relied upon. The original written motion shall be filed with the presiding officer. The presiding officer shall conduct such proceedings and make such orders as are deemed necessary to dispose of issues raised by motions. Every written motion may be accompanied by, or included in, a written memorandum stating the grounds upon which the motion is based. Other parties to a proceeding may within seven (7) days of service of a written motion, file written memoranda in opposition.

Motions in Opposition to Petition. Motions in opposition to a petition, which may be filed by any party, include motions to dismiss, to strike, and for more definite statement, and shall be filed within 20 days of service of the petition. Any ruling by a presiding officer on a motion in opposition to a petition shall be incorporated in a recommended order, and can be finally disposed of only by the School Board.

Prehearing Conferences. The presiding officer may conduct or request the parties to have one or more prehearing conferences for the purpose of hearing arguments on pending motions, clarifying and simplifying issues, discussing the possibilities of settlement of the issues, examining exhibits and documents, exchanging names and addresses of witnesses, and resolving other procedural matters.

Intervention. Persons other than the original parties to a pending proceeding who have a substantial interest in the proceeding, and who desire to become parties may petition the presiding officer for leave to intervene. Petitions for leave to intervene must be filed at least five (5) days before the final hearing and should be in conformance with procedures outlined herein and shall also include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to School Board rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.

Discovery. Parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure. The presiding officer may issue appropriate orders to effectuate the purposes of discovery and to prevent delay, including the entry of a recommended order of default pursuant to rules herein.

Notice of Hearing. The School Board, with the concurrence of the presiding officer, shall set the time and place for all hearings. The presiding officer shall issue and serve written notice thereof by U.S. mail on all parties of record. No less than 14 days notice shall be given for the final hearing on the merits of the petition unless otherwise agreed by the parties. The notice of hearing shall contain the statement set out in Section 120.57(1)(b)2., Fla. Stat.

Continuances. The presiding officer may in his discretion grant a continuance of a hearing for good cause shown, or upon stipulation of all parties. Requests for continuance shall be made in writing. Requests for continuance shall be made in writing. Except in cases of extreme emergence, requests for continuance must be made at least five (5) days prior to the date noticed for the hearing.

Dismissal and Default. The failure or refusal of a party to comply with any lawful order may be cause for dismissing the petition, or for entry of a default order. The presiding officer shall serve upon all parties written notice of any recommended order entered pursuant to item a. above. The party against whom such an order is entered may, not later than 15 days after service of the notice, file a motion requesting that the recommendation for default of dismissal be set aside and stating the ground relied upon. If a default is entered by the School Board against the party who has the burden of proof in a proceeding, the proceeding will be dismissed. If the default is entered by the School Board against a party who does not have the burden of proof, the party in default shall be not be allowed to cross-examine witnesses, or to otherwise participate in the proceeding as a party.

Conduct of Formal Hearings.

Subpoenas. Subpoenas may be issued by the School Board, by a presiding officer, or by a Hearing officer of the Division of Administrative Hearings. Subpoena forms shall be supplied by the School Board or the Presiding officer.

Subpoenas requiring the attendance of witnesses or production of records, files, and memoranda from any place in the state, at any designated place of hearing before the presiding officer, for the purpose of taking the testimony of such witness or inspection of documents, shall be issued upon written application of any party. The application for such subpoena shall state the name and address of the witness for whom the subpoena is to be issued, and the time and place for the witness to appear.

Any party or person against whom a subpoena is directed may file a motion to quash or limit the subpoena with the School Board. The motion shall set forth the grounds relied upon.

A subpoena may be served by any person authorized by law to serve process or by any person who is not a party and who is of majority age. Service shall be made by delivering a copy thereof to the person named in the subpoena. Proof of such service shall be made by affidavit of the person making service of not served by an officer authorized by law to do so.

Witness Fees. Witness fees shall be paid by the party at whose instance the witness is summoned. Witness fees shall be tendered at the time of service of a subpoena. Except in the case of state employees or employees of the School Board, the fees shall be the same as those allowed by the circuit courts of the state. State employees shall be entitled to compensation at the rate provided under Section 112.061, Fla. Stat. School Board employees and other public employees shall be entitled to compensation at the rate provided for travel and per diem by Section 6.105. This paragraph shall not limit the fees of expert witnesses.

Witnesses. All witnesses shall be sworn and subject to examination and cross-examination. The presiding officer may allow members of the general public to appear as witnesses at a hearing, and to present oral or written communications intervenor. The presiding officer may set fair and reasonable conditions on such appearances, and the communications shall be subject to cross-examination, challenge and rebuttal.

Evidence. Oral evidence shall be taken only on oath or affirmation. Each party shall have the right to present evidence relevant to the issues; to cross-examine opposing witnesses; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence presented against it.

Any relevant evidence shall be admitted if it is the sort of evidence on which reasonable prudent persons are accustomed to rely in the conduct of their affairs. Hearsay evidence may be used to supplement or explain other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

Recordation.--The School Board shall have the responsibility of preserving the testimony at final hearing. Proceedings shall be reported by a certified court reporter or by recording instruments. Any party to a hearing may, at its own expense, provide a certified court reporter if the School Board does not. The presiding officer may, in his/her discretion, provide a certified court reporter. At hearing during which the services of a court reporter have been retained, any party who wishes a written transcript of the testimony shall order the same at its own expense. If a court reporter records the proceedings, the recordation shall become the official transcript.

Post-Hearing Procedures.

Post-hearing Memoranda. If a hearing is conducted by other than the School Board, all parties may submit proposed finding of fact, conclusions of law, and recommended orders, or legal briefs on the issues within a time designated by the presiding officer.

Recommended Order. If a hearing is conducted by other than the School Board, or member thereof, the presiding officer shall, within 30 days after the hearing or receipt of the hearing transcript, whichever is later, file a recommended order which shall include a caption, time and place of hearing, appearances entered at the hearing, statement of the issues, finding of fact and conclusions of law, separately stated, and recommendation for final School Board action.

If the presiding officer determines that a party participated in the proceeding primarily to harass or to cause unnecessary delay, or for frivolous purpose, or to needlessly increase the cost of securing the approval of an activity, the recommended order shall so state and shall recommend the award of costs and attorney fees to the other party.

Exceptions to Recommended Order. Parties may file exceptions to finding of fact with the School Board within 20 days of service of the recommended order.

Final Orders. If a hearing is conducted by the School Board, a final order shall be entered within 90 days after the hearing or receipt of the hearing transcript, whichever is later. The final order shall include a caption, time and place of the hearing appearances entered at the hearing, statement of the issues, finding of facts, conclusions of law, and statement of final School Board action.

If the final hearing has been conducted by other than the School Board, the School Board shall issue its final order within 90 days of receipt of the recommended order, following consideration at a public meeting. This proceeding shall not be a de novo review, but shall be confined to the record submitted to the School Board together with the recommended order.

If a party files exceptions to a recommended order or submits proposed finding of fact to the School Board, the final order shall include an explicit ruling on each exception or proposed finding of fact as well as a brief statement of grounds for denying the exception or proposed finding of fact; provided, however, the School Board will not be required to make explicit rulings on subordinate, cumulative, immaterial or unnecessary proposed facts and such proposed facts may be rejected in the final order by simple statement that they are irrelevant or immaterial.

The final order shall award costs and a reasonable attorney fees to the prevailing party when the non-prevailing party has been identified by the presiding officer in the recommended order as having participated in the proceeding for an improper purpose, pursuant to Section 120.59(6), Fla. Stat.

Informal Proceedings. Proceedings conducted under Subsection 120.57(2), Fla. Stat., and this Subsection shall be informal in nature and shall not involve disputed issues of material fact, unless otherwise agreed by the parties. Pursuant to Section 1006.07, Fla. Stat., all proceedings for expulsion of students

shall be conducted in accordance with this subsection whether or not such proceedings involve disputed issues of material fact.

An informal proceeding may be granted by the School Board upon written request made within 21 days after receipt of written notice of Board action, or written notice of intent to render a decision. However this requirement may be waived by the Board in case of student expulsions without consent of the parties. The notice shall state the time limit for requesting a hearing and shall reference this rule. If a hearing is held, the School Board may:

a. Administer oaths and affirmations;
b. Rule upon offers of proof and receive relevant evidence;
c. Regulate the course of the hearing;
d. Enter any order to carry out the purposes of Chapter 120, Fla. Stat.; and
e. Make or receive offers of settlement, stipulation, and adjustment.

Submission of Evidence. Within 30 days of commencing the proceeding, the School Board shall provide all affected persons with an opportunity to submit written statements or other pleadings as provided in Section 120.57(2)(a)2., Fla. Stat. The affected persons shall be given 15 days to respond to evidence submitted pursuant to the above outlined procedures.

Final Order. The final order shall be issued in compliance with Section 120.59, Fla. Stat.

Miscellaneous Proceedings.

Multi-tiered Hearings. party who has participated in a hearing shall not be allowed, consistent with the principles of res judicata and collateral estoppel, to raise identical issues already determined in a Section 120.57 proceeding in a subsequent administrative hearing. However, this does not preclude subsequent administrative review of School Board action when authorized by law.

When administrative review of School Board action is authorized by law, the reviewing agency shall not conduct a de novo hearing on the matter unless explicitly authorized to do so by law. The reviewing Agency shall base its review solely on the record complied in the Section 120.57 proceeding and may allow oral argument concerning the content of, and issues raised in such record. The reviewing Agency shall issue a final order based on the record and shall either affirm, reverse or modify the prior agency action. Unless otherwise provided by law or rule, administrative review must be sought by petition to the reviewing Agency within 30 days following the rendition of the School Board's order. The party in possession of the record shall be responsible for compiling the record for review by the reviewing Agency. The reviewing Agency shall issue its final order within ninety (90) days of receipt of the record.

Informal Dispute Resolution.

Unless otherwise provided by law or rule, informal disposition may be made of any proceeding or matter which may result in a Section 120.57 proceeding by stipulation, agreement, settlement or consent order. However, nothing herein shall require informal dispute resolution prior to seeking a Section 120.57 proceeding.

Any person entitled to be a party as defined in Section 120.52(10), Fla. Stat., who is substantially affected by School Board action, or proposed School Board action, may file a protest in writing with the School Board. The protest shall be submitted within ten (10) days after such person learns of the facts giving rise to the protest, but in no event shall the protest be submitted after final agency action.

Upon receipt of the protest, the School Board will endeavor to resolve the issues raised by the protest. If the School Board and protestant cannot agree upon a resolution within 15 days after receipt of the protest, or if the School Board fails to respond within said fifteen (15) day period, the protestant may

proceed with a request of a Section 120.57 hearing. The protestant shall have fourteen (14) days from receipt of the School Board response, or from the conclusion or the fifteen (15) day period for Board response in which to request a Section 120.57 hearing.

The School Board shall whenever possible, respond to a protest within the 15 days period, and shall set forth its reasons for agency action or proposed agency action as fully as possible. The School Board shall also consider the matters raised in the protest and shall whenever possible, explain its position relative to such matters in its response.

Rule Proceedings under Section 120.57, Fla. Stat. At any time prior to the conclusion of a public hearing conducted under the provisions of Section 120.54(3), Fla. Stat., any person may assert that his substantial interests will be affected in the proceedings, and shall affirmatively demonstrate that the rulemaking proceedings do not provide an adequate opportunity to protect his substantial interests and request that the hearing be conducted under the provisions of Section 120.57 to the extent necessary to provide that opportunity and to protect his/her substantial interests.

Unless the School Board rejects the request at the time the right is asserted, within 48 hours after making such assertion the party shall file a petition with the person conducting the rulemaking proceeding substantiating the matter asserted by the party, setting forth specific facts supportive of the claim that the rulemaking proceedings will not provide an adequate opportunity to protect his substantial interests.
The School Board shall determine the merits of the petition and issue its order granting or denying it. The School Board may hold a hearing for this purpose.

When a petition for a hearing under the provisions of Section 120.57 is granted, the rulemaking proceeding shall be suspended. Upon the conclusion of the Section 120.57 proceeding, the rulemaking proceeding shall be resumed. In no event shall the School Board file the proposed rule for adoption until a petition for a hearing under Section 120.57 has been denied or until the issues raised in the petition have been resolved by the School Board.

The petition shall be filed with the School Board. The Board may conduct the proceeding or it may request the Division of Administrative Hearings to assign a hearing officer to conduct the proceeding. If the School Board requests that the Division of Administrative Hearings assign a hearing officer to conduct the proceeding, the request shall be made within ten (10) days of the decision to proceed under Section 120.57, Fla. Stat.

Unless the School Board rejects the request at the time the right is asserted, the School Board shall publish notice in the appropriate manner prescribed by Section 120.54(1), Fla. Stat., that a petition has been filed. The notice shall contain sufficient information to advise substantially affected persons of the proceeding.

Protests from Contract Bidding Process. Any protest to an action or proposed action of the Board relating to a bid or bid award shall be resolved in the manner prescribed by Section 6.104 of these rules.

Authority: § 1001.41, Fla. Stat.
Law Implemented: Chapter 28-5, F.A.C.; 120.53(1)(b),120.53(1)(c), §§ 1012.33., 1006.07, Fla. Stat.
History: New, June 12, 1989

CHAPTER ONE
THE DISTRICT SCHOOL BOARD

PART TWO
THE DISTRICT SCHOOL BOARD

DEFINITIONS **1.201**

The following terms, wherever used or referred to in this compilation of Rules shall have the following meaning:

School District. Bay County shall constitute a school district and shall be known as "The School District of Bay County, Florida" and hereinafter referred to as “the District” or “the School District.”

School Board. The governing body of the School District of Bay County is constituted a body corporate in the name of "The School Board of Bay County, Florida" and hereinafter referred to as "the Board" or "the School Board."

Superintendent. The responsibility for the administration of the schools and the supervision of instruction in the District is vested in the Superintendent who shall also be secretary and executive officer of the Board.

Principal. The term "principal" unless qualified, shall mean the administrative head of any school, and shall be synonymous with the term "building principal" as defined by Section 1012.01, Florida Statutes.

School. The term "school" shall mean any educational facility operated by the Board to which the Department of Education has assigned an administrative number.

Pupil or student. "Pupil" or "student" shall mean any person enrolled in an educational program operated by the Board.

He, his, or him. The terms "he," "his" or "him" as used herein shall be interpreted to include both the male and the female gender.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.41, Fla. Stat.
History: New, June 12, 1989

CHAPTER ONE
THE DISTRICT SCHOOL BOARD

MEMBERSHIP OF THE BOARD 1.202

The School Board of Bay County is composed of five (5) members elected by the qualified electors of the District. One (1) member is elected on a District-wide basis from each of the five School Board Member Residence Areas. Each member is elected for a term of four (4) years. Two (2) members are elected at the general election at the time of the presidential election and three (3) members are elected at the general election at the time of the gubernatorial election. The School Board Member Residence Areas are hereby established as follows:

Residence Area No. 1. As filed with the Clerk of the Circuit Court of Bay County. Such description is hereby adopted as a part of this rule by reference.

Residence Area No. 2. As filed with the Clerk of the Circuit Court of Bay County. Such description is hereby adopted as part of this rule by reference.

Residence Area No. 3. As filed with the Clerk of the Circuit Court of Bay County. Such description is hereby adopted as part of this rule by reference.

Residence Area No. 4. As filed with the Clerk of the Circuit Court of Bay County. Such description is hereby adopted as part of this rule by reference.
Residence Area No. 5. As filed with the Clerk of the Circuit Court of Bay County. Such description is hereby adopted as part of this rule by reference.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.36, Fla. Stat.
History: New, June 12, 1989

AUTHORITY AND RESPONSIBILITY 1.203

The School Board is responsible for the organization and control of the public schools of the District and is empowered to determine the policies necessary for the effective operation and general improvement of the school system. The School Board will limit its actions to establishing policy and rules and to meeting the requirements prescribed by law and Rules of the State Board of Education. Board members have authority only when the Board is meeting in official session and a quorum is present. The School Board shall not be bound in any way by any action on the part of an individual Board member or an employee except when such action is taken in response to direction of or authorization of the Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.32, 1001.37(4), Fla. Stat.
History: New, June 12, 1989

CHAPTER ONE
THE DISTRICT SCHOOL BOARD

ORGANIZATION AND OFFICERS 1.204

A Chairman and a Vice-Chairman shall be elected by the Board at its organizational meeting held in non-election years at a regular or special Board meeting in November and in election years on the third Tuesday after the first Monday in November; provided, that if a vacancy should occur in the Chairmanship, the Board will proceed to elect a Chairman at the next ensuing regular or special meeting.

The Chairman shall preside at all meetings of the Board, appoint committees, and perform such other duties as may be prescribed by law or action of the Board. The Vice-Chairman shall preside in the absence of the Chairman and shall perform such other duties of the Chairman as circumstances require.

The Superintendent, as provided by law, shall be the Secretary and Executive Officer of the School Board. At each organizational meeting, the Superintendent shall act as Chairman until the organization of the Board is completed. The Superintendent may call upon the various personnel employed by the Board for such information and data relative to their work as he may require in the performance of his duties and responsibilities. The Board Attorney shall be appointed at the Organizational Meeting.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.371, Fla. Stat.
History: New, June 12, 1989
Revised: February 24, 2015

PARTICIPATION IN ORGANIZATIONAL ACTIVITIES 1.205

Each of the Board members is encouraged to participate in the activities and programs conducted by state, regional and national associations of school boards. The Superintendent shall include an amount in each proposed annual budget to cover expenses of participation in such activities by Board members.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.41, Fla. Stat.
History: New, June 12, 1989

CHAPTER ONE
THE DISTRICT SCHOOL BOARD

BOARD MEETINGS 1.206

Regular meetings of the School Board will be held on the day and time as established by the Board at their annual organizational meeting in November. The date of a regular meeting may be changed by action of the Board at any previous meeting; provided, that every member is notified either by letter or by distribution of the minutes carrying a record of the change. Special meetings may be called, as needed, in the manner prescribed by Section 1.102 . Public notice shall be given for all meetings in the manner prescribed by Section 1.102.

Place of Meetings. The first regular meeting of each month shall be held at the Board Meeting Room of the District Administrative Offices in Panama City, Florida. However, the location of such meetings may be changed upon giving appropriate notice when the Board determines that the public interest can be served best by holding the meeting elsewhere.

Quorum. A majority shall constitute a quorum for any meeting of the school Board. No business may be transacted unless a quorum is present, except a minority may adjourn the meeting from time to time until a quorum is present.

Voting Interpretation. The vote shall be unanimous if all members vote in the affirmative or in the negative on any question or issue. All members of the Board, including the Chairman, shall vote on all questions and issues except where a conflict of interest exists. The vote of each member shall be recorded in the minutes on each issue.

Minutes. The official minutes of the Board shall be kept by the Superintendent as prescribed by law. The minutes shall be maintained in a safe and secure place and shall be made available to any citizen desiring to examine the minutes during regular office hours. If any member of the Board or the Superintendent wishes any of his/her statements recorded, he/she may request that such become a part of the official minutes. Any other matter may be made a part of the official minutes by direction of the Chairman or by a majority vote of the Board. The minutes shall be reviewed, corrected if necessary, and approved at the next regular meeting. However, minutes may be approved at an intervening special meeting if the Board desires. The minutes shall be signed by the Superintendent and the Chairman after being approved.

Rules of Order. The rules of order for all meetings of the School Board shall be as follows:

(a) A quorum being present at the hour at which the Board meeting is duly scheduled, the Chairman shall take the chair, call the meeting to order, and proceed with the business of the meeting.
(b) Should a quorum be assembled at the hour appointed and the Chairman be absent, the Vice-Chairman or a Chairman pro-tem shall serve during that meeting or until the Chairman or Vice-Chairman shall appear.
(c) It shall be the duty of the Chairman to preserve order at all times and to endeavor to conduct all business which comes before the Board with propriety and dispatch.
(d) Items on the agenda may be discussed without the necessity of a motion or second.
(e) The Chairman by virtue of his/her membership shall exercise his/her legal responsibility to vote on every question or issue coming before the Board.
(f) A motion when made must be seconded and then, if requested by a member, repeated distinctly by the Chairman or the Board Secretary. Any motion may be reduced to writing if the Chairman or any member so desires.
(g) Any member who has made a motion shall have the liberty of withdrawing his/her motion, with the consent of his/her second, prior to the vote being taken.
(h) The consideration of any question may be postponed to a specific time or the question may be suppressed altogether by an indefinite postponement.

(i) A motion once voted down may not be renewed at the same meeting of the Board without the consent of a majority of the members of the Board.

(j) An amendment may be made to any motion and shall be decided before the original motion, but no more than one amendment to an amendment shall be entertained.

(k) A motion for adjournment shall always be in order and shall be decided without debate, except that such motion may not be entertained when the Board is voting on another question or while a member is addressing the Board.

(l) A motion to order the previous question ("call the question") is not debatable and requires the affirmative vote from three members of the Board. The call for the previous question shall not cut off any pending amendment but the vote shall be taken without debate on the amendments in their order and finally the main question.

(m) No member shall be interrupted while speaking unless he/she is out of order, or for the purpose of correcting mistakes or a misrepresentation.

(n) Any question not covered by the above rules shall be governed by Chairman's rules.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.371, 1001.372(2), 1001.37(4), 1001.42, Fla. Stat.
History: New, June 12, 1989
Revised June 25, 1992, June 14, 2000; November 14, 2007

PROCEDURES FOR MAKING A FORMAL PRESENTATION TO THE BOARD 1.207

Any person or group desiring to make a formal presentation to the Board or to address the Board relative to a specific matter shall file with the Superintendent, at least 7-1/2 days prior to a meeting, a written request to be placed on the agenda. Such request shall contain the following information:

(1) Name and address of the person making the request.
(2) The organization or group, if any, represented.
(3) Content of the information to be presented. If written material is to be passed out, a copy of such material shall accompany the request.
(4) If made against an individual, any charges or information to be presented that might be considered derogatory or of a serious nature shall be presented in writing and shall be in the form of an affidavit. A copy of such charges shall be sent to the individual concerned. If possible, any such charge shall be investigated prior to consideration.

The Superintendent shall respond verbally or in writing to any person or group requesting to be placed on the agenda. If the agenda for the meeting is unduly long, the Superintendent shall place the presentation request on the agenda for the next regular meeting. If a question should arise regarding the granting of a request, the Superintendent and the Chairman of the Board shall confer and the Chairman shall make the decision.

The Superintendent shall furnish an exact copy of the request to each Board member in time to permit him/her to study the matter prior to the Board meeting.

The Superintendent shall promptly investigate the subject matter of the request and shall furnish each Board member a written report of his findings and recommendations in time to allow the Board member of review the matter prior to the Board meeting.

It is the intent of the Board to provide adequate time for discussion on each topic so that each citizen desiring to address the Board has ample time to do so. However, when it appears that public discussion will take an excessive amount of time and is not necessary in order to adequately address the issue under consideration, the Chairman, in his discretion, may place limits on the amount of time allotted to each speaker or to the proponents or opponents on a particular issue. Any such limits shall afford equal time to each side of an issue. The Board may override any such limits imposed by the Chairman by majority vote of the members present.

Any person or representative of an organization or group not having made arrangements as herein prescribed may be heard, at the discretion of the Board, at the end of the regular agenda of the Board meeting.

The provisions of this Rule shall not apply to hearings conducted pursuant to Chapter 120, Fla. Stat. Such proceedings shall be conducted in the manner prescribed by Sections 1.103, 1.104, and 1.105.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.42, 1001.41, Fla. Stat.
History: New, June 12, 1989

BOARD COMMITTEES 1.208

Committees. Committees may be appointed by the Chairman when requested by the Board. The duties of any such committee shall be outlined at time of appointment and the committee shall be automatically dissolved upon acceptance by the Board of its final report or by vote by the Board. Committees or individuals serving on committees may take no action binding upon the Board. However, their reports to the Board may contain recommendations for action to be taken by the Board. Each member of the Board shall be notified of all committee meetings, but he/she shall have no vote. All meetings of Board committees shall be open to the public.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.41, Fla. Stat.
History: New, June 12, 1989
Revised: August 9, 2000

LEGAL COUNSEL 1.209

The School Board shall obtain an attorney, from outside its own membership, who shall act as legal advisor to the Board and the administrative staff. The Board shall provide a written contract for its attorney which shall specify duties and responsibilities and compensation to be paid. Special counsel may be retained to assist the Board attorney in any litigation or other matter when specifically approved by the School Board. The Board Attorney shall be appointed at the Organizational Meeting each year. When additional legal services are needed by the Superintendent or School Board, the Board may employ or retain a competent attorney to render such services. When approved by the School Board, the attorney is authorized to provide legal services for officers or employees of the Board who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.26, Fla. Stat.; 6A-1.42, SBER
History: New, June 12, 1989

CHAPTER ONE
THE DISTRICT SCHOOL BOARD

The School Board (Ethics) **1.210**

School Board Members will:

1. Attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings.

2. Set the standards for the district through Board policy. Board members do not manage the district on a day-to-day basis.

3. Individual Board members may not commit the Board to any action.

4. Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community.

5. Respect the right of other Board members to have opinions and ideas that differ.

6. Communicate to Board members and the Superintendent expression of public reaction to Board policies and school programs.

7. Recognize that decisions are made by a majority vote and accept those decisions as a team.

8. Make decisions only after the facts are presented and discussed.

9. Recognize that the Board and employees must comply with the Code of Ethics for Public Officers and Employees (Chapter 112, Florida Statutes).

10. Understand the chain of command and refers problems or complaints to the proper administrative office.

11. Recognize that the it must comply with the Public Meetings Law and has authority to make decisions only at official Board meetings.

12. Insist that all Board and District business is ethical and honest.

13. Recognize the authority of the Superintendent and will not attempt to circumvent the Superintendent's authority.

14. Take action only after hearing the Superintendent's recommendations.

15. Refuse to use Board membership for personal or family gain or prestige. Any conflicts of interest shall be publically announced before Board action is taken.

16. Give the staff the respect and consideration due skilled professional employees.

17. Present personal criticism of District operations to the Superintendent, not to District staff or at a Board meeting.

18. Respect the right of the public to attend and observe Board meetings.

19. Respect the right of the public to be informed about District decisions and school operations as allowed by law.

CHAPTER ONE
THE DISTRICT SCHOOL BOARD

Authority: §1001.41, Fla. Stat.
Law Implemented: §1001.41, Fla. Stat.
History: New, May 27, 2009
Revised: July 21, 2010 (without requirement of meeting)

CHAPTER ONE
THE DISTRICT SCHOOL BOARD

PART THREE
THE SUPERINTENDENT OF SCHOOLS

RESPONSIBILITIES **1.301**

The Superintendent shall be the chief executive and administrative officer of the Board and shall have, in addition to the powers and duties specifically imposed by law, all executive and administrative powers and duties in connection with the conduct of the schools which are not required by statute to be exercised directly by the Board. It shall be the duty of the Superintendent to complete all executive and administrative transactions not required by law or resolution to be brought before the Board and to prepare all other matters of administrative procedure or policy for Board approval. The enumeration in this section, or elsewhere in these rules, of specific powers and duties shall not be construed to derogate from the generality of duties hereby imposed.

General Supervisory Duties. It shall be the responsibility of the Superintendent to direct and supervise the work of all the schools, offices, and employees of the Board; all such employees shall be subordinate to the Superintendent in all matters, including those specifically assigned by these Rules to a particular unit or supervisor.

Administrative Duties. The Superintendent shall be directly responsible for the administrative duties of his office. In cooperation with the principals, directors, and supervisors, he shall assign teachers to their respective teaching duties and shall appraise the qualities of their respective services; he shall assist principals with the organization and internal operation of their respective schools; he shall assist in securing facilities, personnel, and materials necessary to permit effective functioning of the educational program.

The Superintendent shall supervise the collecting, recording, and disbursing of all funds collected within the several schools in accordance with the Rules of the School Board.

As chief executive officer of the School Board, the Superintendent is responsible for representing the Board in matters of collective bargaining with certified bargaining agents of employee organization. In fulfilling this responsibility, the Superintendent may designate one or more persons to represent him in collective negotiations sessions.

Other Duties. It shall be the duty of the Superintendent to enforce the Rules of the Board, to prepare and submit the annual budget for adoption by the Board, to approve and direct all expenditures within the appropriations adopted by the Board, to submit the annual calendar for adoption by the Board, to make continuous study of the development and needs of the schools, to prepare reports to the Board on the conditions and needs of the schools, and to acquaint the public with the activities and needs of the schools.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.49, 1001.51, 447.010, Fla. Stat.
History: New, June 12, 1989

DIRECTIVES, PROCEDURES, ADMINISTRATIVE MANUALS 1.302

The Superintendent shall have authority to issue such directives and to prescribe such procedures as may be necessary to carry out the purpose and intent of School Board Rules. The Superintendent shall also have the authority to issue administrative manuals or guidelines as he may deem necessary for the effective administration of the schools and shall distribute them to the employees directly concerned. A copy of each administrative manual, procedure, or guideline shall be forwarded to each Board Member prior to implementation. Insofar as the provisions of such manuals are procedural in nature and consistent with officially adopted Rules of the School Board, the provisions thereof shall be binding upon all employees.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.49, Fla. Stat.
History: New, June 12, 1989

EMERGENCIES 1.303

In case of an emergency, the Superintendent may suspend any part of these Rules; provided, that he/she shall report the fact of and the reason for such suspension promptly to the School Board; and provided further, that the suspension shall expire at the next meeting of the Board unless continued in effect by action of the School Board. In case of an emergency, the Superintendent may close any or all schools. The members of the School Board shall be informed immediately of any event or conditions which require the closing of a school or the schools of the district. In any case not covered by these Rules, the Superintendent shall base the decision on his/her best professional judgment.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.49, 1001.51, Fla. Stat.
History: New, June 12, 1989

CHAPTER ONE
THE DISTRICT SCHOOL BOARD

DELEGATION OF AUTHORITY 1.304

When it becomes expedient for the Superintendent to delegate authority, he/she shall assume full responsibility for the execution and satisfactory completion of any activity resulting from such delegated authority. The Superintendent may not delegate authority in any matter requiring the exercise of independent judgment which, by statute or by Rule of the Board, is his direct responsibility. As a general rule all reports and recommendations to the Board from any employee shall be made through the Superintendent.

Any official communication between the Board and its employees shall be directed through the Superintendent.

Except where specifically prohibited by law, and within the guidelines outlined in 1.304 above, the Superintendent shall have the authority to appoint designees to ensure the efficient operation of the District and the schools.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.49, Fla. Stat.
History: New, June 12, 1989
Revised: October 11, 1989

COMPENSATION OF SUPERINTENDENT 1.305

The Superintendent shall be paid compensation in the amount prescribed by Section 1001.47, Fla. Stat.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.47, Fla. Stat.
History: New, June 12, 1989

CHAPTER TWO
GENERAL ADMINISTRATION

LOCATIONS OF SCHOOLS AND ATTENDANCE AREAS 2.101

Hereby incorporated by this rule and made a part of the rules of the Bay County School Board is a publication titled Bay County, Florida Public Schools Geographical Attendance Zone Maps, which shall be published from time to time by the Superintendent. These attendance zones shall be adopted in the manner prescribed by Section 1.103 and shall be incorporated, by reference, as part of these rules of the Bay County School Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.42, 1006.07, 1003.21, Fla. Stat.
History: New, June 12, 1989

FIVE YEAR COMPREHENSIVE PLAN; ANNUAL PLAN 2.102

The Superintendent shall develop and present to the School Board for adoption a Five-Year Comprehensive Plan and an Annual Plan for the operation of the District. The Five-Year Comprehensive and Annual Plans shall be adopted in the manner prescribed by Section 1.103 and shall be incorporated, by reference, as part of these rules of the Bay County School Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989

CHAPTER TWO
GENERAL ADMINISTRATION

DISTRICT MANAGEMENT INFORMATION SYSTEMS 2.103

Purpose. The District Management Information System (MIS) shall be designed for two purposes: (1) to support decision making by educational managers at the District, school, and classroom levels, and (2) to meet reporting requirements established by higher levels, provided the higher levels have authority to establish such requirements. Emphasis shall be placed on minimizing the data burden by restricting data requests to those which are legally authorized and which are essential for making management decisions, avoiding duplication in data requests, and continuously reviewing these reports for their usefulness and need.

Forms Control and Reports System. As a component of the District Management Information System, a report and forms control system shall be implemented by the Superintendent and his/her administrative staff. The Reports and Forms Committee shall be composed of three (3) District staff members appointed by the Superintendent and four (4) teachers appointed by The Association of Bay County Educators.

Function. This system shall be responsible for the coordination and control of all data collection forms currently in use within the District. It shall also coordinate state and federal reports to be prepared for the Department of Education and for agencies of the federal government.

Authority. All District data collection forms used by schools, programs or offices under the jurisdiction of the Bay County School Board shall be subject to the procedures developed by this system which shall have the authority to review and approve or deny the use of all such forms. Any new or revised form must be submitted to the staff person responsible for the Forms Control System, for review in accordance with the procedures set forth in the Forms Index and Handbook. All such approved forms or instruments, and the procedures, shall be listed in the Forms Index and Handbook, which is hereby incorporated by this rule and made part of the rules of this Board.

Annual Report. The Committee shall submit an annual report to the School Board on its findings and recommendations for eliminating, reducing, revising, and consolidating paperwork and data collection requirements. The Superintendent shall, prior to June 15 of each year, report to the Education Committees of the House of Representatives and the Senate, indicating the Board's actions taken in response to the Committee's recommendations.

Definition. A data collection instrument shall be defined as any form, memorandum, letter, or electronic device which requests in two or more work location, District or school staff to collect, maintain, and/or report items of information.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1008.385, Fla. Stat.
History: New, June 12, 1989

CHAPTER TWO
GENERAL ADMINISTRATION

INFORMATION TECHNOLOGY SECURITY 2.1035

1. Purpose

The School Board seeks to minimize risks in handling of all District data, networks, computer systems and computer equipment in use by District students, patrons, and employees. The Superintendent or his or her designee shall develop procedures to ensure policy is followed.

2. Data

As used herein, “Data” is defined as information transmitted and or stored on the District’s networks and computers, whether in transit or at rest. Reasonable efforts will be made to keep Data secure. Data loss can be caused by human error, hardware malfunction, natural disaster, security breach, etc., and may not be preventable. The District’s Management Information Systems Department (“MIS”) is responsible for assessing Data risks and, if required, developing mitigation strategies to avoid or eliminate risk impact.

3. Personally Identifiable Information

MIS shall develop procedures to secure Personally Identifiable Information (“PII”) on Bay District Schools networks to mitigate threats that may cause harm to District students, patrons, and employees.

4. Network and Wireless Security

Network security entails protecting the usability, reliability, integrity, and safety of network and data. Effective network security defeats a variety of threats from entering or spreading on a network. MIS shall develop and implement network security protocols to meet these needs.

5. Workstation Security

Workstations throughout the District access sensitive information and data. Reasonable efforts will be used to make sure that this information stays secure.

6. Remote Access Security

Remote access allows a user to connect to District systems from outside the District organization network. MIS shall develop sound procedures for implementing and ensuring network security when users have remote access. This procedure shall apply to all District employees, contractors, vendors and agents with a District owned or personally owned computer or workstation used to connect to the District network. These procedures will define procedures to minimize unauthorized access to District resources.

7. Passwords

Passwords are a critical component of information security. Passwords serve to protect user accounts; however, a poorly constructed password may result in the compromise of individual systems, data, or the entire network. MIS will maintain procedures to establish a standard for the creation of strong passwords, the protection of those passwords, and the frequency of change. This procedure applies to all personnel and entities working on behalf of the District, who have or are responsible for any account (or any form of access that supports or requires a password) on any system that resides at or is connected to the District.

8. Access Control

Access Control is the process of authorizing users, groups, and computers to access objects on the network or computer. MIS shall develop a procedure to assign permissions by group, based upon the least amount of access to data and programs required by each user in accordance with a business need-to-have requirement.

9. Business Continuity and Disaster Recovery Plans

Business continuity and disaster recovery go hand in hand. MIS shall develop business continuity and disaster recovery procedures. Such procedures shall be reviewed and updated annually.

10. Acceptable Usage Policy

An acceptable use policy ("AUP") is necessary to ensure that all users are aware of their responsibilities in using the technologies provided to them in a safe way. An AUP for District students, patrons, and employees will be maintained by MIS and reviewed annually.

11. Vendors

All outside vendors that house or distribute Bay District student or employee data should be vetted by MIS before contracts are signed. MIS is tasked with the security of data and must vet vendors prior to data collection processes.

12. Security Training

The District shall ensure that all employees having access to sensitive information undergo annual information technology ("IT") security training emphasizing their personal responsibility for protecting confidential information and the integrity of the District's network.

13. Email

Misuse of email can pose many legal, privacy, and security risks. Email procedures will be developed and maintained by MIS to ensure proper use of District email systems and make users aware of what is acceptable for use of the email system. This procedure will also explain what a public records request is, and why emails are public.

14. Software

All Software purchases should be approved by MIS before the purchase process begins. Both MIS and the Purchasing Department must be involved in software acquisitions. MIS is tasked with security of data and must have an opportunity to vet software and vendors prior to purchase.

15. Audits

Planned and random security audits are important in order to mitigate risk and evaluate the District's preparedness for a security incident. All procedures will be written with audits in mind, and updated from findings of both internal and state audits

16. Federal and State Privacy and Data Governance Laws

All procedures will be written and maintained in compliance with the federal and state privacy and data governance laws.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.41, Fla. Stat.
History: New, October 13, 2020

DISPOSITION OF PUBLIC RECORDS 2.104

The Superintendent shall develop, for approval of the School Board, a program for disposal of public records that do not have sufficient value to be maintained in a permanent form.

The disposal program shall include retention schedules which are consistent with Section 1001.52, Fla. Stat., and schedules established by the Division of Archives, History, and Records Management of the Department of State.

An inventory shall be made and maintained on all public records within the school system. The inventory shall be made available to the Department of State on request.

The program shall be updated and resubmitted for Board approval at least once each three (3) years.

Authority: §1001.41, Fla. Stat.
Law Implemented: §§ 119.01, 119.041, 119.09, Fla. Stat.
History: New, June 12, 1989

SCHOOL CALENDAR 2.105

A county-wide calendar for the schools shall be prepared by the Superintendent with the assistance of principals, teacher groups and supervisors. The Superintendent will review the calendar and present it to the Board for adoption prior to July 1 each year. Except as directed by the School Board in case of an emergency, the school holidays, vacation periods, school days for students and the working days for all personnel of the school system shall be incorporated in the school calendar.

Authority: §1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989

FLAG DISPLAY AND PLEDGE; DAILY OPENING EXERCISES 2.106

Flag. The flag of the United States shall be displayed daily, when the weather permits, on a suitable flag staff located on the grounds of each school except when the school is closed for vacation.

The official flag of Florida shall be displayed under the same conditions and in a similar manner below the flag of the United States.

A flag may not be displayed at half-staff except by direction of the President of the United States or the Governor of the State of Florida.

Each auditorium shall display the flag of the United States inside at all times.

Pledge. The form of pledge to the flag of the United States, which shall be taught and used in the public schools, shall be that approved by the Congress of the United States. The pledge of allegiance shall be required at the beginning of each day in each school. Any student whose parent or guardian submits a written request shall be excused from the activity.

Prayer or Meditation. In each classroom within the District there shall be set aside at the beginning of each school day a brief period for silent prayer or meditation not to exceed a duration of two (2) minutes. This period shall be followed by the singing and/or playing of a vocal arrangement of the National Anthem and the pledge of allegiance to the flag.

The principal shall be responsible for carrying out the provisions of this rule.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1003.44, 256.082, 256.11, Fla. Stat.
History: New, June 12, 1989

EMERGENCY CLOSING OF SCHOOLS 2.107

The Superintendent shall develop and maintain an emergency and disaster plan for emergencies all the schools within the District, with a copy provided to each school principal. The plan shall include commonly used alarm system responses for specific types of emergencies, including life threatening emergencies such as weapon use and hostage situations, hazardouss material or toxic chemical spills, weather emergencies, and exposure as a result of a manmade emergency. Such disaster plan is incorporated herein by reference.

No school shall be dismissed prior to the regular daily dismissal hour without the approval of or by the direction of the Superintendent or his/her designee. A prolongation of the closing must be confirmed by the School Board. In the event of an emergency, control of students shall be retained by school personnel until the students are released from school or in the case of transported students, until the student departs from the school bus.

Authority: §1001.41, Fla. Stat.
Law Implemented: Laws of Florida, Chapter 00-237, 2000
History: New, June 12, 1989
Revised: August 12, 2000

CHAPTER TWO
GENERAL ADMINISTRATION

EMERGENCY EVACUATION DRILLS 2.108

Unless otherwise specified, the term "principal" as used in this policy shall refer to the principal of each school composed of grades K-12 and any director of Tom P. Haney Technical College.

The principal of schools composed of grades K-12 shall hold not less than one emergency egress and/or relocation drill every month the facility is in session unless both of the following criteria are met:

(1) In climates where the weather is severe, the monthly emergency egress and relocation drill shall be permitted to be deferred.

(2) The required number of emergency egress and relocation drills shall be conducted, and not less than four shall be conducted before the drills are deferred.

Florida law further requires that drills for active shooter and hostage situations be conducted at least as often as other emergency drills. §1006.07(4)(a), Fla. Stat.

The drills conducted annually at facilities composed of grades K-12 shall consist of the following:

(1) ten fire drills;
(2) ten weapon-use and hostage situation drill (lock down);
(3) one hazardous materials or toxic chemical spills drill (shelter in place); and
(4) one weather emergency drill.

The drills conducted annually at Tom P. Haney Technical College shall consist of the following:

(1) four fire drills (one per quarter);
(2) four weapon-use and hostage situation drill/lock down (one per quarter);
(3) one hazardous materials or toxic chemical spills drill (shelter in place); and
(4) one weather emergency drill.

All occupants of the building shall participate in each drill.

One additional emergency egress and relocation drill, other than for educational occupancies that are open on a year round basis, shall be required within the first 30 days of operation.

It shall be the duty of principals and teachers to inspect all exit facilities daily to ensure that all stairways, doors, and other exits are in proper condition.

The principal shall develop and implement base emergency evacuation and fire exit plans designed to familiarize the occupants with all means of exit, particularly emergency exits that are not habitually used during the normal occupancy of the building. Diagrams shall be posted in each pupil occupied area, clearly indicating fire exits and alternate evacuation routes.

The principal shall plan and assign personnel responsibility for the prompt and orderly evacuation of the school building. Drill participants shall relocate to a predetermined location and remain at such location until a recall or dismissal signal is given.

The principal shall submit a written record of each drill and submit such to the School Board through the Superintendent.

The principal shall identify and report hazardous areas requiring corrective measures to the School Board through the Superintendent.

The Superintendent shall make available to each principal a copy of appropriate Florida and Department of Education Laws, Life Safety Codes, Rules, requirements and any changes made by each.

Authority: §§ 1001.41, Fla. Stat.
Law Implemented: § 1013.03, 1006.07(4), Fla. Stat.
History: New, June 12, 1989; May 24, 2006; July 26, 2016; January 15, 2019; November 12, 2019; October 25, 2022

SCHOOL-BASED MANAGEMENT 2.109

The School Board endorses the concept of school-based management as prescribed by law. The Superintendent shall develop and present to the School Board a system of planning and budgeting which places primary emphasis on the school as the basic unit for planning and implementation. Such plan shall include specific goals and objectives for the school system with latitude in the accomplishment of such objectives at the school level. The plan shall also include a system for annually evaluating the effectiveness of each school in implementing the District goals and objectives.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1008.385, Fla. Stat.
History: New, June 12, 1989

COMPARABILITY REQUIREMENTS 2.110

To meet comparability requirements contained in Chapter I Assurances it shall be the policy of the Bay County School Board to:

1. Maintain equivalency among schools in teachers, administrators and auxiliary personnel;
2. Maintain equivalency among schools in the provision of curriculum materials and instructional supplies; and
3. Maintain a District-wide salary schedule.

Authority: §1001.41, Fla. Stat.
Law Implemented: Federal Register, Part V, Section 200.63(e)(3)
History: New, June 12, 1989

NON-DISCRIMINATION, EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION 2.111

1. No person shall on the basis of race, ethnicity, color, religion, sex, gender, gender identity, sexual orientation, national origin, disability, age, genetic information, pregnancy, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to harassment or discrimination under, any educational program or activity or work environment. This practice shall apply equally to students, employees, applicants for employment and all persons having business with the School Board. The District also provides equal access to its facilities to the Boy Scouts and other patriotic youth groups, as required by the Boy Scouts of America Equal Access Act.

2. Reporting Procedures. Except as otherwise provided in Policy 2.133 for complaints involving sexual harassment, as defined therein, the following reporting and investigatory procedures shall apply:

    a. Collective Bargaining Employees. Employees who are covered by a collective bargaining agreement shall follow the grievance procedures set forth in their respective collective bargaining agreements.
    b. Employees and Applicants for Employment. Employees and applicants for employment should follow the procedures set forth in School Board Policy 3.104.
    c. Students. Any student or any other person who has a reasonable and good faith belief that he/she or another student has been the subject of discrimination, alleged discrimination or harassment in violation of this policy shall communicate the allegation verbally or in writing to the student's principal or his/her designee. If the complaint involves the student's principal, the complaint shall be directed to the Executive Director of Human Resources. Except as otherwise provided in Policy 7.207 for allegations of bullying or harassment between students and Policy 2.133 for allegations of sexual harassment, the complaint will be addressed as follows:

        i. The parent(s) or legal guardian(s) of the student shall be notified of the allegations made within two days of receipt of the complaint.
        ii. The investigation shall be concluded within ten days. The student and parents shall be sent a written resolution of the complaint. The principal or his/her designee shall take remedial or affirmative action to resolve the complaint.
        iii. If the student or his/her parents are not satisfied with the resolution of the complaint, the student or his/her parents may appeal the principal or his/her designee's decision to the Director of Human Resources. A written appeal must be received by the Director of Human Resources within ten days of the date of the principal's resolution.
        iv. If, after ten days, the Director of Human Resources fails to respond to the appeal, or if the student and his/her parents are not satisfied with the outcome of their appeal, the student and his/her parents may file a written appeal with the Superintendent. The Superintendent's decision shall be final.

3. The right to confidentiality of the complainant, the respondent and of any others involved in the investigation, will be respected consistent with the District's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when the conduct has occurred. Warnings will be given against retaliation against the complainant, the respondent or any other person involved in the investigation. Disciplinary action, up to and including dismissal, may be taken against violators of this policy.

4. Notice of this policy shall be posted in prominent locations in all District buildings and schools, and shall include the name, location and telephone number of the appropriate reporting official. Notice shall be included annually in student, parent, and staff handbooks.

Authority: §1001.41, Fla. Stat.
Law Implemented: §§112.042, 112.043. 112.044 Fla. Stat.; Davis v. Monroe County Board of Education et al., 524 US 274 (1999); 42 U.S.C. § 2000d, et seq. (Title VI); 42 U.S.C. § 2000e, et seq. (Title VII)
History: New, June 12, 1989
Revised: December 12, 1991; April 11, 2001; August 28, 2002; June 25, 2003; June 14, 2006; August 25, 2020

CLASS INTERRUPTIONS 2.112

The Board is committed to maintain an educational atmosphere that will maximize the teaching/learning process. Classrooms shall be free of unnecessary interruptions. Only those interruptions for maintenance, communication, or other reasons as determined necessary by the principal shall be permitted in the classrooms.

Authority: §1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989

ADVERTISING, PROMOTING THE INTEREST OF A PRIVATE AGENCY 2.113

Neither the students, the staff, nor the facilities of any school may be used in any manner for advertising or otherwise promoting the interests of any commercial, political, or non-school agency, individual or organization which include materials promoting “scholarships” or reduced admission fees to a commercial organization or enterprise except that:

1. The schools may cooperate with nonprofit community-wide social service agencies and local governmental bodies, provided that such cooperation does not restrict or impair the educational program of the schools and that such cooperation is not in violation of School Board Rules.
2. The schools may, with the approval of the Superintendent, cooperate with any agency in promoting activities in the general public interest and which promote the educational or other best interests of students.
3. Commercial advertising shall not be permitted except where reference is only an incidental part of a program or film and is approved by the principal.
4. To support school programs, schools may utilize athletic facilities for commercial advertising provided that the advertising does not violate School Board policies or promote the use of: drugs, alcohol or tobacco products; dog and horse racing; gambling casinos; nightclubs; or political advertising. The principal shall have final authority on approval of content and form of such advertising. Money collected from such commercial advertising shall be deposited in the proper internal account.
5. The provisions of this rule shall not be interpreted to prohibit advertising in school programs, yearbooks, and similar publications.
6. Principal approved school business partners and major donors to programs or events, like Teacher of the Year, Support Employee of the Year, and Bay Education Foundation, may be recognized as business partners and sponsors in a manner approved by the Superintendent.
7. No materials from any profit-making organization are distributed for students to take home to their parents unless authorized by the Superintendent on a case by case basis.
8. All materials submitted must provide an educational benefit for students.

Method of Distribution for Approved Materials.

1. All materials and flyers approved for distribution pursuant to this policy shall be distributed electronically to each registered email address for students’ parents/guardians at the selected school(s). No paper-based materials will be handed out or sent home with students.
2. Parents who have provided an e-mail address to the District are automatically registered to receive District updates by email, but may opt out of receiving such email communication at any time.
3. Governmental entities and non-profit organizations who wish to distribute literature with educational value can access the electronic distribution process via the District’s website or by contacting the Bay District Schools Office of Communication.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1001.42, Fla. Stat.
History: New, June 12, 1989
Revised: January 12, 1995; December 10, 2003; May 24, 2006; October 23, 2012; July 27, 2021

PROHIBITED ACTIONS ON SCHOOL PROPERTY 2.114

In order to ensure compliance with the Florida Clean Indoor Air Act, to set a positive example for students, and to promote good health for students and employees, no smoking or the use of tobacco products or electronic cigarettes shall be allowed in any facilities or on any real or personal property owned by or under the control of the Bay County School Board. No person shall be permitted to use tobacco products while at a school-sponsored event or on a school trip.

No person shall be permitted to use, to be in the possession of, or to be under the influence of an intoxicating liquor or controlled substance while on school property, at a school-sponsored event, or while on a school trip. Failure to comply with this rule by persons under the jurisdiction of the Bay County School Board shall result in disciplinary action. Failure to comply with this rule by persons not under the jurisdiction of the Bay County School Board shall be reported to the proper law enforcement authority.

In accordance with Florida law, no person, with the exception of law enforcement officers, School Guardians appointed by the Superintendent in accordance with §§ 30.15, 1006.12(3), Fla. Stat., and those authorized in support of school-sanctioned activities:

(a) shall possess any firearm, electric weapon or device, destructive device, or other weapon as defined in School Board Policy 7.203, including a razor blade or box cutter, at a school-sponsored event or on the property of any school, school bus, or school bus stop, except in a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried or in a case to a career center having a firearms training range. Firearms, electric weapons or devices, destructive devices, or other weapons as defined in School Board Policy 7.203, including razor blades or box cutters, are not permitted in vehicles on the property of any school. This policy is an express waiver of the rights contained in section 790.25(5), Florida Statutes, for the purposes of student and campus parking privileges and is adopted in accordance with section 790.251(7)(a), Florida Statutes.

(b) shall exhibit any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon as defined in School Board Policy 7.203, including a razor blade, box cutter, or common pocketknife, in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense at a school-sponsored event or on the property of any school, school bus, or school bus stop or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity. This subsection does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.

For the purposes of this section, “school” means any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school.

For the purposes of this section, “firearm” is defined as any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or

receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.

Any person in violation of this policy shall be referred to law enforcement for possible criminal prosecution. Students shall be subject to the provisions of School Board Policy 7.203. This policy shall be interpreted in a manner consistent with Florida law and any portions hereof in conflict with Florida law shall be severable and unenforceable.

Authority: §1001.41, Fla. Stat.
Law Implemented: §§ 790.06, 790.25, 790.33, 790.115, 790.251, 1012.22, 1006.07, Fla. Stat., 18 USC 921
History: New, June 12, 1989; June 25, 2003; June 14, 2006; August 27, 2013; August 27, 2019; April 13, 2021

VISITORS 2.115

Visitors. Any person, other than an employee or student of the school, entering the premises of the school shall report immediately to the office of the principal. Permission must be obtained from the principal or his/her designee before proceeding. This rule shall apply to all visitors, parents, and salesmen and may not be disregarded except in case of an emergency.

Civil Conduct. Bay District Schools staff will treat parents, students and other members of the public with respect and expect the same in return. The District must keep school and administrative offices free from disruptions and prevent unauthorized persons from entering school/district grounds. Florida law provides a criminal penalty for persons who, without legitimate reasons, enter a school campus or facility and create a disturbance or refuse to leave when directed to do so by the principal or person in charge.
Accordingly, this policy promotes mutual respect, civility and orderly conduct among district employees, parents, students and the public. The District does not intend this policy to deprive any person of his or her right to freedom of expression. Rather, the district seeks to maintain, to extent possible and reasonable, a safe, harassment-free work-place for our students and staff. In the interest of presenting teachers and other employees as positive role models, we encourage positive communication and discourage volatile, hostile, or aggressive actions. The District seeks public cooperation with this endeavor. Therefore:

1. **Disruptive individuals must leave school grounds**

   Any individual who disrupts or threatens to disrupt school/office operations, threatens the health and safety of students or staff, willfully causes property damage, uses loud and/or offensive language, vulgar, obscene or profane gestures or language that could provoke a violent reaction, or who has otherwise established a continued pattern of unauthorized entry on school district property will be directed to leave school or school district property promptly by the school's principal or his/her designee.

2. **Directions for staff in dealing with abusive individual**

   If any member of the public uses obscenities or speaks in a demanding, loud, insulting, and/or demeaning manner, the administrator or employee to whom the remarks are directed will calmly and politely warn the speaker to communicate civilly. If the abusive individual does not stop the behavior, the district employee will verbally notify the abusing individual that the meeting, conference or telephone conversation is terminated; and, if the meeting or conference is on District premises, the employee shall direct the abusive individual to leave promptly.

3. **Provide policy and report incident**

   Parents shall be notified of this policy via Parent Portal and/or other reasonable means. Other members of the public shall receive a written copy of this policy when a staff member determines that the provisions of this policy are being violated. The staff member will then immediately notify his/her administrator and provide a written report of the incident. If necessary, this incident shall be reported to the school resource officer, the district law enforcement unit or to other local law enforcement to take any action deemed necessary.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989
Revised: December 9, 2014

CLASSROOM VISITATION 2.116

Parents/guardians are welcome to visit their children's classes. As always, for the protection of our children, all parents/guardians or other visitors must check in at the main office.

The following guidelines are required for classroom visits:

1. A request to visit shall be made to the principal at least 24 hours prior to the proposed visit.
2. Unless requested by the instructor the visit shall be for no more than one hour.
3. Parent/Guardian shall not distract the teacher or students.
4. Use of cellular phones, cameras (still or video), tape recorders or other recording equipment are prohibited.
5. The parent/guardians are allowed to visit only their child's classroom.

While parents/guardians are encouraged to visit the school throughout the year, visitors can impact the learning process for some students. Without the permission of the instructor, individual classroom visits should be limited to no more than two classroom visits during each grading period.

To ensure the regular school program continues during such visits, parents/guardians should not expect teachers to meet with them at these times for parent-teacher conferences. Student's progress, problems or other subjects for possible discussion between parent and teacher should be scheduled in advance for a time that does not interrupt instructional periods.

Authority: §1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, February 14, 2007

AGENTS, SOLICITORS, AND SALES REPRESENTATIVES 2.117

Except as provided herein the principal shall refuse to allow any form of canvassing or solicitation of teachers, students, and school committees during work hours for any business not specifically related to school business.

All sales representatives will be required to request an appointment with administration. Such appointments will be set at the administrator's discretion and must be arranged at least 24 hours in advance.

The schools shall not be used as agents for the sale of tickets or products which are distributed by charitable, nonprofit or private business venture, except through sanctioned student organizations sponsored by such entity.

Upon approval of the Superintendent or his/her designee, charitable organizations may be permitted to conduct fund drives involving personnel in the District. The Superintendent shall make an annual report to the School Board of the organizations that have been given such permission.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.41, Fla. Stat.
History: New, June 12, 1989
Revised: July 27, 2021

FUND RAISING ACTIVITIES BY SCHOOLS 2.118

All fund raising projects and activities by the school or groups within the school shall contribute to the educational experiences of students and shall not be in conflict with the overall instructional program as administered by the Superintendent.

Funds derived from any school fund raising project or activity shall be deposited in the school's internal funds account and shall be disbursed as prescribed by Part II of Chapter 6.
Each school shall continuously evaluate its fund raising projects and activities as they relate to the supplementary needs of the school program, the promotion of educational experiences, the time involved for students and teachers, and the additional demands made on the community.

The determination of the fund raising activities for a school shall be the responsibility of the principal and his/her staff and shall conform to the following conditions and such other administrative directives as may be issued by the Superintendent:

1. The school shall not sanction the sale of tickets for non-school activities.
2. During community drives, the educational value of community projects shall be given special emphasis in the schools, but funds shall not be solicited from students for more than three (3) such drives in any school year.
3. Students shall not, as a school-related activity, make door-to-door solicitations to raise funds.
4. Class instruction time shall not be used in planning or executing any fund raising activity.

A parent-teacher association or other organization connected with the school may sponsor fund raising activities provided school work and time are not affected. Such activities shall be conducted in accordance with policies and shall be approved by the principal.

Raffles, bingo and lotteries or any form of gambling will not be permitted by any group on school property.

Individuals and business agencies shall not be subjected to excessive annoyances from the solicitation of funds by school groups or school personnel. The solicitation of funds away from school shall require the approval of the Superintendent. Where possible all necessary money shall be raised for school needs without recourse to any solicitation away from the school and the Superintendent shall approve a solicitation activity only when, in his/her opinion, funds cannot be raised otherwise. This rule does not preclude private or volunteer contributions for athletic and other purposes.

Any fund raising activity for a school organization that involves student participation in the selling of tickets, merchandise, and similar activities shall have the approval of the principal. The request for approval of such activity must be made by the sponsoring teacher.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.22, 1010.04, Fla. Stat.
History: New, June 12, 1989

PROFESSIONAL RESEARCH AND PUBLISHING 2.119

Employees who desire to copyright or patent, and to market material prepared totally or partially on school time, shall submit a copy of such material to the Superintendent for review and approval. The Superintendent's approval will include whether or not a waiver of all or part of the school Board proprietary rights to an individual or individuals should be granted.

The Superintendent may authorize the sale of copies of, or reproduction rights to instructional materials prepared by the Bay County schools to other school systems, organizations or commercial firms.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 10012.22; 1001.51, Fla. Stat.
History: New, June 12, 1989

PUBLICATIONS ORIGINATING FROM SOURCES OUTSIDE OF THE SCHOOL SYSTEM 2.120

Purpose. The School Board recognizes that it is beneficial to the educational mission of the District for students to be exposed to views concerning a wide variety of topics and issues, even when these views may be unpopular or controversial. However, within the unique and limited forum of the school environment, the District has a duty to ensure that these views, as well as the manner in which they are expressed, do not conflict with the basic educational mission of the District.

Policy. In the best interest of the students of Bay District School System, no person, group or other organization that is not affiliated with the School Board (a "Sponsor"), including non-profit organizations and governmental agencies, shall distribute, display, or exhibit any book or other publication (hereinafter collectively referred to as "materials") on Bay County School Board premises unless authorized by the Superintendent and the principal of that school.

In order to protect the basic educational mission of the District, a Sponsor's materials will not be permitted if the materials violate the policies stated herein.

Procedure. Any Sponsor seeking to make materials available on school grounds must comply with the following procedures:

1. A request for authorization to provide students with any materials by any Sponsor must be submitted at least two weeks in advance. The request must be reviewed by the Superintendent, or his or her designee, and the principal of that school and a determination of compliance with the requirements of this policy must be made at least three school days in advance of any distribution, display, or exhibit. The submission to the Superintendent and principal shall include:
    a. the identity and address of the Sponsor;
    b. the identity of the school or schools in which the Sponsor seeks to display materials or send home materials;
    c. proposed dates for display or distribution; and
    d. samples of the materials to be displayed or distributed.

2. Sponsors shall only be permitted to distribute or make materials available one time per school year on a date to be approved by the principal.

3. A Sponsor's authorization is only valid for the school year in which it is received. Any additional proposals for distribution or making materials available must again be submitted for authorization according to this Policy.

4. Authorized materials will be distributed electronically to each registered email address for students' parents/guardians at the selected school(s). Sponsors using the electronic distribution system will be required to register with the District's service provider, which may require a nominal fee. If the Sponsor's authorized materials are not able to be distributed electronically, the materials will be made available to students at no charge during the regular school day on a table or tables to be set up by the school for such purpose. The table or tables shall be located in an area in the building where students normally congregate when not in class. However, tables shall not be placed in a manner that would disrupt order or impede the movement of students between classes. A prominent sign shall be placed on or near the table or tables that states: "This material is not sponsored or endorsed by the Bay County School Board, its agents, or its or employees. The views of information contained in this material have neither been approved nor disapproved by the Bay County School Board, its agents, or its employees."

5. Authorized materials shall be placed on the table or tables by representatives of the Sponsor prior to the commencement of the school day. Representatives of the Sponsor must promptly remove any

remaining materials at the conclusion of the school day. The table or tables shall remain unattended during the school day. Representatives of the Sponsor will not be permitted to otherwise participate in the distribution of materials or remain on school grounds. School officials are not to participate in the placement or removal of the authorized materials, and also shall not attend to the table throughout the school day.

6. No Sponsor may be denied access based on the content of the Sponsor's speech. However, nothing herein shall be construed to prohibit the Superintendent, or his designee, or a principal from exercising discretion in denying any Sponsor access if they find, based on the age or maturity level of the students, that the message presented would be harmful to the students, misunderstood by the students as being endorsed by the school, or detrimental to the orderly operation of the school. Accordingly, a Sponsor shall not be authorized to distribute or make materials available if the materials:
   - would cause a substantial disruption of the proper and orderly operation and discipline of the school or school activities;
   - would violate the rights of others (including, but not limited to, material that is libelous, invades the privacy of others, or infringes on a copyright);
   - are inappropriate due to the maturity level of the students;
   - are obscene, pornographic, pervasively lewd and vulgar or contain language that is indecent and vulgar;
   - are primarily of a commercial nature (including, but not limited to, all material that seeks to advertise for sale products or services);
   - promote unhealthy activities; or,
   - promote unlawful activities.

7. Any Sponsor who believes they have been improperly denied the right to make materials available under this Policy may appeal that decision, in writing, to the School Board.

8. This Policy does not apply to the making available of written materials by students or school personnel.

9. This Policy shall not prohibit non-school activities traditionally allowed on school grounds pursuant to the policies and procedures found in sections 6.501 (Use of School Property), 2.113 (Advertising, Promoting the Interest of a Private Agency), or 2.118 (Fund Raising Activities by Schools).

10. Any Sponsor that does not abide by the above Policy may be considered guilty of trespassing and reported to local law enforcement agencies. Any deviation from the provisions of the Policy may result in the immediate withdrawal of authorization for distribution. Once authorization has been withdrawn, the Sponsor must cease display and leave the school premises immediately. A Sponsor's history of compliance or noncompliance with this policy may be taken into consideration with regard to subsequent requests for authorization to make materials available.

11. All approved Sponsors shall comply with all District and school-specified visitor policies, including, but not limited to, policy section 2.115 (Visitors).

12. No materials or literature from out-of-school sources shall be distributed through the school to the homes of students without authorization of the principal.

13. Students may not be used to take home materials pertaining to a school bond or non-student election.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.41, 1006.07, Fla. Stat.
History: New, June 12, 1989
Revised: January 12, 1995; August 12, 2014; July 27, 2021

CHAPTER TWO
GENERAL ADMINISTRATION

STUDENT DISTRIBUTION OR POSTING OF LITERATURE AND MATERIALS 2.1205

Purpose. It is the intent of this policy to recognize the free speech rights of students in public schools. Students have the right to express their opinions and points of view subject to reasonable time, place, and manner limitations consistent with law.

Policy and Procedure. Students shall obtain prior approval from the principal to distribute and/or post materials. Only those students enrolled at a specific school site shall be permitted to distribute and/or post materials under this Policy at that school site.

(A) Student Distribution of Materials

(1) Students seeking to distribute non-school materials to the student body, or a significant subset thereof, shall provide a copy of the materials to the principal, or the administrator in charge if the principal is unavailable for review. The principal or administrator in charge will authorize the distribution within four (4) hours of receipt unless the principal determines that the material is lewd, obscene or pornographic, promotes disruption of the orderly operation of the school, contains statements which may be libelous or slanderous, contains statements which invade personal rights of privacy, infringes on the rights of other students, advocates violence or illegal activity and/or advertises a product or services not permitted for use by minors under the law. Nothing in this provision shall be interpreted to prohibit the distribution of religious or political literature, provided such materials do not otherwise violate the limitations contained herein.

(2) If the material is approved, the student will be allowed to distribute such material before and after school and during non-instructional time. Distribution locations on campus shall be designated by the principal and may include, among others, any entrance and exit to the school and places near the cafeteria.

(3) Distribution shall be conducted in an orderly manner and shall not disrupt the ordinary operation of the school or interfere with free expression by other students. Students shall not distribute materials in a manner which disrupts any school activity or blocks or impedes the safe flow of traffic within corridors and entrance ways of the school. Students who distribute such material shall be responsible for cleaning up such materials thrown on the floors in the school or on the grounds outside the school.

(4) All students have the right, notwithstanding the provisions of this Policy, to refuse to receive or accept materials being distributed, and no student has the right to force materials on any other student.

(5) As used in this policy, the terms “lewd, obscene or pornographic” include materials which are patently offensive because they are an affront to contemporary community standards relating to the description or representation of sexual matters.

(6) As used in this policy, the term “not disrupt the ordinary operation of the school” includes, but is not limited to, forcing other students to listen or accept material by shouting or preventing passage and engaging in speech activities during instructional time that are not consistent with the subject matter being taught.

(7) As used in this policy, the terms “libelous or slanderous” are collectively referred to as “defamation.” Slander refers to the spoken word and libel refers to a statement recorded in writing. Defamatory language is language which tends to adversely affect one’s reputation. This may result from attacking the individual’s honesty, integrity, virtue,

virginity, sanity or the like. Defamatory language may be directed toward an individual or toward a group that is so small or specific that the identity of those individuals being defamed is clear to the listener or reader.

(8) As used in this policy, the term "invade personal rights of privacy" includes the disclosure or communication of any information regarding the private life of another student or individual including, among other things, any information from confidential student records, information regarding sensitive family or personal matters, and other such personally identifiable information that is not considered to be in the public domain.

(9) As used in this policy, the term "infringes on the rights of other students" means defamatory expressions against another individual or toward a group that is so small or specific that it is clear to the listener or reader as to those individuals being defamed.

(10) As used in this policy, the term "non-instructional time" means before or after school hours, between classes, and during lunch or recess times.

(11) Any concern about decisions regarding distribution or lack thereof may be promptly appealed to the Superintendent whose decision shall be final.

(B) Student Posting of Materials

(1) Materials originating from non-district sources for posting shall not be displayed without the authorization of the principal, or his or her designee, in accordance with the standards of this policy and the law. The principal shall designate an area in the school for the posting of materials by students which shall be reasonably assessible to the students.

(2) In order to provide adequate space and a fair opportunity for the posting of materials by students, those materials authorized for posting shall remain posted for a period not to exceed fifteen (15) school days or through the date of any event that is advertised by the posted material.

(3) Once materials have been authorized for posting, the school shall affix the following legend to the materials, "**STUDENT SPONSORED MATERIAL -- Not Endorsed or Sponsored by the Bay District School Board. Authorized for posting through _____."**

(4) Any concern about decisions regarding posting of materials or lack thereof may be promptly appealed to the Superintendent whose, decision shall be final.

Authority: § 1001.41(2), Fla. Stat.
Law Implemented: §§ 1001.33; 1001.41(5); 1012.28, Fla. Stat.
History: New, August 12, 2014
Revised: July 27, 2021

UNIT ALLOCATIONS FOR STAFFING 2.121

On or before February 1 of each year the Superintendent shall submit to the School Board his/her recommendation for the unit allocation for staffing of the schools. Unit allocations shall be approved by the School Board before implementation. The recommendation of the Superintendent shall include the following:

- FEFP generated programs.
- State categorical programs.
- Federal programs.
- Grant funded programs.
- Other programs approved by the Board.
- School level administrators.

The recommendation of the Superintendent shall include the time in the school year that such allocations are to be implemented and reallocated. Any exceptions to the unit allocations shall be approved by the School Board.

The Superintendent shall submit a list of positions recommended for District level departments for adoption by the School Board.

All positions contained on the list must have job descriptions approved by the School Board and must appear on the School Board adopted salary schedule.

An organizational chart displaying the lines of authority and responsibility will be included with the list.

After the list is adopted by the School Board, it shall be known as the "List of Approved District Positions". The inclusion by the School Board of a position on the List of Approved District Positions shall grant authority to the Superintendent to fill the position in accordance with School Board policies. No additions or deletions shall be made to the District level positions except through action by the School Board. The organizational chart will be updated to reflect changes in the List of Approved District Positions.

Only those District level positions approved by the School Board shall be included in the tentative District budget.

Authority: § 1001.41 Fla. Stat.
Law Implemented: § 1001.41 Fla. Stat.
History: New, June 12, 1989
Revised: January 25, 2000

GIFTS AND DONATIONS 2.122

To schools. The principal shall request authority from the Superintendent to accept a gift, donations, emolument, gratuity, or favor to the school.

To school personnel. No employees of the School Board of Bay County may accept, either directly or indirectly any gift, donation, emolument, gratuity, or favor that has any substantial economic value as measured by its nature that could effect his impartiality or judgment in performing his/her duties or services as an employee.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §1001.41, Fla. Stat.
History: New, June 12, 1989

CHAPTER TWO
GENERAL ADMINISTRATION

NAMING OF SCHOOL FACILITIES 2.123

Existing Facilities. Names of existing facilities shall be permanent. However, a school, other facility, wing, or new addition may be dedicated to the memory of a person upon approval of a resolution of the School Board making such designation. A plaque, picture, copy of the resolution, or other similar form of recognition may be placed in the building to honor the person named.

New Facilities. The name of each newly constructed school facility shall be designated by resolution of the School Board. Names will be selected in the following manner:

1. Each principal, or other appropriate administrator, shall conduct surveys throughout the community to be served by the facility in order to solicit recommendations. Such surveys shall involve school-based groups such as PTA and Advisory Councils.
2. Recommendations to be solicited shall be limited to either names of an individual or names representing a geographic location.
3. The name of any person recommended must represent an individual who has been an outstanding educational leader, who has served in the Bay County School System for a period of at least twenty years, and who must have been deceased for at least one year. In unusual situations the Board may waive the time limits herein upon approval of a majority of the full membership.
4. From the recommendations received the principal, or appropriate administrator, shall present at least three (3) options to the Superintendent for review and submission to the School Board.

The name selected by the Board shall be one which is indicative or representative of the community and public served by the school or facility. Each new facility shall have a plaque placed on the facility bearing the name of the facility. The plaque shall also contain the names of the Superintendent and Board members holding office at time of acceptance of the facility, the name of the architect, and the name of the contractor.

In unusual situations, the above requirements may be waived by a majority vote of the entire membership of the School Board, and a facility, or area within a facility, named or designated at the discretion of the Board.

Authority: §1001.41, Fla. Stat.
History: New, June 12, 1989
Revised: June 14, 1990

DUPLICATION OF MATERIALS 2.124

All use and reproduction of copyrighted print materials (workbooks, sheet music, etc.) or non-print materials (videotapes, computer software, etc.) shall be in accordance with fair use guidelines for Title 17, U.S. Code, as explained in Copyright: Rights and Responsibilities. District-level department heads and principals shall inform employees under their direction of the provisions of the law.

Authority: § 1001.41, Fla. Stat.
Law Implemented: P.L. 94-553
History: New, June 12, 1989

RECOGNITION FOR ACCOMPLISHMENT 2.125

The School Board will take action in a variety of ways to honor those citizens, staff, particular schools, groups, and students whose work and achievements contribute to the success of the school system. The Board may provide monetary awards under its legal authority if it so desires.

Recognition for Service. The School Board will award all employees, including School Board members, a suitable plaque upon retirement.

Special Awards. The Board may recognize exceptional contributions to the public education of children and adults in Bay County by employees of the school system and other citizens of the county.

Letters of nomination for awards for exceptional contributions to public education may be sent to the Superintendent and Board Chairman at any time during the school year. Processing of and response to nominations will take no more than three (3) weeks. The letter of nomination will provide the following information:

1. Brief description of the nominee's professional and personal qualifications. This should include both educational and job-related background data.
2. Detailed description of the specific accomplishment or contribution for which he/she is being nominated.
3. Brief evaluation of the impact the nominee and the contribution have had on the District's educational program.

Upon approval by the Superintendent, Board Chairman, and entire Board, no more than one (1) month will pass before the presentation is made at a School Board meeting. Exceptions would include unavoidable delay in preparation of the award or a specific request for delay from the individual making the nomination.

The selection and funding of the awards will be directed by the Superintendent.

Authority: § 1012.22, Fla. Stat.
Law Implemented: § 1012.22, Fla. Stat.
History: New, June 12, 1989
Revised: March 14, 1991

SCHOOL/BUSINESS DAY 2.126

School Day. A school day is that portion of the day in which school is actually in session and the net times specified herein shall consist only of the time during which instruction in an approved course of study is provided. The net time shall exclude time spent in activities that are not directly related to the instructional outcomes of an approved course of study. The school day and hours of operation for each school shall be established annually by the School Board, based upon recommendation of the Superintendent.

All schools under the jurisdiction of the Board will remain in session for a full school day during each scheduled day unless a part-day session has been authorized by the Board.

In the case of immediate necessity, the Superintendent is authorized to close any school or schools, pursuant to Section 2.107.

Business Day. The hours of business for all schools shall be established annually by the School Board, based upon recommendations of the Superintendent.

The hours of business for the office of the Superintendent, divisions, departments and branches thereof, will be from 7:30 a.m. to 4:30 p.m., Monday through Friday, except on holidays. The Superintendent is authorized to adjust work hours during the summer months when school is not in session.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1003.01, Fla. Stat.
History: New, June 12, 1989

EMPLOYEE SUGGESTION PROGRAM 2.127

The Bay County School Board Employee Suggestion Program is established to encourage the development and implementation of ideas and procedures which will eliminate or reduce permanent recurring expenditures and improve the operation of the District.

Subject to the approval of the School Board, the Superintendent shall draft procedures for the implementation of an Employee Suggestion Program consistent with this policy and Florida Statutes.

All savings generated by this program shall be used for employee incentive bonuses under the program or for qualitative improvements in the area generating the savings.

No individual may receive a bonus in excess of 10 percent of the actual savings that result from the first year of complete implementation of the proposal, and regardless of the number of suggestions, no individual shall receive a total annual bonus in excess of $10,000.00. Individuals submitting suggestions that result in improvements, but do not reduce costs, will be awarded a certificate of appreciation and a $100 cash award.

Authority: § 1012.22
History: New, May 13, 1993
Revised, September 8, 1994

AUTHORIZED INTERACTIVE TELECOMMUNICATION USE 2.128

This policy will provide guidelines for District participation in and use of telecommunication services and networks for administrative and instructional purposes. District use of such networks is intended to advance and promote a world class public education in Bay County for all students. Telecommunication services and networks permit access and exchange of information between and among schools, school offices; and members of the Bay global community. Collaboration and exchange of information between and among students/teachers/expert resources statewide, nationally, and world-wide; the Florida Department of Education, and other state, national and international educational entities; and electronic bulletin boards are also a part of this service.

District participation in any telecommunication services networks shall provide for the following elements:

- Electronic messaging services, file transfer, and electronic conferencing capabilities to public school and district employees and authorized students;
- Intuitive, graphical user interfaces;
- Accessibility for the user via properly equipped microcomputers from a range of vendors;
- Opportunities for wider networking (interstate and international) by promoting appropriate access and use of full Internet and other telecommunication services where economically feasible;

All use of telecommunication services and networks shall be consistent with the mission, goals, policies, and priorities of the school district. Successful participation in a network requires that its users regard it as a shared resource and that members conduct themselves in a responsible, ethical, and legal manner while using the network.

Bay County Schools' accounts shall be used only by the authorized users of the accounts for the purposes specified. Misuse shall result in the removal of participant access rights and authorization. Authorized users shall be ultimately responsible for all activity under their account and password. Students shall not be given access to any computer or terminal except those specifically designed for student uses.

Any use of telecommunications services or networking for illegal, inappropriate, or obscene purposes, or in support of such activities, shall be prohibited. Illegal activities shall be defined as a violation of local, state, and/or federal laws. Inappropriate use shall be defined as a violation of the intended use of the District's mission, goals, policies or procedures.

Any use of telecommunications services or network for commercial purposes, product advertisement or political lobbying shall be prohibited.

No use of telecommunications services or networks shall serve to disrupt the use of the network by other users.

Unlimited and open-ended use of the telecommunications services or networks in terms or access time cannot be accommodated inasmuch as supportive financial resources remain finite. Users shall exercise prudence and "fairness" in the shared use of limited resources.

All communications and information accessible via the telecommunications services or networks shall be assumed to be private property. No guarantee can be made for the privacy of any communication on the network; however, authorized system administrators may access private correspondence and files if a user is believed to be in violation of this policy.

All network users shall adhere to the rules of copyright regarding software, information and the attribution of authorship. Reposting personal communications without the author's permission or bulletin board messages without proper attribution shall also be prohibited.

All members of the Bay County Schools community shall be granted free and equal access to as many network services as school resources and availability of technology may permit.

To the extent reasonably possible, users of school sponsored telecommunications services and networks shall be protected from harassment or unsafe, unwanted or unsolicited contact. Users shall be made aware, and shall acknowledge their awareness that the designers of the network cannot eliminate, or in some cases properly restrict the possibility of unwanted access to users. Nor can users be completely prevented from accessing services or information that is offensive to or inappropriate for certain groups of users. Individual users must be responsible for their own access and conduct in using telecommunications services and networks. This responsibility and accountability for such conduct will be clarified through the access authorization forms and training.

Public school student use of the telecommunications services or networks through school equipment or authorization, shall be properly supervised and shall require prior written approval from parents/guardians.

The superintendent or his/her designee shall be responsible for authorizing use of telecommunications services or networks in accordance with this policy.

- Specific procedures for school and district individual staff, student or parent use of telecommunication services and networks shall be developed and annually reviewed for effectiveness at the District level.
- Each school or site administrator shall designate a person responsible for distributing access forms, authorizing access and maintaining all appropriate documentation.

Internet Safety. It is the District's policy that access to the Internet provided by the District is expected to be used as an educational and/or work-related resource and that such access shall be made available subject to such rules and regulations as may be established, provided that no use shall be permitted which is in any way prejudicial to the best interest of the District or its educational mission. The District reserves the right to refuse access to the Internet to anyone when it deems necessary in the public interest.

Definitions:

Access to the Internet: A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network which has access to the Internet.

Obscene shall mean the status of material which

- the average person, applying contemporary adult community standards, would find, taken as a whole, appeals to a prurient interest in sex;
- the average person, applying contemporary adult community standards, would find depicts or describes, in a patently offensive way, sexual conduct as defined in §847.001(16), Fla. Stat.; and
- a reasonable person would find, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Child pornography shall mean any visual depiction that is or appears to be of a minor engaged in sexual conduct as defined in §847.001(16), Fla. Stat.

Harmful to minors shall mean any picture, image, graphic image file, or other visual depiction that

- taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

- depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

Hacking shall mean attempting to or gaining unauthorized access to the school's or district's computer and network systems.

Technology protection measure shall refer to a proxy server managed by the District that blocks and/or filters Internet access or other means by which access may be blocked and/or filtered.

Authorized staff member as used herein shall refer to an adult staff member appointed by the principal or the administrator in charge in non-school settings.

Access to the Internet by Students. Students accessing the Internet services provided by the District shall be subject to the following rules and regulations:

- Students shall not access material that is obscene, child pornography, harmful to minors or otherwise inappropriate for educational institutions.
- Students shall not use District technology or Internet resources to engage in hacking or attempts to otherwise compromise any computer or network system's security.
- Students shall not engage in any illegal activities on the Internet.
- Students shall only use electronic mail, chat rooms, and other forms of direct electronic communications for purposes related to education within the context of a school-related activity.
- Students shall not disclose personal identification information on the Internet.
- Students shall be monitored while using the Internet.
- Students shall only use the computers or terminals designated for student use.

Access to the Internet by Staff. Staff accessing the Internet services provided by the District shall be subject to the following rules and regulations:

- Staff shall not access material that is obscene, child pornography, or otherwise inappropriate for training or work-related uses.
- Staff shall not use District technology resources to engage in unauthorized hacking or attempts to otherwise compromise any computer or network system's security.
- Staff shall not engage in illegal activities on the Internet.

Technology Protection Measure. The District shall use a technology protection measure that blocks and/or filters Internet access to prevent access to Internet sites that are not in accordance with the policies of the District. The technology protection measure that blocks and/or filters Internet access may be disabled by an authorized staff member for bona fide research or other lawful purposes with permission of the principal or the administrator in charge in non-school settings.

Policy Violations. Any violation of this policy may result in the loss of access to the Internet in District facilities. Additional disciplinary action may be determined in accordance with existing administrative procedures and practices as stipulated in School Board policy, including applicable law enforcement agencies when necessary.

Policy Challenge Procedures. An individual who has been granted access to the Internet by the District and desires to access an Internet site that is not compliant with this policy may challenge the enforcement of the policy according to the following provisions:

- Internet site review requests should be directed in writing to the Executive Director for Curriculum and Instructional Services for consideration.

- The Executive Director for Curriculum and Instructional Services will convene a committee, appointed by the Superintendent for this purpose, within seven (7) working days of submission of the request and, if deemed appropriate for educational or work-related purposes, may vote to unblock the site.
- The committee shall be composed of the following members:
    - One (1) representative of the general public at large;
    - One (1) representative of a school parent organization;
    - One (1) principal from the level at which the request originated (K-5, 6-8, 9-12);
    - One (1) school-level instructional staff member from the level at which the request originated;
    - One (1) District-level MIS staff member; and
- One (1) District-level instructional staff member.
    - School principals will regulate enforcement of the policy, including disciplinary actions, and shall forward to the Superintendent any challenges to the severity of the applied disciplinary action.
    - Challenges to the application or enforcement of the District's Internet Safety Policy which cannot be resolved at the levels outlined in the proceeding steps may be appealed to the Superintendent in writing. If the Superintendent's decision is unacceptable, the challenger(s) may appeal in writing to the School Board.

Authority: § 1001.41, Fla. Stat.
History: New: January 12, 1995
Revised: January 15, 2003

PRIVATE PROVIDERS OF STUDENT SERVICES 2.129

Not-for-profit private providers desiring to provide student services while students are subject to the control and jurisdiction of the District and/or on District property, shall be required to execute a Memorandum of Understanding with the School Board. Such Memorandum of Understanding shall include a provision requiring the employees of said provider to be fingerprinted and submit to background checks as required by Florida law.

For-profit providers and individuals desiring to provide student services while students are subject to the control and jurisdiction of the District and/or on District property, may only be permitted to do so upon the recommendation of the Superintendent, upon a finding by the Superintendent that it is in the best interest of the student and the District for the delivery of health services to the student. Each provider must be fingerprinted and submit to background checks as required by Florida law.

Section 1003.572, Florida Statutes (2013), provides parents with the opportunity to enhance the education of students under the Individuals with Disabilities Education Act (IDEA). A Parent can hire certain professionals to observe the student in the educational setting, collaborate with instructional personnel, and provide services in the educational setting, provided that 1) the instructional personnel and principal consent to the time and place and 2) the private instructional personnel satisfy the requirements of section 1012.32 or 1012.321, Florida Statutes. This program may not replace or interfere with the District's responsibilities under the IDEA.

Only the following professionals are eligible to participate:

(a) Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098.
(b) Speech-language pathologists licensed under s. 468.1185.
(c) Occupational therapists licensed under part III of chapter 468.
(d) Physical therapists licensed under chapter 486.
(e) Psychologists licensed under chapter 490.
(f) Clinical social workers licensed under chapter 491.

Authority: §1001.41, Fla. Stat.
History: New, September 8, 2004
Revised: October 25, 2011; January 14, 2014; March 11, 2014; July 30, 2019

CHAPTER TWO
GENERAL ADMINISTRATION

STANDARDS FOR DELIVERY OF SERVICES BY OUTSIDE PROVIDERS 2.130

If a provider has clients who attend Bay District Schools and the provider desires to furnish counseling services during the school day, the provider must agree in writing to comply with the following standards:

1. No private clients may be served on Bay District Schools' campuses unless they meet the criteria in Section 1003.572, Florida Statutes. However, students may also be seen by outside providers upon a referral by School Board personnel.
2. For-profit providers and individuals desiring to provide student services while students are subject to the control and jurisdiction of the District and/or on District property, will only be permitted to render services to students when students are subject to the control or jurisdiction of the District and/or on District property upon the recommendation of the Superintendent, upon a finding by the Superintendent that it is in the best interest of the student and the District for the delivery of health services to the student.
3. The provider shall be responsible for the supervision and direction of work performed by its employees, agents and/or subcontractors. Bay District Schools shall not exercise any control or supervision over contractor's employees.
4. The provider's employees will refrain from smoking or use of tobacco in any facility, property or vehicles owned by Bay District Schools in accordance with SBE Rule 2.113. Any person wishing to use tobacco products or electronic cigarettes must leave the school grounds to do so.
5. At no time shall any employee of the provider be deemed an employee of Bay District Schools. The provider will accept full and exclusive responsibility and liability to compliance with all laws and regulations related to the payment of withholding taxes, tax contributions, expenses, commissions and benefits including, but not limited to, Social Security contributions, workers' compensation fees, and health care premium.
6. Any personnel employed by the provider who (a) are permitted access on school grounds when students are present, (b) have direct contact with students, or (c) have access to or control of school funds shall, **prior to beginning work**, be subjected to a Level II fingerprint screening through the Human Resource Office of Bay District Schools to determine if the personnel will, under the law, be permitted to work on school grounds.
7. Upon the first visit to the school, the provider must provide proof of a Release of Information signed by the parent or guardian indicating that the provider has the right to work with the student. A copy of the Release of Information needs to be kept in the student's cumulative folder.
8. All the provider's staff members must check in on each visit with school personnel at a place determined by the school officials.
9. Each provider must have his/her employee ID badge and be on the district approved outside provider list before he/she is allowed to work with any of the students.
10. The provider's staff will follow School Board attire guidelines.
11. The provider's staff, with a notarized Release of Information form signed by a parent or guardian, can review the student's cumulative folder if they have an educational reason for doing so. The provider's counselor must sign the access log in the folder. Copies will be provided per School Board 7.301 at $0.15 for each copy of each page and labor of $10.21 per hour.
12. The provider's staff may participate in the I.E.P. process if invited by the parent.
13. No information pertaining to any other student will be provided to the provider's counselor.
14. School professional staff are responsible for making **all** educational decisions.
15. If the student is receiving counseling from a school sponsored program, then counseling services provided by the District takes precedence. The provider's staff member will no longer be permitted to provide services.
16. If the provider's agency has a behavior plan for the student/client that is to be implemented at school that plan must be shared with and **agreed** upon by school officials which would include the IEP team if appropriate.

17. While at school, when available, the school's behavior plan takes precedence over the provider's plan.
18. School personnel, not the provider, will be responsible for supervising the implementation of any agreed-upon plan while the student is in school.
19. The school will determine the appropriate time and location the provider's staff member can work with the student.
20. The provider's counselors may conduct classroom observations, with the permission of the school principal of the student, for the sole purpose of assisting in counseling. A 24-hour advance notice shall be required.
21. If at any time the school level administrator feels that the provider's staff member is interfering with the student's ability to access his/her education, then services will be curtailed at the school site. The provider's services will not be renewed on site until the school principal gives permission to resume. Appeals of the principal's decision should be made in writing to the Assistant Superintendent of Teaching & Learning.
22. The provider will provide a supervisor to meet and consult with teachers and staff prior to initiating services and thereafter, when requested by school staff.
23. The provider, while providing services shall be responsible for the control of all students from the time the student arrives for services until student is placed under the control of the parent, legal guardian, or returned to the teacher at the end of the service. The provider shall defend, indemnify and hold the District, its trustees, officers, employees, and agents, harmless from all claims, allegations, losses, expenses, liabilities and costs, arising out of the provider's performance of services under the contract.

Authority: §1001.41, Fla. Stat.
History: New, September 24, 2008
Revised: August 27, 2013; January 14, 2014; October 28, 2014; July 30, 2019

CHAPTER TWO
GENERAL ADMINISTRATION

ANTI-FRAUD 2.131

The School Board of Bay County will not tolerate fraud or the concealment of fraud. This policy applies to any fraud, suspected or observed, involving District employees, outside support organizations, vendors, contractors, volunteers, outside agencies doing business with the School Board and any other persons or parties in a position to commit fraud on the School Board.

Fraud includes, but is not limited to, knowingly misrepresenting the truth or concealment of a material fact in order to personally benefit or to induce another to act to his/her detriment. Actions constituting fraud include, but are not limited to:

1. Any dishonest act;
2. Forgery or unauthorized alteration of any document, file (both physical and electronic forms), photographic or audio records, or accounts belonging to the school district;
3. Forgery or alteration of a check, bank draft, or any other financial document;
4. Misappropriation of funds, securities, supplies, or other assets;
5. Impropriety in the handling or reporting of money or financial transactions;
6. Disclosing to other persons the purchasing/bidding activities engaged in, or contemplated by the Purchasing Office to assist any entity, person or business in an unfair advantage in the bid process;
7. Accepting or offering a bribe, gifts or other favors under circumstances that indicate that the gift or favor was intended to influence an employee's decision-making;
8. Unauthorized destruction, theft, tampering or disappearance of records, furniture, fixtures or equipment;
9. Using District equipment or work time for any outside private business activity; and or
10. Any similar or related irregularity.

Any perceived fraud that is detected or suspected by any staff member or other person shall be reported immediately to Human Resources for guidance as to whether pursuit of an investigation is warranted. The obligation to report fraud includes instances where an employee knew or should have known that an incident of fraud occurred. Any investigation required shall be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship. Investigations shall be conducted in a confidential manner.

Violation of this policy may result in disciplinary action, termination of employment, termination of contract or legal action.

The Superintendent or designee shall develop procedures to implement this policy. Procedures shall include, but not be limited to:

1. Employee notification and education;
2. Self-assessment of risk of fraud;
3. Reporting suspected or detected fraud;
4. Investigation of fraud; and
5. Consequences and disciplinary action.

No employee shall be dismissed, disciplined, or any other adverse personnel action or retaliation shall be taken against them for disclosing in good faith information pursuant to the provisions of this policy.

In order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the school district from potential civil liability, the results of investigations conducted by Human Resources shall not be disclosed or discussed with anyone other than those persons associated with the case(s) who have a legitimate need to know in order to perform their duties

and responsibilities or as required to be disclosed under Florida Law.. All inquiries from the suspected individual and her/his attorney or representative shall be directed to Human Resources.

Authority: §§ 1001.41, 1001.32, 1001.42, Fla. Stat.
Law Implemented: §§ 1001.42, 1001.43, Fla. Stat.
History: New, May 27, 2009

SAFETY AND SECURITY — SAFE-SCHOOL OFFICERS 2.132

For the protection and safety of students, school personnel, visitors, and property, and in accordance with Florida Statutes section 1006.12, it is the goal of the School Board that a safe-school officer be assigned to every school facility within the District.

The Superintendent, through the Chief of the Bay District Schools Safety and Security Department, shall establish, maintain and communicate general orders to govern the ongoing operations of the District's Safety and Security Department. The Safety and Security Department's staffing shall include law enforcement officers employed by the School Board as school safety officers in accordance with § 1006.12, Fla. Stat.

The Safety and Security Department's officers may be supplemented by the safe-school officer options available in accordance with § 1006.12, Fla. Stat., which include school resource officers and school guardians. The Superintendent shall submit to the School Board for approval the interagency agreements with local law enforcement agencies which may be necessary to implement school resource officer programs and may work with the Bay County Sheriff's Office to implement the school guardian program in accordance with §§ 30.15, 1006.12, Fla. Stat.

The District shall facilitate Bay County charter schools' access to all safe-school officer options. Charter schools may access the guardian program through the Bay County Sheriff's Office and the School Board will facilitate charter school boards' participation in any interagency agreements the School Board may have with law enforcement agencies.

Authority: 1001.41, F.S.
Law Implemented: §§ 30.15, 1006.12, F.S.
History: New, August 27, 2019

Title IX - Non-Discrimination on the Basis of Sex in Education **2.133**

I. Purpose

The School Board takes seriously its obligations to ensure that no student or employee suffers discrimination on the basis of sex, as defined in Title IX of the Education Amendments Act of 1972 ("Title IX"). Title IX requires that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..." 20 U.S.C. § 1681(a). Title IX prohibits harassment of both male and female students and/or employees regardless of the sex of the harasser.

II. Definitions

For purposes of this policy, these terms are subject to the following definitions:

A. **Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school.

B. **Coercion** means the exploitation of authority, use of bribes, threats of force, or intimidation to gain cooperation or compliance.

C. **Consent** means consent voluntarily given with sufficient knowledge and comprehension of the subject matter to enable the person giving consent to make a knowing decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion.

D. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

E. **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

F. **Incapacity**

1. **Mentally incapacitated** means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

2. **Physically incapacitated** means bodily impaired or handicapped and substantially limited in ability to resist or flee.

G. **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the affected party.

H. **Respondent** is defined as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

I. **Sexual harassment** is defined as conduct on the basis of sex, which satisfies one of the following**:**

1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;

3. Sexual assault, which includes the following:

a. Sex Offenses, Forcible—Any sexual act directed against another person, without the person's consent, including instances where the person is incapable of giving consent. Forcible sex offenses may fall into one of four categories:

1. Forcible Rape -- Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent.

2. Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

3. Sexual Assault With An Object—To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

4. Forcible Fondling—The touching of the private body parts of another person (buttocks, genitalia, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

b. Sex Offenses, Nonforcible— Nonforcible sexual intercourse, such as the following:

1. Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Florida law.

2. Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent in accordance with Florida law.

4. Dating Violence, defined as: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency

of interaction between the persons involved in the relationship. For the purposes of this definition—

a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

b. Dating violence does not include acts covered under the definition of domestic violence.

5. Domestic Violence, defined as: a felony or misdemeanor crime of violence committed—

a. By a current or former spouse or intimate partner of the Complainant;

b. By a person with whom the Complainant shares a child in common;

c. By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;

d. By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Florida; or

e. By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Florida.

6. Stalking, defined as: engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

a. Fear for the person's safety or the safety of others; or

b. Suffer substantial emotional distress.

c. For the purposes of this definition—

1. Course of conduct means two or more acts, including, but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

J. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, referral to counseling services, referral to the Employee Assistance Program, referral to community-based service providers, altering work arrangements for employees, safety planning, extensions of deadlines or other course-related adjustments or academic support, modifications of class or lunch schedules,

changes in locker assignments, providing school safety escorts, transportation accommodations, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

K. **Title IX** is defined to include Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, and implementing regulations promulgated by the United States Department of Education, 34 C.F.R. Part 106.

III. Designation of Title IX Coordinator

The District will employ a designated and authorized administrator to coordinate its compliance with Title IX. The Superintendent or a designee will notify applicants for employment, student, parents, or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

IV. How to Report Sexual Harassment

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Reports received by any other employee of an elementary or secondary school will promptly be provided to the Title IX Coordinator.

V. Required Training

All Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment in § 106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers shall receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

VI. Title IX Jurisdiction

The District's jurisdiction to investigate complaints of sexual harassment under Title IX is limited to incidents within the United States and within a school's education program or activity. For the purposes of this policy, an "education program or activity" includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the District.

VII. Response to Sexual Harassment

When the District has actual knowledge, with or without a formal complaint, of sexual harassment in its education program or activity against a person in the United States, it will respond promptly and in a manner that is not deliberately indifferent. The District will treat complainants and respondents equitably by offering supportive measures before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator will promptly contact the complainant to complete an initial assessment, discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The District will maintain the privacy of the supportive measures so long as the privacy does not impair the District's ability to provide the supportive measures. District will reduce the academic/occupational impact on the parties as much as possible. The District will implement measures in a way that does not unreasonably burden the other party.

VIII. Emergency Removal

Removing a respondent from the School's education program or activity on an emergency basis requires that the School undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

The risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team, using a standard objective violence risk assessment procedure. In cases where an emergency removal involves a student with a disability who is receiving services under an Individualized Education Program ("IEP"), this risk analysis will also be performed in conjunction with the student's IEP Team and may present the need for a manifestation determination. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

In all cases in which an emergency removal is imposed, the student and parent will be given notice of the action and the option to request a Removal Review Meeting with the Title IX Coordinator, or as soon thereafter as reasonably possible, to demonstrate why the removal should not be implemented or should be modified.

The Removal Review Meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. A student Respondent may be accompanied by an Advisor of their choice during the Removal Review Meeting. The student Respondent will be given access to a written summary of the basis for the emergency removal prior to the Removal Review Meeting to allow for adequate preparation.

If a Removal Review Meeting is not requested within two school days, objections to the emergency removal will be deemed waived, except as below.

In cases when an emergency removal involves a student with a disability who is receiving services under an IEP, the Removal Review Meeting can serve as the student's manifestation determination hearing and will be conducted in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA). The student will not have to request a Removal Review Meeting as it will be scheduled and held within ten days of the decision to implement the emergency removal. If it is determined that an emergency removal is necessary for more than ten school days, that would constitute a change in placement and would be addressed in accordance with the requirements of the IDEA.

The Emergency Removal procedure also applies to any restrictions that a coach or athletic director may place on a student-athlete arising from allegations related to Title IX.

There is no appeal process for emergency removal decisions.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

The District will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: suspending a student's participation in on-campus instruction, administrative or alternative placement, temporarily re-assigning an employee, restricting a student or employee's access to or use of facilities or equipment, changing transportation arrangements, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student organizational leadership, or athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for suspension, administrative leave, and the like are applicable.

IX. Administrative Leave

The District may choose to place a non-student employee respondent on administrative leave during the pendency of a grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

X. Grievance Process for Formal Complaints of Sexual Harassment

A. Both complainants and respondents will be treated equitably and afforded supportive measures as needed throughout the process.

B. If an investigation results in a determination of responsibility for sexual harassment, remedies designed to restore or preserve equal access to the District's education programs and activities will be assigned. Remedies may include the same individualized services as supportive measures but also may include disciplinary sanctions or other actions. Only supportive measures will be assigned prior to the conclusion of this grievance process.

C. Upon receipt of a formal complaint, an impartial investigator and impartial decision-maker will be assigned and the District will provide a Notice of Grievance Process and Notice of Investigation to known parties.

D. Evaluation of Evidence

1. The parties will be afforded an objective evaluation of all relevant evidence and credibility determinations will not be based upon a person's status as a complainant, respondent, or witness.

2. The investigator and decision-maker shall presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

E. Time for Resolution

1. The District will issue a written determination regarding responsibility within 120 calendar days following receipt of the formal complaint.

2. The time for resolution, and any then-pending deadlines, may be extended for good cause and with written notice to both parties. Good cause may include, but is not limited to, the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

3. Appeals from dismissals of formal complaints and from final determinations regarding responsibility will be resolved within 30 calendar days.

F. Remedies and Disciplinary Measures. A determination of responsibility may result in disciplinary measures and remedies, which include, but are not limited to discipline measures included in School Board Policy 7.203, which defines behavior qualifying for minor, major, and zero tolerance violations and the progression of disciplinary actions as a result. Remedies may include, without limitation: counseling services, change of schedule, proximity control, Community of Care referral, or other remedies as needed to ensure safety.

G. Standard of Evidence. The District must determine that an allegation has been proven by a preponderance of the evidence in order to make a determination of responsibility.

H. Students and employees are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

I. Formal complaints involving any postsecondary education program or activity related to Tom P. Haney Technical Center shall also be governed by School Board Policy 2.1335. To the extent there are any inconsistencies between this policy and section 2.1335, section 2.1335 shall control.

XI. Investigation of a Formal Complaint

A. **Burden of Proof.** The District bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility.

B. **Privileged Information.** The District will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for a grievance process under this section

C. **Opportunity to Present Witnesses and Evidence.** Either party may present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence at any time prior to the issuance of the investigative report.

D. **Parties' Advisors.** Either party may be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. However, neither party's advisor will be permitted to question witnesses. Neither party's advisor may participate in interviews or meetings in which the represented party is not a participant.

E. **Parental Involvement.** Nothing herein is intended to supplant any legal right of a parent or guardian to act on behalf of a student.

F. **Written Notices.** Parties will receive written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate if the party's participation is invited or expected.

G. **Evidence Review Period.**

1. Any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source will be provided to both parties at the conclusion of the investigator's evidence gathering.

2. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

H. **Investigative Report.** Following the evidence review period, the investigator will issue an investigative report that fairly summarizes relevant evidence. The investigative report will be sent to each party and the party's advisor, if any, for their review and written response.

I. **Decision Making and Q&A.**

1. Upon the investigator's finalization of the investigative report, the decision-maker will begin review and provide an opportunity for questions and answers from the parties.

2. Following receipt of the investigative report, the parties may submit written, relevant questions that a party wants asked of any party or witness within 3 calendar days. Questions may be submitted to the designated decision-maker.

3. The decision-maker will provide each party with answers to any questions posed by a party.

4. Additional follow-up questions, limited only to the scope of the prior questions, may be presented by either party within three calendar days after receipt of the decision-maker's answers.

5. Only relevant questions will be entertained. The decision-maker will explain to the party proposing the questions any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

J. **Determination Regarding Responsibility.** At the conclusion of the investigation, and not less than 10 days after the parties receive the investigative report, the decision-maker will issue a full and final, written determination in compliance with the regulations implementing Title IX.

XII. Informal Resolution Process

At any time after the filing of a formal complaint and prior to reaching a determination regarding responsibility, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

Prior to an informal resolution, the District will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations.

At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared

Informal resolution will only be pursued with the parties' voluntary, written consent to the informal resolution process.

Allegations that an employee sexually harassed a student shall not be resolved by an informal resolution process.

XIII. Dismissal of a Formal Complaint

A. A formal complaint shall be dismissed if the conduct alleged in the formal complaint:

   1. would not constitute sexual harassment even if proved:
   2. did not occur in the School's education program or activity: or
   3. did not occur against a person in the United States.

B. A formal complaint may be dismissed if at any time during the investigation:
   1. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
   2. the respondent is no longer enrolled or employed by the recipient; or
   3. specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

C. Such a dismissal does not preclude action under another provision of the student code of conduct or School Board policies related to employee discipline.

D. Upon a dismissal, the District will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

XIV. Appeals

A. **Reviewable Decisions.** Parties may seek review of the following:

   1. The dismissal of a formal complaint under Title IX or any allegations therein; or

   2. A final determination regarding responsibility following the investigation of a formal complaint.

B. **Bases for Review.** Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

C. Notices of Appeal.

1. The decision of the District may be appealed by petitioning the Title IX Coordinator.

2. Any party who files an appeal must do so in writing to the Title IX Coordinator within three school days of receiving the written determination regarding responsibility or notice of dismissal.

3. The petition for an appeal from a final determination regarding responsibility shall state whether the appealing party challenges the findings, the remedies imposed, or both.

4. The party appealing a decision must state all relevant bases for review simultaneously. Any basis not raised in the initial appeal is waived.

D. **Responses.** The Title IX Coordinator will share the appeal with the other party and draft a response memorandum, which will also be shared with all parties. If the opposing party wishes to file a response, the response must be received by the Title IX Coordinator no later than two school days following receipt of the appeal. If additional time is needed, the Title IX Coordinator may grant an extension of one school day upon request prior to the expiration of the two-day deadline.

E. **Status While Pending Review.** All remedies imposed by the School will be in effect during the appeal. A request may be made to the Director of Student Services for special consideration in exigent circumstances, but the presumptive stance of the School Board is that the remedies will stand. Graduation, study abroad, internships/externships, etc. do not in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the School or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

F. **Process for Review.**

1. All appeals and responses are forwarded to the Superintendent for initial review to determine if the appeal states an appropriate basis for review and is timely.

2. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final.

3. If the appeal is timely and presents an appropriate basis for review, the Superintendent will proceed with a substantive review of the appeal.

G. **Appellant's Burden.** The party requesting appellate review must show error in the original finding or sanction. The finding and sanction are presumed to have been decided reasonably and appropriately.

H. **New Evidence.** If the Superintendent determines that new evidence should be considered, the Superintendent will return the complaint to the decision-maker to reconsider in light of the new evidence only. The decision-maker's reconsideration is not cannot be appealed.

I. **Curable Procedural Error.** If the Superintendent determines that a material procedural error occurred, it may return the complaint to the investigator and decision-maker with instructions to cure the error. The results of this second review with the error cured cannot be appealed.

J. **Incurable Procedural Error.** In rare cases, where the procedural error cannot be cured (as in cases of bias), the Superintendent may order a new review of the complaint with a new decision-maker. The results of the new decision-maker's review can be appealed, once, in accordance with the three applicable bases for appeals.

K. **Remedies.** If the Superintendent determines that the remedies or disciplinary sanctions imposed are disproportionate to the severity of the violation, the Superintendent may increase, decrease or otherwise modify the remedies or disciplinary sanctions.

L. **Additional Considerations.**

1. All parties will be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

2. An appeal is not intended to be a full rehearing of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original decision-making process and pertinent documentation regarding the grounds for appeal.

3. This is not an opportunity for the Superintendent to substitute his or her judgment for that of the School merely because the Superintendent disagrees with the finding or sanction. Appeals decisions are to be deferential to the decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

4. Remedies imposed are implemented immediately unless the Superintendent or Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

M. **Final Determination.** The Superintendent will render a written decision describing the result of the appeal and the rationale for the result simultaneously to all parties within seven school days from receipt of the appeal. The Superintendent's decision to deny an appeal request is final.

XV. Retaliation and Confidentiality

A. Retaliation is strictly prohibited. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint,

testified, assisted, or participated or refused to participate in any manner in an investigation, or proceeding.

B. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

C. The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute or as required by law, *or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.*

D. Complaints alleging retaliation may be filed according to the grievance procedures for sexual harassment under Title IX.

XVI. Record Keeping

The following records will be retained for a period of seven years:

A. Each sexual harassment investigation to include any determination, disciplinary sanctions, remedies provided, any appeal and result, informal resolution, basis for conclusion, all documents that restore or preserve equal access, additional explanations or details of measures taken.

B. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website, or these materials available upon request for inspection by members of the public.

XVII. Construction and Priority

Notwithstanding any other School Board policy or procedure, conduct and allegations meeting the definition of Sexual Harassment, as defined herein, shall be handled in accordance with this policy. To the extent that this policy may conflict with any other School Board policy, this policy shall prevail.

Authority: §1001.41, Fla. Stat.
Law Implemented: Title IX of the Education Amendments Act of 1972 ("Title IX"), 20 U.S.C. § 1681(a), et seq.; 34 C.F.R. Part 106
History: New, August 25, 2020
Revised: July 27, 2021

Title IX — Post-Secondary Hearing Procedure **2.1335**

After the investigation, the School Board will provide for a live hearing for all formal complaints involving any postsecondary education program or activity related to Tom P. Haney Technical Center that have not been dismissed or resolved by informal resolution. At the request of either party, or at the discretion of the Title IX Coordinator, School Board will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the other party or witness answering questions.

1. **Information at the Hearing:** The following information/evidence will be available at the hearing:
    - **a.** Evidence from the investigation, including the evidence directly related to the allegations that was reviewed by the parties, regardless of whether it was incorporated into the report.
    - **b.** The investigation report and any attachments/appendices.

2. **Decision-maker:** The decision-maker will be appointed by School Board and will not be the Title IX Coordinator or investigator. The decision-maker will be trained, impartial, and without a conflict of interest. The decision-maker will be a School Board employee or external individual designated by School Board.

3. **Challenge to the decision maker:** Either party may challenge the appointment of a decision-maker, based on conflict of interest or bias, in writing to the Title IX Coordinator, no less than five business days prior to the scheduled hearing.

4. **Advisor's Role at the Hearing:** Each party must have an advisor present at the hearing. The advisor's role is limited to supporting, advising, and assisting the party during the hearing and conducting questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the decision-maker. Failure to follow the rules of decorum by an advisor may result in removal of an advisor from the hearing. If a party does not have an advisor present at the live hearing, School Board will appoint the party with an advisor without fee or charge.

5. **Recording of the Hearing:** School Board will create an audio or audiovisual recording of all live hearings and make the recording available to the parties for inspection or review.

6. **Hearing Process Facilitator:** School Board may designate a hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The facilitator may also be the Title IX Coordinator. The facilitator may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

7. **Pre-Hearing Matters:** In order to streamline the hearing process, the decision-maker may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference.
    a. **Pre-Hearing Submission of Questions:** The decision-maker may request the parties submit questions, in writing, prior to the hearing. This submission does not preclude the advisor from asking additional questions live during the hearing. The decision-maker may

allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

b. **Pre-Hearing Conference:** The decision-maker may hold a pre-hearing conference to further streamline the live hearing, especially in complex cases involving multiple Complainants, Respondents and/or a significant number of witnesses. During the pre-hearing conference, parties and their Advisors will meet with the decision-maker separately to review written questions previously submitted and/or to submit, in writing, any questions they wish to ask during the live hearing so that the decision-maker can be prepared to respond to the relevancy of said questions during the live hearing. The decision-maker may discuss any preliminary relevancy determinations regarding submitted questions and/or discuss alternative ways in which to ask questions; however, the decision-maker will make any final relevancy determinations in real-time, orally, during the live hearing. This conference does not preclude the advisor from asking additional questions live during the hearing. At the pre-hearing conference, the decision-maker may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or directly related to the allegations.

c. **Hearing Documents**: The decision-maker or hearing facilitator will provide parties with a copy of all materials provided to the decision-maker about the matter.

d. **Accommodation Requests**: Participants in need of disability related accommodations and/or interpretation services during the hearing must contact the Title IX Coordinator with said requests five days prior to the hearing.

8. Participants in the Hearing. Participants at the hearing include the decision-maker, the investigator who conducted the investigations, the parties, advisors to the parties, witnesses, and anyone providing authorized accommodations. In addition, School Board may have a hearing facilitator present. Any witnesses scheduled to participate in the hearing must have been first interviewed by the investigator or have provided a written statement or answered questions from the investigator in writing.

9. Hearing Process and **Phases:** The live hearing will include the following phases:

a. Notice of Hearing: At least ten business days prior to the date set for the hearing, the parties and their Advisors will be provided with a Notice of the Hearing. The Notice will include the date, time, location, name of the decision-maker, names of all participants in the hearing, and the location (virtual or in person) of the hearing.

b. Opening Statements: Each party will have the opportunity to present an opening statement to the decision-maker.

c. Questioning of Hearing Participants: The investigator will be the first witness to provide information. The investigator will submit their investigation report and describe the evidence and information gathered in their investigation. The parties and witnesses will then be called in an order determined by the decision-maker. Questioning of parties and witnesses will occur in the following manner:

i. By the Decision-maker: The decision-maker will ask initial questions of the participants at the hearing.

ii. By the Advisors: After the decision-maker asks questions of a participant, each party's advisor will be permitted to ask relevant questions and follow up questions orally, directly, and in real time of the participant. The parties are never permitted to ask questions of participants directly. The questioning of participants by advisors will be conducted in the following manner:

- A question is asked by an advisor

- Before participant answers the questions, the decision-maker determines whether the question is relevant
- If the question is determined relevant by the decision-maker, the participant answers the question
- If the question is determined not to be relevant by the decision-maker, the decision-maker must explain the decision to exclude a question as not relevant.

iii. Evidence and Questions Excluded:

- **Sexual Predisposition or Prior Sexual Behavior of the Complainant:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- **Privileged Information:** No person will be required to disclose information protected under a legally recognized privilege. The decision-maker must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
- **Medical Records:** Evidence or records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within this Policy.

d. **Closing Statements:** Each party will have the opportunity to present a closing statement to the decision-maker.

10. **Determination Regarding Responsibility:** After the live hearing, the decision-maker will issue a written determination regarding responsibility using the preponderance of the evidence standard. The decision-maker will provide the Complainant and the Respondent with the written determination simultaneously. The determination regarding responsibility becomes final either on the date that School Board provides the parties with the written determination of the result of the appeal, if an appeal is filed in accordance with Policy 2.133, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely. The written notice will include:
    a. Identification of the allegations potentially constituting Sexual Harassment;
    b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
    c. Findings of fact supporting the determination;
    d. Conclusions regarding the application of Policy 2.133 to the facts;
    e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that School Board

imposes on the Respondent, and whether remedies designed to restore or preserve equal access to School Board's education program or activity will be provided by School Board to the Complainant; and

f. The procedures and permissible bases for the Complainant and Respondent to appeal.

Authority: §1001.41, Fla. Stat.
Law Implemented: Title IX of the Education Amendments Act of 1972 ("Title IX"), 20 U.S.C. § 1681(a), et seq.; 34 C.F.R. Part 106
History: New, July 27, 2021
Revised: November 9, 2021

CHAPTER TWO
GENERAL ADMINISTRATION

SAFETY PRECAUTIONS DURING PANDEMIC 2.134

A. Policy

The School Board recognizes the need for maintaining a healthful school environment and that controlling the spread of communicable diseases is essential to the well-being of the school community and to the efficient operation of the District.

In the event of a declared public health emergency, including those involving communicable diseases, the Superintendent may, at his or her discretion, implement then-current guidance provided by the Centers for Disease Control and Prevention ("CDC") and other relevant public health officials regarding the safe operation of schools and bring further requests or recommendations to the School Board at the next available meeting.

B. Procedures Specific to the Global COVID-19 Pandemic

The School Board is committed to operating its schools and facilities in a manner that is safe and conducive to learning throughout the remainder of the global COVID-19 pandemic.

Students, employees, and visitors are encouraged, but not required, to wear masks or cloth face coverings while present on School Board property and when social distancing of at least six feet between individuals is not possible.

The following quarantine guidelines shall apply to individuals who come in contact with a person who tests positive for COVID-19 for greater than 15 minutes (cumulative) over a 24-hour period ("Contact"):

- Wearing a Mask —
    - Must quarantine for 10 days if Contact was within 3 feet
    - Must quarantine for 10 days if Contact was within 6 feet and the exposed individual has any symptoms
    - No need to quarantine if Contact was from greater than 3 feet away and the exposed individual is not symptomatic
- No Mask — must quarantine for 10 days if Contact was within 6 feet

In the event that CDC guidance significantly changes, the School Board delegates authority to the Superintendent to modify compliance requirements in accordance with then-current guidance from the CDC and from local medical and public health officials and to bring further requests or recommendations to the School Board at the next available meeting.

Authority: §1001.41, Fla. Stat.
Law Implemented: § 1003.02, Fla. Stat.
History: New, September 8, 2020
Revised: July 13, 2021; August 11, 2021 (without requirement of meeting)

PUBLIC INFORMATION AND INSPECTION OF RECORDS 2.135

(A) Purpose. The purpose of this policy is to provide guidelines for responding to public record requests in accordance with Chapter 119, Florida Statutes and Article 1, s. 24(a), Florida Constitution. The guidelines explained below are set forth to inform and guide the public and District employees in the implementation of public records law and to ensure uniformity in providing access to public records.

(B) Definitions.

(1) The term "Public Records" is defined as all documents, pages, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the School Board and the District.

(2) The term "public record request" is defined as any request to inspect, photograph, or otherwise receive copies of a public record made or received in connection with the official business of the School Board and the District. Such records will be made available upon request to any person or organization for inspection, examination, or copying in accordance with applicable law.

(C) Designation of Record Custodian to Process Public Record requests. As used herein, the term "Record Custodian" refers to the Director of Communications or his or her designee. The Record Custodian shall coordinate all public record requests and prepare and monitor the District's responses. The contact information for the designated Record Custodian shall be displayed on the District website. The Record Custodian can be reached at BDSComm@bay.k12.fl.us.

(D) Confidential and Exempt Records.

(1) By law, some records are confidential or exempt from public disclosure and not subject to public record requests. If the Record Custodian asserts that part of a requested record is confidential or exempt, the Record Custodian shall redact that portion of the record which is confidential or exempt and produce the remainder of such record for inspection or copying.

(2) If all or part of the requested record is exempt from public disclosure by law, the Record Custodian shall provide a citation of the statutory exemption to the requestor. If questions or concerns arise regarding the appropriate application of a statutory exemption the Record Custodian should consult with the School Board attorney.

(3) Records maintained by the District which may be exempt from public inspection include, but are not limited to (these exemption summaries should be used for reference only - the full text of the exemption can be found in the cited Florida Statutes and should be reviewed before drawing any legal conclusion):

(a) Education records, as defined in the Federal Family Educational Rights and Privacy Act (FERPA) and §1002.22, Florida Statutes, pursuant to §1002.221, Florida Statutes;

(b) Portions of personnel records, pursuant to §1012.31, Florida Statutes;

(c) Claims files maintained by the risk management program administered by the District are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Claims files records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt, pursuant to §768.28 (16)(b), Florida Statutes;

(d) Security camera videotape pursuant to §119.071(3)(a), and §281.301, Florida Statutes. Such videotape may also be confidential and exempt as an education record when it depicts students, pursuant to §1002.221, Florida Statutes;

(e) Data processing software obtained under a licensing agreement which prevents its disclosure pursuant to §119.071(1)(f), Florida Statutes;

(f) All work products developed in preparation for collective bargaining pursuant to §447.605, Florida Statutes;

(g) Sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation until such time as the agency provides notice of an intended decision or until thirty days after opening the bids, proposals, or final replies, whichever is earlier, pursuant to §119.071(1)(b)2, Florida Statutes;

(h) Legal records prepared by an attorney exclusively for civil or criminal litigation or for adversarial administrative proceedings, until the conclusion of the litigation or adversarial administrative proceedings, pursuant to §119.071(1)(d), Florida Statutes;

(i) Appraisals, offers, and counteroffers related to the purchase of real property, pursuant to §1013.14, Florida Statutes;

(j) A complaint of misconduct filed with the District against a District employee and information obtained in the investigation until the investigation is concluded with a finding to proceed or not to proceed with disciplinary action or charges and the subject of the complaint has been notified of the finding. No material derogatory to an employee shall be open to inspection until ten days after the employee has been notified, pursuant to §1012.31, Florida Statutes; and,

(k) Architectural plans and drawings of school facilities, pursuant to §119.071(3)(b)(1), Florida Statutes.

(E) Procedures for Accepting and Processing Public Record requests.

(1) All public records that are not otherwise confidential or exempt shall be available for inspection or copying under the supervision of the Record Custodian at reasonable times during normal office hours of the District office or other office in which the records are maintained.

(2) Public record requests shall be accepted in writing, by electronic mail, by telephone, by facsimile, or in person. Individuals are encouraged, but not required, to submit public record requests in writing through the District's online portal, found at https://baycountydistrictschoolsfl.justfoia.com/publicportal/home/newrequest. Public record requests that are submitted through the portal and identify the specific records to be inspected or copied assist the District in providing a more accurate response in a

shorter period of time. The requestor shall not be required to identify himself/herself as a condition of making a public record request.

(3) Public record requests may be submitted to any employee, however, submission directly to the Record Custodian is suggested and is likely to minimize processing time. Employees may encourage a requestor to contact the Record Custodian directly with the request but may not require it.

(4) The District will not create records in order to respond to a Record request, but will provide existing records, in whatever form those records exist or are able to be produced without disclosing confidential information.

(5) If a School Board member or District employee receives a public record request, whether verbally or in writing, the Board member or employee shall notify the Record Custodian the same day, if at all possible, but no later than one business day from the time the request is received. When forwarding a public record request to the Record Custodian, the Board member or employee shall provide all information available, including the name and contact information of the requestor and the records being requested.

(6) Upon receipt of any public record request, the Record Custodian shall acknowledge receipt of the request in writing to the requestor. The acknowledgement will include a notice that there may be a cost involved with the processing of the request. If applicable, the requestor will be provided with a cost estimate to approve prior to the request being processed.

(7) If a public record request is insufficient to identify the records sought, the requestor shall be promptly notified that more information is needed in order to produce the records. The District shall offer reasonable assistance to the requestor in describing the nature and extent of such information.

(8) No automatic waiting period shall be imposed on a public record request. The only delay permitted is that which is reasonably necessary to allow for compilation of the requested records and protection against disclosure of those portions of records that are confidential or exempt by law.

(9) The District will make every effort to provide a public record request in the format identified by the requestor. However, if that format is unavailable for whatever reason, the Record Custodian shall contact the requestor to determine an alternate format in which to fulfill the request. Records may also be unavailable in certain formats if redactions are necessary to prevent the disclosure of those portions of records that are confidential or exempt by law.

(10) The Record Custodian shall keep a log of all public record requests received. The log shall include, at a minimum:

(a) date of the request;
(b) name of the employee who received the request;
(c) name of requestor, if available;
(d) description of record request;
(e) name of the employee who provided the records that fulfill the request;
(f) date of completion of the request; and
(g) cost, if any, paid by the requestor to fulfill the request.

(F) Fees for Processing Public Record requests.

(1) Florida Statutes allows for the collection of fees in the fulfillment of a public record request. Duplication costs shall be applied as follows:

(a) One-sided paper copies - $0.15 per page, up to legal size (8 ½ X 14 inches)

(b) Double-sided paper copies - $0.20 per page, up to legal size (8 ½ X 14)

(c) Certified paper copies - $1.00 per page

(d) Electronic copies – Electronic files sent to a requestor via e-mail shall be provided at no additional charge

(e) All other copies – All other copies (larger size paper, CD, DVD, USB, etc.) shall be provided at the actual cost of materials used to duplicate the record(s).

(f) Requestor-provided material is prohibited – the District will not accept CDs, DVDs, or USB drives provided by the requestor due to computer virus and computer security concerns.

(2) Shipping costs incurred in the delivery of records shall be included in the cost charged to the requestor.

(3) If the nature or volume of public records to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by a District employee, the District shall, in addition to duplication costs, apply a service charge based on the actual cost incurred for such extensive use of information technology resources or the actual labor cost of the employee providing the service.

(a) The term "Extensive Use" means any time longer than 15 minutes needed to complete all tasks defined in subparagraphs (i) and (ii) below:

i. Extensive Use of clerical or supervisory assistance includes longer than 15 minutes of locating and retrieving of records; reviewing records for statutorily exempt information; preparing records for inspection or copying by redacting or excising exempt or confidential information from records prior to review or copying; monitoring of the inspection or copying of records when necessary to ensure the integrity of the records; and instructing, or supervising personnel in performing the foregoing tasks when responding to a particular public records request.

ii. Extensive Use of information technology resources includes longer than 15 minutes of writing or executing software commands or setting up information technology resources. Under Fla. Stat. § 119.07(1)(b), the term shall include data processing hardware, software, or services; and/or communications, supplies, personnel, facility resources, maintenance, and technology training required to fulfill a given public records request.

(b) The special service charge for Extensive Use may be based on either or both of the following, as applicable:

i. the cost incurred for Extensive Use of information technology resources; and

ii. the labor cost actually incurred by, or attributable to, the District for clerical or supervisory assistance of the personnel providing the service.

When an Extensive Use special service charge includes labor costs, the charge will be based on the current hourly rate of pay (including benefits) of the personnel whose time contributes to the Extensive Use of clerical or supervisory assistance required to fulfill the records request. When the Extensive Use consists of tasks that should be performed by an attorney, law clerk, or paralegal, such as reviewing materials for exemptions and confidential information requiring redaction, the District may reasonably charge the attorney's or law clerk's/paralegal's hourly salary (excluding benefits).

(4) Fee Collection and Processing.

(a) When all allowable fees applicable to a particular public record request can be calculated in advance, they should be collected prior to the District investing significant information technology resources or clerical or supervisory assistance.

(b) When actual costs and extensive use fees cannot be immediately determined due to the nature of the request, the District shall give an estimated cost for producing the records. When the requestor accepts the cost estimate and provides a 50% partial payment, the request will be processed. Upon payment of the final invoice, the records will be provided to the requestor.

(c) Should the requestor fail to pay the actual costs or extensive use charges incurred to produce the request, the request will not be fulfilled. Full and final payment of costs is required prior to release of the records.

(d) The District accepts payment in the form of checks or money orders made payable to the School Board of Bay County, Florida.

Statutory Authority: §§1001.41 and 1001.42, Florida Statutes
Laws Implemented: §§ 119.07; 119.071; 281.301; 447.605; 1002.22; 1002.221; 768.28; 1012.31; and 1013.14, Florida Statutes
History: New, July 27, 2021

CHAPTER THREE
PERSONNEL - GENERAL PROVISIONS

INSERVICE EDUCATION 3.101

The Superintendent shall provide the necessary inservice education and training activities to keep all staff knowledgeable and effective in their jobs. Such inservice may be in the form of workshops, conferences, special training sessions, or similar events.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989

JOB DESCRIPTIONS 3.102

The Superintendent shall develop and the Board shall approve job descriptions for each type of work to be performed by employees of the district. Job descriptions shall include:

1. Job Title
2. Qualifications
3. Duties to be performed
4. Type and extent of training required
5. Degree of responsibilities
6. Other related factors

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.22, 1012.27, 1011.60, 1012.53, Fla. Stat.
History: New, June 12, 1989

REDUCTION IN FORCE,
NON-BARGAINING EMPLOYEES **3.103**

This policy pertains to non-bargaining employees only. When a reduction in the number of employees in the district is necessary, the following procedure shall be followed:

1. A decision will be made as to the number of employees to be placed in lay-off by job title.
2. In each job title the employee to be laid off shall be in this order:
    A. the employee who volunteers to resign or be put on leave of absence
    B. the employee with the least amount of continuous service in the district. Where length of service is the same, qualifications for the instant job will determine the employee to be retained.
3. No new employee will be employed in a job title where an employee is still in lay-off.
4. The most senior laid-off employee will be recalled first within each job title.
5. Employees in lay-off (up to 180 days) shall maintain their status as an employee on unpaid leave for the purposes of self-pay insurance and seniority accrual.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.33, 1012.22, 1011.60, 1012.23, Fla. Stat.
History: New, June 12, 1989

GRIEVANCE PROCEDURE
NON-BARGAINING EMPLOYEES **3.104**

The School Board shall provide fair and equitable treatment in the interpretation and application of policies and regulations.

Definition. A "grievance" is a claim based upon an event or condition which affects the welfare and/or terms and conditions of employment, including claims of alleged discrimination, discrimination under School Board Policy 2.111 of any employee or applicant for employment with the School Board which has not been resolved as a result of a conference with the principal at the school center or immediate supervisor elsewhere.

Purpose. The purpose of this procedure is to secure, at the administrative level closest to the aggrieved person, equitable solutions to the problems which may, from time to time, arise affecting the welfare or working conditions of all personnel, and applicants for employment.

Collective Bargaining Employees. All employees who are covered by a collective bargaining agreement shall follow the grievance procedures set forth in their respective collective bargaining agreements.

Procedure. The employee or applicant must communicate the allegation verbally or in writing to the employee or applicant's principal or immediate supervisor, or his/her designee, within 60 days of the alleged incident. If the complaint involves the employee or applicant's principal or immediate supervisor, the written communication shall be directed to the Deputy Superintendent or Executive Director for Curriculum and Instructional Services.

Step 1: If a conference with the principal or immediate supervisor fails to solve the conflict, the employee or applicant will have five (5) working days to file a written grievance with his/her principal or immediate supervisor with the objective of resolving the grievance. A written disposition of the grievance will be given to the party filing a grievance within five (5) working days.

Step 2: In the event the written disposition fails to resolve the grievance, the employee or applicant may appeal the grievance to the Deputy Superintendent. The employee or applicant and principal, or immediate supervisor, may seek assistance of any party in behalf of their presentation to the Deputy Superintendent. The Deputy Superintendent will submit a written disposition within five (5) working days to the grievant.

Step 3: In the event the written disposition by the Deputy Superintendent fails to resolve the grievance, the employee or applicant may request a hearing before the Superintendent. All parties may present evidence or testimony in their behalf. The decision of the Superintendent will be final.

The right to confidentiality of the complainant, of the accused, and of any others involved in the investigation, will be respected consistent with the District's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when the conduct has occurred. Warnings will be given regarding retaliation against the complainant, the accused and any other person involved in the investigation. Disciplinary action, up to and including dismissal, may be taken against violators of this policy.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1000.05, Fla. Stat.; Fla. Admin. Code R. 6A-19.001-6A-19.010
History: New, June 12, 1989; February 14, 2001; August 28, 2002; June 25, 2003

CHAPTER THREE
PERSONNEL - GENERAL PROVISIONS

POLITICAL ACTIVITY, NON-BARGAINING EMPLOYEES 3.105

Definitions.

Political Activity. The term "political activity" shall include any and all efforts of individuals, individually or in concert with others, done for the purpose of supporting or opposing any candidate, party, or issue in an election or done to affect the results thereof.

School Facilities. The term "school facilities" shall mean any buildings and grounds, owned, operated, controlled or maintained by the School Board, including but not limited to schools, ancillary facilities, athletic facilities, and office complexes.

Political Events. The term "political events" shall include any and all meetings, fund raisers, gatherings, or other such events organized or conducted for the purpose of supporting or opposing any candidate for public office, any issue which is or may be scheduled to appear on an election ballot, or any political party or organization.

Political Activity in School Facilities.

Political Events. Except as provided herein, no political events may be conducted at School Facilities at any time.

Political forums in which the general public is invited to meet and hear all candidates in a particular race or races, or to meet and hear representatives of both sides of an issue appearing on the ballot, may be held in school facilities under the following conditions:

1. The forum must be sponsored by an organization having an official affiliation with the school or school system;
2. All announced candidates for the specific office or offices, or representatives for oragainst each issue, included shall be given an invitation in writing;
3. The presentation by each candidate for any office, or representative for or against a specific issue, shall be limited to the same amount of time;
4. Distribution of campaign materials shall be confined to the immediate area in which the forum is being conducted;
5. No preferential treatment shall be afforded any candidate or issue in any way (i.e., seating, speaking order, introduction, etc.)

Political Activity by Students. Students shall have the right to generally express their preference for political parties, issues, or candidates in any manner during school hours, or at school activities held in school facilities. However, any such form of expression shall be subject to reasonable regulation by the school at any time that:

1. The student is serving as an official representative of the school or school system to the general public; or
2. The manner or form of expression is disruptive of the education program of the school; or
3. The principal or person in charge of the facility has reasonable cause to believe that failure to regulate the student's expression would result in material disruption of the educational program of the school.

Political Activity by School Officers or Employees. As an individual, each officer or employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state, and the Constitution of the United States. However, no officer or employee shall:

1. Use the authority of his/her position to secure support or opposition for any candidate, party, or issue in an election. Such prohibition shall include, but not be limited to, use of an employee's official title in any political advertisement endorsing or opposing any candidate, party, or issue.
2. Use his/her official position in any way to influence, or attempt to influence, students to support or oppose any candidate, party, or issue. Such prohibition shall include, but not be limited to, any form of advocacy or opposition in a classroom setting or other student-teacher relationship.
3. Participate in any political activity while on duty, unless such participation involves passive political expressions which are totally unrelated to the performance of his assigned duties and not otherwise prohibited herein (i.e., displaying a bumper sticker on his/her automobile, lapel pin, campaign button, political advertising on items of clothing, etc.).
4. Attempt, either directly or indirectly, to coerce political activity or political support from any other employee of the School System;
5. Solicit, or attempt to solicit, funds from an employee of the School System in behalf of a candidate, party, or issue. Nothing contained herein shall be interpreted to prohibit an employee from suggesting to another employee, outside of normal work hours and in a non-coercive manner, that he may voluntarily contribute to a fund which is administered by a party, committee, organization agency, person, labor union or other employee organization for political purposes.

Other Political Activity. The following forms of political activity shall be prohibited at all times on school property.

Distribution of campaign material, including cards, brochures, etc., defined by law as political advertising, to students or employees;

Political signs, whether placed on or in the building, or elsewhere on Board property. "Political signs" as used herein shall not include advertising on items of clothing, bumper stickers, sunshades, or other signs permanently affixed to a vehicle and which are legal for roadway traffic.

Solicitation of students or employees by a candidate, or any person acting on behalf of a candidate.

Personal appearances of candidates before student groups, unless part of an approved course of study and presented in a responsible manner, and unless equal opportunity is afforded to all candidates in the particular race.

Nothing contained herein shall be interpreted to prohibit any candidate from being on school grounds, or in a school facility, at any time if such candidate:
1. Is attending a function that is open to members of the general public;
2. Is attending a function that is open to members of an organization, and the candidate is a legitimate member;
3. Is visiting the school to obtain information concerning his/her child;
4. Is visiting the school in accordance with an established school policy permitting such visits; or
5. Is visiting the school at the invitation of the school administration; however, any such invitations must be extended in a non-discriminatory manner.

Nothing contained herein shall be interpreted to prohibit the distribution or use of newspapers, magazines, or programs for athletic events which contain paid political advertising, where the distribution or use of such items is for purposes which are non-political in nature. Neither shall anything contained herein be interpreted to prohibit distribution of any political materials which are to be used as a part of an approved course of study.

Political Activity By Employees Outside of Duty Hours. Each employee shall have the right to actively participate in political activities on behalf of any candidate, party, or issue during the time he is not scheduled to be on duty. Such time shall include authorized personal or vacation leave. However, the employee may not, at any time:

1. Solicit, or attempt to solicit, funds as prohibited above;
2. Attempt to coerce other employees, as prohibited above; or
3. Misuse his/her official position, as prohibited above.

Nothing contained in this Rule shall be interpreted to prohibit an officer or employee from performing any statutory or assigned duties with respect to any issue which directly affects the school system, or which is placed on the ballot by or at the request of the School Board. Neither shall any provision herein by interpreted to restrict the appropriate utilization of school facilities in the performance of such duties.

Interpretations and Appeals. All questions by officers, employees, candidates or members of the general public regarding appropriate interpretation of this Rule shall be directed in writing to the Superintendent for resolution. The Superintendent shall provide his/her interpretation in writing within three (3) working days following receipt of the request. Any person dissatisfied with the Superintendent's interpretation may appeal the matter to the School Board in either of the following ways:

1. By written request for the item to be agendaed for the next regular or special School Board meeting, notwithstanding the 8 day agenda requirement; or
2. By request for a Declaratory Statement, pursuant to Section 120.565, Florida Statutes.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 104.31, 120.565, 1012.22, Fla. Stat.
History: New, June 12, 1989

CHAPTER THREE
PERSONNEL - GENERAL PROVISIONS

NEPOTISM 3.106

An applicant for any position in the school system, and any employee seeking promotion or transfer, will be considered solely on the basis of his/her respective qualifications for such a position, regardless of whether the applicant or employee is or is not related by blood or marriage to any member of the School Board or to any present or former employee of the School Board, except as otherwise provided herein.

Definition. The terms "related" or "relative" as used in this policy refer to the following familial relationships: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

No employee shall participate in any personnel action, including selection or evaluation, or recommendation for hiring, promotion, or advancement, concerning an applicant or employee to whom he/she is related.

No employee will directly or indirectly supervise or be directly or indirectly supervised by an employee to whom he/she is related.

Whenever one relative in the same Cost Center as another is promoted or transferred to an administrative position that would be in violation of this rule, the conflict shall be resolved by transferring one of the related employees to another position.

1. The transfer shall be at the next semester change or at the conclusion of that school year, as determined by the Superintendent.
2. The employee to be transferred, and the time and location of said transfer shall be determined by the Superintendent.
3 The employee who is transferred must be qualified for the position to which he/she is transferred.

If a candidate for employment is related to a Board member, the Superintendent will make this fact known to the School Board before any recommendation is made to fill a vacancy.

This policy will not, except as provided herein, prohibit the employment of relative of School Board members, or related employees by the School Board.

All existing conditions as of July 1, 1976, shall be grandfathered under this rule.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.22, Fla. Stat.
History: New, June 12, 1989

CHAPTER THREE
PERSONNEL - GENERAL PROVISIONS

FINANCIAL OBLIGATIONS OF EMPLOYEES 3.107

When the School Board has received a complaint concerning the failure or refusal of one of its employees to meet his/her financial obligations, the employee about whom the complaint has been made shall be notified in writing from the Superintendent's office that such a complaint has been received, and he/she shall be given an opportunity to make satisfactory arrangements with his/her creditors. If satisfactory arrangement cannot be made with the creditors, the employee may be subject to reprimand or discharge.

In the event that an employee disclaims the financial obligation in writing, the firm or person making the complaint will be informed of this fact by the Superintendent and no further action will be taken unless and until a judgment is issued by a competent court. If an employee fails to satisfy a judgment, he/she will be subject to dismissal.

A copy of all complaints, notifications from the Superintendent's office, and the employee's answer shall be filed in the personnel folder of the employee.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.27, Fla. Stat.
History: New, June 12, 1989

LEGAL SERVICES FOR EMPLOYEES. 3.108

The School Board will provide legal services for any officer or employee who is sued for any action arising out of or in the course of his/her employment for the School Board. Prior to providing such services, the Board will determine that the employee was at his/her assigned post of duty and was not guilty of willful neglect of duty, gross negligence, or improper conduct.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.26, Fla. Stat.
History: New, June 12, 1989

CHAPTER THREE
PERSONNEL - GENERAL PROVISIONS

GENERAL EMPLOYMENT PRACTICES 3.109

It is the policy of the School Board of Bay County to employ and retain as employees those best qualified to fulfill the needs of the public in its operation without regard to race, ethnicity, religion, marital status, national origin, gender, disability or age.

The Board may require an employee to submit to a fitness for duty examination when, in its, judgment, such an examination is relevant to an employee's job performance or status. The employee will select the examining physician from a list of three physicians provided by the Human Resources Department and the cost of that specific examination will be paid for by the Board.

The personal life of an employee is not an appropriate concern of the Board except as it may directly affect the employee's performance of properly assigned responsibilities.

Absences without leave. Any employee who is willfully absent from duty without approved leave shall forfeit compensation for the time of such absence, and his or her employment shall be subject to termination by the district school board. Abandonment of job shall be presumed after three consecutive work days of absence without leave and without communication with the employee's supervisor. When an employee abandons his or her job the School Board will consider it as the employee's resignation and will proceed accordingly.

Employment and compensation of instructional personnel during specific emergencies. In the event of an epidemic, strike, mass walkout, substantial numbers of teacher resignations, or other urgent condition, the School Board, upon recommendation of the Superintendent, may find and declare that an emergency exists because there is not a sufficient number of certified teachers to continue the normal operation of the schools within the District. In said event the School Board may, upon recommendation of the Superintendent, employ, contract with, and compensate for instructional services rendered any person who shall be deemed qualified by regulations of the School Board. In such event, a state certificate to teach shall not be required for such employment, contract, or compensation.

During a critical shortage event, the Board may grant credit for up to 19 years of related employment experience in determining the employee's salary on the appropriate salary schedule.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1000.05, 1012.22, 1012.24, 1012.67, Fla. Stat.
History: New, June 12, 1989
Revised: December 16, 1998; May 14, 2013; April 13, 2021

VACANCIES 3.110

Personnel within the school system shall be made aware of vacancies available within the school system as they become available and shall be afforded the opportunity to make application. Notification of vacancies shall include procedures for making application and qualifications necessary for the position.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.23, 1012.22, Fla. Stat.
History: New, June 12, 1989

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RESIGNATIONS 3.111

Any employee who wishes to resign during the employment period shall submit his/her resignation in writing. The letter of resignation shall state the reason for the resignation and the desired effective date. Except in case of extreme emergency, at least two (2) weeks notice shall be given in the case of a non-instructional employee.

The resignation of any staff member shall be accompanied by the recommendation of the employee's administrative supervisor. The resignation shall be sent to the Superintendent for presentation to the School Board.

Resignations of administrative and instructional employees must be received in the office of the Superintendent at least four (4) weeks before the employee wishes his/her resignation to become effective.

The resignation of a member of the administrative staff will be considered during the contractual period of service provided that an acceptable reason is given and satisfactory replacement is available.

The resignation of a member of the instructional staff made before August 1 for the purpose of accepting employment elsewhere may be considered only if a qualified replacement is available. Violations of the provisions of this section may result in a recommendation by the Superintendent for the revocation of the employee's teaching certificate.

No resignation shall become effective until accepted by the School Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.23, 1012.22, Fla. Stat.
History: New, June 12, 1989

INJURIES TO PERSONNEL 3.112

Injuries in the line of duty to personnel employed by the School Board are covered by Worker's Compensation and shall be reported immediately to the principal or department head, who shall report the accident to the office of the Superintendent within 24 hours. Serious injuries shall be reported to the Superintendent immediately. Additional information as may be required shall be filed as the Superintendent may direct.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.695, Fla. Stat.
History: New, June 12, 1989

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INDEBTEDNESS CREATED AGAINST A SCHOOL OR THE SCHOOL BOARD 3.113

Any school employee shall be personally liable for creating any bill of indebtedness against a school or against the School Board unless authority exists under duly adopted rule of the School Board, or is authorized in writing by the Superintendent. Any employee violating the provisions of this rule shall be subject to cancellation of his/her contract and dismissal from employment.

Authority: § 1001.41, Fla. Stat.
Law Implemented: 6A-1.12, SBER
History: New, June 12, 1989

TERM AND HOURS OF EMPLOYMENT 3.114

Unless otherwise provided herein, the term and hours of employment of all personnel shall be prescribed in the annual salary schedule or collective bargaining agreement.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.23, Fla. Stat.
History: New, June 12, 1989

PERSONNEL RECORDS 3.115

The Superintendent shall establish written procedures for the maintenance of personnel files consistent with the provisions of Section 1012.31, Florida Statutes. Such procedures shall include, but not be limited to:

1. Location of personnel files;
2. Criteria and procedures for placing materials in a personnel file;
3. Persons authorized to place materials in a personnel file;
4. Review of disputed or contested materials in a personnel file;
5. Public access to personnel files;
6. Persons designated to have access to confidential materials in a personnel file.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.31, Fla. Stat.
History: New, June 12, 1989

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LEAVE OF ABSENCE 3.116

A leave of absence is permission granted by the School Board or allowed under its adopted rules for an employee to be absent from duty for a specified period of time with the right to return to employment on the expiration of leave, provided such return is during the period of employment and meets the requirements contained in this policy.

Any absence of any employee from duty shall be covered by leave duly authorized and granted.

Leave may be with or without pay. For any absence that is without compensation, the deduction for each day's absence shall be determined by dividing the annual salary by the number of paid days for the annual period.

Leave shall be used for the purpose set forth in the leave application. Failure to do so without duly granted amendment may result in immediate cancellation of the leave, disciplinary action, or dismissal.

Leave must be officially granted in advance of taking such leave. Any request that leave be granted retroactively may be denied. Leave for illness or other emergencies may be deemed to have been granted in advance if the employee makes a proper written report and explanation of the absence to his/her immediate supervisor or principal at the earliest practicable time on the first day that he/she returns to work after such absence.

The necessary forms for verification of the reasons for absence will be available online. Employees will complete the forms the first day they return to work.

Leaves may be taken in hourly increments. No leave will be granted for a period in excess of one year.

Any employee who is on unpaid leave pursuant to these rules and who desires continuing insurance policies provided by the Board shall be eligible for participating in the program and shall pay the premium for same.

Return from leave. The employee must notify the Human Resources Department not later than March 15, in writing, of his/her intent to return the next school year. Failure to notify the Human Resources Department by March 15 shall result in loss of any and all employment rights the employee may have had. Any unpaid leave applied for after March 15 must include a letter of intent as to whether the employee will return, or not return, to work. The employee shall be returned to his/her former position if a vacancy exists or to a comparable position, subject to certification requirements and the availability of a suitable position.

Any employee of the School Board who is elected or appointed to the Office of School Board or the Office of Superintendent shall be granted an unpaid leave of absence from their current position for the duration of their service in an administrative capacity. Individuals granted such leave shall retain the right to return to a position comparable to that held prior to receiving the leave of absence. Return is subject to certification requirements and the availability of a suitable position.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.66, Fla. Stat.; FL Admin Code R. 6A-1.80
History: New, June 12, 1989
Revised: August 9, 1990, January 11, 1990, February 14, 1991, January 12, 1995; September 12, 2001; March 9, 2021

LEAVE APPLICATION 3.117

An application for leave shall be in writing and on the form prescribed by the School Board and shall be directed to the School Board. The application of an employee shall be submitted to his/her immediate supervisor and then shall be forwarded to the Superintendent for submission to the School Board except where authority is otherwise provided for the approval of the leave.

All leaves, except sick and personal leave, shall be applied for at least five (5) working days in advance of the date the leave is to commence except in cases of emergency. Personal leave must be applied for two (2) working days in advance of the date the leave is to commence except in cases of emergency.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.66, Fla. Stat.
History: New, June 12, 1989

TEMPORARY DUTY 3.118

Employees may be assigned to be temporarily absent from their regular duties and places of employment with pay and substitutes, if necessary. Such assignments may be initiated by the employee through the facility manager. Employees may be granted expenses as prescribed by these rules.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.23, Fla. Stat.; 6A-1.84, SBER
History: New, June 12, 1989

PERSONAL LEAVE WITH PAY; NON-BARGAINING PERSONNEL 3.119

Each employee shall be entitled to six (6) days leave for personal reasons each school year. Such leave shall be charged to the employee's accrued sick leave and shall not be cumulative.

Personal leave may not be taken on days immediately preceding or following holidays except in cases where the employee has verified with the facility manager that an emergency situation exists.

This leave shall be applied for no less than five (5) days in advance unless it is an emergency. On an emergency basis, verification of approval or disapproval will be provided to the employee at least 48 hours after application for such leave.

Employees will not be required to give reasons for personal leave except in cases of emergency mentioned above.

Facility managers may postpone such leave if an emergency situation exists.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.61, 1012.66, Fla. Stat.
History: New, June 12, 1989
Revised: January 12, 1995

ILLNESS-IN-LINE-OF-DUTY LEAVE;
NON-BARGAINING PERSONNEL **3.120**

Any employee shall be entitled to illness-in-line-of-duty leave with full pay when the employee has to be absent from his/her duties because of personal injury received in the discharge of duty or because of illness from any contagious or infectious disease contracted in their school work. Such leave shall not exceed ten (10) work days during any school year and must be applied for within five (5) work days of returning to work. Use of such leave shall result in no reduction of the employee's accumulated sick leave.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.63, Fla. Stat.
History: New, June 12, 1989

JURY DUTY; NON-BARGAINING PERSONNEL **3.121**

Any employee called for jury duty during work hours or who is subpoenaed to testify during work hours in any judicial or administrative matter shall be entitled to full salary for such time. This does not apply to plaintiffs.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.66, 1012.23, 1012.59, Fla. Stat.; 6A-1.84, SBER
History: New, June 12, 1989

ANNUAL LEAVE
NON-BARGAINING EMPLOYEES **3.122**

All full-time, non-bargaining personnel on a twelve-month basis shall be entitled to annual leave cumulative to no more than 480 hours at the end of any fiscal year. In instances the employee cannot use the accumulated leave due to the action of the Board, the hours accumulated shall be unlimited. Annual leave shall not be earned while an employee is on Workers' Compensation.

Credit for annual leave shall be posted as of the last day of each month. The annual leave allowance shall be:

1. 4 hours monthly - 0-4 year employees
2. 6 hours monthly - 5-9 year employees
3. 8 hours monthly - 10-14 year employees
4. 10 hours monthly - 15 years and up employees

Years of service for the purpose of computing annual leave shall be interpreted to mean the years service as an employee of the Bay County School Board in a full-time (52 weeks annually) position.

Years of service in positions of employment with the Bay County School Board of less than 52 weeks annually do not qualify for annual leave and that service will not be considered when an employee transfers to a 52-week position.

Annual leave shall be scheduled so there will be minimum disruption of the school system. The employer will provide at least fourteen (14) days notice of the cancellation of annual leave.

Upon termination, employees shall be paid for unused annual leave accumulated prior to June 30, 1993 up to a maximum of 408 hours. Such payment shall be made at the rate of pay by which the person was paid as of June 30, 1993.

In the event of death of the employee, payment of the unused annual leave accumulated at the time of death shall be made to the person's beneficiary, estate, or as provided by law.

An employee who earns annual leave and changes his/her job classification to a position that does not earn annual leave, must use the leave before the beginning date of the new position. In instances when that is not possible, such accumulation shall be carried by the Board until the employee returns to a job classification which earns annual leave or terminates employment with the District at which time the accumulated leave shall be treated as though the employee had continued to hold a position which earned annual leave.

Educational personnel in the Department of Health and Rehabilitative Services (HRS) residential care facilities who are employed by the Bay County School Board in a position authorized by this rule to earn annual leave may transfer a balance of unused annual leave from the HRS position in an amount not to exceed twelve (12) days.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.22(2); 1011.60, Fla. Stat.; 6A-1.82, SBER
History: New, June 12, 1989, June 10, 1993, July 11, 2001; February 24, 2010

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MILITARY LEAVE 3.123

All officers or employees of the School Board who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard, shall be entitled to leave of absence from their respective duties, without loss of pay, time or efficiency rating, on all days during which they shall be engaged in training or duty ordered under the provisions of the United States military or naval regulations for such personnel when assigned to active or inactive duty.

Leaves of absence granted as a matter of legal right under the provisions of this rule shall not exceed 17 days in any one (1) annual period unless leave is the consequence of a declared State or National emergency and approved by the School Board.

Leaves of absence for additional or longer periods of time without pay for assignment to duty with civilian conservation corps units or other functions of a military character may be granted, and shall have the force and effect of other leaves of absence authorized by this rule.

Copies of all official orders are required to be provided the Personnel Department.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 115.07, 1012.66, Fla. Stat.
History: New, June 12, 1989
Revised: November 1992

MATERNAL/PATERNAL LEAVE; CHILD CARE LEAVE, NON-BARGAINING EMPLOYEES 3.124

This policy pertains to non-bargaining employees only.

Maternal\Paternal Leave. A maternity\paternity leave of absence without pay shall be granted to an employee for the purpose of child bearing and/or child rearing as follows:

1. An employee has up until the birth of his\her child to apply for paternity\maternity leave.
2. The employee has the following leave options for maternity/paternity leave:
   A. Thirty (30) working days
   B. Sixty (60) working days
   C. Ninety (90) working days
   D. An academic semester
   E. Two academic semesters
3. An employee who is pregnant may continue in active employment as late into her pregnancy as she desires, provided, upon the request of her immediate supervisor, her physician certifies that she is able to properly perform her required assignment.
4. Upon request, an employee adopting a child may request leave at the time of receiving de facto custody of said child, or prior to receiving such custody, if necessary, in order to fulfill the requirements for adoption.
5. This leave shall not be more than one (1) year.

Child Care Leave. Unpaid leave of one school year or the balance of a school year shall be granted for child care. Leaves of this nature may be taken at any time provided that such leave is substantiated by a physician's recommendation.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.66, Fla. Stat.
History: New, June 12, 1989

PERSONAL LEAVE WITHOUT PAY, NON-BARGAINING EMPLOYEES 3.125

Employees may be granted personal leave without pay up to a maximum of ten (10) working days per school year.

Extended personal leave without pay may be granted for a period extended to one (1) year by recommendation of the principal or supervisor, recommendation of the Superintendent and approval of the School Board. Such leave shall be taken under the conditions of Section 3.116.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.66, Fla. Stat.
History: New, June 12, 1989

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ABSENCE WITHOUT LEAVE 3.126

Any employee who is willfully absent from duty without leave shall forfeit compensation for the time of the absence and shall be subject to dismissal from employment.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.23, 1012.22, 1011.60, Fla. Stat.
History: New, June 12, 1989

HOLIDAYS, NON-BARGAINING EMPLOYEES 3.127

This policy pertains to non-bargaining employees only. Except as directed by the School Board in case of an emergency, the annual holidays and working days for all non-bargaining personnel of the school system shall be incorporated in the school calendar. Employees, while on Workers' Compensation, will not earn holidays.

All non-instructional personnel employed at least 24 weeks, but less than 52 weeks, are entitled to six (6) paid holidays each year.

All full-time personnel employed for 52 weeks are entitled to ten (10) paid holidays each year.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989

TERMINAL PAY BENEFITS FOR SICK LEAVE, NON-BARGAINING EMPLOYEES **3.128**

Full-time non-bargaining personnel or, if deceased, their beneficiary will be paid terminal pay for accumulated sick leave at death or retirement in accordance with this section. Personnel shall receive a terminal benefit for unused sick leave. Employees under §1012.61(2)(5), Fla. Stat. who retire, and beneficiary(ies) of such personnel whose employment is terminated by death, shall receive payment for accrued sick leave days at the maximum amount allowable under §1012.61(2)(5), Fla. Stat.

In order to receive benefits under this section, the employee must retire and be eligible to receive full or reduced benefits under the retirement criteria of the Florida Division of Retirement of the Department of Administration. The calculation of terminal pay shall not be based on any accumulated sick leave in excess of that earned as an employee of the District.

Any person entitled to terminal pay benefits shall have been under contract to render services for the pay period immediately preceding retirement or death and shall not be under suspension from duty except for reasons pertaining to health, or have any charges pending which could result in dismissal from employment.

Terminal pay shall not exceed an amount determined as follows:

1. If the employee retires or dies during the first three (3) years of service in Bay District Schools, the applicable daily rate of pay multiplied by thirty-five percent (35%) times the number of days of accumulated sick leave.

2. If the employee retires or dies during the next three (3) years of service in Bay District Schools, the applicable daily rate of pay multiplied by forty percent (40%) times the number of days of accumulated sick leave.

3. If the employee retires or dies during the next three (3) years of service in Bay District Schools, the applicable daily rate of pay multiplied by forty-five percent (45%) times the number of days accumulated sick leave.

4. If the employee retires or dies during the next three (3) years of service in Bay District Schools, the applicable daily rate of pay multiplied by fifty percent (50%) times the number of days accumulated sick leave.

5. If the employee retires or dies during the thirteenth (13) year in Bay District Schools, the applicable rate of pay multiplied by one hundred percent (100%) of up to one hundred (100) days of accumulated sick leave. Accumulated sick leave days beyond one hundred (100) will be paid at fifty percent (50%).

For purposes of computing the amount of terminal pay for accumulated sick leave, sick leave accrued prior to June 30, 2004, shall be computed by using the employee's daily rate of pay on June 30, 2004 multiplied by the total number of eligible accumulated sick leave days as of June 30, 2004.

For purposes of computing the amount of terminal pay for accumulated sick leave, sick leave accrued after June 30, 2004, shall be compensated at the employee's daily rate of pay applicable at the time the sick leave was earned.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1012.61, Sta. Stat.
History: New, June 12, 1989, June 10, 1993; November 12, 2003

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CHAPTER THREE
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EMPLOYEE DRESS. **3.130**

All employees of the Bay County School Board are expected to be clean and well groomed at all times that they are on duty.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989

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TAX SHELTERED ACCOUNTS 3.131

School Board employees are authorized to participate in tax sheltered accounts (TSA) under the provisions of Internal Revenue Code 403(b) and/or 457 through payroll reduction with companies that are approved in accordance with this rule and are part of the Plan Document.

Authorized Providers

Authorized providers/vendors shall be limited to a number deemed by the Employer sufficient to provide an adequate array of eligible investment products for the benefit of all employees. The Employer will periodically assess Vendors and products to determine that this requirement is achieved.

In the event that a Vendor is removed from the program, the Employer may, if deemed necessary, accept applications from new Vendors to fill the open vendor slot. Employer may select new or replacement vendors at its sole discretion.

Vendor Status

A vendor must apply and be approved by the Employer to provide Tax Sheltered Annuity products to the employees. Vendors may make a submission for consideration at any time prior to October of each year for Committee review. The Committee will consist of: Bay District Schools CFO, Payroll Officer and Risk Manager, Bay District Schools Consultant regarding the TSA program, an ABCE Representative and a BESPA Representative. In the application process, the vendor must demonstrate that the product to be offered is more beneficial to the employees of Bay District Schools than the other products currently being offered by other providers. If product is recommended and accepted by the Board, the effective date would be January 1st.

The Committee will evaluate all applicants and provide a recommendation to the Board based on the following criteria:

1. Expense charges:

   Fixed Interest Annuity: Guaranteed Interest Rate, Current Interest Rate, Surrender Period and Benefit Sensitive

   Variable Annuity: M&E Fee, Max Fee Reduction, Average Sub-Acct. Fee, Other Fees and Total Average Fees

   Mutual Fund (Load Based): Wrap Fee, Max Fee Reduction, Average Fund Fee, Custodian Fee and Total Average Fees

   Mutual Fund (No-Load): Custodial Fee, Average Fund Fee and Total Average Fee

2. Investment options available in the proposed product in comparison to what is currently being offered by other companies in the plan.

3. Does Provider offer a reduction in fees as assets in the plan grow, and if so, comparison to other products in the plan.

4. The Provider must demonstrate the ability to be compliant with Internal Revenue Service Code 403(b). This will be requested in written format as part of the application process.

5. The Provider must be willing to offer a single plan product and for a guaranteed period of three (3) years.

6. Product Standards:

   Annuities: The provider Company issuing the Annuity must have and maintain one of the following rates: A- or better by A.M. Best Company, Aa3 by Moody or AA+ be Standard & Poor's. The Provider Company must be licensed and registered to do business in the State of Florida.

   Mutual Funds: The Company managing the mutual fund must be listed in the daily listing of funds as provided by the National Association of Securities Dealers. The Provider Company must be licensed and registered to do business in the State of Florida. The Provider Company must have at least $50,000,000 in assets under management and a minimum of five years since inception.

   Both will be reviewed based upon their standing with the Florida Department of Insurance of the Security and Exchange Commission.

Also, all vendors that wish to be considered for addition into the Bay County School District TSA program must agree to meet the following criteria:

1. Agree to properly execute the Information Sharing Agreement of Bay County School District.
2. Agree to provide all participant account information required to maintain compliance under existing 403(b) regulations in electronic format on no less than a monthly basis and provide this data in the Districts elected file format.
3. Agree to reimburse the School District or their designated third-party administrator up to $24 per participant enrolled per plan year.
4. Agree to ensure that only the proposed product is sold by its employees or agents.
5. Load-based Provider Companies must also maintain twenty-five (25) or more participants with active payroll reduction agreements each year. Any company failing to meet the twenty-five (25) active payroll reduction agreement will be subject to disqualification and removal at the discretion of the Committee.
6. Any additional company that is considered by the committee to be added to the plan must obtain twenty-five (25) Salary Reduction Agreements before any payroll reduction can be implemented.

Any company that does not submit the required administrative fee will be removed from the program and all future contributions will be suspended. In addition, the suspended company will not be eligible to apply for reconsideration for a 24-month period.

Solicitation of Participants

Vendors must receive written communication of approval by the Payroll Department, which shall occur after Board approval, prior to any marketing activities or solicitation of employees.

At their cost, the Vendors/Agents will be required to successfully complete the Bay District Schools fingerprint and background process prior to accessing any locations. Renewal of badges will be required annually and fingerprint/ background check required every five (5) years.

Representatives of authorized Vendors may conduct sales related programs at school or department locations upon the completion and receipt of an approved Request to Contact Principals, which may be obtained from the Bay County School Board Public Information Office. The Request to Contact Principals provides permission to contact the Principal or Department Head of the requested locations. Any appointment at a Bay District Schools location is at the discretion of the Principal or Department Head.

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Each Vendor must designate an “agent of record” responsible for the Company’s/Broker Dealer’s dealings with the Employer. The agent of record shall have authority to correct, discipline and, if necessary, terminate employees or agent representatives who breach the provisions of this Agreement, Memorandum of Understanding or any professional or ethical standards adhered to within the Vendor/Broker Dealer industry.

Vendor representatives must be on the authorized listing approved by the Employer prior to any marketing activities or solicitation of employees.

Only authorized vendor representatives on the approved list may sign the required paperwork for the Tax Sheltered Annuity accounts.

Each agent can only represent one Vendor/Broker Dealer to market IBC/Employer approved products.

If employee complaints about a specific company’s client service become too numerous, as determined after an investigation by the District, the company at fault will be suspended from the authorized provider list.

If provider fails to comply with any of the terms and conditions previously agreed upon this would be grounds for disqualification.

Authority: § 1001.41, Fla. Stat.
History: New, June 12, 1989
Revised: July 15, 1993, November 12, 1997; December 10, 2008; March 24, 2020

CONFLICT OF INTEREST 3.132

All Public Officers, Employees, and members of any Advisory Board of the School District are required to follow all provisions of the Code of Ethics for Public Officers and Employees ("Code of Ethics"), Florida Statutes §§ 112.311-112.326. The Code of Ethics contains requirements regarding employment of relatives, financial disclosures, contracting, voting, gifts, lobbying, doing business with the School District, and honorariums, including penalties for violations.

No employee of the Bay County School Board shall be permitted to sell or purchase for personal gain any materials or services belonging to the Bay County School Board. No member of the instructional or administrative staff shall be permitted to sell for personal gain any instructional materials or services to the parents or guardian of a child who is a member of his/her class or under his/her supervision.

Contractual Relationships.

1. No contract for materials, supplies, or services may be made with any business or organization in which the Superintendent or a member of the School Board has any financial interest whatsoever.

2. No employee of the District acting in his or her official capacity as a Purchasing Agent or Public Officer, acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for the District from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a Material Interest subject to the exemptions in Florida Statute § 112.313(12). Nor shall a public officer or employee, acting in a private capacity rent, lease, or sell any realty, goods, or services to the District. A Purchasing Agent is defined under Florida Statute §112.312(20) as a Public Officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for any agency, as opposed to the authority to request or requisition a contract or purchase by another person. A Public Officer is defined under Florida Statute § 112.313(1) as any person elected or appointed to hold office in any agency, including any person serving on an advisory body. Material Interest is defined in Florida Statute § 112.312(15) as direct or indirect ownership of more than 5% of the total assets or capital of any business entity. By this paragraph, it is not the intent of the School Board to expand or contract the requirements of the Code of Ethics for Public Officers and Employees (Florida Statutes, Chapter 112).

No employee or official of the School Board may use bid prices or school prices or receive any other preferential treatment in the making of personal purchases. Neither may any employee or official make purchases for personal use through a school or the school district. However, nothing contained herein shall be deemed to prohibit an employee from participating in any activity or purchasing program that is publicly offered to all employees of the District. Employees may also participate in district surplus sales, provided that there is no preferential treatment.

Any violation of any provision of this subsection by an employee of the School District may be grounds for dismissal.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 112.312; 1001.42; 1012.22; 1012.23, Fla. Stat.
History: New, June 12, 1989
Revised: April 14, 2010

HIV AND AIDS 3.133

Any employee who has either AIDS (Acquired Immune Deficiency Syndrome) or is an asymptomatic carrier of the AIDS virus will, subject to this policy, be afforded the right to continue to work at his/her assigned position; recognizing that HIV, and AIDS are not transmitted by casual contact, employees who exhibit no signs of secondary infections will be allowed to continue their employment. HIV-positive employees with a mental, emotional or physical disabiling condition due to AIDS will be provided reasonable accommodation if they qualify under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 or the Americans with Disabilities Act, 42 U.S.C. §12101, et seq.

Employee Guidelines and Procedures.

Determination of Assignment. The School Board recognizes that employees with life-threatening illnesses, including but not limited to cancer, heart disease and AIDS, may wish to continue to work. As long as an infected employee is able to meet acceptable performance standards, and medical evidence indicates that his/her condition is not a threat to others, the employee shall be assured of continued employment in accordance with the following procedure:

When a physician licensed by the State of Florida or the county health unit notifies the Superintendent that an employee has AIDS or is an asymptomatic carrier of the AIDS virus, the Superintendent shall consult immediately with the director of the county health unit. Pending the determination on assignment, as provided in subparagraph (b) below, the Superintendent may, if so advised by the director of the county health unit and for a period reasonable under the circumstances,

1. retain the employee in his/her present position,
2. remove the employee from the work place and place him/her on sick or annual leave, or
3. arrange an alternate work assignment to limit the employee's contact with other employees, students, and public.

The Superintendent shall determine on a case-by-case basis, whether an infected employee shall be permitted to remain in or return to his/her original work assignment after receiving the written report and recommendation of a three (3) member review committee composed of the:

1. medical director of the county health unit,
2. the employee's personal physician and
3. the appropriate member of the District staff.

The employee shall be permitted to attend, present information to, and be represented at the committee's meeting, but shall not participate in determining the recommendation, except through his/her personal physician. A copy of the committee's written report and recommendation shall be provided to the employee upon submission to the Superintendent. In making its report and recommendation, the review committee shall consider:

1. the behavior and physical condition of the employee,
2. the expected type of interaction with others in the school setting, and
3. the effects on both the infected employee and others in that setting.

An infected employee shall not be given any work assignment that, because of his/her medical condition, would cause danger to any student or other person with whom he/she might come in contact in the course of that assignment.

The review committee shall reevaluate the employee's condition periodically and prepare and present to the Superintendent any recommendation for change in assignment that it finds appropriate.

Disagreement on Assignment. If the Superintendent and the infected employee's personal physician disagree over whether the employee qualifies for return to his/her regular assignment, the Superintendent shall refer the case for review by an appointed physician who is licensed by the State of Florida. Expenses incurred from the review shall be borne by the School Board. If, following the review, the Superintendent and the employee's personal physician continue to disagree on assignment, the matter shall be presented to the School Board for determination, provided, however that personally identifiable information shall be deleted from all case material submitted to the Board members.

Confidentiality of Record. The confidentiality of an infected employee's medical record shall be maintained in accordance with 1012.34, Fla. Stat. Only persons with an absolute need to know shall receive medical information concerning any infected employee's health condition. Notification of personnel who have a need to know shall be through a process that will insure patient confidentiality.

Authority: §§1001.41, 1013.12, 440.56, Fla. Stat.
Law Implemented: §§ 321.29(3)(a)5, 321.40, 402.32, 1011.62, 1012.34, Fla. Stat.
FBE Rules: Florida Administration Code Rule: 6A-6.03020, 6A-6.0331, 6A6.0341.
HISTORY: New: August 8, 1991; August 9, 2000; December 10, 2003

EXIT INTERVIEWS 3.134

Each certified employee upon separation from the District due to retirement or voluntary resignation will be requested to respond to an exit interview. The results of these exit interviews will be compiled by the Personnel Department and presented to the School Board during the month of July each year.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §1001.32, 1001.41, Fla. Stat.
History: New, August 24, 1995

RETIREMENT BONUS RETIREMENT INCENTIVE 3.135

This policy pertains to all non-bargaining employees. A person who would be eligible for the first time to retire under either State Retirement System shall have ten percent (10%) of his/her annual salary, excluding supplements, added to his annual salary provided that he/she, by December of the school year in which he/she first becomes eligible to retire, does the following:

1. Completes the necessary procedures through the Personnel Director, and
2. Resigns effective at the end of the school year in which he/she first becomes eligible.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.22(c), Fla. Stat.
History: New, November 9, 1995; June 13, 2007

PAYROLL DEDUCTIONS FOR EMPLOYEE FINANCIAL SERVICES 3.136

School Board employees may participate in financial services through payroll deduction offered by companies that are approved in accordance with this rule.

Companies that desire to offer financial services such as, but not limited to, disability insurance, liability insurance, legal protection services, and dental insurance through payroll deduction will pay an annual fee equal to the administrative costs required to administer the payroll deduction as determined by the payroll department. Companies that enroll and maintain an enrollment of 25 or more employees will be designated as authorized companies and will not be required to pay the annual administrative fee. Companies that do not maintain the minimum of 25 employees according to Bay District School records will be required to pay the annual fee and will be billed accordingly.

Companies authorized to offer financial services to employees through payroll deduction must maintain a current document, filed with Bay District Schools, which clearly defines the method of servicing their clients. Those that do not have a local office must provide a toll free telephone number by which they can be reached during normal business hours. The companies that are authorized to offer financial services through payroll deduction must provide a document signed by the participating employee stating that neither the School Board nor its employees can be held responsible for decisions the employee/client makes regarding the financial services they procure. If employee complaints about a specific company's client service become too numerous as determined after investigation by the District, the company at fault will be suspended from the authorized roster and their fee will be prorata refunded.

Authority: §1001.41, Fla. Stat. 1995
History: New, November 12, 1997

DEFERRED RETIREMENT
OPTION PROGRAM ("DROP") **3.137**

The Deferred Retirement Option Program ("DROP") as defined in Chapter 121, Fla. Stat., is an alternative method of deferred payout of retirement benefits for up to 60 months after an eligible member of the Florida Retirement System reaches his/her normal retirement date but wishes to continue employment with a Florida Retirement System employer. In order to participate, the employee must submit a binding letter of resignation, establishing a deferred termination date. DROP will allow the participant to defer all retirement benefits payable during the DROP period. Deferred benefits payable shall

accrue and earn interest compounded monthly for the DROP period. Upon termination of DROP, the participant will receive the DROP benefits and their regular retirement benefits under Chapter 121, Florida Statutes.

Participation in DROP. All members of the Florida Retirement System are eligible for DROP. Members electing to participate in DROP must meet the eligibility and timeline requirements outlined in § 121.191 Fla. Stat. (1998).

Benefits Payable - Sick Leave. Members of the administrative, instructional, confidential, or educational support staff will be paid terminal pay for accumulated sick leave at retirement, or, if service is terminated by death, to his/her beneficiary. Upon election to participate in DROP, and based upon the employee established deferred termination date, previously accumulated sick leave shall be paid the in following prorated installments:

Deferred Termination Date:
Payment Schedule

1. 0 through 12 months: 1 lump payment in the month following the last day worked
2. 13 through 24 months: 50% at the end of the first 12 months and final payment in the month following the last day worked
3. 25 through 36 months: 33-1/3% at the end of each 12 month period and final payment in the month following the last day worked
4. 37 through 48 months: 25% at the end of each 12 month period and final payment in the month following the last day worked
5. 49 through 60 months: 20% at the end of each 12 month period and final payment in the month following the last day worked.

Sick leave will be earned during DROP as prescribed by state statutes. Accumulated sick leave earned during DROP participation will not be paid to the employee at the end of their DROP participation.

It is in the intent of this policy that an individual entering DROP will be allowed to use sick leave which was accrued prior to their retirement and entrance into DROP. The following procedures for utilization of such leave shall be as follows:

1. Sick leave earned prior to DROP shall be calculated in accordance with School Board Policy.
2. The value of each sick day will be computed. Should a DROP participant use a sick day(s) accrued prior to entrance into DROP, the monetary value of their remaining sick days shall be reduced by the value of the sick days used.
3. Final adjustments in the total amount of compensation for accrued sick leave will be made prior to the final payment at the end of DROP.

Benefits Payable - Annual Leave. Employees electing to participate in DROP shall be entitled to terminal pay for accrued annual leave as required by state law, Board policy and/or union contract. Upon election to participate in DROP, and the employee's election to receive a lump-sum payment of accrued annual leave, payment shall be made in the last paycheck prior to the effective beginning date of DROP.

Annual leave earned prior to entering DROP which exceeds the maximum lump sum payment allowed by Board policy may be used during DROP, however the employee shall not be entitled to compensation at the end of DROP for any unused portion of the accumulated leave.

Employees will earn annual leave during the DROP period as prescribed by state law, Board policy and/or union contract. Annual leave accumulated during DROP participation will not be paid to the employee at the end of DROP participation, except to the extent the employee has earned additional annual leave which combined with the original payment does not exceed the maximum lump-sum payment allowed by Board policy.

Retirement Bonus. Employees electing to participate in DROP shall be ineligible to receive the District's retirement bonus.

Authority: § 121.091(13), Fla. Stat. 1998; Chapter 98-18, Laws of Florida (1998)
History: New, June 10, 1998

CHAPTER THREE
PERSONNEL - GENERAL PROVISIONS

COMPENSATION AND LEAVES DURING A DECLARED EMERGENCY 3.138

During emergencies and disasters, the Superintendent may close schools and other district facilities and declare an emergency ("Declared Emergency"). During these times, the County may also activate shelters in district facilities. Although it is difficult to predict the necessity for personnel to assist the school district and community during an emergency, the following serves as a guideline for handling compensation in most cases in the event the Superintendent declares an emergency and /shelters are activated by the county during a storm, event, or other natural disaster that precipitated the Declared Emergency (the "Event"):

1. **All employees** are on standby and there is an expectation that all employees – teachers, administrators, bus drivers, maintenance employees and other support staff etc. – will report for work at their normal job assignments as soon as it is safe to travel even though communications and other utilities are not functioning. Therefore, all school district employees need to monitor designated radio and television stations, and information posted on official communication links including social media.

2. During a Declared Emergency, every effort will be made to compensate employees and maintain regular pay periods. However, this is subject to the discretion of the School Board and Superintendent. Make-up days may be required, again at the discretion of the Superintendent in conjunction with the Florida Department of Education. Employees are encouraged to monitor all available channels of communication for information about paychecks and return to work status.

3. **Emergency Personnel** (designated District Administrators, Facilities and Maintenance Personnel, Facility Managers, Principals, Assistant Principals, etc.) must report to the pre-designated meet up location if there are four or more daylight hours after the Event is over; otherwise, regardless of the day of the week, designated Emergency Personnel should be prepared to report to work by 7:30 a.m. the following day after the Event is over unless otherwise directed. Again, employees are encouraged to monitor email, mainstream media and social media for information about reporting to work.

   Any employee who has been directed to work and fails to present to his/her supervisor a valid reason or cause for his/her inability to report as determined by his/her supervisor, may be charged personal or vacation leave for the period of his/her absence or leave without pay if no leave is available.

4. **Designated Personnel** (e.g., Payroll, Human Resources, Management Information Systems (MIS), Business Office, other personnel designated by their supervisor) must report as directed by their supervisor prior to or after the Event and are responsible for monitoring emergency information regarding report times.

   Any employee who has been directed to work and fails to present to his/her supervisor a valid reason or cause for their inability to report as determined by his/her supervisor, may be charged personal or vacation leave for the period of their absence or leave without pay if no leave is available.

   NOTE: Emergency management, police agencies, military or other authorities may not permit school district employees to travel on public roads without special authority. The district's Chief of Safety and Security will provide information to Emergency and Designated Personnel prior to a declared emergency regarding the appropriate procedure to follow in order to comply with the above reporting requirements. This is especially important for employees who do not reside

within Bay County or Bay County residents returning to the community. It is the responsibility of employees who are designated as Emergency or Designated Personnel to have the necessary information prior to a Declared Emergency.

5. Shelter Personnel:

The Emergency Operations Center is responsible for determining which shelters will be open as emergency shelters and the hours of operation. At each shelter, designated and trained School Board employees will be required to be present during all hours of operation to provide shelter-related services.

6. Compensation for Emergency Personnel, **Designated Personnel and Shelter Personnel:**

The provisions in this paragraph apply to employees who have been trained to work at emergency shelters or who are required to be a part of an emergency response by their job descriptions.

All employees (except executive level staff) assigned to work by their supervisor during the declared emergency, in addition to their regular pay under contract for contracted work days, will be paid **double** their regular hourly rate for all hours worked for time worked during a Declared Emergency. A minimum of a 4-hour break time or sleep time is required between shifts and before an employee could start a regular work day.

Reimbursable emergency operations costs and shelter-related hours will be submitted to the County for reimbursement in accordance with state law and any present contractual agreements.

7. Additional compensation or leave status: Other personnel, including executive level staff, may be compensated for work during the Declared Emergency period at the Superintendent's discretion in line with the language expressed above in paragraph 6.

8. Requirements for Declared Emergency Compensation: For an employee to receive additional compensation for work during a Declared Emergency, the following conditions must be met:

a. Shelter Personnel will only be compensated if directed to work by a supervisor or otherwise required to report to work.
b. No employee can be compensated for more than twenty hours in a twenty-four hour period, as a four-hour break for sleep is required between shifts.
c. No compensation under this policy will be processed without the submission of completed and approved ICS 214 forms. All forms must be completed, signed off by the supervisor, and submitted to payroll by the advertised deadline following an Event.

Authority: §§ 1001.41, 120.536 , 120.54, 120.81 Fla. Stat.
Law Implemented: § 252.38, Fla. Stat.
History: New September 14, 2005
Revised: June 25, 2019; July 27, 2021

MANDATORY REPORTING OF CHILD ABUSE, ABANDONMENT, OR NEGLECT 3.139

All teachers, administrators, and other personnel who know, or have reasonable cause to suspect, that a child is abused, abandoned, or neglected, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, shall immediately report such knowledge or suspicion to the Department of Children and Family Services ("DCFS").

The following also require mandatory reporting to DCFS:

- Reports involving known or suspected institutional child abuse or neglect
- Reports involving a known or suspected juvenile sexual offender or a child who has exhibited inappropriate sexual behavior
- Reports involving surrendered newborn infants

Confidentiality

As a reporter of suspected or known abuse, your name will be entered into the record of the report, but shall be held confidential and exempt as provided in Section 39.202(5), Florida Statutes.

Failure to Report

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

False Reports

Any person who knowingly and willfully makes a false report of child abuse, abandonment, or neglect, or who advises another to make a false report, is guilty of a felony of the third degree, punishable by law. Anyone making a report who is acting in good faith is immune from any liability.

Duties of the Principal

The school principal shall ensure that all school personnel are properly informed as to their responsibilities and rights, including immunity from liability if reporting in good faith, regarding crime reporting, that appropriate delinquent acts and crimes are properly reported, and that actions taken in cases with special circumstances are properly taken and documented.

Liason

The Superintendent or his/her designee shall, at the request of the Department of Children and Families, act as liaison between DCF and the child protection team as defined in §39.01, Fla. Stat. in cases of child abuse, abandonment, or neglect or in unlawful sexual offenses involving a student.

Authority: §§ 1001.41, 39.201, Fla. Stat.
Law Implemented: §§ 39.201, 39.202, 39.205, Fla. Stat.
History: New, February 24, 2010
Revised: August 23, 2011; February 14, 2017

SICK LEAVE DONATION 3.140

Any full-time employee may donate his or her accrued sick leave to any other full-time employee of the District subject to the following conditions:

1. When an employee transfers sick leave to a recipient who is not a family member of the employee, the recipient must provide documentation, by the treating physician, of the illness, accident, or injury for which leave is otherwise authorized under these rules.
2. The recipient need not have any accrued sick leave available in order to receive a sick leave donation.
3. Any unused transferred sick leave shall be returned to the donor employee if the donated sick leave has not yet been used at the end of the recipient's work year.
4. The donor must retain a minimum of eighty (80) hours of sick leave for his or her own use. Only accrued hours in excess of this minimum may be donated.
5. The recipient may not use the donated sick leave until all of his or her sick leave has been depleted.
6. Donated leave shall have no terminal value. Accordingly, transferred leave shall not be included in leave for which payment is provided to the recipient under any terminal pay benefits policy available to District employees.
7. Sick leave must be donated in increments which are proportional to the number of hours the recipient works per day (e.g., if the recipient works seven and one-half (7.5) hours per day, leave must be donated in increments of seven and one-half (7.5) hours).
8. Annual limits:
   (a) An employee's transfers to recipients who are family members shall be unlimited, but subject to paragraph (4) above unless the transfer is from one spouse to another in which case, the eighty (80) hour minimum does not apply.
   (b) An employee may not transfer more than a combined total of forty (40) hours per school year to recipients who are not family members.
9. All donation forms must be received two days before payroll is due.
10. Donated leave may not be applied retroactively to previous pay periods.

For purposes of this section, the term "family member" is defined as: an employee's father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.61(2)(e), Fla. Stat.
History: New, December 11, 2012
Revised: May 14, 2013; May 26, 2015; February 13, 2018

CHAPTER THREE
PERSONNEL - GENERAL PROVISIONS

RELATIONSHIPS WITH STUDENTS 3.141

Purpose. Protecting the physical and emotional well-being of the District's students is of paramount importance. District employees shall maintain the highest professional, moral, and ethical standards in dealing with the supervision, control, and protection of students on or off District grounds.

Definitions. As used in this policy section, the term "employee" means any person employed by Bay District Schools, regardless of assignment. The term "student" means any person enrolled as a student in any K-12 educational program operated and maintained by Bay District Schools.

Prohibited Conduct. No employee may engage in prohibited conduct with students, which includes, but is not limited to, the following:

(1) Employees shall not inappropriately associate with students in a manner which may give the appearance of impropriety, including, without limitation, the creation of or participation in any situation or activity which could be considered abusive or sexually suggestive or involve controlled substances such as drugs, alcohol, or tobacco.

(2) Employees shall not engage in unacceptable relationships and/or communications with students. Unacceptable relationships and/or communications with students include, but are not limited to: dating; any form of sexual touching or behavior; making sexual, indecent, or illegal proposals, gestures or comments; and/or exploiting the employee-student relationship for any reason.

(3) Under no circumstances may an employee engage in an unacceptable relationship with a student enrolled in grades K-12, regardless of the student's age.

Adult Students Enrolled in Vocational and Technical Education Programs. The District recognizes that its adult students enrolled in technical or vocational education programs do not require the same level of protection as the District's students in grades K-12. However, the District has an interest in ensuring that the employee-student relationship is not exploited, regardless of a student's age and enrollment.

Therefore, with regard to students who are enrolled in vocational or technical education programs, including those who have reached the age of 18, no employee may engage in an unacceptable relationship (as defined above) with a student who is under the employee's academic supervision.

The term "academic supervision" encompasses all relationships in which employees exercise supervisory power over students. Thus, it includes, but is not limited to, teaching, formal mentoring or advising, holding any administrative position at the same school, and considering disciplinary action involving the student.

Social Media. Many social media sites allow users to become "friends" or otherwise associate or link their "profiles" in a more private and personal arrangement which may mask inappropriate contact. Employees are discouraged from "friending" or "following" students on Facebook, Twitter, or other similar websites. See section 3.143 for further guidance regarding employees' use of social media.

Duty to Report. Any employee who knows, or has reasonable cause to suspect, that another employee may have violated this policy shall immediately report such information to the Superintendent or his or her designee. An employee's failure to immediately report such knowledge or reasonable suspicion shall constitute a violation of this policy. This duty to report is in addition to reporting requirements regarding child abuse, abandonment, or neglect. See Section 3.139.

Penalties. Any employee who violates this policy shall be subject to discipline up to and including termination of employment, legal action, referral to law enforcement, and/or referral to the Department of Education Division of Professional Practices.

Authority: §§ 1001.41, 1001.43(11), Fla. Stat.
Law Implemented: §§ 1001.42, 39.201, Fla. Stat.; Fla. Admin. Code R. 6B-1.001, 6B-1.006
History: New, February 12, 2013

Prohibited Employee Relationships **3.142**

Definitions. For purposes of this policy, these terms are subject to the following definitions:

(1) "Supervisor" means an administrative employee who may be responsible for other employees with regard to employment decisions, payroll authorizations, or job performance evaluations.

(2) "Work location" is defined to include a payroll cost center or any administrative department or unit. For example, the Human Resources Department is considered a work location, as is "ABC" High School.

(3) "Subordinate" is defined as a lower-ranking employee at the same work location, whether or not the supervisor directly manages the subordinate employee. For example, for purposes of this section, a teacher is a subordinate of each administrator at the school where he or she works, regardless of whether the administrator has direct supervisory duties related to the teacher.

Prohibited Relationships. No supervisor may engage in a consensual sexual relationship with any subordinate at the same work location. Additionally, District employees shall not engage in any relationship which interferes with the work of the school District, creates a hostile work environment, or disrupts the educational process. Prohibited relationships include, but are not limited to, an administrator and teacher at the same school; a department supervisor and an employee of the same department; or an administrator or teacher and support staff having duties at the same cost center.

Prohibited Conduct. No employee shall participate in any personnel action, including selection or evaluation, or recommendation for hiring, promotion, or advancement, concerning an applicant or employee with whom the employee is engaged in a consensual relationship.

Duty to Report. Employees shall self-report any existing or potential conflicts under this policy section. Disclosure of an existing consensual relationship must be made to the Superintendent or his or her designee in the following instances:

(1) At the time an individual is offered a position that will require supervision of a person with whom the individual is engaged in a consensual relationship.
(2) At the time an employee applies for a transfer or promotion to a supervisory position which, if the employee is selected, will create a prohibited relationship between supervisor and subordinate.

Supervisors and subordinates who engage in a consensual relationship that is prohibited under this policy, or who fail to make disclosures when required, do so at the risk of disciplinary actions, which may include, but are not limited to, termination of employment.

Authority: §§ 1001.41, 1001.43(11), Fla. Stat.
Law Implemented: §§ 1001.42, 1012.23, Fla. Stat.
History: New, February 12, 2013

CHAPTER THREE
PERSONNEL - GENERAL PROVISIONS

EMPLOYEE CODE OF CONDUCT FOR SOCIAL MEDIA 3.143

Purpose

Bay District Schools recognizes the use of technology in education and encourages its employees to learn to utilize new technology tools to enhance the learning experience for students. The District also recognizes its responsibility to teach, encourage and ensure the safe and responsible use of these tools.

For the purposes of this policy, “social media” is defined as media designed to be interactive, including, but not limited to, any site or platform that incorporates user-generated content, such as blogs; microblogs (e.g., Twitter); social networking (e.g., Facebook, TikTok, LinkedIn, Snapchat); audio, photo, video sharing (e.g., YouTube, Flickr); and virtual world software (e.g., Second Life).

While nothing in this policy should be construed as limiting employees’ First Amendment rights, the District believes that employees should separate personal and professional relationships in online communities and platforms. This policy is intended to regulate the use of social media by employees, including employees' personal use of social media, only when that use: interferes with the work of the school District; harasses coworkers or other members of the school community; creates a hostile work environment; breaches confidentiality obligations of school District employees; disrupts the educational process; harms the goodwill and reputation of the school District in the community; violates the law, board policies and/or other school rules and regulations; or facilitates inappropriate contact with students, their families or guardians.

Expectations

Employees will be expected to follow the same professional conduct guidelines online as they would in the workplace and may be personally liable for anything they post to social media sites and platforms. As such, employees must adhere to the following Code of Conduct when using all social media, including for personal activity:

1. Protect Confidential, Proprietary, and Sensitive Information.

Pursuant to federal and state confidentiality laws, employees are not permitted to use or disclose students’ personally identifiable student information and information contained in student education records without parental consent. See Section 7.301. The use of images or photographs of students in online communication is prohibited unless: (a) advance, written permission from the parents and the Superintendent or his/her designee is obtained, or (b) the image has already been approved for public use. Employees should not disclose, share, or post information that is protected by law or that is confidential or proprietary to the District or its employees. The District’s standard media release allows a student’s personally identifiable information to be shared via official District and school websites or social media and local media, and does not authorize employees to share or disclose personally identifiable student information and information contained in student education records on an employee’s personal social media profile.

2. Follow District Policies and Avoid Discrimination.

Even when employees are engaged in personal social media activity, the content that they post can easily become public and impact the District and its stakeholders. Employees may not, whether online or on the job, violate District policies involving employee conduct, violate state or federal law, or disrupt the school environment. As always, the District’s policies against workplace harassment, discrimination and retaliation must be observed. Employees should be aware that all existing policies and behavior guidelines extend to school-related activities in the online environment as well as on school premises.

This includes, but is not limited to, the District's non-discrimination policy (Section 2.111) and policies relating to employee misconduct and insubordination (Sections 4.113 and 5.112).

3. Do Not Use District or School Logos.

Employees must not use District or school logos or any other images or iconography on personal social Media websites. Employees must not use the District or school's name to promote or endorse any product, cause, political party, or candidate.

4. Respect Professional Time and Property.

District computers and time at work are to be used for professionally-related purposes. See Section 2.128. Employees should not use District hardware or software, nor should employees use personal electronic devices (e.g., iPads, cellular phones, etc.), to access social media sites during the workday for reasons unrelated to work. Furthermore, employees must not use their District email accounts to access or identify them when engaging in any social media activity that is unrelated to their work and are encouraged to obtain a personal email account and use personal time for such activity. Employees should remain mindful of the fact that public record laws that apply to work emails also apply to Google Instant Chat message and mobile telephone text messages made or received in connection with the transaction of School Board business.

5. Ethical Responsibilities.

Employees are to be mindful of the requirements outlined in the Florida Department of Education's *Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida*. See Florida Administrative Code 6B-1.001 and 6B-1.006. All District employees' online behavior should reflect the same standards of honesty, respect, and consideration that are used face-to-face, and be in accordance with the highest professional standards. Comments related to the District should always meet the highest standards of professional discretion. In addition, as is prohibited in all other forms of contact between employees and students, inappropriate personal communications with students using social media is prohibited.

6. Be Cautious.

Employees must remember that they are responsible for any content they post online, and that such content may remain accessible to other users even if it appears to have been deleted from the site where employees first posted the content. Employees should closely monitor their privacy settings, remembering that such settings are subject to change and may not fully protect their content, and that even anonymously posted content may be traced back to them. When posting, even under the strictest privacy settings, employees should act on the assumption that all postings are in the public domain.

Penalties

Employees who violate any provisions of this Employee Code of Conduct for Social Media do so at the risk of disciplinary actions, which may include, but are not limited to, termination of employment, legal action, and/or referral to law enforcement as appropriate.

Authority: §§ 1001.41, 1001.43(11), Fla. Stat.
Law Implemented: §§1001.42, 1012.23, Fla. Stat.
History: New, February 12, 2013
Revised: July 27, 2021

REASONABLE ACCOMMODATION OF EMPLOYEES WITH DISABILITIES 3.144

1. It is the policy of the School Board to comply with all federal and state laws concerning employment of persons with disabilities. In accordance with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA), the School Board will make a reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability unless it can show that the accommodation would cause an undue hardship to its operation.

2. **Qualified Individual with a Disability**

For the purposes of providing a reasonable accommodation, a person is a "qualified individual with a disability," as defined by the Americans with Disabilities Act when he/she has a physical or mental impairment that substantially limits one or more major life activities and is able to perform his/her job with or without reasonable accommodation.

3. **Reasonable Accommodation**

A reasonable accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

The School Board will reasonably accommodate qualified individuals with a disability so they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates and undue hardship to the School Board. Employees should contact human resources with any questions or requests for accommodation.

It is the responsibility of an employee with a disability to inform the employee's supervisor or human resources that an adjustment or change is needed to do a job because of the limitations caused by a disability.

If the appropriate accommodation is not obvious, the employee and employee's supervisor will engage in the interactive process, to determine the appropriate reasonable accommodation, which requires communication and good-faith exploration of possible accommodations. After an employee requests an accommodation, the employer will engage in a good faith and flexible dialogue that addresses the employee's specific medical limitation, request, job position, and work environment, among other factors.

Upon receipt of a request for accommodation, the employee's supervisor or human resources will:
(a) Analyze the particular job involved and determine its purpose and essential functions;
(b) Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;
(c) In consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
(d) Select and implement the accommodation that is most appropriate for both the employee and the employer.

4. **Terms used in this Policy**

   a. **Disability**: A physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having an impairment.

   b. **Major life activities**: include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function.

   c. **Major bodily function**: including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

   d. **Substantially limiting**: In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active.

   e. **Direct threa**t: A significant risk to health, safety or well-being of individuals with disabilities or others when this risk canoe be eliminated by reasonable accommodation.

   f. **Qualified Individual with a Disability**: An individual with a disability is qualified if (1) he/she satisfies the requisite skill, experience, education, and other job related requirements of the position; and (2) he/she can perform the essential functions of the position, with or without reasonable accommodations.

   g. **Reasonable Accommodation:** Any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to enjoy equal employment opportunities.

   h. **Undue Hardship:** A specific type of reasonable accommodation that causes significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but also to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.

   i. **Functional Limitation**: The inability to perform an action or a set of actions, either physical or mental, because of a physical or emotional restriction or limitation.

   j. **Essential Job Functions**: Fundamental job duties of the employment position that the individual with a disability holds or desires. Essential functions are the primary job tasks of why the position exists.

Authority: § 1001.41, Fla. Stat.
Law Implemented: 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
History: New, April 13, 2021

ACCOMMODATIONS FOR NURSING MOTHERS 3.145

The School Board shall take reasonable steps necessary to support employees who decide to breastfeed their infants by providing additional unpaid break time, as necessary, for lactating employees to express breast milk for their infants on District premises.

Prior to returning to work from maternity leave, it shall be the employee's responsibility to notify her supervisor of her intent to continue breastfeeding her infant(s), and of her need to express milk during work hours. Further, it shall be the responsibility of the employee to keep her supervisor informed of her needs in this regard throughout the period of lactation.

The building administrator shall designate a private area, other than a restroom, where an employee can express breast milk. The designated area shall be a space where intrusion from coworkers, students, and the public can be prevented, and one where an employee who is using this area can be shielded from view.

An employee can express milk during regularly scheduled break periods. The Principal or employee's supervisor shall make a reasonable accommodation if the time of regular breaks needs to be adjusted or if additional and/or longer breaks are needed. In the event that more breaks are needed or the break(s) need to be longer than legally required, the additional time required shall be unpaid, and the employee's work schedule or work day shall, therefore, be modified accordingly. The Principal, or the employee's supervisor, shall work with the employee to make these necessary modifications and to schedule the breaks at a time that does not disrupt the employee's job responsibilities.

Authority: § 1001.41, Fla. Stat.
Law Implemented: 29 U.S.C. § 207(r)
History: New, March 9, 2021

CHAPTER FOUR
ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

DEFINITIONS 4.101

Instructional Staff. The instructional staff shall be composed of those school-based personnel, other than principals, who are assigned direct responsibility for the supervision, instruction and evaluation of students, and shall specifically include teachers, librarians, counselors, psychologists, and non-certificated specialists employed pursuant to Section 6A-1.502, State Board of Education Rules.

Full-time Instructional Personnel. Full-time instructional personnel are defined as those personnel who are employed by contract or agreement and work the minimum daily hours as specified in the Master Contract. Full-time instructional personnel are entitled to all benefits and leave provisions provided by School Board policies.

Part-time Instructional Personnel. Part-time instructional personnel are defined as those personnel who are employed by contract or agreement and work less than the maximum hours as specified in the Master Contract. Part-time instructional personnel are not entitled to benefits and leave provisions provided by School Board policies.

Temporary Instructional Personnel. Temporary instructional employees are defined as those personnel who are paid only for the hours they actually work. They are not entitled to the fringe benefits or leave provided by School Board policies. All substitutes, part-time teachers at Shaw, Haney and summer school teachers are considered temporary employees.

Administrative Staff. The administrative staff shall be composed of all personnel responsible for the planning, administration and supervision of the total instructional program, and for all supporting services such as maintenance, transportation, school food service, personnel, purchasing, federal programs, payrolls and all other responsibilities as directed by the Superintendent. The administrative staff specifically includes the following:

1. Supervisors of Instruction. Those personnel responsible for working with teachers and other members of the instructional staff in the improvement of instruction in specifically assigned areas of instruction. Each supervisor of instruction must hold a valid Florida teaching certificate.
2. Principals and School-Based Administrators. Those personnel assigned direct and primary responsibility for administration and supervision of school centers. This includes both building principals who are designated as administrative heads of a school, and assistant principals who are assigned administrative and supervisory duties within a school. Each principal must hold a valid Florida teaching certificate.

Professional Assistant Administrators. Professional assistant administrators shall include:

1. Those personnel assigned responsibility as administrative and supervisory heads of support activities, such as maintenance, transportation, purchasing, finance, school food service, personnel, federal programs, and others requiring a professional level of training, and
2. District-wide instructional administrators, including those personnel responsible for the over-all development, supervision and improvement of the instructional program of the district. These responsibilities include inservice education, evaluation of the teaching process, comprehensive planning for the district, accreditation requirements, and other responsibilities, exclusive of supervision of instruction as provided herein.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.01(2), 1012.01(3), Fla. Stat.
History: New, June 12, 1989
Revised: October 14, 2014

CHAPTER FOUR
ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

RECRUITMENT 4.102

A personal interview is mandatory for all persons employed by the School Board. All instructional and administrative applications received in the District shall be placed on file in the personnel office.

An administrator shall be assigned to attend recruitment programs at teacher training institutions when necessary to interview and recruit personnel. Contacts with other District school offices shall also be made.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.27, 1012.22, Fla. Stat.
History: New, June 12, 1989

CHAPTER FOUR
ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

GENERAL REQUIREMENTS FOR EMPLOYMENT OF INSTRUCTIONAL PERSONNEL 4.103

Recruitment. Instructional personnel shall be recruited, selected, and assigned to duty solely on the basis of experience, certification, qualifications, and requirements of the position. Race, ethnicity, religion, national origin, disability, age, marital status, or gender shall not be considered as factors in the recruitment, selection, and assignment of such personnel.

All instructional personnel hired by Bay District Schools are expected to meet the No Child Left Behind Highly Qualified Teacher Requirements. The District will use the High, Objective Uniform State Standard of Evaluation ("HOUSSE") as an additional method by which experienced teachers (hired before August 9, 2002) can document highly qualified status.

Selection of Instructional Personnel. It shall be the responsibility of the principal (or facility manager, where appropriate) to select those persons best qualified to fill each vacancy in the school and recommend same to the Superintendent. Upon recommendation by the Superintendent, the School Board shall appoint all instructional personnel in accordance with Florida law.

Applicants will be assessed by means of an application and interview with the principal or his or her designee. Available positions and their deadlines for application are posted on the District website. To apply for an available position, an application must be submitted online. Once submitted, a candidate's application and credentials will be verified by the Department of Human Resources and Employee Support Services. Principals looking to fill instructional personnel openings will review the current applications that have been received and verified by Human Resources and select five candidates for interviews in accordance with Article IX of the ABCE collective bargaining agreement. It is suggested that principals use a structured interview process.

Eligibility Criteria for Nomination to a Position. A candidate for an instructional position shall have all of the following items on file and validated by the Executive Director of Human Resources or designee prior to the Superintendent's nomination for employment:

1. A complete online application as prescribed by the School Board.
2. A complete set of fingerprints as described herein and the appropriate processing fee to obtain a records check by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The processing fee shall be paid in the form of cash or money order by the candidate; subsequent to receiving the processing fee, the Executive Director of Human Resources or designee shall initiate a records check by the two (2) agencies.
3. Either of the following:
   (a) A copy of the valid Statement of Eligibility or a valid Florida Educator's certificate; or
   (b) Verification of Eligibility for a Florida Educator's Certificate at the appropriate level of training and in the appropriate certification area, if possible, as required by the position for which employment is desired.
4. The form(s) verifying any former employment.
5. A copy of a Social Security card and Form W-4 (or any other form deemed appropriate by the District).

Public Information. All applicants shall be advised in writing, upon the presentation of an employment application, that all information contained in their file is public information subject to disclosure under the provisions of Section 119.07, Fla. Stat., except as same may be specifically excluded from the public Records Act by law. Applicants shall be provided with a copy of Section 1012.31, Fla. Stat.

Notification. New employees shall be advised in writing that:

1. A preliminary criminal check will be made through the appropriate law enforcement agencies; and,
2. Employment is on probationary status pending fingerprint processing.

Acceptance of Appointment. Acceptance of appointment shall be within forty-eight hours after receipt of the official notice of appointment. Failure to signify acceptance of appointment shall be considered a rejection of the offer and the position shall be declared vacant. If the offer meets the provisions of Section 1012.33, Fla. Stat., and is accepted by letter, electronic mail, or by signing the regular contract form, the person shall be considered to be under contract.

Prerequisites for Salary Payments. Prior to the payment of any salary warrant the following shall be on file in the office of the Superintendent:

1. A completed electronic application.
2. When required herein, a valid Florida certificate or the official notice from the Florida Department of Education. This must be submitted within ninety (90) days of initial employment date.
3. A loyalty oath completed and signed in the presence of a proper authority.
4. Retirement enrollment form.
5. Personal data sheet.
6. Insurance papers, if applicable.
7. Military service record, if applicable.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 119.07, 1000.05, 1012.22, 1012.23(1), 1012.24, 1012.27, 1012.31, 1012.32, 1012.33, 1012.36, 1012.55, 1012.56, Fla. Stat.
History: New, June 12, 1989
Revised: February 14, 1991, October 22, 1992, December 16, 1998, October 14, 2014

CHAPTER FOUR
ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

APPOINTMENTS AND REAPPOINTMENTS OF ADMINISTRATIVE PERSONNEL 4.104

All administrative personnel shall be appointed as prescribed by law.

Administrative Vacancies - The definition of an administrative vacancy is an administrative position, as determined by the position's job description and designation on the salary schedule, shown on the List of Approved District Positions or school level administrative positions and approved by the School Board. All actions regarding appointments and reappointments come through recommendation of the Superintendent and approval of the Board in accordance with Florida Statutes.

Reappointment - The Superintendent shall nominate to the Board annually those persons eligible for reappointment to positions on the List of Approved District Positions or school level administrative positions approved by the School Board. This shall be done no later than the time specified in Florida State Statutes.

Advertisements - Administrative vacancies will first be publicized in-house to give current administrators, who hold a like position, the opportunity to transfer. Administrators interested in securing a lateral transfer must indicate that interest via email to the Superintendent in the time frame established. The Superintendent may then authorize a lateral transfer or may choose to decline the transfer applicants and advertise the vacancy on the District's website. Lateral transfer requests will be brought before the School Board in conjunction with the monthly personnel recommendations.

In the event that the Superintendent exercises his or her option to decline all transfer applicants and advertise the vacancy on the district website and other appropriate venues, the Superintendent or his/her designee shall screen all applicants as to their eligibility for meeting the position requirements.

Eligibility – All applicants shall be required to complete an application pursuant to the Procedures for Selecting School-Based Administrators, which is updated annually and maintained by the Executive Director of Human Resources and available online or at the office of Human Resources.

Applicants are responsible for providing electronic applications, resumes and supervisors' rating forms (all available online and through the office of Human Resources) to the Executive Director of Human Resources or designee before the deadline established on the announcement of administrative position vacancy. No responsibility will be assumed by this office for application packets delivered after the deadline.

The Executive Director or designee shall make a preliminary determination if each applicant meets the qualifications established for the position and published in the announcement of administrative position vacancy. The Applicant may be required to furnish additional supporting documentation he/she may feel appropriate to ascertain qualifications for a position.

In the event an applicant fails to demonstrate that he/she meets the established qualifications, notification will be provided. On request of the applicants, the application shall remain on file for future vacancies. This shall not eliminate the requirement for the applicant to apply for these future vacancies, but will eliminate the necessity of a newly-completed application.

Unsuccessful applicants shall be timely notified in writing of the action.

Interviews - Applicants who meet the minimum qualifications will then be ranked according to pre-qualifying scores and the top five will be scheduled for interviews. If less than five qualifying applicants apply, or remain after pre-qualifying is complete, the Superintendent may elect to interview the applicants individually or may decide to re-advertise the position. Additionally, the Superintendent, at his or her sole discretion, may consider and interview a candidate who meets or exceeds the minimum credentials required, but who may not have had prior access to district-based qualifying procedures.

The Superintendent or designee shall establish a diverse committee composed of not less than five members, one of whom shall be a minority, who will interview all qualified applicants. The Executive Director of Human Resources shall serve as a non-voting consultant and secretary to the committee.

The interview committee shall evaluate each applicant on the basis of his/her application packet and personal interview utilizing the forms and criteria for selection approved by the Superintendent.

The interview committee will forward, to the Superintendent, three names for consideration and the Superintendent will make the final recommendation to the School Board.

Nominations and Appointments - The Superintendent will make his/her final selection from the submitted recommendation and nominate the name of the successful applicant to the Bay District School Board for approval; or the Superintendent may reject the applicants and select another five to be interviewed or may re-advertise the position.

The Board shall act upon each name submitted by the Superintendent and approve a nominee for each position, unless rejected for cause, in accordance with Florida State Statutes.

Authority: 230.22(2), F.S.
Law Implemented: 230.23(5), 230.33(7), 231.36, F.S.
History: New, June 12, 1989
Revised: June 14, 1990, February 13, 1992, December 10, 1992, January 25, 2000; December 9, 2014

LATERAL TRANSFERS OF ADMINISTRATIVE PERSONNEL 4.105

A vacancy not filled by reappointment may be filled by nomination of the Superintendent to the Board of any eligible district administrative personnel if provisions of this policy have been followed.

An administrative lateral position transfer shall only be made from one position to another with the same administrative job title. Those titles shall be classified as:

1. School principals
2. School assistant principals
3. County staff Directors
4. County staff Coordinators
5. County staff Supervisors
6. County staff Program Specialists

Lateral transfers of administrative positions may be made without the position being advertised or the person interviewed.

Transfer of administrative personnel, with the transferee's consent, during the term of an administrative contract to another administrative position at a lower pay grade shall not require advertising or interviewing.

The Superintendent shall draft a transfer request form for approval by the School Board.

All recommended transferees shall meet the certification standards and other requirements of the job description for the job to which he/she is being transferred.

All transfers and appointments shall be subject to the approval of the School Board in accordance with Florida Statutes.

Authority: §1001.41, Fla. Stat.
Law Implemented: §§1012.22, 1012.23, Fla. Stat.
History: New, June 12, 1989; June 25, 2003

CERTIFICATION **4.106**

(1) Except for employment under emergency conditions as provided by law, and as provided by Section 4.112, no person shall be employed or continued in employment as a principal, supervisor, member of the instructional staff, or athletic coach, who does not hold, or who is not eligible to hold, any valid certificate required by law and by rules of the State Board of Education.

(2) The Superintendent shall designate a member of his staff to serve as the contact person with the Certification Section of the Florida Department of Education and he/she shall assist all employees with certification.

(3) **Subject Area Expertise**. Teachers who have passed the subject area exam for the subject area assignment or who have demonstrated sufficient subject area expertise in the subject area assignment, will be considered placed in the field. The District may demonstrate a teacher's sufficient subject area expertise by showing:
   a. The teacher has five or more years of teaching experience with documentation for a highly-qualified designation pursuant to 20 U.S.C. § 7801(23) (2014) and 6A-1.0503, F.A.C., by a High, Objective, Uniform State Standard of Evaluation (HOUSSE) plan for the academic course assigned; and
   b. The teacher was rated effective or higher for at least five of the years of teaching experience with a HOUSSE designation.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.32, 1012.37, 1012.55, 1001.03, Fla. Stat.
History: New, June 12, 1989
Revised: December 12, 1991; January 10, 1996; October 14, 2014; November 14, 2017

PRIVATE INSTRUCTION AND TUTORING 4.107

A person offering private instruction for personal gain may not use the school buildings or property for such purpose unless approved by the School Board.

No member of the instructional or administrative staff shall be permitted to tutor, for pay, a student in school work with whom he is in any way directly professionally associated, except upon the recommendation of the principal and Superintendent, and approval of the School Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.23, Fla. Stat.
History: New, June 12, 1989
Revised: December 12, 2001

YEAR OF SERVICE DEFINED 4.108

Continuing Contract or Professional Service Contract. The minimum time which may be recognized as a year of service for awarding of continuing contracts or professional service contracts, shall be full-time actual service rendered under contract for more than one-half of the number of duty days required for the normal contractual period of service for the position held. In determining such service, duty days must meet the following conditions:

1. Leave days and holidays for which the employee received compensation shall be counted.
2. Unpaid holidays shall be excluded.
3. The contractual period of service required for the position must be 196 days or longer.
4. Any absence from duty without leave shall cancel the employee's claim to a year of service.
5. Florida service rendered in more than one district during the school year may not be combined to obtain a year of service.

Salary purposes. Career and technical education teachers, in areas where work experience is required for certification, may be awarded years of experience for pay purposes when the work experience is: (1) demonstrated by appropriate documentation and (2) approved by the Superintendent and, when applicable, the Director of Haney Technical Center.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.01, 1011.66, 1001.51, Fla. Stat.
History: New, June 12, 1989
Revised: October 13, 2015

CHAPTER FOUR
ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

CONTRACTS 4.109

Instructional personnel. Any person employed as a principal or supervisor shall hold a valid Florida teaching certificate and shall be entitled to and shall enter into a written contract with the School Board as provided by law. All Contracts shall be on forms prescribed by the State Board of Education.

Limited contract instructional personnel. The school administrator may recommend substitute teachers who are fully certified for a teacher's limited contract under the following conditions:

1. The substitute is replacing a teacher who has leave approved in advance for 21-90 days.
2. The substitute has worked 20 consecutive days for the classroom teacher on leave.
3. In no case will a limited contract exceed 90 days.
4. Payment will be in accordance with the Associate Teachers' Salary.

Temporary Instructors. A substitute teacher who holds a teaching certificate and is otherwise qualified as a certified instructor may be employed as a Temporary Instructor for teaching assignments up to 90 days. The Superintendent may extend a 90-day assignment period on an as needed basis and at the Superintendent's discretion. Temporary Instructors will be subject to the requirements of the teacher job description applicable to the position the Temporary Instructor is filling, will be paid on the Teachers' Salary Schedule, and will be eligible for benefits.

Principals, school-based administrators, and supervisors. Employment of a principal, school-based administrator, or supervisor with the Bay County School Board shall be on an annual contract basis. These employees' initial contracts with the School Board, and any initial contract following a break in service, shall include a probationary period of 97 days.

Professional Assistant Administrators. All employment of professional assistant administrators with the Bay County School Board shall be on an annual contract basis. Professional assistant administrators' initial contract with the School Board, and any initial contract following a break in service, shall include a probationary period. The probationary period for professional assistant administrators shall be 97 days beginning the first day the employee reports for work.

Violations of contracts will be treated in the manner prescribed by state law, Rules of the State Board, and terms of the contract.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.33, Fla. Stat.
History: New, June 12, 1989
Revised: October 14, 2014; April 11, 2017

CHAPTER FOUR
ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

TEACHERS EMPLOYED DURING THE SCHOOL YEAR 4.110

Teachers employed after the beginning of the school term will be paid on the basis of their daily rate of pay. Pay will be determined as follows:

1. The annual salary divided by the number of days required to complete a full contractual period will equal the daily rate of pay.
2. The daily rate times the number of paid working days remaining in the school year will be the contract salary.
3. The contract salary divided by the number of pay periods remaining in the school year will equal the monthly rate except where the employee starts in the middle of a pay period. In such cases, the employee will be paid the daily rate times the number of days remaining in that pay period.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.23, 1012.22, 1011.60, Fla. Stat.
History: New, June 12, 1989

CHANGE OF DEGREE DURING SCHOOL YEAR 4.111

A principal, supervisor, or member of the instructional staff completing the requirements for a change in degree at the end of a quarter or semester during an academic school year may change degree for salary schedule purposes during the school year. The employee shall apply for a change in degree for salary purposes as soon as he/she becomes eligible. The effective date of the change in salary rate shall be the same as the date of graduation shown on the transcript.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.23, 1012.22, 1011.60, Fla. Stat.
History: New, June 12, 1989

NON-CERTIFICATED INSTRUCTIONAL PERSONNEL 4.112

The following procedures shall be followed for non-certificated instructional personnel:

(1) Expert in the Field. Persons who possess expert skills and knowledge in a particular subject but do not hold a Florida teaching certificate, may be utilized by the school system under the authority of Florida State Board of Education Rule 6A-1.502 when those special skills are needed to deliver appropriate instruction and when qualified certificated personnel are not available.

(2) Where certain types of special services are necessary, the services of non-certificated instructional personnel may be contracted for with outside agencies. The contract shall specify the relationship between the contracting agency and the School Board, the services to be performed, the salaries of the individuals performing services, if appropriate, and the rules and procedures for evaluating the services of the contracted personnel. All such contracts shall be approved by the School Board.

(3) Personnel records for non-certificated instructional personnel shall contain the documentation necessary to establish the employee's specialty and a statement of the instructional duties assigned to and performed by the employee.

(4) It shall be the responsibility of each non-certificated instructional employee to keep up to date any registration, license, or permit as may be required by the employee's profession.

(5) Health and age requirements shall be the same as those for certified instructional personnel.

(6) Employment procedures shall be the same as followed by certified instructional personnel except that non-certificated personnel shall not be entitled to an instructional contract as prescribed by Fla. Admin. Code R 6A-1.064(1).

(7) Job descriptions for non-certificated instructional positions shall be on file.

(8) Principals of schools in which non-certificated instructional personnel are working shall ensure that each employee understands all state and District rules, regulations and policies pertinent to working with students.

(9) A non-certificated person employed under this policy shall be accorded the same protection of the laws as that accorded to a certified teacher.

(10) District-Issued CTE Certificates.

(a) Persons employed under this policy must obtain a CTE certificate issued by the District by completing all requirements of the District's CTE Certification Program, as administered by the Human Resources Department, within three years of the employee's date of hire. If the CTE Certification Program is not completed within three years, the employee will no longer be eligible for employment under this policy. Following the initial three-year period, a CTE certificate issued by the District shall be effective for a period of five years.

(b) CTE certificates issued by the District are subject to revocation by the School Board for good cause at the School Board's sole discretion. Good cause shall include, but not be limited to:
   i. conduct that is cause for termination; and
   ii. conduct that, if committed by a certified teacher, would breach the Principles of Professional Conduct for the Education Profession in Florida (Fla. Admin. Code Ann. r. 6A-10.081).

(11) Assignment, Suspension, and Dismissal. Non-certificated instructional personnel shall be assigned, suspended, and dismissed in the same manner as described for non-instructional personnel in School Board Policies 5.102, 5.112, and 5.114.

(12) Performance Assessments. Non-certificated instructional personnel shall receive annual performance assessments in accordance with School Board Policy 5.105.

(13) District Certification Requirements for ROTC Instructors. The Superintendent is authorized to recommend for employment a commissioned or noncommissioned military officer as an instructor of junior reserve officer training (ROTC) and require the individual to obtain a career and technology (CTE) certificate issued by the District as prescribed herein. To be eligible for hire, the individual must meet the following conditions and/or qualifications:

(a) The commissioned or noncommissioned military officer must be retired from active military duty with at least 20 years of service and draws retirement pay, or be retired, or transferred to retired reserve status, with at least 20 years of active service and draws retirement pay or retainer pay.
(b) The officer must satisfy the criteria established by the appropriate military service for certification by the service as a junior reserve officer training instructor.
(c) The officer must have an exemplary military record.
(d) The officer must file a complete set of fingerprints with the district pursuant to Fla. Stat. 1012.32.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.55, Fla. Stat.; 6A-1.502, SBER
History: New, June 12, 1989
Revised: November 14, 2017

SUSPENSION OR DISMISSAL 4.113

No member of the instructional or administrative staff may be suspended from duty except by the Superintendent or the School Board. The Superintendent may suspend a member of the instructional or administrative staff, with pay, for a period extending to and including the next meeting of the School Board. The School Board shall be notified immediately of all such suspensions.

No member of the instructional or administrative staff shall be dismissed except by action of the School Board. As governed by statutes, policies, and contractual agreements, employees may be dismissed without cause and employees may resign without breach of contract during the employee's probationary period. Following completion of any applicable probationary period, no dismissal during the term of an appointment or contract of a member of the administrative or instructional staff may be made except for cause. Such cause for dismissal shall include:

1. For employees holding continuing contracts:

    a. Immorality
    b. Misconduct in office
    c. Incompetency
    d. Gross Insubordination
    e. Willful neglect of duty
    f. Drunkenness
    g. Conviction of any crime involving moral turpitude

2. For employees holding professional service contracts, "just cause," includes but is not limited to:

    a. Immorality
    b. Misconduct in office
    c. Incompetency
    d. Gross insubordination
    e. Willful neglect of duty
    f. Conviction of a crime involving moral turpitude
    g. Two consecutive annual performance evaluation ratings of unsatisfactory under s. 1012.34
    h. Two annual performance evaluation ratings of unsatisfactory within a 3-year period under s. 1012.34
    i. Three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory under s. 1012.34

3. For an employee holding an annual or multi-year administrative contract, or professional administrative assistants employed on annual appointment, "just cause" includes, but is not limited to:

    a. Immorality
    b. Misconduct in office
    c. Incompetence
    d. Gross insubordination
    e. Willful neglect of duty
    f. Drunkenness
    g. Conviction of any crime involving moral turpitude

4. For an instructional employee holding an annual contract, "just cause" includes, but is not limited to:

    a. Immorality
    b. Misconduct in office
    c. Incompetency
    d. Gross insubordination
    e. Willful neglect of duty
    f. Conviction of a crime involving moral turpitude

An employee holding a continuing contract may be dismissed or returned to annual contract at the end of any school year for "good and sufficient reasons" if notice is given prior to April 1 of the school year. "Good and sufficient reasons" shall include but not be limited to:

1. Neglect of duties and responsibilities that impairs teaching or other normal and expected services to the school district;
2. Failure without justifiable cause to perform the terms of employment, or intentional and knowing violation of rules of the School Board;
3. Physical, mental or professional incompetence or failure or inability to discharge assigned duties effectively;
4. Professional or personal conduct involving moral turpitude;
5. Violation of the Code of Ethics of the Education Profession;
6. Actions which impair, interfere with, or obstruct or aid, abet, or incite the impairment, interference or obstruction of orderly conduct, processes and functions of a school; or
7. Failure to maintain satisfactory relationships with parents, students and other staff members to a degree that the education program is impaired.

Any suspension or dismissal shall be in accordance with procedures established by law.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.22, 1012.33, 1012.335, Fla. Stat.
History: New, June 12, 1989; April 11, 2017

NOTIFICATION OF ABSENCE 4.114

A principal who plans to be away from school and will not be immediately available at some other location in the District shall first notify the office of the Superintendent. If there are no other administrators already assigned to the school, the Superintendent or a designee will assign another administrator to be in charge of the school during the principal's absence. Principals shall receive the approval of the Superintendent prior to using annual or personal leave.

Any instructional or administrative staff member who expects to be absent from duty due to illness shall notify his/her immediate administrative supervisor the evening immediately preceding the day of absence, if possible, and in any case by not later than 7:00 A.M. the morning of the absence, except in the event of an emergency. Where an absence is due to an emergency, the employee shall notify the immediate administrative supervisor at the earliest possible moment. Classroom teachers must secure a substitute in the manner required by the collective bargaining agreement.

The notice of absence shall always be in advance of the absence unless conditions are beyond the control of the employee and make such advance notice impossible.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.23, 1012.21(1), 1012.61, Fla. Stat.
History: New, June 12, 1989; April 11, 2017; March 9, 2021

SICK LEAVE 4.115

Definition Sick leave is defined as personal illness or disability of the employee or illness of death of a member of the immediate family. "Immediate family" shall be defined as a spouse, parent, child, brother, sister, grandparent, parent-in-law, other close relative, or any relative or dependent who resided with the employee's household.

Instructional personnel. Each member of the instructional staff employed on a full-time basis is entitled to four (4) days of sick leave as of the first day of employment of each contract year, and shall thereafter earn one (1) day of sick leave for each month of employment, which shall be credited to the member at the end of the month and which shall not be used prior to the time it is earned and credited to the member; provided, that the member shall be entitled to earn no more than one (1) days of sick leave times the number of months of employment during the year of employment; provided, that such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year, and provided further, there shall be no limit on the number of days of sick leave a member of the instructional staff may accrue.

Administrative personnel. Each member of the administrative staff employed on a full-time basis shall be credited with one (1) day of sick leave at the end of each month of employment. It shall not be used prior to the time it is earned and credited. Sick leave shall be taken only when necessary because of sickness as herein prescribed. Sick leave shall be cumulative from year to year with no limit on the number of days of sick leave a member of the administrative staff may accrue.

Outside Accumulation. Unused accumulated sick leave acquired by an employee in another Florida district shall be accepted in Bay County according to the terms of this paragraph as follows: For each day of sick leave earned by the transferring employee in this school district, the employee shall be entitled to another day of credit from the verified accumulated sick leave in another Florida school district.

Overused Sick Leave. In the event an employee used up his sick leave, he\she may apply for overused sick leave. A doctor's statement of the employee's inability to work may be required. Holidays shall not be earned while an employee is on overused sick leave, but insurance will be paid by the Board as provided by the Family Medical Leave Act.

Any claim for sick leave shall be filed with the Superintendent immediately upon return of the employee to duty. The claim shall be in writing and shall set forth the days absent and indicate that such absence was allowable under the provisions of Section 1012.61, Fla. Stat. The claim shall be duly signed by the claimant certifying that the facts are true and correct and that the claim is valid and legal.

A false claim for sick leave shall be deemed absence from duty without leave under these rules. Where there is any doubt as to the validity of a sick leave claim, or the condition of the employee to return to duty, the Superintendent may require the claimant to file a written certification of illness from a licensed physician or other supporting evidence where personal illness is not involved.

When a member of the instructional or administrative staff receives terminal pay benefits based on unused sick leave, all unused sick leave credit shall become immediately invalid.

A member of the administrative or instructional staff may transfer sick leave earned in an instructional or administrative capacity with a Florida office of Health and Rehabilitative Services Residential Care Facility to the Bay County School Board in an amount not to exceed twelve (12) days.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.61, Fla. Stat.; 6A-1.831, SBER
History: New, June 12, 1989
Revised: January 11, 1990, January 10, 1996

PROFESSIONAL LEAVE 4.116

A leave of absence for professional improvement in the field of education, without salary, may be authorized for any member of the instructional or administrative staff upon application for one (1) academic year for the purpose of

1. engaging in study at an accredited university. Admission and full-time enrollment must be established within thirty (30) days of the commencement of this leave.
2. Work program, without pay, related to his/her professional responsibilities.

Applications for such leave shall be forwarded to the Superintendent not later than 30 days prior to the start of the semester in which leave is to commence for his/her approval. This leave may be extended with School Board approval.

Professional leave, without pay, may be granted to any member of the instructional or administrative staff during pre- and post-school work days, provided each teacher shall specify their program of educational study, dates of attendance, and name of the institution.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.34, 1012.64, Fla. Stat.
History: New, June 12, 1989

CHAPTER FOUR
ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

PERFORMANCE EVALUATION 4.117

Each member of the administrative and instructional staff shall be evaluated at least once each year in accordance with the following procedures and criteria:

1. Evaluation procedures.

   (a) All personnel shall be fully informed of the criteria for evaluation and the procedures to be followed prior to the evaluation being conducted.
   (b) A written report must be made by the person conducting the evaluation and a copy provided the employee within 10 days of the evaluation. The written report must be discussed with the employee, and the employee must be accorded the right to initiate a written response as a permanent attachment to the evaluation report.
   (c) If the evaluation indicates that the employee is not performing in a satisfactory manner, the evaluator shall provide assistance to the employee in correcting the areas of poor performance.
   (d) The evaluation of each employee shall be completed prior to June 30 of each year.

2. Evaluation criteria. The criteria to be used in evaluating the performance of members of the administrative and instructional staff shall be the standards of competent professional performance published by the Educational Standards Commission, and shall also include:

   (a) Ability to utilize appropriate classroom management techniques, including ability to maintain appropriate discipline.
   (b) Knowledge of subject matter.
   (c) Ability to plan and deliver instruction.
   (d) Ability to evaluate instructional needs.
   (e) Educational qualifications.
   (f) Efficiency.
   (g) Student progress toward instructional goals, based on student ability.
   (h) Satisfactory use of evaluation criteria and procedures (where applicable).

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.34, Fla. Stat., Chapter 6B-5, SBER
History: New, June 12, 1989

STUDENT SUPERVISION 4.118

Any member of the administrative or instructional staff who has responsibility for the supervision of students, pursuant to Section 7.301 and who fails to provide such supervision by failing to report for duty or by leaving his/her post of duty without being properly relieved of such duty, may be charged with willful neglect of duty.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.53, 1012.23, 1012.22, 1003.31, Fla. Stat.
History: New, June 12, 1989

SUBSTITUTE TEACHERS 4.119

A substitute teacher is a teacher employed in lieu of a regular teacher on a day to day basis.

The District's Human Resources Department will maintain a list of available substitutes in his/her area to be used when substitutes are needed.

Teachers shall use notification method set forth in the ABCE collective bargaining agreement to notify the principal and the District immediately upon determination that they will be absent from school. The principal or his/her designee will arrange for a substitute.

Detailed lesson plans, rolls, and schedules should be left so the substitute will be able to find them without difficulty.

In the event of any emergency as specified in Florida law the provisions of the Statutes shall be followed.

Each substitute must be listed in good standing with the Department of Human Resources and either have a valid teaching certificate from the Florida Department of Education or have completed the District's substitute training program.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.35, Fla. Stat.
History: New, June 12, 1989
Revised: November 8, 1990; October 27, 1994; October 12, 1995; October 14, 2014; September 26, 2017

STUDENT TEACHERS 4.120

Any student enrolled in a state-approved teacher preparation program shall be properly processed by the Superintendent's designee upon receipt of the completed application papers from the university or college.

A regularly employed and certified educator shall be selected by the Superintendent's designee and the principal of the school receiving the student teacher. However, a student teacher may not be assigned to any regularly employed and certified educator without the educator's consent to serve as the directing teacher. Upon the educator's consent, the application agreement shall be signed by all parties concerned.

The educator to whom the student teacher is assigned shall be responsible for the student teacher during the time of the internship. The directing teacher shall periodically observe the work of the student teacher and hold conferences with him\her to see that proper planning, adequate teaching and proper control of students are maintained.

A student teacher may be used as a substitute teacher when there are no substitute teachers available, for a short period of time and only with the prior approval of the Superintendent or his/her designee.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1012.39, Fla. Stat.
History: New, June 12, 1989
Revised: June 25, 2003

CHAPTER FOUR
ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

SALARY SCHEDULE AND EXPERIENCE FOR PAY PURPOSES 4.121

Each member of the administrative or instructional staff shall be paid in accordance with the salary schedule adopted by the School Board. A copy of the current salary schedule shall be available in the office of the Superintendent and the principal of each school and on the District's website.

All previous years of experience that have been filed up to the time of making the second payroll after the date of employment in the position will be calculated in the current annual salary of the employee as provided in the salary schedule. Experience verified after this date will be included in the next pay period.

In accordance with the Association of Bay County Educators collective bargaining agreement, Article 16.3, for school years 2011-12 and after, all evaluations used to grant prior experience must contain a student performance component. It is the applicant's responsibility to provide adequate documentation of conforming evaluations to the Director of Human Resources before any experience will be granted.

Administrative Personnel: When determining administrative experience for salary purposes, the following categories of experience shall be considered:

1. Full credit will be given for all administrative experience in the State of Florida public schools
2. Credit may be given for equivalent administrative experience outside the State of Florida if: verified, recommended by the Superintendent, and approved by the School Board.
3. District-level administrators may be given credit for relevant, verified experience gained outside the education field and public schools. Credit for such experience is subject to the Superintendent's discretion.

Employees who are not covered by a collective bargaining agreement who have retired and are newly hired beginning with the 2009-2010 school year, shall not receive credit on the salary schedule for years of experience that have been used by the employee to qualify for retirement, whether in Florida or outside the state.

Beginning July 1, 2001, for each employee not employed by the District as of June 30, 2001, who enters into a written contract pursuant to Section 1012.33, Fla. Stat., the District shall recognize and accept for pay purposes each year of full-time public school teaching service earned in the State of Florida or outside the state and for which the employee received a satisfactory performance evaluation. Instructional personnel employed pursuant to 121.091(9)(b)(1)(a), Fla. Stat. (2016) are exempt from the provisions of this paragraph.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.33, Fla. Stat.
History: New, June 12, 1989
Revised December 20, 1990, February 13, 1992, March 8, 2000; August 28, 2002; June 25, 2003; March 11, 2009; October 14, 2014; January 15, 2015; June 13, 2017

CHAPTER FOUR
ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

SELECTION AND MANAGEMENT OF SCHOOL AND DISTRICT ADMINISTRATORS 4.122

In compliance with law and Rules of the State Board of Education, the Bay County School Board shall adopt procedures for the selection and management of school and district administrators that align with the Florida Standards for School Leaders.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.32, Fla. Stat.
History: New, June 12, 1989

SELF-REPORTING RULE 4.124

All educators shall self-report within 48 hours to the Superintendent's office any arrests/charges involving the abuse of children or the sale and/or possession of a controlled substance. In addition, all educators shall self-report to the Superintendent any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within 48 hours after final judgment.

Authority: § 1001.41, Fla. Stat. (1997)
Law Implemented: Fla. Admin. Code R. 6B-1.006(m)
History: New, June 9, 1999

CONTRACTUAL ADDENDUMS 4.125

The Superintendent shall have the authority to approve addendums to existing instructional personnel contracts for: (1) supplemental pay in accordance with the Instructional Extra Pay for Extra Duty Schedule described in the ABCE collective bargaining agreement; and (2) instructional and support personnel employed in summer school programs.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.41(4), Fla. Stat.
History: New, June 24, 2014

CHAPTER FIVE
PERSONNEL – NON-INSTRUCTIONAL

DEFINITIONS 5.101

The following terms, whenever used or referred to in this compilation of Rules shall have the following meaning:

1. Non-Instructional Staff. Non-instructional personnel shall include all finance, office, maintenance, food service, custodial, transportation, and warehousing personnel and paraprofessionals. These include all employees of the Bay County School System other than instructional and administrative personnel at both the District and school level.
2. Full-time non-instructional personnel. Full-time non-instructional personnel are defined as those employees who are employed by agreement or contract and work six or more hours each day or more than thirty hours per week. Full-time non-instructional personnel are entitled to all benefits and leave provisions provided herein.
3. Part-time non-instructional personnel. Part-time non-instructional personnel are defined as those who are employed by contract or agreement and work less than six hours each day or less than thirty hours per week. Part-time non-instructional personnel are entitled to Florida retirement and FICA benefits but are not entitled to leave provisions adopted herein.
4. Temporary non-instructional personnel. Temporary non-instructional personnel are defined as those who are employed for less than six months and are not entitled to the benefits or leave provided by School Board policy. All substitutes and student help are defined as temporary employees.
5. Confidential Personnel. Confidential personnel shall include assistants to the School Board, Superintendent and all deputy and assistant superintendents, assistants to district-level executive directors and directors, safety and security operational specialists, administrative secretaries, assistants to district-level coordinators and supervisors, assistants to the General Manager of Purchasing, Contracting, and Materials Management, assistants to the business office, and human resources specialists.

Bay County students working as student helpers are not entitled to employee benefits.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.23, Fla. Stat.
History: New, June 12, 1989
Revised: July 23, 1992; June 25, 2003; May 26, 2010; June 13, 2017

CHAPTER FIVE
PERSONNEL – NON-INSTRUCTIONAL

APPOINTMENT 5.102

It shall be the responsibility of the principal, department director or administrator, to select and recommend to the Superintendent those non-instructional personnel best qualified to fill each vacancy. The Board shall act on the Superintendent's recommendations and appoint such personnel in accordance with procedures established by law.

Non-instructional personnel recommended by the Superintendent and approved by the School Board shall be employed on a continuous basis without necessity for annual renomination after serving a probationary period and are recommended for appointment for the fourth year. The probationary period for 10 month employees shall be 90 working days and for 12 month employees shall be 120 working days beginning the first day the employee reports for work.

Confidential and management personnel recommended by the Superintendent and approved by the School Board shall be employed on an annual contract basis and shall not be eligible for employment on a continuous basis.

Immediately upon being appointed to a non-instructional position requiring contact with students an employee must file at his/her expense a complete set of fingerprints for submission to the Florida Department of Law Enforcement and Federal Bureau of Investigations for processing.

1. Such employee will remain on a probationary status until a background check is completed and they are determined to be in compliance with standards for good moral character.
2. The Superintendent shall appoint a committee of three (3) persons to review any criminal record revealed by the fingerprint check. This committee will determine whether the probationary employee is in compliance with standards for good moral character. Within these standards the lack of good moral character shall include but not be limited to having been convicted of a crime involving immorality or moral turpitude. Should the committee find the probationary employee to lack good moral character, that person will be judged unsuitable for employment with the Bay County School Board.
3. Prior to any termination probationary employees judged to be unsuitable for employment based on their criminal record shall have the right to challenge the accuracy of the information contained in the F.B.I. identification record.
4. A non-instructional employee hired subsequent to January 1, 1990, who resigns or temporarily leaves their employment with the District shall be exempt from being re-fingerprinted upon their return to employment with the District provided no more than 90 days have lapsed between the employee's leaving and returning to work.

Temporary employment of all non-instructional employees shall be for the period of time established on the employment recommendation forms.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.22, Fla. Stat.
History: New, June 12, 1989
Revised: November 8, 1989; August 8, 1991; June 13, 2017

CHAPTER FIVE
PERSONNEL – NON-INSTRUCTIONAL

GENERAL REQUIREMENTS FOR EMPLOYMENT 5.103

Non-instructional personnel shall be recruited, selected and assigned to duty solely on the basis of qualifications, experience, and the requirements of the position. A non-instructional employee shall fulfill the following requirements prior to the payment of any salary:

1. Complete and file a written application.
2. File a loyalty oath completed and signed in the presence of a proper authority.
3. File the retirement enrollment form.
4. File the required personal record.
5. Submit evidence of a medical examination as required by these rules.
6. File withholding tax authorization.
7. Have on file payroll deduction authorization, if applicable.
8. If under eighteen, have an age certificate.
9. File any other required information in an acceptable form and manner.

The employee may be required to submit evidence of his or her fitness for duty based on a medical examination by a licensed physician in accordance with School Board Policy section 3.109.

Standard High School Diploma. Except as otherwise stated below, to be eligible for a position in the district school system, a person shall be at least 18 years of age and have met state requirements to receive a standard high school diploma. Individuals without a high school diploma may be employed on an annual contract basis only in food service, transportation and custodial services. However, the employee must immediately enroll in a GED preparation program and attain a GED within three consecutive years as an annual contract employee. An employee who fails to attain a GED within the time specified shall no longer be eligible for employment with the School Board.

Special Diploma. Individuals who have obtained a Special Diploma, as defined by Florida Statutes section 1003.438 and School Board Policy section 8.405, may be eligible for employment as follows:

1. The Director of Human Resources, or his or her designee, may designate certain non-instructional vacancies as awardable to a holder of a Special Diploma. At the discretion of the Director of Human Resources, eligible vacancies may include clerical support and custodial positions.
2. Individuals holding a Special Diploma may be selected to fill such positions on an annual contract basis, with eligibility for renewal being contingent upon the employee's successful completion of the School Board's Special Diploma Training Program.
3. Special Diploma Training Program
    a. The Director of Human Resources, or his or her designee, shall develop and implement a training program designed to prepare employees with Special Diplomas to work independently in their roles.
    b. As an element of the training program, a first year employee with a Special Diploma shall be paired with an onsite trainer in the same or similar position.
    c. The Director of Human Resources, or his or her designee, shall develop and implement assessment and program completion criterion for evaluation as needed for each position.
    d. A first year employee with a Special Diploma must successfully complete the training program and be able to independently perform the functions of his or her position within one year of employment in that capacity in order to remain eligible for annual contract renewal for a second year.

Exemptions. Bus drivers, bus paraprofessionals, custodial, and maintenance support staff are exempt from the above-stated high school diploma requirement. A GED or high school diploma is preferred, but not required. Previous years of related experience may be considered in lieu of a diploma or GED during the application process.

Student Helpers. Students employed on a part-time basis are exempt for the above-stated age requirement.

Certificates and Licenses. Applicants shall, when required by law, hold a certificate or license issued under regulation of the State Board, the Division of Health, or the Department of Health and Rehabilitative Services.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.22, 1012.32, 1012.33, Fla. Stat.
History: New, June 12, 1989
Revised: May 13, 2014; April 25, 2017; August 27, 2019; January 14, 2020

CHAPTER FIVE
PERSONNEL – NON-INSTRUCTIONAL

MINIMUM WORK DAY AND YEAR 5.104

The employment period for non-instructional personnel may vary according to the position. Certain employees shall be on a twelve months basis, while others may be employed for specific periods during the school year. The Superintendent, with the assistance of the principal and other administrative personnel, shall determine the appropriate work schedules for maximum effectiveness.

Unless otherwise provided in these Rules, the Superintendent shall recommend and the School Board shall annually establish the work day and work year schedule for the various classifications of non-instructional personnel, as part of the annual salary schedule.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.22, 1012.23, Fla. Stat.
History: New, June 12, 1989

PERFORMANCE ASSESSMENT 5.105

An annual performance assessment shall be made of each non-instructional employee. A written record of this assessment shall be made and filed in the office of the Superintendent. The person responsible for evaluating an employee shall show the written evaluation to the employee and discuss the assessment made, as well as giving said employee a copy of the evaluation. The evaluation shall be made part of the employee`s personnel file.

The evaluation shall be based on the performance of duties contained in the job description of the position(s) to which the employee was appointed.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.34, Fla. Stat.
History: New, June 12, 1989

INSERVICE TRAINING 5.106

The Superintendent and his/her staff shall provide the necessary inservice education and training to keep non-instructional employees knowledgeable and effective in their jobs. Such inservice may be in the form of workshops, conferences, special training sessions, or similar events. Non-instructional personnel shall be required to attend such inservice activities.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989

CHAPTER FIVE
PERSONNEL – NON-INSTRUCTIONAL

PARAPROFESSIONALS 5.107

Role. Paraprofessionals are appointed to assist members of the instructional staff in carrying out their instructional and professional duties and responsibilities as prescribed by Section 6A-1.70, State Board of Education Rules.

The Superintendent or his/her designee shall describe in writing the knowledge and skills which the paraprofessional is expected to possess for any assigned responsibilities and duties. Restrictions of the position shall also be included.

It is the responsibility of the principal of each school and of each instructional staff member in that school who is assisted by a paraprofessional to see that those duties assigned to each paraprofessional are consistent with Florida Statutes, State Board Rules and this compilation of Rules.

Qualifications and terms of employment. Notwithstanding the provisions of Section 5.103(3), each person initially employed as a paraprofessional shall be at least 18 years of age. A paraprofessional shall meet one of the following requirements to be considered Highly Qualified:

1. Hold an associate or higher degree, or
2. Have two years of study (60 semester hours) at an institution of higher education, **or**
3. A passing score on a rigorous state or local assessment of knowledge of and the ability to assist in instruction in reading, writing, and mathematics or reading readiness, writing readiness, or mathematics readiness.

The principal shall recommend to the Superintendent the person best qualified for the specific duties the position may require.

Responsibility of the principal. It is the responsibility of the principal for assuring that each paraprofessional who, at any time, is expected to assume responsibility for the health, safety and welfare of pupils possesses a clear understanding of state and District rules relevant to paraprofessional responsibilities.

It is also the responsibility of the principal for assuring that each paraprofessional who, at any time, is expected to assume responsibility for assisting a teacher in promoting pupil learning possesses a clear understanding of all state and district instructional practices and policies relevant to paraprofessional responsibilities.

The principal shall assure that each instructional staff member who is assisted by a paraprofessional possesses a clear understanding of all rules and policies which the paraprofessional is expected to understand.

If a paraprofessional is involved in the discipline of a student, the parent may request the principal schedule a conference with the paraprofessional to discuss the student's behavior. The principal is not required to, but may, at the principal's total discretion, schedule a conference with the paraprofessional, the parent, and principal to discuss the behavior of the student. The principal shall notify the parent of the reason for not scheduling a conference.

Responsibility of the teacher. According to Section 6A-1.70, State Board of Education Rules, when a paraprofessional is assigned duties requiring knowledge of rules, regulations or policies of a special nature, it is the responsibility of the staff member whom he/she is assisting to ascertain in advance that the paraprofessional possesses the necessary knowledge to perform such duties in a proper and reasonable manner.

When a paraprofessional is assigned duties requiring knowledge of instructional practices and policies of a specialized nature, it is the responsibility of the instructional staff member whom he/she is assisting to ascertain in advance that the paraprofessional possesses the necessary knowledge.

When a paraprofessional is assigned to work directly with students, the instructional staff member whom he/she is assisting must ascertain that the paraprofessional can state clearly the type of performance or behavior which the students are expected to demonstrate during the time when the paraprofessional is working with students.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.37, Fla. Stat.
History: New, June 12, 1989
Revised: May 26, 2010; September 13, 2016

CHAPTER FIVE
PERSONNEL – NON-INSTRUCTIONAL

SCHOOL VOLUNTEERS 5.108

The School Board welcomes and encourages parents and all citizens of the community to volunteer their services as concerned citizens who can provide beneficial educational experiences and services to all of our students. These services should be considered enrichment as well as reinforcement educational experiences which would not ordinarily be provided within the employed services by the School Board.

Recognition. These volunteers will be recognized as having a valid purpose for being on any school campus on which they are serving and will have a recognized task to perform. These volunteers shall be given recognition for their services on an annual basis to promote volunteerism within all of the school community.

Responsibility for the appropriate use of school volunteers. It is the responsibility of the school principal and of each instructional staff member in that school who is assisted by a school volunteer to see that those duties assigned to each school volunteer are consistent with law and rules of the State Board and the School Board.

Volunteers in Unsupervised Settings. Volunteers who work with students in an unsupervised setting such as volunteer coaches will be required to provide their fingerprints for a VECHS criminal background check by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The VECHS criminal background check will be paid for by the volunteer candidate or otherwise at the principal's discretion. The VECHS criminal background check must be conducted by the Bay District Schools Fingerprint Department.

Unsupervised Settings. A one-on-one situation in which a student is unable to be seen or is not within earshot of staff.

Protection of the laws. A school volunteer who has been duly approved by the School Board and has officially recorded his/her attendance in a local school while rendering services under the supervision of a certified teacher or staff member shall be accorded the same protection of the law as that accorded the certified teacher. A school volunteer is considered to be an employee of the Board for purposes of worker's compensation and shall be entitled to any benefits therefrom arising out of incidents connected with their status as a school volunteer.

These volunteers shall adhere to all policies and procedures as outlined in the Volunteers handbook covering such procedures and any additional policy statements as deemed necessary by the School Board.

The Superintendent will issue such additional directives concerning school volunteers as may be deemed necessary.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.01, Fla. Stat.
History: New, June 12, 1989
Revised: September 13, 2016; November 8, 2016

NOTIFICATION OF ABSENCE 5.109

Any member of the non-instructional staff who expects to be absent from duty due to illness shall notify his/her administrative supervisor the evening immediately preceding the day of absence if such is possible. When the absence is due to an emergency, the employee shall notify his/her administrative supervisor at the earliest possible time. Notice of absence shall always be in advance unless the absence is beyond the control of the employee and makes such advance notice impossible.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.22, 1012.23, Fla. Stat.
History: New, June 12, 1989

CHAPTER FIVE
PERSONNEL – NON-INSTRUCTIONAL

SICK LEAVE 5.110

Definition. Sick leave is defined as personal illness or disability of the employee or illness or death of a member of the immediate family. "Immediate family" shall be defined as a spouse, parent, child, brother, sister, grandparent, parent-in-law, other close relative, or any relative or dependent who resided with the employee's household.

Each member of the non-instructional staff employed on a full-time basis is entitled to four (4) days of sick leave as of the first day of employment of each contract year, and shall thereafter earn one day of sick leave for each month of employment, which shall be credited to the member at the end of the month and which shall not be used prior to the time it is earned and credited to the member; provided, that the member 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; provided, that such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year, and provided further, there shall be no limit on the number of days of sick leave a member of the non-instructional staff may accrue.

Outside Accumulation. Unused accumulated sick leave acquired by an employee in another Florida district shall be accepted in Bay County according to the terms of this paragraph as follows: For each day of sick leave earned by the transferring employee in this school district, the employee shall be entitled to another day of credit from the verified accumulated sick leave in another Florida school district.

Overused Sick Leave. In the event an employee used up his sick leave, he/she may apply for overused sick leave. A doctor's statement of the employee's inability to work may be required. Holidays shall not be earned while an employee is on overused sick leave, but insurance will be paid by the Board as provided by the Family Medical Leave Act.

Any claim for sick leave shall be filed with the Superintendent immediately upon return of the employee to duty. The claim shall be in writing and shall set forth the days absent and indicate that such absence was allowable under the provisions of Section 1012.61, Fla. Stat. The claim shall be duly signed by the claimant certifying that the facts are true and correct and that the claim is valid and legal.

A false claim for sick leave shall be deemed absence from duty without leave under these rules. Where there is any doubt as to the validity of a sick leave claim, or the condition of the employee to return to duty, the Superintendent may require the claimant to file a written certification of illness from a licensed physician or other supporting evidence where personal illness is not involved.

When a member of the non-instructional staff receives terminal pay benefits based on unused sick leave, all unused sick leave credit shall become immediately invalid.

A member of the non-instructional staff may transfer sick leave earned in an instructional or administrative capacity with another Florida school district or Florida office of Health and Rehabilitative Services residential care facility to the Bay County School Board in an amount not to exceed 12 days.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.61, Fla. Stat.; 6A-1.831, SBER
History: New, June 12, 1989
Revised, January 10, 1996

CHAPTER FIVE
PERSONNEL – NON-INSTRUCTIONAL

SALARY SCHEDULE EXPERIENCE CREDIT 5.111

All non-instructional personnel shall be paid in accordance with job classification and recognized experience from the adopted schedules of the Board. Upon initial employment, employees may be granted verified related experience up to fifteen years including military. More than one-half of the number of days in the contract period during the school year must be completed to be entitled to a year's credit.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.22, 1011.60, Fla. Stat.
History: New, June 12, 1989
Revised: June 13, 2017; September 26, 2017

SUSPENSION AND DISMISSAL 5.112

Any member of the non-instructional staff may be dismissed by the School Board during his/her term of appointment, when a recommendation for dismissal is made by the Superintendent, giving good and sufficient reasons therefor. Good and sufficient reasons shall include but not be limited to:

(a) Insubordination
(b) Neglect of duty
(c) Absence without leave
(d) Unsatisfactory work performance
(e) Being under the influence of alcohol or a controlled substance while on duty
(f) Threatening of student or other employees
(g) Misuse of School Board property or equipment
(h) Violation of School Board Rules

Prior to making a recommendation for dismissal, the Superintendent shall investigate the charges or reasons for the proposed action and conduct an informal hearing at which time the employee shall have an opportunity to refute the charges or provide additional information or evidence.

The Superintendent is authorized to suspend an employee with pay until the next regular or special meeting of the Board. The School Board shall be notified immediately of any such suspension.

The School Board may, prior to taking final action on the Superintendent's recommendation, conduct further inquiries into the matter; provided, however that upon request the employee shall be entitled to a hearing pursuant to Section 1.105 herein.

No member of the non-instructional staff may be dismissed except by action of the School Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.22, Fla. Stat.
History: New, June 12, 1989

CHAPTER FIVE
PERSONNEL – NON-INSTRUCTIONAL

RESIGNATIONS 5.113

Each member of the non-instructional staff desiring to resign during the term of an appointment shall give at least two (2) weeks notice. This will allow time for a replacement to be found and minimize the disruption to the system.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.22, Fla. Stat.
History: New, June 12, 1989

TRANSFERS 5.114

Definition. A transfer is movement of an employee from one work site to another. Voluntary transfers shall be accomplished in the following manner:

1. Employees desiring a transfer from one job site to another shall submit a transfer request form to the Personnel Department.
2. The facility manager at the receiving work site will interview all employees who have a transfer request on file at the time of an opening.
3. Non-instructional personnel desiring to voluntarily transfer in classification or into another classification in another school or department at the end of the school term shall make a request to the Personnel Department on the prescribed transfer request form. Such transfer requests must be submitted between April 1 and June 30 in order to receive active consideration for transfer effective at the beginning of the next school year.
4. Employees who voluntarily transferred shall retain all experience credit for salary purposes.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.22, 1012.27, Fla. Stat.
History: New, June 12, 1989

DUAL EMPLOYMENT 5.115

No person may be employed for more than one (1) job for the School Board except upon the recommendation of the Superintendent and approval of the School Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.22, Fla. Stat.
History: New, June 12, 1989
Revised: August 9, 1990

CHAPTER FIVE
PERSONNEL – NON-INSTRUCTIONAL

DRUG FREE WORK PLACE 5.116

The Bay County School Board's policy is to employ a work force free from use of illegal drugs and abuse of alcohol, at any school function, either on or off the job. Any employee determined to be in violation of the policy by participating in unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is subject to disciplinary action which may include termination. It is a standard of conduct of employees of the Bay County School Board that employees shall not use illegal drugs or abuse alcohol. In order to maintain this Standard, the School Board shall establish and maintain the programs and rules set forth below.

General Procedures. An employee reporting for work visibly impaired and unable to properly perform required duties will not be allowed to work. If possible, the employee's supervisor should first seek another supervisor's opinion to confirm the employee's status. The supervisor should then consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee should be sent home or to a medical facility by taxi or other safe transportation alternative. The employee may be accompanied by the supervisor or another employee. Under the terms of these procedures any employee deemed to be visibly impaired and unable to properly perform required duties may be referred for prosecution to the proper law authorities.

Pre-employment Drug Abuse Screening. The Bay County School Board may conduct pre-employment screening examinations designed to prevent hiring individuals who use illegal drugs or individuals whose use of legal drugs indicates a potential for impaired or unsafe job performance.

Current Employee Drug and Alcohol Abuse Screening. The Bay County School Board will maintain screening practices to identify employees who use who use illegal drugs or abuse alcohol on the job. It shall be a condition of continued employment for all employees to submit to drug screening when there is a reasonable suspicion to believe that an employee is using an illegal drug, or is already abusing or has used any drug or alcohol.

Violation of Drug Free Workplace. In compliance with the Drug Free Workplace Act of 1988, 34 CFR 85 Subpart F., any employee convicted for a violation occurring in the workplace must notify the District school Superintendent of any criminal drug statute conviction in the workplace no later than five (5) days after the conviction. The appropriate federal agency will be notified within ten (10) days after receiving notice from the employee or otherwise of receiving actual notice of such conviction. The District will take one of the following actions within thirty (30) days of such conviction:

1. Take appropriate personnel action against an employee, up to and including termination; or
2. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by federal, state, or local health, law enforcement, or other appropriate agency.

Grounds for Termination or Discipline.

1. Drug Abuse. An employee will be considered guilty of misconduct and subject to discipline, including discharge or suspension without pay from employment, if he/she brings onto the District's premises or property, has possession of, is under the influence of, possesses in the employee's body blood, or urine in any detectable amount, uses, consumes, transfers, sells or attempts to sell or transfer any form of illegal drug as defined above while on District business or at any time during the hours between the beginning and ending of the employee's work day, whether on duty or not, and whether on District

business property or not. Failure to submit to required medical or physical examinations or tests is misconduct and considered grounds for discharge or suspension without pay from employment.

2. Alcohol Abuse. An employee who is under the influence of alcoholic beverages at any time during the hours between the beginning and ending of the employee's work day, shall be guilty of misconduct and is subject to discipline including discharge or suspension without pay from employment. An employee shall be determined to be under the influence of alcohol if:

   A. the employee's normal faculties are impaired due to consumption of alcohol; or
   B. the employee has a blood alcohol level of .10 or higher.

Failure to submit to required medical or physical examinations or tests is misconduct and is grounds for discharge or suspension, without pay, from employment.

Authority: § 1001.41
Law Implemented: Drug-Free Workplace Act of 1988, 34CFR Part 85, Subpart F.
History: July 12, 1989
Revised: August 9, 1990, March 11, 1993

REPEALED **5.301**

CHAPTER SIX
BUSINESS AFFAIRS

PART ONE
FINANCE

PURCHASING POLICIES AND BIDDING **6.101**

The purchase of products and services by Bay District Schools shall be authorized by state law and must be in accordance with procedures prescribed by the school board.

I. Definitions

A. The term "competitive solicitation" shall be defined for the purposes of this policy to include purchases made through the issuance of an invitation to bid, request for proposals, and invitation to negotiate.

B. "Invitation to bid" shall be defined for the purposes of this policy as a written solicitation for competitive sealed bids. The invitation to bid is used when the district is capable of specifically defining the scope of work for which a contractual service is required or when the district school board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted. Each bid shall be awarded on the basis of the lowest and best bid which meets specifications with consideration being given to the specific quality of the product, conformity to the specifications, suitability to school needs, delivery terms, and service and past performance of the vendor.

C. The term "request for proposals" shall be defined for the purposes of this policy as a written solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the district to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the district is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. The request for proposals includes a list of specific evaluation criteria which shall serve as the basis for the award. A written solicitation includes a solicitation that is publicly posted.

D. "Invitation to negotiate" shall be defined for the purposes of this policy as a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the district determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.

E. The term "Request for Quotation (RFQ)" shall be defined for the purposes of this policy as a written request for competitive quotes. This procurement method is used when the purchase total is between $25,000 and the amount established by law for competitive solicitations when the district is capable of specifically defining the scope of work for which a contractual service is required or when the district is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted. Each RFQ shall be awarded on the basis of the lowest and best bid which meets specifications with consideration being given to the specific quality of the product, conformity to the specifications, suitability to school needs, delivery terms, and service and past performance of the vendor.

F. The term "grants" shall be defined for the purposes of this policy as a grant award contribution, gift, or subsidy (in cash or in-kind services) bestowed by a government, foundation or other funding organization (called the grantor) for specified purposes to an eligible recipient (called the grantee). Grants are usually conditional upon certain qualifications as to the use; maintenance of specified standards, use of specified or approved vendors and/or products and may or may not require proportional (matching) contribution by the grantee or other grantor(s).

G. The term “proposer” shall be defined for the purposes of this policy to include those vendors submitting bids or responses to a competitive selection.

H. “Reverse auctions” shall be defined as an innovative technology tool used to drive down the prices of commodities and contractual services. Real time, on-line bidding ends at a specified time or when cost becomes too low for profit.

I. The term “superintendent” shall be defined for the purposes of this policy to mean “superintendent or designee”.

J. Local Business definition. For purposes of this section, “Local Business” shall mean a business which:

1. has had a fixed office located in and having a street address within Bay County for at least twelve (12) months immediately prior to the issuance of the request for competitive bids or request for proposals by the District, said office shall operate and perform business on a daily basis consisting of a minimum staff requirement of one (1) office personnel and a company owner or business manager for a minimum of a standard full time work week defined as thirty (30) hours or more a week; and
2. is the principal offeror who is a single offeror; a business that is the prime contractor and not a subcontractor; or a partner or joint venturer submitting an offer in conjunction with other businesses; and
3. if applicable, holds any business license required by Bay County, and, if applicable, a municipality within Bay County for at least twelve months immediately prior to the issuance of the request for competitive bids of for request for proposal by the District.

II. Authority

A. The superintendent is authorized to expend monies for purchases of commodities and contractual services where the total amount does not exceed the maximum amount allowed by law that may be purchased without the bid process and which otherwise would be exempt from bidding by state law. The purchases are not to exceed the applicable appropriation in the district’s budget and shall be made in accordance with Board policy.

B. Assistants functioning under the superintendent’s direction may be authorized to perform these purchasing tasks. Assistants under this policy include the CFO, General Manager of Purchasing, Contracting & Materials Management (GM of Purchasing”), and the Purchasing Agent. No person, unless authorized to do so under the policy of the district school board, may make any purchase or enter into any contract involving the use of district and/or school funds, including internal accounts. No expenditures for any such unauthorized purchase or contract shall be approved by the school board. The payment for any unauthorized purchase or contract shall be the sole responsibility of the person placing the order or entering into such contract.

C. Before making any purchase of commodities or contractual services, which the superintendent is authorized by the school board to make, or before recommending any purchase to the board, the superintendent shall, insofar as possible, propose standards and specifications. The superintendent shall see that all purchases and contracts conform to those standards and specifications, and shall take other such steps as are necessary to see that maximum value is being received for any money expended.

D. The following standards for acquiring commodities and contractual services will be established by the district at the following dollar limits:

1. Small Purchases (up to $12,499.99)

Goods and services under $12,499.99 are purchased on the open market. The superintendent has the authority to make these purchases in the District's best interest. Small purchases may be made using published pricing taking into consideration any known discounts, special promotions, etc., or may be made using the informal bid process unless the purchase is exempted from bidding by law, rule, or School Board Policy. Informal bids may be obtained in writing, verbally, by facsimile, by email, or by telephone followed by written confirmation. Small purchases require the approval of the CFO, or, the GM of Purchasing, or the Purchasing Agent. The District's purchasing card is encouraged for all expenditures as outlined in the Purchasing Card Users Manual.

2. Informal Quotes ($12,500.00 to $24,999.99)

Goods and services from $12,500.00 to $24,999.99 are purchased after attempting to secure a minimum of three (3) written quotes from selected vendors. Informal quotes may be obtained in writing, verbally, by facsimile, by email, or by telephone followed by written confirmation. Purchases resulting from informal quotes require the approval of the Superintendent, or, the CFO, or, the GM of Purchasing.

3. Requests for Quotation (RFQ) ($25,000.00 to $49,999.99)

Goods and services from $25,000.00 to $49,999.99 are purchased after requesting a formal Request for Quotation. The Purchasing Department shall seek to obtain written competitive quotes from a minimum of three (3) qualified vendors. The Purchasing Department will review the responses and select the lowest and best responsive and responsible quotation received. Purchases resulting from requests for quotations require the approval of the Superintendent.

4. Requests for Formal Sealed Competitive Solicitations (amounts over the dollar limit allowed by law)

Purchases for amounts exceeding the maximum amount allowed by law are acquired through formal sealed competitive solicitations, with the exception of sole (single) source vendors, emergency purchases, or other purchases which are expressly exempted from the competitive solicitation process by law (see Section V – Exceptions to Competitive Solicitations).

Formal sealed competitive solicitations will be reviewed and approved by a committee consisting of the CFO, GM of Purchasing, Asst Purchasing Agent, a representative of the originating school/department, and others appointed by the Superintendent prior to publication.

For request for proposals, the GM of Purchasing or Purchasing Agent shall chair the evaluation committee and determine the responsiveness of proposers. They will not be voting members. The voting members of the evaluation committee shall consist of a representative of the originating school or department, and at least two others appointed by the Superintendent.

E. Emergency Purchases: In an emergency situation, the superintendent shall have the authority to waive established procedures for purchases. Staff must present written documentation for the superintendent indicating the reason the purchase was deemed an emergency. Each emergency purchase in an amount exceeding the bid threshold amount shall be followed with a report to the Board at its next meeting of the nature of the emergency, the action taken and explanation of why regular bid procedures described herein would have caused a delay which would have been contrary to the public interest.

F. Beacon Learning Center operating as Beacon Educator, has the authority to enter into agreements to provide and/or develop online staff development or training. Any member of Beacon's administrative staff may execute these agreements. All of the agreements shall contain a clause specifying the procedure and time table for terminating, without penalty, the agreement

III. Methods of Purchase/Requisitions

A. Insofar as practicable, all purchases shall be based on contracts, purchasing card systems, electronic procurements, or purchase orders. Within the limits prescribed by the Board, the Superintendent shall be authorized to approve purchases under rules set by the Board, provided that in so doing, he or she shall certify that funds to cover the expenditures are authorized by the budget and have not been encumbered.

B. Each requisition or contract for commodities or contractual services shall be properly financed, budgeted and encumbered prior to the issuance of a purchase order. The purchase order shall be approved by the superintendent. The acquisition of the commodities or contractual services shall not precede the requisition date.

C. Splitting of Requisitions and/or Purchase Orders: Requisitions/purchase orders for the procurement of commodities or contractual services may not be divided so as to avoid the monetary threshold requirements set by law or policy.

D. The Superintendent may utilize any appropriate electronic methods, such as purchasing cards, to purchase commodities and contractual services as deemed to be in the best interest of the district and consistent with other parts of this policy. The Superintendent is authorized to obtain and issue purchasing cards to personnel of the District for this purpose. All card transactions will be in accordance with the Bay District Schools Purchasing Card Program Policies and Procedures Manual ("Credit Card Manual"). Any transaction made by a credit cardholder in violation of School Board policy or the Credit Card Manual shall become the personal obligation of the credit cardholder, requiring immediate reimbursement to the District of any such transaction.

E. In addition to the traditional competitive bid methods, reverse electronic auctions, (eAuctions) may be used to acquire commodities or services when it is advantageous for the district and significant cost savings may be realized.

F. Multi-year purchase agreements. No obligation shall be created by contract, purchase order, maintenance agreement, lease-purchase agreement, lease agreement, or other instrument which exceeds 12 months, unless such agreement contains a statement permitting the School Board to unconditionally terminate the obligation at the end of any 12-month period.

G. The Superintendent shall develop a competitive procurement plan for the purchases of food and non-food supply items for use in the School Food Service program. The plan shall contain procedures to ensure that all foods purchased conform with the Federal Food, Drug and Cosmetic Act, the Federal Meat Inspection Act, and the Meat Inspection Law of Florida. Purchases of equipment items and professional services for the Food Service program shall be subject to the same requirements prescribed herein for all other purchases.

IV. Competitive Solicitations

A. Maintenance of the Bidders List:

1. The Purchasing Department shall maintain a list of all potential bidders by category of commodity or service and shall include the names of all persons or firms that requested placement on the list.

2. Should a vendor fail to respond to a request for bid or proposal, the Purchasing Department may remove that vendor's name from the bid mailing list, for future bids concerning that commodity.

3. The GM of Purchasing may remove the name of any person or firm from the list based upon prior documented unsatisfactory experience with the person or firm. However, the person or firm may apply to the GM of Purchasing for reinstatement to the vendor list after being removed for one (1) year. The decision regarding reinstatement shall be at the discretion of the GM of Purchasing.

B. Competitive solicitations shall be requested by the superintendent from a minimum of three (3) sources for any authorized purchase or contract for services exceeding the maximum amount allowed by law, which are not otherwise exempt from bidding by Florida law.

C. Public Inspection and Copying of Bids shall be in accordance with section 119.07 et. seq., Florida Statutes. Bids and proposals shall be made available for public inspection by the GM of Purchasing on the posting date and/or 10 days after bid or proposal opening, whichever is earlier, unless such documents are exempt under section 119.07 et. seq., Florida Statutes. The fee for photocopying shall be in accordance with established procedure. In no case may the original copies removed from the custody of the purchasing department.

D. The School Board shall have the authority to reject any or all bids and proposals submitted in response to any competitive solicitation and to request new bids and proposals or to purchase the required commodities or contractual services in any other manner as authorized in this policy.

E. In acceptance of responses to competitive solicitations, the district may accept and award contracts to one or more responsive, responsible proposers in accordance with the selection criteria published in the solicitation. As an alternative, the School Board may also choose to award contracts to the lowest responsive, responsible bidder(s) as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees from whom commodities or contractual services would be purchased should the primary awardee become unable to provide all the commodities or contractual services required by the district during the term of the contract. Nothing herein is meant to prevent multiple awards to the lowest responsive and responsible bidders when such multiple awards are clearly stated in the bid solicitation documents.

F. A bidder may not withdraw a bid for any reason after the time of award of bids. If a bidder wishes to withdraw their bid before the award of the bid, he/she shall submit a written request to the GM of Purchasing giving reasons for the desired bid withdrawal. If recommended by the GM of Purchasing, the request to withdraw will be submitted to the Superintendent for consideration. If approved by the Superintendent, the bid bond, if applicable, shall be returned to the bidder. The GM of Purchasing will report bid withdrawals to the Board.

G. Integrity of the Award Process - Once a competitive solicitation is released, no bidder or individuals acting on behalf of the bidder shall lobby District personnel or School Board members.

H. Lobbying School Board members or District personnel may result in rejection/disqualification of said solicitations. For purposes of this policy, "lobbying" is defined as any action taken by an individual, firm, association, joint venture, partnership, syndicate, corporation and all other groups who seek to influence the governmental decision of a Board member or District personnel after the release of the solicitation and prior to time that an award recommendation is posted. Communications with the Purchasing Department regarding clarifications of solicitation terms, conditions, or specifications will not be considered as "lobbying".

I. If identical low and best bids are submitted the following criteria shall be utilized to determine which vendor shall be recommended for the awarding of the bid.

1. In-county preference.
2. Company receiving larger dollar award of the bid.
3. Coin toss.

J. Except for construction, renovation or capital improvement projects, the Superintendent is authorized to approve increases in the original amount of the bid awarded by the Board up to the formal bid threshold amount when required due to increases in the quantity needed as long as the increase does not exceed the applicable appropriation in the District budget.

V. Exceptions to Competitive Solicitations

The District may waive the requirements for competitive solicitations or quotes for the purchase or acquisition of commodities and contractual services stated below, and/or in the following circumstances:

A. Educational Materials: Educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, film strips, videotapes, dvds, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a governmental agency or a recognized educational institution.

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

C. Funds Handled in Trust for Individuals: Purchases made from funds handled in trust for individuals, such as purchases of class jewelry, school annuals, cards, and invitations, insignia, caps and gowns, etc., are exempt from requirements relative to purchasing.

D. Grants or State or Federal Agency Contracts: A contract for commodities or contractual services may be awarded without competitive solicitations if state or federal law, a grant or a state or federal agency contract prescribes with whom the district school board must contract or if the rate of payment is established during the appropriations process.

E. Information Technology Resources: The District when acquiring, whether by purchase, lease, lease with option to purchase, rental or otherwise, information technology as defined in section 282.0041(11), Florida Statutes, may make any acquisition through the competitive solicitation process

as described herein or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the district as determined by the school board.

F. Insurance and Risk Management: Except as otherwise required by statute, the school 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.

G. No Response(s) Received From Solicitations: The requirements for requesting competitive solicitations for commodities and contractual services from three (3) or more sources is hereby waived, as authorized by section 1010.04(4)(a), Florida Statutes, and the superintendent may enter into negotiations with suppliers of such commodities and contractual services and shall have the authority to execute contracts with such vendors under whatever terms and conditions the District determines to be in its best interest, when the following conditions are met:

1. Competitive solicitations have been requested in the manner prescribed by this policy, and

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

H. Purchases Under Other Contracts:

1. The District shall have the option to purchase under current contracts as may be established in which the purchasing agent for any public agency is authorized by law to make purchases for the benefit of other government agencies within the county at specified prices or below, if such purchase is to the economic advantage of the School Board, subject to the conformance of the items of purchase to the standards and specifications prescribed by the Superintendent.

2. The District may, in lieu of requesting competitive solicitations from three (3) or more sources, make purchases at or below the specified prices from contracts awarded by other city or county governmental agencies, other district school boards, community colleges, federal agencies, public or governmental agencies of any state, state university systems, or other cooperative agreements, when the proposer awarded a contract by another entity defined herein will permit purchases by the School Board at the same or better terms and conditions, and prices at or below those awarded in such contract, and such purchases would be to the economic advantage of the Board.

3. The District shall receive and give consideration to the prices available to it under rules of the Department of Management Services, Division of Purchasing. The district may use prices established by the Division of Purchasing through its state purchasing agreement price schedule with the same or better terms and conditions, for use by those imposed on state agencies.

4. Purchases made in accordance with the provisions of other contracts that exceed the threshold amount established by Florida Board of Education Rule 6A-1.012 may be made and reported to the School Board at the next regular meeting.

I. Pool Purchases: Competitive solicitations are not required for purchases made through the pool purchase provisions of section 1006.27, Florida Statutes.

J. Food & Food Products, Except Milk: may be purchased without competitive solicitations. Milk may be exempt under the following conditions: (a) The district has made a finding that no valid or acceptable firm bid has been received within the prescribed time; or (b) The district has made a finding that an emergency situation exists and may enter into negotiations with suppliers of milk and shall have the authority to execute contracts under whatever terms and conditions as the board determines to be in the best interest of the school system. Procedures shall be established to assure that all food purchased conforms to the federal food, drug and cosmetic act, the federal meat inspection act, and the meat inspection law of Florida, and any other federal or state safeguards relating to wholesomeness of specific items being purchased.

K. Professional Services: which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services not subject to section 218.391, Florida Statutes; 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; and other services for which selection procedures are provided by law or other School Board Policy. Architectural, engineering, architectural landscaping, land surveying and mapping services shall meet requirements of Section 6.102.

L. Single Source Suppliers

1. Commodities or contractual services available only from a single source may be exempted from the competitive solicitation requirements when the school district believes that the commodities and 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 minimum of 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, and

2. 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), Florida Statutes, and may negotiate on the best terms and conditions with the single source vendor.

M. Sole Proposals: If less than two (2) responsive proposals for commodity or contractual services are received, the district may negotiate on the best terms and conditions, or may elect to reject all proposals. The district shall document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the district in lieu of resoliciting proposals.

N. Utilities or Governmental Franchised Services: A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.

VI. Conflict of Interest

The provisions of Board Policy Section 3.132 and Fla. Stat. 112.313 shall apply regarding conflict of interest. Any violation of these provisions by a school board employee may be grounds for disciplinary action.

Local Preference in Purchasing.

(a) Preference in bidding. In purchasing of, or letting of contracts for procurement of, personal property, materials, or contractual services, including construction bids, through formal sealed competitive solicitations, the School District may give a preference to local businesses in making such purchase or awarding such contract, as follows:

1. Individuals or firms which have a home office located within Bay County, and which meet all of the criteria for Local Business as set forth in this policy, shall have the opportunity to submit to match the price(s) offered by the overall lowest, qualified and response non-local bidder if their bid is within five percent (5%) of the overall lowest, non-local price.
2. Individuals or firms which do not have a home office located within Bay County, and which meet all of the criteria for a Local Business as set forth in this policy, shall have the opportunity to submit to match the price(s) offered by the overall lowest, qualified and response non-local bidder if their bid is within three percent (3%) of the overall lowest, non-local price.

(b) Preference in request for proposals. In purchasing of, or letting of contracts for procurement of, personal property, materials, or contractual services for which a request for proposal is developed with evaluation criteria, a local preference of the total score may be assigned for a Local Business by adjusting the total score of the qualifying Local Business, as follows:

1. Individuals or firms which have a home office located within Bay County and which meet all of the criteria for a Local Business as set forth in this policy, shall be given a preference in the amount of five percent (5%).
2. A qualified and responsive Local Business that does not have a principal place of business located within Bay County, and which meets all of the criteria for a Local Business, shall be given preference in the amount of three percent (3%).

(c) Notice. Both bid documents and request for proposal documents shall include notice to vendors of the local preference policy. Notice by a Local Business of its offer to match a bid under this policy must be delivered in writing to the Board within seventy-two (72) hours of the posting of the bid tabulation on the District website.

(d) Certification. Any vendor claiming to be a Local Business as defined herein, shall so certify in writing to the purchasing department. The certification shall provide all necessary information to evidence that the vendor meets the requirements to qualify as a Local Business. The Board shall be immediately notified in writing of any changes in the vendor's status as a Local Business. The purchasing department shall not be required to verify the accuracy of any such certifications and shall have the sole discretion to determine if a vendor meets the definition of a Local Business.

(e) Exception. For a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds which have been appropriated at the time of the competitive solicitation, no local preference will be applied.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1010.01, § 1010.04, § 1011.06, § 1011.07, § 1001.42, Fla. Stat; Fla. Admin. Code R. 6A-1.012, 6A-7.042
History: New, June 12, 1989
Revised: February 8, 1990, November 16, 1993, June 12, 1996, December 17, 1997; April 24, 2002; December 10, 2003; June 14, 2006; May 13, 2009; June 23, 2010; November 16, 2010; August 12, 2014; February 24, 2015; July 26, 2016; September 27, 2016 (without requirement of meeting)

CHAPTER SIX
BUSINESS AFFAIRS

COMPETITIVE SELECTION OF CONTRACTS FOR ARCHITECTURAL, ENGINEERING, ARCHITECTURAL LANDSCAPING, AND LAND SURVEYING AND MAPPING SERVICES **6.102**

In order to fully comply with the requirements of the Florida Consultants Competitive Negotiation Act, § 287.055, Fla. Stat., the following procedures shall be followed in selecting firms to provide professional architectural, engineering, architectural landscaping, and land surveying and mapping services, and in negotiating contracts for such professional services. Design professionals that are contracted for work with Bay District Schools must provide certificates of professional liability insurance for a minimum coverage of $1,000,000 per occurrence and $2,000,000 for annual aggregate. Portions of this Policy apply to design-build construction projects.

A. Definitions.

1. "Professional services" means those services within the scope of practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as
architect, professional engineer, or registered land surveyor, or in connection with this professional employment or practice.

2. "Firm" means any individual, firm or partnership, corporation, association or other legal entity permitted by law to practice architecture, engineering, landscape architecture, or land surveying and mapping in the State of Florida.

3. "Compensation" means the total amount paid by the School Board for professional services.

4. “Professional Services Selection Committee" or “PSSC” means the committee composed of Executive Director of Operations, the Executive Director of Facilities, a Project Manager assigned by the Executive Director of Facilities, the Purchasing Agent, and a member assigned by the chairperson of the Board. The person assigned to the PSSC by the chairperson of the Board, shall be a member of the Citizens Oversight Committee if the project for which the services are being selected is to be funded with proceeds from the half-cent sales tax. For projects not funded with proceeds from the half-cent sales tax, the chairperson of the Board shall select any interested party. The School Board Member assigned to the Facilities Department by the chairperson of the Board will also participate in all competitive selection procedures but will not have a vote.

5. A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed $4 million, for study activity if the fee for professional services for each individual study under the contract does not exceed $500,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed-term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

6. A "design-build contract" means a single contract with a design-build firm for the design and construction of a public project.

7. A “design-build firm” means a partnership, corporation, or other legal entity that:

   a. Is certified under s. 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or

   b. Is qualified under s. 471.023 to practice or to offer to practice engineering; qualified under s. 481.219 to practice or to offer to practice architecture; or qualified under s. 481.319 to practice or to offer to practice landscape architecture

8. A “design criteria package” means concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information to permit design-build firms to prepare a bid or a response to an agency’s request for proposal, or to permit an agency to enter into a negotiated design-build contract. The design criteria package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project.

9. A “design criteria professional” means a firm that is qualified under chapter 481 to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under chapter 471 to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.

10. "Negotiate" or any form of that word means to conduct legitimate, arms-length discussions and conferences to reach an agreement on a term or price. For purposes of this section, the term does not include a flat fee schedule with no alternatives or discussion.

B. Public Announcement and Qualification Procedures.

1. This Policy applies to a project the construction cost of which is estimated to be in excess of $325,000 and to a planning or study activity or project when the fee for professional services exceeds $35,000. No single procurement shall be split to avoid these thresholds. This Policy may be suspended upon the Chairperson of the Board declaring a public emergency requiring immediate professional assistance based upon recommendations and data supplied by the Superintendent.

2. When the Board finds it necessary to procure professional services for projects meeting a threshold specified in sub-section 1 above, (including professional services inherent in a design-build contract) it shall publish in a uniform and consistent manner a legal advertisement in a newspaper circulated in Bay County, describing the project requiring professional services and defining procedures on how interested professional firms may apply for consideration by the Board. Such advertisement shall be published at least fourteen days prior to the closing date for beginning the selection process. In addition, the Board shall notify all firms who have submitted previous written requests to be considered for such professional services. The advertisement shall specify dates and procedures for responding. The advertisement shall specify the deadline, manner and

address to which all responses must be sent. All responses shall be sealed and publicly opened at a noticed, public meeting of the PSSC. Emailed responses may be specified in which case the recipient shall segregate the emailed responses in a separate folder and not open the attachments until the public opening. The email and attachments shall be confidential until the public opening.

3. The announcement may, but shall not be required to, (i) require respondents to include a bid bond in a specified amount, and (ii) include a substantial form of the contract to be utilized.

4. Any firm or individual desiring to provide professional services to the Board shall be qualified pursuant to law and the Policies of the Board. The advertisement shall explain and set forth the qualification and ranking factors listed in subsection C3 and require respondents to address each factor, in order. The Facilities department may prepare forms to facilitate complete and informative responses.

5. Upon the recommendation of the Executive Director of Facilities, the Superintendent is authorized to specify in the advertisement additional, specific pre-qualification standards pertaining to a single project, planning or study activity. The Superintendent may, but shall not be required to, request the Board's approval of any project-specific pre-qualification standard regardless of the recommendation of the Executive Director of Facilities. The factors to be considered in establishing pre-qualification standards include, but not limited to, the factors listed in subsection C2.

6. Whenever any standing, general pre-qualification standards are in effect, firms or individuals shall be entitled to apply upon forms prepared by the Facilities Department for certification as meeting those general qualification standards. Certification shall be valid for so long as the pre-qualification standards do not change, and the firm or individual's circumstances do not change. Firms or individuals certified as generally pre-qualified shall include in their responses to a request for statements of qualification a certificate that their circumstances have not changed since being certified, or alternatively they may re-submit evidence of general qualification.

7. The public must not be excluded from the proceedings under this section.

C. Competitive Selection Procedures.

1. Those firms and individuals who desire to provide the professional services advertised shall submit to the Executive Director of Facilities a statement of qualification that complies with the advertisement. The Professional Services Selection Committee shall initially determine whether each respondent meets all terms and qualifications in the advertisement.

2. In determining whether a respondent is minimally qualified and then in comparing minimally qualified respondents, the PSSC shall consider such factors as capabilities, adequacy of personnel, the ability of professional personnel; experience, whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the Board, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The PSSC may not request, accept, or consider at this stage proposals for the compensation to be paid under the contemplated contract.

3. The PSSC shall then select no fewer than three (if there be that many) respondents which it finds to be the most highly qualified to perform the required services.

4. The top three ranked firms (if there be that many) shall be invited to make a public presentation to the PSSC regarding their qualifications, approach to the project, and ability to furnish the required services.

5. The PSSC shall rank the presenting firms in order of preference and prepare for the Board a detailed analysis of the entire scope of the work to be done and outline all professional services desired to accomplish that work.

6. Upon consideration of the PSCC's detailed analysis and other matters the Board shall deem useful, the Board shall approve or adjust the PSSC's ranking of the firms.

D. Competitive Negotiation.

1. Upon selection and ranking of the three or more most qualified firms by the PSSC and the Board, the PSSC shall attempt to negotiate a contract with the first-ranked firm for professional services which is fair, competitive, and reasonable.

2. Should the PSSC be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a compensation that the PSSC determines to be fair, competitive, and reasonable, negotiations with that firm shall be formally terminated. The PSSC shall then initiate negotiations with the second most qualified firm. Failure to negotiate a contract with the second most qualified firm shall also terminate negotiations with that firm, and the PSSC shall then initiate negotiations with the third most qualified firm.

3. Should the PSSC be unable to negotiate a satisfactory contract with the third most qualified firm and if additional, qualified firms have responded, the PSSC may rank those additional firms and, after approval or adjustment of that ranking by the Board, proceed to negotiate with each additional firm in the order of ranking or the PSSC may terminate the solicitation.

4. The PSSC shall recommend to the Board the firm or person to be retained and the contract to be used. The PSSC shall have no authority to contractually obligate the Board. The Board may either accept or reject the PSSC's recommended contract. If the contract is rejected, the PSSC shall continue negotiations with a lower-ranked firm and, if there is no lower ranked firm but there remain lower qualified firms or individuals that are not ranked, the PSSC shall rank, and after approval or adjustment of that ranking by the Board, proceed with each additional firm in the order of ranking or the PSSC may terminate the solicitation.

E. Competitive Selection of Design-Build Construction Contracts.

1. Initially, a design criteria package must be prepared and sealed by a design criteria professional employed by or retained by the Board. If the Board elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional must be selected and contracted with under the requirements of subsections (B), (C), and (D). A design criteria professional who has been selected to prepare the design criteria package is not eligible to render services under a design-build contract executed pursuant to the design criteria package.

2. The Board shall award design-build construction contracts by either of the following two processes:

a. a qualifications-based selection process pursuant to subsections (B), (C), and (D) for entering into a contract whereby the selected firm will, subsequent to competitive negotiations, establish a guaranteed maximum price and guaranteed completion date. If the procuring agency elects the option of qualifications-based selection, during the selection of the design-build firm the Board shall employ or retain a licensed design professional appropriate to the project to serve as the Board's representative.

b. a competitive proposal selection process as described as follows.

i. The Board's design criteria professional shall prepare a design criteria package for the design and construction of the public construction project.

ii. Separate, weighted criteria and procedures to evaluate (i) the qualifications of design-build firms and (ii) the responses or bids submitted by design-build firms shall be established for the specific project prior to the solicitation of competitive proposals. At a minimum, qualification criteria shall be based upon experience, availability, and past work but may also include any of the factors listed in subsection C2. At a minimum, criteria for selection of a proposal or bid shall be based upon price, technical aspects, and design aspects.

iii. A public announcement consistent with this subsection and substantially consistent with the content and procedures of subsection (B) shall be made soliciting (i) statements of qualification from design-build firms and (ii) competitive proposals or bids, pursuant to the design criteria package, from those firms. The announcement shall include or reference the pre-determined, weighted (i) qualification criteria and (ii) bid or proposal selection criteria required by this Policy.

iv. The announcement may, but shall not be required to, (i) require respondents to include a bid bond in a specified amount and (ii) include the substantial form of the construction contract to be utilized.

v. The PSSC shall first select no fewer than three (if there be that many) design-build firms as the most qualified, based on the advertised criteria and procedure.

vi. From amongst those three and based upon the proposal or bid selection criterial advertised, the PSSC shall then select and recommend to the Board the design-build firm and proposal or bid it finds to be the best combination of value and quality. The PSSC shall have no authority to contractually obligate the Board.

vii. The Board may either accept or reject the PSSC's recommendation. If the recommendation is rejected, the Board may re-evaluate the proposals or bids from the remaining two (or more) design-build firms found by the PSSC to be most qualified and select another proposal or

bid. If the Board selects an alternative proposal or bid, the Board must make detail findings of the reasons it prefers the selected proposal or bid over the one recommended by the PSSC.

viii. After the Board's selection of a proposal or bid, the PSSC shall negotiate final terms to implement the bid or proposal and submit to the Board a recommended design-build contract.

ix. The employed or retained design criteria professional (who prepared the design criteria package where feasible), shall consult with the PSSC regarding its evaluation of the responses or bids submitted by the design-build firms, the supervision or approval by the Board of the detailed working drawings of the project; and for evaluation of the compliance of the project construction with the design criteria package by the design criteria professional.

x. If fewer than three firms respond, the PSSC shall have the option of not opening the responses and re-advertising the design-build project with the same or a modified design criteria package.

3. In the case of a public emergency, the Superintendent or his/her designee, to declare an emergency and authorize negotiations with the best qualified design-build firm available at that time.

F. Non-exclusion of Public.

The public shall not be excluded from any proceedings under this rule.

G. Truth in Negotiations.

For all lump sum or fixed fee professional negotiation contracts exceeding the threshold set forth in §§ 287.055(5)(a), 287.017, Fla. Stat., the Board shall require the firm receiving the contract to execute a Truth in Negotiations Certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of the award of the contract. Any professional service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums where the Board determines the contract price was increased due to inaccurate, incomplete or noncurrent wage rates and other factual unit costs. All such contract adjustments shall be made within one year following the end of the contract.

H. Contingency Fees.

The firm to which the contract is awarded shall warrant and the contract shall provide that it has not employed or retained any company or person, other than a bona fide employee working solely for the firm, to solicit or secure this agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the firm, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from the award of the contract for professional services.

CHAPTER SIX
BUSINESS AFFAIRS

I. Written Agreement.

Each purchase of professional or technical services as provided herein shall be evidenced by a written agreement embodying all provisions and conditions of the purchase and executed prior to the rendering of any service under the agreement except in cases of valid emergencies certified by the Board.

The written agreement shall include, but not be limited to, a provision that bills for fees or other compensation for services or expenses for professional or technical services shall be submitted in detail sufficient for proper pre-audit and post-audit thereof and that bills for any travel expenses shall be submitted and paid in accordance with the rates specified in § 112.06, Fla. Stat. and these rules governing payments by the Board for travel expenses.

Authority: § 1001.41. Fla. Stat.
Law Implemented: § 112.06, § 287.017, § 287.055, § 287.057, Fla. Stat.
History: New, June 12, 1989
Revised: August 10, 1992, June 10, 1993, August 25, 1994, April 27, 1995, June 12, 1996; November 16, 2010; July 14, 2015; April 13, 2021; September 13, 2022

CHAPTER SIX
BUSINESS AFFAIRS

SCHOOL CONSTRUCTION BID PROCEDURES 6.103

All applicable laws and School Board rules shall be observed in all construction bid procedures. All construction or capital improvement bids shall be accompanied by evidence that the bidder holds an appropriate certificate or license or that the prime contractor has a current valid license.

Prequalification of Contractors. The Board shall prequalify contractors on an annual basis or for a specific project. This section is applicable to bids, construction management, design build, and any other construction services application.

Selection Process. Those contractors desiring to bid on Board projects must be prequalified annually or for specific projects and shall submit their application to the Board's Professional Services Selection Committee.

The Board's Professional Services Selection Committee shall review and evaluate applications and make recommendations for type of project, dollar volume, and limits allowed within the scope of the prequalification and make recommendations to the Superintendent. The Superintendent shall present to the Board a written evaluation along with supporting documentation and the Committee's recommendations.

The Board, within 60 days of receipt of the Committee's recommendations, shall approve or reject each application based on criteria established in State Requirements for Educational Facilities 4.1(8).

The Board may reject any application that contains inaccurate information.

The Board may allow contractors to request a revision of their prequalification status at any time they believe the dollar volume of work under contract or the size and complexity of projects should be increased if experience, staff size, staff qualifications and other pertinent data justify the action.

Application. Each contractor, firm or person requesting prequalification shall submit an application. The application shall include the following:

1. Detailed information setting forth the applicant's competence, past performance, experience, financial resources, and capability, including a Public Entity Crime statement, and references.
2. Audited financial information current within the past 12 months, such as a balance sheet and statement of operations, and bonding capacity. The requirement for financial information may be satisfied by the contractor providing written verification of the contractor's bonding capacity.
3 General information about the contractor company, its principals, and its history, including state and date of incorporation, regardless of whether the contractor is resident or non-resident of the geographic area served by the Board.
4 Contractor trade categories and information regarding the state and local licenses and license numbers held by the applicant.
   A list of projects completed within the last five (5) years, including dates, client, approximate dollar value, size, and reference name for each project.
5. Certificates of insurance confirming current workers' compensation, public liability and property damage insurance as required by law.
6. A list of all pending litigation and all litigation within the past five (5) years, including an explanation of each. Litigation initiated by the contractor to protect the contractor's legal rights shall not be used as a basis for rejecting prequalification.
7. The completed application and financial information shall be attested to and signed by an authorized officer of the company, the owner, or sole proprietor, as appropriate, and the signature shall be notarized.

When two (2) or more prequalified contractors wish to combine their assets for a specific project, they may do so by filing an affidavit of joint venture. Such affidavit shall be valid only for that specific project.

Certificates. Upon approval of the application, the Board shall issue a certificate valid for one (1) year or the specific project. The certificate shall include information specified by Florida law.

Renewal. Certificates not for a specific project shall be reviewed annually. Financial statements or written verification of bonding capacity on file with the Board shall be updated annually. Failure to submit a new state or verification of bonding capacity, after at least 30 days written notice by the Board, shall automatically revoke a prequalification certificate.

Suspension or Revocation. The Board may, for good cause, suspend a contractor for a specified period of time or revoke the prequalification certificate. Causes for suspension or revocation shall include, but not be limited to one or more of the following:

1. Inaccurate or misleading statements included in the application.
2. Declared to be in default by the Board.
3. Adjudged to be bankrupt.
4. 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. 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 Payment Act.
6. Becomes delinquent on a construction project pursuant to these rules.
7. Contractor's license becomes suspended or is revoked.
8. No longer meets the uniform prequalification requirements criteria established herein.

Appeal. A contractor whose application has been rejected or whose certificate has been suspended or revoked by the Board shall be given the benefit of reconsideration and appeal as follows:

1. The aggrieved contractor may, within ten (10) calendar days after receiving notification of such action, request reconsideration in writing. The contractor may submit additional information at the time of the appeal.
2. The Board shall act upon a contractor's request within 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 request additional information to justify the reconsideration.

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 decision by the Superintendent. A delinquent condition is determined when one (1) or more of the conditions specified in State Requirements for Educational Facilities, 4.1(8)(f) exist. Should a contractor be determined to be delinquent, after notice and an opportunity for a fair hearing, the Board shall notify the contractor and his surety, in writing, that the contractor is disqualified from bidding work with the Board as long as the delinquent status exists.

Alternative Construction Methods. The Facilities Department will consider the following factors when determining which construction method (traditional bid; design-build; construction management or negotiated contract) will be used for each project: scope of work of the project, complexity of the task, the schedule for construction, availability of skilled personnel in the local marketplace and past experience on other projects.

The Facilities Department will identify and quantify the efficiency and cost effectiveness of the method selected at the completion of each project. Consideration will be given to work load, timely performance and completion, feedback from school personnel involved in the project, follow up after completion, and comparisons to state wide standards for similar positions and tasks.

Selecting A Construction Management Entity The construction management entity shall be selected pursuant to the process provided by Fla. Stat. 287.055. The construction management entity must consist of or contract with licensed or registered professionals for the specific fields or areas of construction to be performed as required by law.

The construction management entity, after being selected, will be required to offer a guaranteed maximum price (GMP) and a guaranteed completion date and will provide appropriate surety bond pursuant to Fla. Stat. 255.05 and must hold construction subcontracts.

The criteria for selecting a construction management entity shall not unfairly penalize an entity that has relevant experience in the delivery of construction projects of similar size and complexity by methods of delivery other than construction management.

The school district shall publish a legal advertisement describing the project and how construction management firms may apply for consideration. The advertisement will run three consecutive weeks and proposals will be received 7 days from the last advertisement.

The Professional Services Selection Committee shall select a construction management entity using the same process established for design professionals.

The selected construction management entity shall develop a guaranteed maximum price for Board approval using the following procedure:

- The cost of the work will be established by developing bid packages for each trade and publicly advertising for bids. A representative of the school district will be given the opportunity to attend and observe the process. The subcontracts will be awarded to the low bidder unless the construction management entity can provide justification for the use of another bidder. If the construction management entity proposes to self-perform any portion of the work, it must be documented that the District is getting a competitive price and must be approved by the Board.
- The fee and general conditions and the project contingency will be negotiated. The contingency is the construction management entity's, however if it is not all used 100% of the remainder returns to the District.
- The construction management entity will submit to the Board for their approval, a guaranteed maximum price (GMP) and a guaranteed completion date. The GMP will be based upon the cost of work supported by bid results and subcontracts and/or the latest estimates for trades not yet bid, plus the negotiated amounts for fees/general conditions and contingency. Once the trades supported by estimates have been bid, the bid results and subcontracts will be provided to the District. If the amount of the subcontract changes, a copy of the change order will be provided to the District.
- If the District is unable to negotiate an acceptable GMP, it reserves the right to bid the project or start the negotiation process again with the next highest ranked firm.

Advertising, Bidding and Awarding Contracts. Construction projects estimated to cost $300,000 or more and electrical projects estimated to cost $75,000 or more, shall be advertised in a local newspaper with general circulation throughout the District for a minimum of once a week for three (3) consecutive weeks. The last notice shall appear at least seven (7) day prior to the date set for bid opening. Projects estimated to cost less than $300,000 shall be advertised for a minimum of one week. Corrections or changes to advertisement shall be in accordance with State Requirements for Educational Facilities

4.2(2)(b). In addition to publication of the notice, invitation to bid shall be mailed or delivered to not less than three (3) prospective bidders. The legal notice and invitations to bid shall contain the information required by the State Requirements for Educational Facilities and needed by the prospective bidders, including:

- Project name and location.
- Brief statement describing the work.
- From whom and when contract documents are available, including deposit or charge.
- Other information such as notice of pre-bid conference, bid security, insurance, plan deposit, and the Board's intention to waive technicalities.
- Date, time and place of bid opening.
- Procedures for presenting bids.
- Conditions and terms for receiving bids.
- Procedures to be followed in opening bids and presenting to School Board.
- Conditions for awarding contracts based on bids.

Bay District School's General Conditions for Construction, as may be amended from time to time by the School Board, shall be incorporated into the bid documents for contracts over $300,000 and for electrical projects over $75,000. For contracts under $300,000 the General Conditions for Construction may or may not be incorporated at the discretion of the Executive Director for Operations.

Construction Bids. Each bid shall include assurance of conformity with the Public Entity Crime Law (§287.133(2)(a) Fla. Stat.) and reference to the trench safety standard, where relevant, and written assurance that the will comply (§553.60-64, Fla. Stat.)

Bids shall be opened at the time designated in the invitation to bid. At the designated time, the Superintendent or his/her designee shall ask if all bids are in. No other bids shall be accepted and no bid may be withdrawn after the deadline. Negligence on the part of the bidder in preparing the bid shall confer no right for withdrawal after the time for opening of bids. Bids by telegram shall not be accepted nor shall any other type of bid be accepted which cannot be classified as a sealed bid. Bids received by mail shall be stamped with the time and date received by the Superintendent or his/her designee.

Bids shall be opened, read aloud, and tabulated in the presence of all persons present.

Each bid shall be accompanied by a bid bond, a certified check, or a cashier's check in an amount equal to 5% of the total amount of the bid. Failure to include such bond shall automatically disqualify the bid from further consideration.

Unless all bids are rejected by the Board for valid reasons, the contract shall be awarded to the lowest responsible bidder meeting all requirements and specifications.

Subcontractors listed in the bid shall not be replaced without cause, once the list has been opened and made public. Alternates listed in the bidding documents may by accepted at any time after the contract award by change order provided the contractor remains the low bidder on the combination of the base bid and the alternates selected.

When a construction contract has been awarded to a contractor on the basis of proper bids, payments on that contract shall be made on a monthly basis in an amount approved by the architect. This amount shall always incorporate a 10% hold back. Upon completion of the construction the final payment will be made only on the issuance of a Certificate of Occupancy, and approval of the School Board and the architect after proper inspection of the facilities.

The specifications for construction bids may not be written so as to limit any purchase of systems or materials to a specific brand or a single source of supply, unless:

- The Board, after consideration of all available alternative materials and systems, determines that the specifications of a sole material or system is justifiable, based upon its cost or interchangeability;
- The sole source specifications have been recommended by the architect or engineer of record; and
- The Board's justifications are documented in writing, in the project file.

Authority: § 1001.41, Fla. Stat.
Law Implemented § 255.04, § 287.057, Ch. 1013, Fla. Stat.
History: New, June 12, 1989
Revised: June 12, 1996, June 29, 1999; November 16, 2010; June 12, 2012

CHAPTER SIX
BUSINESS AFFAIRS

RESOLUTION OF PROTESTS FROM CONTRACT BIDDING PROCESS 6.104

The following procedures shall govern the resolution of protests from contract bidding procedures prior to initiation of formal or informal proceedings pursuant to Chapter 120 Florida Statutes.

The School Board shall provide notice of a decision or intended decision of a solicitation by posting the bid tabulation on the District website. This notice shall contain the following statement: Failure to file a protest within the time prescribed in section 120.57 (3) Florida Statutes, or failure to post bond shall constitute a waiver of proceeding under Chapter 120, Florida Statutes.

Upon receipt of a formal written protest, the School Board will require the protestor to post a bond amounting to:

- Twenty-five thousand dollars or 2 percent of the lowest accepted bid, whichever is greater, for projects valued over $500,000; and
- Five percent of the lowest accepted bid for all other projects, conditioned upon payment of all costs and fees which may be adjudged against the protestor in the administrative hearing. If at the hearing the Board prevails, it shall recover all costs and attorney's fees from the protestor; if the protestor prevails, the protestor shall recover from the Board all costs and attorney's fees.

Any person who is affected adversely by the Board decision or intended decision shall file with the Board a notice of protest in writing within 72 hours after the posting of the bid tabulation on the District website, and a formal written protest within ten (10) days after the date he/she filed the notice of protest. Saturdays, Sundays, and legal holidays shall be excluded in the computation of the 72-hour time period. Failure to file a formal written protest shall constitute a waiver of proceedings under Chapter 120, Fla. Stat. The formal written protest shall contain the following:

1. Name and address of the agency affected and the agency's file number or identification number, if known;

2. The name and address of the affected party;

3. A statement of disputed issues of material fact. If there are no disputed material facts, the petition must so indicate;

4. A concise statement of the ultimate facts alleged and of the rules, regulations, statutes and constitutional provisions entitling the affected party to relief;

5. A demand for the relief to which the affected party deems him/herself entitled; and

6. Such other information as the affected party deems to be material to the issue.

Upon receipt of a formal written protest which has been timely filed and the posting of the required bond, the Board shall stop the bid solicitation process or the contract award process until the subject of the protest is resolved by final School Board action, unless the Board sets forth in writing particular facts and circumstances which require the continuance of the bid solicitation process or the contract award process without delay to avoid an immediate and serious danger to the public health, safety or welfare.

The Board, on its own initiative or upon the request of a protestor, shall provide an opportunity to resolve the protest by mutual agreement between the protestor and the Board's representative within ten (10) days of receipt of a formal written protest.

If the subject of a protest is not resolved by mutual agreement within ten (10) days of receipt of the formal written protest, and if there is no disputed issue of material fact, an informal proceeding shall be conducted pursuant to § 120.57(2), Fla. Stat, and Section 1.105(3) of these rules.

If the subject of a protest is not resolved by mutual agreement within seven (7) days, excluding Saturdays, Sundays, and legal holidays of receipt of the formal written protest, and if there is a disputed issue of material fact, the Board shall refer the matter to the Division of Administrative Hearings of the Department of Administration for a formal hearing pursuant to § 120.57(1), Fla. Stat, and Section 1.105(2) of these Rules.

Authority: § 1001.41, Fla. Stat.
Law Implemented § 120.53(5), § 120.57, Fla. Stat.
History: New, June 12, 1989
Revised: June 12, 1996, December 17, 1997; November 16, 2010; June 14, 2011

CHAPTER SIX
BUSINESS AFFAIRS

AUTHORIZED TRAVEL EXPENSES 6.105

Prior to authorization of travel, each officer, employee or other person acting on behalf of the School Board shall consider the greatest possible economy and the avoidance of unnecessary travel. Adequate documentation is required for all authorized travel.

In-District Travel; Superintendent, School Board Members and District Employees. In-District travel by the Superintendent or by an authorized employee of the School Board shall be reimbursed at IRS rate on July 1st of each fiscal year. Mileage shall be computed from the official headquarters of the employee to each destination, or from initial destination to subsequent destinations. No reimbursement shall be paid for travel between an employee's home and his/her official headquarters. However, if an employee travels from home to a temporary work location in the morning or returns home from a temporary work location in the afternoon, the temporary work location or locations shall be deemed to be the official headquarters for computing travel for that particular day.

Out-of-District Travel.

One Day Trips. Expenses by the Superintendent, School Board Member, School Board Attorney or employees of the School Board not requiring travel beyond midnight or beyond 24 hours shall be reimbursed as follows:

1. Mileage. If the use of a personal vehicle is authorized, mileage shall be reimbursed at the IRS Rate on July 1st of each fiscal year. If travel is by common carrier, the actual cost of travel, based on standard coach fares, shall be reimbursed.
2. Subsistence. The traveler shall be entitled to a meal allowance as follows:
   A. Breakfast - $9.00- Where travel begins before 6:00 A.M. and extends beyond 8:00 A.M.;
   B. Lunch - $12.00- Where travel begins before noon and extends beyond 2:00 P.M.; and
   C. Dinner - $18.00- Where travel begins before 6:00 P.M. and extends beyond 8:00 P.M.

Trips in Excess of 24 Hours or Requiring Overnight Travel. Trips in excess of 24 hours, or requiring travel beyond midnight shall be reimbursed as follows:

1. Mileage. If the use of a personal vehicle is authorized mileage shall be reimbursed at the IRS Rate on July 1st of each fiscal year. If travel is by common carrier, the actual cost of travel, based on standard coach fares, shall be reimbursed.
2. Per Diem or Subsistence. The traveler shall be entitled to the greater of:
   A. Per diem at the maximum state prescribed rate for any portion of each six (6) hour period of any day; or
   B. The actual cost of lodging, based on the single occupancy rate, plus an allowance for meals at the maximum State prescribed rate in accordance with the following:
      1. Breakfast - $9.00- When travel begins before 6:00 A.M. and extends beyond 8:00 A.M.;
      2. Lunch - $12.00- When travel begins before noon and extends beyond 2:00 P.M.; and
      3. Dinner - $18.00- When travel begins before 6:00 P.M. and extends beyond 8:00 P.M.

Conferences or Conventions in Local Area. Reimbursement for expenses for attendance at a conference or convention held in Bay County by an officer or employee shall normally be reimbursed as provided in One-Day Trips. However, the traveler may be reimbursed in accordance with Trips in Excess of 24 Hours when the following conditions are met:

1. The traveler is an officer of the Board, or reimbursement for the overnight stay is approved in advance, in writing, by the Superintendent or appropriate Executive Director; and
2. The traveler is required to stay overnight in order to provide supervision of students.

Out-of-State Travel. All out-of-state travel by employees must be specifically approved in advance by the Superintendent or his/her designee. No reimbursement shall be made without the Superintendent's or his/her designee's approval. The School Board shall approve the travel of School Board members and the School Board Attorney.

Computation of Mileage.

1. In-District. In accordance with the District mileage schedule or the odometer reading from the point of departure to the destination, whichever is less.
2. Out-of-District. In accordance with the mileage chart established on the official State road map, plus any justifiable vicinity mileage.
3. Out-of-State. In accordance with the traveler's odometer reading.

Official Headquarters for Computation of Mileage. For purposes of computation of reimbursable mileage the official headquarters of each officer or employee shall be:

1. Board Members - Official residence;
2. Superintendent and Employees - Regular primary work location;
3. School Board Attorney - Office address.

When more than one (1) officer or employee is going to the same destination, travel shall be coordinated where practical and economical. No traveler shall be allowed either mileage or transportation when he/she is gratuitously transported by another person or when he/she 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/her 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.

Reimbursement may be requested for tolls, taxis, and registration fees when properly documented. However, if a meal is included in a registration fee, the amount must be reduced by the amount of the meal allowance specified in Section (3). No reimbursement may be authorized for gratuities.

Advance payment of registration fees may be requested by purchase requisition when the individual registration exceeds $50. However, if the traveler fails to attend the meeting, the traveler shall be responsible for reimbursing the School Board for the fee actually paid.

Reimbursement Claims. All claims for reimbursement of travel expenses shall be submitted on forms provided by the Finance Department, and shall contain receipts for lodging, when applicable, and for other reimbursable expenses exclusive of meals. Such claim shall also be signed by the traveler attesting to the fact that the travel was approved for official purposes and the expenses were actually incurred by the traveler as necessary traveling expenses in the performance of his/her official duties. 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. The supervisor's approval shall not be required on claims submitted by the Superintendent or a Board Member.

Fraudulent Claims. Pursuant to the provisions of § 112.061(11), Fla. Stat, any person who willfully makes and subscribes any claim which he/she does not believe to be true and correct as to every material matter or who willfully aids or assists in, or procures, counsels, or advised the preparation or presentation

of a claim which is fraudulent or is false in any material manner, 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 by 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.

Travel Advances. Any officer or employee of the Board may be given a travel advance equal to 80% of the estimated travel and subsistence allowances under the following conditions:

1. Sufficient funds are available in the budget of the cost center involved;
2. The employee's supervisor and the appropriate cost center head have approved the Employee Advance Request form;
3. The Employee Advance Request form is received in the Finance Department at least ten (10) working days prior to the date the employee requires the advance check; and
4. A person receiving a travel advance shall provide a full accounting of all expenses to the Finance Department within five (5) working days following completion of the travel.

Monthly Travel Allowances. When authorized by the School Board the Superintendent or an employee may be paid a monthly travel allowance in lieu of the mileage reimbursement prescribed herein. Any such monthly allowance shall be based on a typical month travel voucher prepared by the person and submitted to the Board for approval. Such voucher shall be prepared annually prior to any authorization of a monthly travel allowance.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 112.061, Fla. Stat.; Fla. Admin. Code R. 6A-1.056
History: New, June 12, 1989
Revised: September 17, 1990, December 20, 1990, August 25, 1994, June 12, 1996, August 12, 1998

CHAPTER SIX
BUSINESS AFFAIRS

PROCEDURES FOR DEVELOPMENT AND AMENDMENT OF THE BUDGET 6.106

The Superintendent shall ensure that all obligations and expenditures of District funds are within the appropriation made in the District school budget.

Budget Development. The proposed Annual District School Budget shall be developed by the Superintendent as provided by law. The budget shall be designed to reflect goals and objectives as adopted by the School Board.

Unrestricted Reserve Fund. The School Board recognizes there are many adverse unforeseen conditions and events that may occur during any fiscal year. The only source of funds to meet these non-recurring obligations is the unrestricted operating fund reserve. Sound fiscal responsibility requires annually the setting aside of sufficient reserves to meet these obligations. It shall be the goal of the District to attain an unrestricted operating fund reserve for non-recurring expenses in an amount equal to 5% of the annual unrestricted revenue, plus federal impact aid funds, plus all local funds, less transfers. This is a goal, not a requirement and may not be attainable by the District. The Superintendent shall attempt to include in the budget each year a minimum of five percent (5%) of the five percent (5%) goal until such time as the goal is attained. If the said minimum is not included in the submitted budget, the Superintendent shall include in the submittal an explanation of why such an annual contribution to the reserve fund is not practicable under existing revenues and expenditures.

Budget Calendar. The Superintendent shall, prior to January 1 of each year, develop and submit to the School Board a budget calendar for approval. The calendar shall provide adequate time for input from schools and departments within the school system, and shall be consistent with the time lines required by Chapters 200 and 237, Fla. Stat.

Budget Administration. The Superintendent shall ensure that all obligations and expenditures of District funds are within the appropriation made in the District school budget.

If, at any time, it appears that a budgetary appropriation will be insufficient to meet the needs of the school system, the Superintendent shall propose a budget amendment for consideration by the Board. No obligation in excess of the original appropriation may be made until the Board has officially adopted an amendment to the budget.

In order to expedite necessary budgetary adjustments, the Superintendent is authorized to give tentative approval for budget amendments to budgets of schools or District cost centers; however, all such amendments shall be consolidated each month and presented to the School Board for approval. For year end close out, any final amendments for a function and/or object may be approved by the School Board up to or at the time of approval of the annual financial report.

The Superintendent is authorized to automatically amend the budget upon receipt of a grant award if the grant request, as previously approved by the School Board, contained a detailed budget summary and no changes were made in the budget summary as a condition of the grant award.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.; Fla. Admin. Code R. 6A-1.006, 6A-1.007
History: New, June 12, 1989
Revised: June 12, 1996

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BUSINESS AFFAIRS

FINANCIAL STATEMENTS AND RECORDS 6.107

Financial Statements. The Superintendent shall prepare and submit to the School Board a financial statement for each month of the fiscal year. Prior to July 1 of every year, the format of the financial statement shall be approved by the School Board and may include a cumulative report to date of all receipts and expenditures for the school fiscal year. In addition, the financial statement shall include information indicating any potential problems of a financial nature.

Financial Records. The financial records and accounts of the School Board shall be kept by the Superintendent on forms prescribed by the Florida Administrative Code. If such forms are not prescribed by law, a uniform system shall be established by the School Board.

The school principal shall be responsible for maintaining all school financial records including, but not limited to, internal funds, the school Food Service Program, FTE records, employee attendance and leave records, and property records.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, § 1001.51, § 1011.60, § 1010.01, Fla. Stat; Fla. Admin. Code R. 6A-1.001, 6A-1.0071, 6A-1.008
History: New, June 12, 1989
Revised: June 12, 1996

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PETTY CASH FUNDS 6.108

Petty cash funds for necessary operating expenditures may be established by the School Board within the limits, and in accordance with the procedures, established herein.

The individual custodian for the petty cash fund shall at all times have in his/her custody cash, receipts, paid invoices, or a combination thereof, totaling the amount of the petty cash fund. The fund shall be maintained separate and apart from any other funds. Under no conditions may the petty cash fund be used for a loan or advancement to any organization or person, including the cashing of a personal check.

No expenditure exceeding $25.00 shall be made from a petty cash fund.

The petty cash fund at a school center may be established in a trust fund within the internal accounts of the school. The funds shall be advanced from the District operating fund.

The petty cash fund for a District-level office not having an internal account fund shall be established by an advancement from the District operating fund.

As petty cash becomes exhausted, the Superintendent, upon receipt of adequate data, shall reimburse the funds from the appropriate accounts within the District budget.

In order to receive reimbursement for expenditures, it shall be necessary to submit a statement with the itemized receipts, or paid invoices, for each expenditure made. Petty cash funds shall not be used to circumvent established purchasing policies and procedures.

Each petty cash fund shall be reconciled and closed prior to the end of each fiscal year.

The amount of the petty cash fund and the specific person responsible for it, shall be set by the Board and shall be based on the size of the Department or school and the identified need. The amount shall not exceed $1,000.

The Superintendent is authorized to establish change funds in each school for the Food Services Program. Such funds shall be established from the Food Services fund and shall be used solely for the making of change. No such fund may be used to cash checks for any persons.

Authority: §1001.41, Fla. Stat.
Law Implemented: § 237.02, Fla. Stat.; Fla. Admin. Code R. 6A-1.057
History: New, June 12, 1989
Revised: June 12, 1996

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CASH & INVESTMENT MANAGEMENT POLICY 6.109

Purpose

The purpose of this policy is to set forth the investment objectives and parameters for the management of public monies of Bay District Schools, Florida (hereinafter "District"). These policies are designed to ensure the prudent management of public monies, the availability of operating and capital funds when needed, and an investment return competitive with comparable Funds and financial market indices.

Scope

In accordance with Fla. Stat. 218.415, this investment policy applies to all cash and investments held or controlled by the District with the exception other monies (such as pension monies and tax-exempt bond proceeds) governed by separate investment guidelines or policies. Monies held by State agencies (e.g., Department of Education) are not subject to the provisions of this policy.

Definitions

1. "Board" means the School Board of Bay County, Florida
2. "CFO" means the Chief Financial Officer of the District or such other individual approved by the Superintendent having overall responsibility for the District's financial operations.
3. "Core Funds" means reserves, cash designated for projects and other non-operating purposes.
4. "District" has the meaning assigned to that term in the first paragraph of this Policy.
5. "Fund" means a pooled investment operated by a professional investment management company.
6. "Money Fund Index" means weighted average return on nation's largest money Funds as reported by iMoneyNet or another similar service.
7. "Monies" means cash and deposits available to the Board.
8. "Portfolio" means investments held by the Board.
9. "Rating Agency" means S&P, Moody's or Fitch; "Rating Agencies" means S&P, Moody's and Fitch.
10. "Self Insurance Funds" means monies set aside to pay for specific needs in the future based on actuarial assumptions.
11. "Short-term Funds" means operating Funds or other monies designated to be spent within twelve months.
12. "Superintendent" means School District of Bay County, Florida, Superintendent of Schools.

Investment Objectives

The investment objectives of the Bay District Schools, Florida, in order of priority, are as follows

1. Safeguarding of Principal The foremost objective of this investment program is the safety of the principal of those monies within the portfolios. The investments should be structured to safeguard principal and allow the Board to meet its obligations in timely manner.

2. Maintenance of Liquidity: The portfolios shall be managed in such a manner that monies are available to meet reasonably anticipated cash flow requirements in an orderly manner. Periodical cash flow analyses will be completed in order to ensure that the portfolios are positioned to provide sufficient liquidity.

3. Diversification of Risk: The District shall diversify investments whenever possible without negatively affecting the safety of principal and liquidity characteristics. Investment transactions shall seek to keep capital losses at a minimum, whether they are from securities defaults or erosion of market value. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

4. Investment Income: Investment portfolios shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

Authority

The Superintendent (or designee) is authorized to make transfers from financial institution to financial institution or within a financial institution for the purpose of investing or divesting School District funds. For the purposes of this policy, the term “financial institution” has the same definition of Section 280.02(13) Fla. Stat.

The Superintendent (and designees) is authorized and empowered for and on behalf of the Bay District Schools, Florida, to a) conduct investment transactions in accounts at financial institutions as provided under “Authorized Investment Institutions and Dealers,” and b) conduct other banking/financial transactions in financial institutions designated as Qualified Public Depositories (“QPD”) under Section 280.02(26) Fla. Stat. Accounts at said institutions shall be established by two signatures of the Superintendent and the CFO with appropriate disclosure to the Board.

The Superintendent (or designee) shall develop administrative procedures which govern and safeguard the establishment of services, and the execution and conduct of Investment/Banking/ Financial transactions to, from and between School District accounts consistent with this Policy.
Appropriate fidelity bonding will be maintained by the School District to cover the Superintendent, the CFO and other designated staff members who are in any way involved in the movement of School District funds from one financial institution account to another.

The Superintendent may employ an investment manager/advisor to assist in the management of the District's investments. Such investment manager/advisor must be registered under the Investment Advisors Act of 1940.

Standards of Prudence

The standard of prudence to be used by investment officials shall be the "Prudent Person" standard and shall be applied in the context of managing the overall investment program. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectation are reported to the Superintendent 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."

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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 monies and in acquiring, retaining, managing, and disposing of investments of these monies, 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 monies, so as to minimize the risk, considering the probable income as well as the probable safety of their capital.

Electronic Fund Transfers

The Board authorizes electronic fund transfers (EFTs) for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provisions of Fla. Stat. Chapter 668.

Upon the recommendation of the Superintendent, the Board shall approve a written agreement with financial institutions with whom EFTs will be made. Such agreements shall set forth internal controls required by State law and State Board Rule that will provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

A. the title of the bank account(s) subject to the agreements shall be specified,

B. the manual signatures of the Board Chair, Superintendent, and the employees authorized to initiate EFTs shall be contained therein, and

C. a requirement that the District maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs.

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 District any material financial interests in financial institutions that conduct business with the District, and they shall further disclose any material personal financial/investment positions that could be related to the performance of the District's investment program.

Internal Controls and Investment Procedures

The Superintendent shall establish a detailed system of internal controls and operational procedures that are in writing and made a part of the District's operational procedures. The internal controls should be designed to prevent losses of monies, which might arise from fraud, employee error, and misrepresentation, by third parties, or imprudent actions by employees.

Continuing Education

The key designees of the Superintendent actively involved in the investment and investment oversight of the District’s funds shall each complete at least eight (8) hours of annual continuing education classes in subjects or courses of study related to cash management and/or investment practices and products, as required by Fla. Stat. 218.415.

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Authorized Investment Institutions and Dealers

Authorized District staff and investment advisors shall only purchase securities (does not apply to investments authorized under “AUTHORIZED INVESTMENTS AND PORTFOLIO COMPOSITION” subparagraphs “15.2.6” and “15.2.7” below) 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, and such other financial institutions as recommended by the CFO and approved by the Superintendent, with appropriate subsequent disclosure to the Board.

Authorized District staff and investment advisors shall only enter into repurchase agreements with financial institutions that are State qualified public depositories and/or primary securities dealers as designated by the Federal Reserve Bank of New York, or such other qualified institutions as recommended by the Superintendent and approved by the Board.

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. Notwithstanding anything herein to the contrary:

Investments of Short-term Funds shall have maturities of no longer than twelve (12) months.

Investments of bond reserves, construction monies, and other Core Funds shall have a term appropriate to the need for monies and in accordance with debt covenants, but in no event shall exceed five (5) years.

In the case of monies which are construction proceeds of tax-exempt debt issues, such investments shall not exceed three (3) years.

Limitation on Concentration

Notwithstanding anything herein to the contrary, at no time shall the District’s investment in any individual Fund or Pool permitted under “Authorized Investments and Portfolio Composition” exceed ten (10) percent of the total Net Asset Value of such Fund or Pool at the time the investment was entered into.

Competitive Bid Requirement

When appropriate, feasible and practicable, the purchase and sale of investment securities shall be competitively bid. Documentation will be retained for all bids, with the winning bid clearly identified. This provision does not apply to investments authorized under “AUTHORIZED INVESTMENTS AND PORTFOLIO COMPOSITION” subparagraphs “15.2.6” and “15.2.7” below, or to the purchase of specific investment securities held by a limited number of dealers, or in situations where a competitive bid will not result in a lower price to the District.

Authorized Investments and Portfolio Composition

Investments should be made subject to the cash flow needs, such cash flows are subject to revisions as market conditions, and the District's needs change. However, when the invested monies are needed in whole or in part for the purpose originally intended or for more optimal investments, the Superintendent (or designee) may sell the investment at the then-prevailing market price and place the proceeds into the proper account at the District's custodian.

The following are the investment requirements and allocation limits on security types, issuers, and maturities as established by the District. The Superintendent shall have the option to further restrict

investment percentages from time to time based on market conditions, risk, and diversification investment strategies. The percentage allocation requirements for investment types and issuers are calculated based on the original cost of each investment and the percentage of the portfolio said investments constituted at the time the investment was made. Investments not listed in this policy are prohibited. The following limitations shall not restrict the Board's ability to place Short-term Funds on deposit with QPDs in demand deposit accounts.

1. **The Florida State Board of Administration's Local Government Surplus Funds Trust Fund** or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act as provided in section 163.01 Fla. Stat.

    a. Portfolio Composition - A maximum of forty percent (40%) of available monies may be invested in any one Investment Pool. A combined maximum of sixty percent (60%) of available monies may be invested in all such qualified Pools.
    b. Rating Requirements - Eligible Pools shall be rated "AAAm" or "AAAm-G" or better by Standard & Poor's, or the equivalent by another Rating Agency.

2. **United States Government Securities:** Negotiable direct obligations, or obligations the principal and interest of which are unconditionally guaranteed by the United States Government; including but not limited to Notes, Bills, Bonds, Strips, and State & Local Government Series securities (SLGS).

    a. Portfolio Composition **-** A maximum of 100% of available monies may be invested in the United States Government Securities.
    b. 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.

3. **United States Government Agency Securities:** bonds, debentures, notes or callables issued or guaranteed by the United States Governments 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:

    a. United States Export-Import Bank - Direct obligations or fully guaranteed certificates of beneficial ownership
    b. Farmer Home Administration - Certificates of beneficial ownership
    c. Federal Financing Bank - Discount notes, notes and bonds
    d. Federal Housing Administration Debentures
    e. General Services Administration
    f. United States Maritime Administration Guaranteed - Title XI Financing
    g. New Communities Debentures - United States Government guaranteed debentures
    h. United States Public Housing Notes and Bonds - United States Government guaranteed public housing notes and bonds
    i. United States Department of Housing and Urban Development - Project notes and local authority bonds
    j. Portfolio Composition - A maximum of sixty percent (60%) of available monies may be invested in United States Government agencies and a maximum of forty percent (40%) in the securities any one such agency.
    k. 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.

4. **United States Government Enterprises and Instrumentalities**

    a. Securities of United States Government Enterprises and Instrumentalities are not eligible investments under this policy, unless recommended by the Superintendent and approved by the Board in advance.

5. **Interest Bearing Time Deposits, Saving Accounts, or Demand Deposit Accounts**

   a. Purchase Authorization - The SUPERINTENDENT may invest in non-negotiable interest bearing time certificates of deposit, savings accounts and interest bearing demand deposit accounts (checking accounts) in banks organized under the laws of this state and/or in national banks organized under the laws of the United States. Eligible institutions must be members of the Federal Deposit Insurance Corporation (FDIC) and any investments/deposits must be secured by the Florida Security for Public Deposits Act, Fla. Stat. Chapter 280. In addition, to the extent allowed by 218.415(23), Fla. Stat., the Superintendent may invest in eligible certificates of deposit and other financial instruments that are fully guaranteed/insured by the FDIC or collateralized with securities eligible under this policy.

   b. Portfolio Composition - A maximum of sixty percent (60%) of available monies may be invested in non-negotiable interest bearing time certificates of deposit or savings accounts which are not 100% insured by the Federal Deposit Insurance Corporation ("FDIC") but which do meet the requirements of 15.2.5.1 above. A maximum of seventy-five percent (75%) of available monies may be invested in non-negotiable interest bearing time certificates of deposit or savings accounts which are 100% insured by the FDIC.

      From time to time, the Superintendent may deposit monies in demand deposit accounts/money market accounts in banks other than the District's primary depository bank. Any such deposits shall be shall be subject to a maximum of thirty percent (30%) and must be secured by the Florida Security for Public Deposits Act, Fla. Stat. Chapter 280. Upon opening such accounts, the Superintendent shall provide appropriate disclosure to the Board.

   c. Limits on Individual Issuers - A maximum of fifteen percent (15%) of available monies may be deposited with any one issuer where the investment is not one hundred percent (100%) insured by the FDIC.

      The term of such certificates shall be consistent with the Board's Short Term cash flow requirements and in no event shall the maximum maturity on any certificate greater than one (1) year from the date of purchase unless recommended by the Superintendent and approved by the Board in advance.

6. **Money Market Funds:** Securities and Exchange Commission registered money market Funds with the highest credit quality rating from a Rating Agency. The Funds must be registered and in compliance with 17 C.F.R. 270.2a-7 of the Federal Code of Regulations

   a. Eligible Funds **-** Shares in open-end, no-load provided such Funds are registered under the Federal Investment Company Act of 1940 and operated in accordance with 17 C.F.R. 270.2a-7.

   b. Portfolio Composition **-** A maximum of thirty percent (30%) of available monies may be invested in any one registered 2a-7 Money Market Fund. A combined maximum of fifty (50%) of available monies may be invested in all registered 2a-7 Money Market Funds.

   c. Limits of Individual Issuers **-** A maximum of thirty percent (30%) of available monies may be invested with any one SEC Rule 2a-7 money market fund.

   d. Rating Requirements **-** The Funds shall be rated "AAAm" or "AAAm-G" or better by Standard & Poor's, or the equivalent by another Rating Agency.

   e. Due Diligence Requirements **-** A thorough review of any investment in a fund is required prior to investing, and on a continual basis thereafter. The basis for such review shall be contained in the administrative procedures developed by the Superintendent.

7. **Investment Company Act of 1940:** Investments; Securities or, other interest in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940.

    a. Investment Authorization Shares in open-end or closed-end Funds registered under the Federal Investment Company Act of 1940. Such investments are limited to Core-Funds only.
    b. Portfolio Composition **-** A maximum of twenty percent (20%) of available monies may be invested in mutual Funds.
    c. Limits of Individual Issuers **-** A maximum of twenty percent (20%) of available monies may be invested with any one non-SEC Rule 2a-7 investment mutual fund.
    d. Rating Requirements **-** The mutual Funds shall be rated "AAAm" or "AAAm-G" or better by Standard & Poor's, or the equivalent by another nationally recognized Rating Agency.
    e. Due Diligence Requirements **-** A thorough review of any investment mutual fund is required prior to investing, and on a continual basis. The basis for such review shall be contained in the administrative procedures developed by the Superintendent.

8. **State and/or Local Government Taxable and or Tax-Exempt Debt:** General obligation, revenue bonds, and certificates of participation issued by State and/or local governments.

    a. Rating Requirements **-** Long-term must constitute pre-refunded obligations escrowed in United States Treasury Securities, or must have long-term debt ratings must be in one of the three highest rating categories by at least one of the nationally recognized credit rating agencies. Short-term ratings must be in the highest short-term rating category by at least one of the nationally recognized credit rating agencies.
    b. Portfolio Composition **-** A maximum of twenty five percent (25%) of available monies may be invested in State and/or Local Government Taxable and or Tax-Exempt Debt.
    c. 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.

9. **Other investments** permitted by the state statute and not prohibited by this Policy as may be recommended by the Superintendent and approved in advance by the Board

    a. Investment Authorization - The Superintendent may invest in other investments permitted by the state statute with advance approval of the Board.
    b. Portfolio Composition - A maximum of ten percent (10%) of available monies, or such other amount recommended by the Superintendent and approved by the Board, may be invested in other investments permitted by the state statute.

10. **Due Diligence Requirements** - A thorough review of any other investment permitted by the state statute and not prohibited by this Policy is required prior to investing, and on a continual basis.

Performance Measurements

In order to assist in the evaluation of the portfolio's performance, the District will use performance benchmarks for short-term and long-term portfolios. The use of benchmarks will allow the District to measure its returns against other investors in the same markets.

The Treasury Indices, SBA LGIP, and Money Fund Indices or the weighted average performance of the ten (10) largest prime funds, or other money fund indices (such as government fund indices) as appropriate, will be used as benchmarks as compared to the portfolios' net book value rate of return for current short-term funds.

Investment performance of Funds designated as Core Funds and other non-operating monies 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 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.

Investment advisors will report performance on both book value and total rate of return basis and compare results to the above-stated benchmarks.

Reporting

The Superintendent shall provide the Board with semi-annual investment reports. Schedules in the reports should include the following:

1. A listing of individual securities held at the end of the reporting period
2. Percentage of available monies represented by each investment type
3. Coupon, discount, or earning rate
4. Average life or duration and final maturity of all investments
5. Par value and market value

On an annual basis, as a part the Superintendent's Annual Financial Report shall contain a written report on all invested monies. The annual report shall provide all, but not limited to, the following: a complete list of all invested monies, name or type of security in which the monies 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 benchmarks. All investments shall be reported at fair value per GASB standards. Investment reports shall be available to the public.

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 District should be properly designated as an asset of the District. 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 Fla. Stat. 658.12, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in the State of Florida. Certificates of deposits will be placed in the provider's safekeeping department for the term of the deposit.

The custodian shall accept transaction instructions only from those persons who have been duly authorized by the Superintendent (or designee) 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, shall be permitted unless by such a duly authorized person.

The custodian shall provide the Superintendent (or designee) with safekeeping receipts that provide detail 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.

Investment Policy Adoption

The investment policy shall be adopted by Board resolution. The Superintendent shall review the policy annually in November and the Board shall approve any modification made thereto.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, §1001.43, §1010.11, §1011.18, Fla. Stat.; F.A.C. 6A-1.085
History: New, June 12, 1989
Revised: July 10, 1996; March 25, 2009; August 12, 2014

CHAPTER SIX
BUSINESS AFFAIRS

BONDS FOR SCHOOL EMPLOYEES 6.110

Each employee in the school system who is responsible for receipt, custody, or disbursement of school funds or property shall be bonded in a minimum amount of $10,000.

All bonds shall be executed by a surety company authorized to do business in Florida, and shall be conditioned upon the faithful performance of each employee of all assigned duties, including the proper safeguarding of all public funds and property over which the employee has supervision.

Employees serving in the following positions shall be bonded in an additional amount as prescribed by the School Board:

1. Assistant Superintendent for Administration and Business;
2. Coordinator of Budget and Finance;
3. Finance Officer;
4. Payroll Officer;
5. Director of Management Information Services;
6. Purchasing Agent;
7. School Principals; and
9. School Bookkeepers.

The Superintendent is authorized to provide for such bonds through policies with insurance companies licensed to do business in the State of Florida.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, § 1010.07, § 1001.51, Fla. Stat.; Fla. Admin. Code R. 6A-1.0692
History: New, June 12, 1989
Revised: July 10, 1996; September 27, 2016 (without requirement of meeting)

CHAPTER SIX
BUSINESS AFFAIRS

PAYROLL PROCEDURES 6.111

The Board shall annually adopt a schedule covering all classifications of employees of the school system. The schedule shall be the sole instrument used in determining the annual, monthly, weekly, daily, or hourly compensation for employees of the Board. All Board employees shall be paid in accordance with the salary schedule adopted for the particular budget year.

Such salary schedule shall include the payroll periods for the fiscal year and shall clearly show the method of computing compensation of employees, whether paid on hourly, daily, weekly, monthly, or annual rates. The personnel file for each employee shall contain evidence of each factor used in calculating that employee's compensation for each year.

Payroll check distribution dates shall be established annually to ensure that the employees are paid promptly in accordance with payroll periods prescribed in the salary schedule.

Payrolls shall be submitted for all employees of the Board and shall be properly signed by a designated member of the staff. Such payrolls shall be supported, where applicable, by time records. Positive time records shall be mandatory for all employees covered by the Federal Fair Labor Standards Act.

Salary adjustments shall be paid at subsequent payroll periods, unless otherwise provided by a negotiated contract with an applicable bargaining agent. A person whose services are terminated shall be paid the full salary balance due at the next regular pay period following termination. Any exception must be approved by the Superintendent in writing.

Except for deductions required by law, no deductions may be made from an employee's salary without specific written authorization of the employee.

In the event it is determined that an incorrect amount has been paid an employee, the difference shall be immediately adjusted between the Board and the employee so that the amount actually received for the fiscal year is consistent with the salary schedule.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.22, § 1011.60, Fla. Stat.
History: New, June 12, 1989
Revised: July 11, 1996

USE OF FACSIMILE SIGNATURES ON FINANCIAL DOCUMENTS 6.112

The facsimile signature of the School Board Chairman and the Superintendent may be affixed to warrants as authorized by School Board resolution provided an affidavit has been filed in accordance with § 116.34(3), Fla. Stat. The facsimile signature of the School Board Chairman may be used on contracts with instructional staff members and salary warrants.

The Vice-Chairman of the School Board shall have no authority to sign warrants or school documents except when he/she is required to assume the duties of the Chairman. In assuming such duties, the Vice-Chairman shall be legally empowered to sign such warrants and other legal documents as the Chairman would be empowered to sign.

Definition. As used herein, facsimile signature shall mean a reproduction by engraving, imprinting, stamping, or other source of the manual signature of the School Board Chairman's signature.

The only individuals designated and authorized to use the facsimile signature of the Superintendent and that of the Chairman of the Board on District financial documents shall be those persons designated by the Superintendent in writing. The facsimile signature shall be kept secured at all times. Facsimile signatures may not be used on any of the following:

1. Official Board Minutes;
2. Original budget document;
3. Any documents relating to bond issues; or
4. Certificates of Participation.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 116.34, Fla. Stat.
History: June 12, 1989
Revised: July 10, 1996; January 15, 2015

CHAPTER SIX
BUSINESS AFFAIRS

TELEPHONE CALLS, FACSIMILES, AND ON-LINE COMPUTER SERVICE 6.113

School Board employees shall not use School Board equipment to make personal long distance calls, send a personal facsimile, to make personal cellular long distance telephone calls, or use for personal purposes on-line computer services at School Board expense. Any employee who violates this rule shall be required to pay for the call, facsimile, or on-line computer services and may be subject to disciplinary action. Such use shall be reported to the Superintendent at the discretion of the principal or administrators designated by the Superintendent. The principal or administrators designed by the Superintendent shall review telephone, cellular telephone, facsimile, or on-line computer service bills and shall refer excessive or questionable bills to the Superintendent or his/her designee for review.

All long distance telephone calls or facsimiles that relate to extracurricular or co-curricular activities of the school, including athletics, shall be paid from the school's operating expenses.

The principal or administrators designated by the Superintendent are required to give prior authorization and to maintain a log for any non-Suncom long distance call, facsimile or on-line computer service. Expenses for all such services shall be charged to the school or department's proper budget account.

Any long distance telephone call made by a Board member and charged to the School Board office will be paid by the Board provided the purpose of the call was Board business.

No collect personal calls shall be accepted at any school or other location within the Bay County School System.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1011.20, Fla. Stat.
History: New, June 12, 1989
Revised: July 11, 1996; April 24, 2002

CHAPTER SIX
BUSINESS AFFAIRS

PROPERTY RESPONSIBILITY AND ACCOUNTABILITY 6.114

Each principal or other person in charge of a school facility shall be responsible for all equipment and other tangible personal property assigned to or located within the facility.

The Superintendent or his/her designated representative shall:

1. Establish and maintain an adequate and accurate record of all items of tangible personal property in the school system as defined in §274.02, Fla. Stat. The record of each item of tangible personal property shall be consistent with the rules of the Auditor General of Florida.
   a. "Tangible personal property" shall mean tangible personal property, of a nonconsumable nature, with a life expectancy of one year or more, software 5 years or more.
   b. Beginning July 1, 2022, the District will set the tangible personal property dollar threshold to items that have a value equal to or greater than $2,500.
   c. "Attractive Items" means tangible property with a value or cost less than $2,500 and that require special attention to ensure legal compliance, protect public safety, and avoid potential liability, or to compensate for a heightened risk of theft. These attractive items (Chromebooks, Ipads, Laptops, etc) will be tracked and inventoried by the requesting and/or assigned cost center or department.
2. Conduct a physical tangible personal property inventory at least once each year in the manner prescribed by law and report any shortages or discrepancies to the School Board.
3. Conduct an additional physical tangible personal property inventory in any school or school facility, immediately upon the change of a principal or other custodial agent and report any shortages or discrepancies to the School Board.

All equipment purchased by the various organizations within the school system, crowdfunding, or by outside organizations for use by the school system, shall become the property of the School Board and shall be recorded and inventoried in the same manner as all other equipment of a similar nature.

The principal or other person in charge of a school facility shall be responsible for taking measures necessary to properly safeguard property under his/her control against loss, damage, or undue depreciation. Such custodial agent shall also be responsible for initiating any request for the disposal or transfer of tangible personal property assigned to his/her facility. The custodial agent is further responsible for making an annual inventory of all property, in addition to that required in section (1).

Equipment shall not be taken from a school without the permission of the principal or his/her 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.

Each person having responsibility for the custody of property shall immediately report any lost, damaged, or stolen property to the Superintendent, or his/her designee, who shall recommend appropriate action to the Board.

Each person responsible for the operation of a warehouse which dispenses equipment or supply items shall maintain a current and perpetual inventory of all stock and file an annual end-of-the-year report of the count and value of such stock items with the Finance Department.

Disposal or Sale of Property. When equipment is beyond economical repair or becomes obsolete, the Superintendent shall request the Board's permission to sell, trade, transfer or "junk" the equipment. If the request is to sell, the equipment shall be advertised as a sale of obsolete equipment for public or internet sale. The highest bidder will receive the equipment. Checks from the sale of property shall be made

payable to the School Board of Bay County, Florida or Bay District Schools, for deposit in the General Fund Account under the sale of junk. If no bids can be obtained, the Board shall decide how to dispose of the equipment. An item no longer useful may be declared "junk" and will be disposed of in a manner to be specified by the Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, § 1001.51, Chapter 274, Fla. Stat.; Ch. 691-73, Fla. Admin. Code
History: New, June 12, 1989
Revised: June 10, 1993, July 11, 1996; July 26, 2022

CHAPTER SIX
BUSINESS AFFAIRS

RISK MANAGEMENT PROGRAM 6.115

The internal Risk Management Program of the School District is the ultimate responsibility of the School Board. The mission of the Risk Management Program is to reduce the frequency and severity of claims, and the adjustment of claims.

After reviewing all needs of the School District the Superintendent shall annually submit a proposed comprehensive Risk Management Program to the School Board for approval. The program shall include as a minimum:

1. Group health insurance coverage for officers, employees, and retirees of the school system approved as part of a collective bargaining agreement.
2. All other group insurance programs for employees and retirees approved as part of a collective bargaining agreement, or otherwise authorized by the Board.
3. Workers' compensation insurance coverage on all employees.
4. Fire and extended coverage for all school facilities, pursuant to § 30.23 (10)(d), Fla. Stat.
5. School transportation and automobile insurance, pursuant to § 1006.24, Fla. Stat.
6. Employee fidelity bonds pursuant to § 1001.42, Fla. Stat, and Fla. Admin. Code R. 6A-1.692.
7. Public liability insurance in the coverage required by § 768.28, Fla. Stat.
8. Errors and Omissions Coverage covering civil or criminal actions of School Board members while acting in the performance of their assigned duties and responsibilities.

All insurance obtained from commercial firms, except for fidelity bonds for officers of the Board and group health insurance, shall be purchased on the basis of competitive bids. Group employee insurance shall be obtained on the basis of competitive bids.

Self-Insurance. In developing the Risk Management Program, the Superintendent shall give consideration to any potential savings from self-insurance for any or all of the coverage prescribed herein. Where potential savings are evident, the Superintendent is authorized to enter into a self-insurance program through the Panhandle Area Education Cooperative administered by the Washington County School Board, or through such other organizations as may be approved by the Board.

Employee Group Insurance Programs. The maximum monthly School Board contribution for each type of approved life and health insurance coverage will be established by the School Board each fiscal year for all full time non-bargaining unit employees, including the Superintendent and School Board members participating in the approved group insurance program. The School Board's liability will be limited to paying its share of a single rate premium for such employees; however, where two (2) employees (man and wife) are covered on the same policy in the program, the Board will pay up to the maximum allowed for each employee toward the cost of insurance provided by the Board. All employees of the School Board who are enrolled in the group plan may cover eligible members of their families on the family plan through payroll deduction at the expense of the employee. No employee will be covered for insurance until he/she is properly enrolled by the insurance carrier. This insurance will be effective for all employees at the beginning of the first payroll period after they are enrolled during the fiscal year. In the event that any employee is injured or becomes ill and must take extended sick leave at the recommendation of a medical doctor, the School Board shall continue to pay its share of the monthly premiums of the employee's health and life as provided by the Family Medical Leave Act.

All employee group insurance programs shall be made available to retirees of the Bay County School System and their eligible dependents. Any retiree participating shall pay the full cost of such insurance.

All group health, accident, and hospitalization insurance shall be made available to former employees or their families under the conditions prescribed by the Federal Consolidated Omnibus Budget Reconciliation Act ("COBRA").

CHAPTER SIX
BUSINESS AFFAIRS

As a part of the Risk Management Program the Superintendent shall initiate and implement a comprehensive safety program covering students, visitors, employees, equipment and facilities.

Risk Management and Claims Committee. There is hereby created the Risk Management and Claims Committee (sometimes the "Committee"), the purpose and responsibility of which is:

1. To oversee the Risk Management Programs;
2. To evaluate incidents and claims filed with the Risk Management Program which are covered by the self-insurance plan, and offers of compromise or settlement of such claims;
3. To establish reserves for incidents and claims, evaluate available reserves and recommend self-insurance funding levels, all upon the advice and counsel of one (1) or more qualified and experienced consultants and actuaries selected by the School Board.

The Risk Management and Claims Committee shall be composed of the Superintendent, the Risk Manager, the Deputy Superintendent, the School Board Attorney, and one (1) member of the School Board who shall be appointed by and serve at the pleasure of the Board. The Committee may from time to time at its discretion elect a chairman from among its members.

The Risk Management and Claims Committee shall meet to review and evaluate pending and potential claims, defenses, litigation strategies, settlement strategies and opportunities, claims reserves, self-insurance funding levels, the conduct of the Risk Management Program and the achievement of its objectives, and any other matter affecting the Risk Management Program.

Confidentiality. As provided by Florida's open government laws:

The claims files maintained by the Risk Management Program, discussions pertinent to the evaluation of such claims, and the proceedings and minutes of the Committee which relate solely to evaluation of claims filed with the program or offers of compromise or settlement of claims filed with the program, shall be privileged and confidential, and shall not be open or subject to inspection under Florida's open government laws, and such claims files and minutes of proceedings of the Committee shall remain confidential until termination of all litigation and settlement of all claims arising out of the same incident.

The meetings of the Committee held solely for the purpose of achieving the objectives of the Risk Management Program, and the minutes and records of such meetings, shall be privileged and confidential and shall not be open or subject to inspection under Florida's open government laws.

The Risk Manager, the Superintendent and the Committee are authorized to expend from the self-insurance plan an amount per incident not exceeding the respective amount set forth below (which amounts are not cumulative) to settle and obtain a full and final discharge of the Bay County School Board from any one or more claims arising from that incident and filed with or covered by the self-insurance plan. Upon authorization for expenditure, the Risk Manager is authorized to sign any release agreement or other forms necessary to obtain a full and final discharge.

The Risk Manager: Seventy-Five Thousand Dollars ($75,000), plus applicable statutory attorney fees per incident (except for property claims, which are authorized at their established value, within the applicable deductible).

The Superintendent: One Hundred Thousand Dollars ($100,000) per incident.

The Committee: One Hundred Fifty Thousand Dollars ($150,000) per incident.

Greater amounts must be authorized by the School Board sitting as a supervisory Risk Management and Claims Committee, in which case the Board shall consider but shall not be bound by any recommendation the Committee may have made.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.42, 1006.24, 768.28, Fla. Stat; Fla. Admin. Code R. 6A-1.0692
History: New, June 12, 1989
Revised: January 13, 1994; September 14, 1995; July 10, 1996; August 12, 1998; October 10, 2001

CHAPTER SIX
BUSINESS AFFAIRS

EXPENDITURES FOR PROMOTION AND PUBLIC RELATIONS 6.116

The Superintendent may make, or authorize to be made, expenditures for purposes of promotion, public relations activities, and hospitality of business guests of the District. Such expenditures are restricted as to source of funds, amount of annual expenditures, and conditions for expenditure, as set forth herein.

Purpose of Expenditures. The purposes for which such expenditures may be made include, but are not necessarily limited to, activities involving or in connection with:

1. Graduation of District schools;
2. Hospitality of visiting committees and other activities in connection with accreditation studies.
3. Orientation and work conferences for employees;
4. Recruitment of potential employees;
5. Official meetings and receptions; and
6. Media advertising, other than legal or other required public advertisements or notices.

Source of Funds. Expenditures for purposes noted above shall be made only from:

1. Profits of enterprise type activities of individual schools or of the school District, excluding food service; and
2. Undesignated gifts or donations to the school system.

Limitation on Expenditures. All expenditures for hospitality of business guests of the school district from sources noted herein shall be limited to a maximum of $15,000 in each fiscal year.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1010.08, Fla. Stat.; Fla. Admin. Code R. 6A-1.0143
History: New, June 12, 1989

EDUCATIONAL ENHANCEMENT FUND 6.117

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.

Allowable Uses. It is the intent of the Bay County School Board to budget and spend the District Discretionary Lottery Funds to maintain, to the highest extent possible, the programs that have added significantly to our students' academic achievement. This includes expenditures for the following purposes:

1. To fully fund programs which were previously funded through State categorical funds;
2. To supplement partially funded State categorical programs;
3. To enhance existing programs by providing personnel, equipment and supply needs;
4. To provide salaries to maintain or improve a pupil-adult ratio;
5. To fund innovative programs designed to have a positive impact on student achievement and behavior; and
6. To develop and implement school improvement plans.

Authority: §§ 1001.32, 1001.41, Fla. Stat.
Law Implemented: §§ 24.121, 1011.62, Fla. Stat.
History: New, July 11, 1996

CHAPTER SIX
BUSINESS AFFAIRS

ISSUANCE AND USE OF CELLULAR TELEPHONES & PAGERS 6.118

Purpose:

In order to insure a cost effective and efficient means of mobile communication for and with school district employees in the course and scope of their duties, the School Board has determined that the implementation of a district Cellular Telephone Allowance Program would serve a valid district purpose and would authorize the payment of certain school district funds within the authority of the Board. This policy will result in each cell phone user having both the freedom of choice and personal responsibility for his or her cell phone. It will also enable the school district to comply with IRS rules regarding the taxability of employee cellular telephones.

Allowance Program:

(1) The district shall pay extra compensation in the form of a cell phone allowance to cover business-related costs to those of its employees as are approved by the Superintendent or his/her designee based upon one or more the following criteria:
   (a) Safety requirements indicate having a cellular phone is an integral part of performing duties of job description.
   (b) More than 50% of employee's work is conducted in the field.
   (c) Employee is required to be contacted on a regular basis.
   (d) Employee is required to be on-call (24/7).
   (e) Employee is a critical decision maker.

(2) The dollar amount of the cell phone allowance should cover the employee's projected business-related expenses. The employee will provide a personal cell phone that would be available for business use both during and after normal business hours. The cell phone plan chosen by an employee should be the least expensive that provides adequate business-related services. Upgrades to basic equipment (special cosmetic or technical features, etc.) or expected cell phone use unrelated to business is at the employee's expense. The dollar amount of the cell phone allowance shall be that as established in a district employee cell phone allowance schedule to be approved by the Board from time to time.

(3) If a principal or supervisor determines that a district employee's job duties include the frequent need for a cell phone, then the employee may be eligible for an allowance to cover cell phone expenses. It may be requested using the "Application For Employee Cell Phone Allowance" form. The request may be made any time during the fiscal year. All requests will be reviewed by the Superintendent or his/her designee who shall have the authority to approve or deny a requested allowance. This policy does not establish a right in any employee to receive a cell phone allowance. No instructional employee may be required, as a condition of employment, to accept a cell phone allowance. All allowances will be paid monthly via payroll. The monthly allowance is taxable income; therefore the individual will be taxed according to the IRS code.

(4) This allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, bonuses, benefits based on a percentage of salary, etc.

(5) Although the allowance is taxable, it is believed that the benefit to the employee outweigh the cost. The benefit includes: 1) a log is not required; 2) no monthly reporting is required; 3) cell phones may be used for personal calls and be combined or enhanced with other personal plans.

(6) Principals and supervisors are responsible for an annual review of employee business-related cell phone use, to determine if existing cell phone allowances should be continued as-is, changed, or

discontinued. The Superintendent or his/her designee shall be contacted if there are any changes to the allowance.

(7) The district will pay only the agreed upon cell phone allowance even if monthly costs exceed the allowance. If the amount of the allowance subsidy needs to be changed because of documented business purposes, the employee will need to ask their supervisor to request an adjustment to the cell phone allowance and submit the required form.

(8) The cell phone contract will be in the name of the district employee who will be solely responsible for all payments to the service provider. Only one cell phone allowance will be provided per employee. The Board reserves the right to remove a participant from this plan if there is insufficient budget in the designated fund to meet the cost of monthly allowances.

(9) The Board does not accept any liability for claims, charges or disputes between the service provider and the faculty or staff member. Recipients of a cell phone allowance must notify the district of the cell phone number and must continue to maintain the cell phone while in receipt of the allowance.

(10) Because the cell phone is owned personally by the employee, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. The employee may, at his or her own expense, add extra services or equipment features, as desired. If there are problems with service, the employee will need to work directly with the carrier for resolution.

(11) Use of the cell phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance.

(12) If, prior to the end of the cell phone contract, a personal decision by the employee, or employee misconduct, or misuse of the phone, results in the need to end or change the cell phone contract, the employee will bear the cost of any fees associated with that change or cancellation.

(13) If, prior to the end of the cell phone contract period, a school or departmental decision (unrelated to employee misconduct) results in the need to end or change the cell phone contract, the school or department will bear the cost of any fees associated with that change or cancellation. For example, the employee's supervisor has changed the employee's duties and the cell phone is no longer needed for business purposes. If the employee does not want to retain the current contract, change or cancellation fees will be reimbursed by the school or department.

(14) The Superintendent shall develop and enforce a set of administrative procedures and guidelines to implement the provisions of this policy. Such procedures and guidelines may be revised by the Superintendent as he/she determines necessary for the continued effective administration of the Cellular Telephone Allowance Program established by this policy.

Enforcement:

Failure to adhere to the terms and conditions of this policy or the Cellular Telephone Allowance Program Administrative Guidelines as authorized by this policy, may result in disciplinary action including but not limited to (i) reimbursement to the district by an employee of cell phone allowance funds received, and (ii) revocation of an employee's approved cell phone allowance.

Cellular Phone Use by School Bus Drivers

According to the National Safety Council and the National Transportation Safety Board, the risk of collision is considerably greater when using a cellular phone while driving. The use of a cellular phone

while driving is a distraction from the driving environment and has been found to contribute to school bus crashes.

Cellular phones, including cellular phones equipped with ear pieces, ear buds, headsets and/or Bluetooth shall not be used while operating a District school bus. School bus drivers shall not text message or use any wireless communications devise while operating a District school bus.

The mobile radio installed on all District school buses will be the primary communication system for Bay District school bus drivers. If the mobile bus radio fails and the bus driver has a critical reason for using a cellular phone while performing bus-operating duties, the driver will depart the roadway, stop the bus in a safe area, and then use the cellular phone. **Drivers shall not use a cellular phone or any wireless communications devise anytime the school bus is moving or the engine is running, with or without students on board.** School bus drivers shall adhere to all District policies pertaining to staff use of cellular phones.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1011.20, Fla. Stat.
History: New, April 24, 2002
Revised: February 27, 2008; August 26, 2009; January 13, 2010

USE OF AUTOMATED EXTERNAL DEFIBRILLATORS 6.119

The use of Automated External Defibrillators (AED) is authorized by the School Board in a perceived medical emergency and as authorized by the provisions of Florida Statutes 401.2915.

All persons except those exempted under Florida Statutes 768.1325(3)(c) who use an automated external defibrillator must obtain appropriate training as required by Florida Statutes 401.2915.

The District shall develop procedures to govern the implementation of this policy.

Authority: §§ 1001.41, 1001.42, Fla. Stat.
Law Implemented: §§ 401.2915, 768.1325, 1001.42, Fla. Stat.
History: New, June 14, 2006

BUDGET WORKSHOPS 6.120

Under Florida Statute 1001.51(11), it is the responsibility of the Superintendent to prepare an annual budget and submit it to the School Board for approval.

In an effort to assist and work cooperatively with the Superintendent in preparing and finalize the annual budget, the School Board shall in January of each year schedule a Budget Priorities Workshop. The purpose of the workshop is to discuss with the Superintendent budgetary priorities for the District. Additional Budget Workshops may be scheduled, as needed, by the School Board or the Superintendent.

Authority: § 1001.41, Fla.Stat.
Law Implemented: § 1001.51(11), Fla.Stat.
History: New, April 11, 2007

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PART TWO
SCHOOL INTERNAL FUNDS

BASIC PRINCIPLES GOVERNING SCHOOL INTERNAL ACCOUNT FUNDS 6.201

Purpose. School internal account funds are to be used to finance a program of activities approved by the School Board which supplement those activities provided from District school funds.

Scope. All funds collected or handled by School Board employees during normal working hours, or collected in connection with school sponsored activities, shall be included in and become part of the internal funds of the school. Financial transactions of all school organizations shall be accounted for in school internal funds. All organizations connected with or operating in the name of the school which obtain monies from the public shall be accountable to the School Board for receipt and expenditure of those funds in the manner prescribed herein.

Benefit to Students. Funds collected each year should be expended to benefit those students currently in school unless those funds are being collected for a specific documented purpose. All internal funds designated for general purposes should be used to benefit the student body.

Conflicts with School Board Policy. No fund raising activities may be undertaken by the school, by any group within the school, or by any group connected with the school and using the school name, which conflict with any program or policy approved or administered by the School Board.

Consistency With Legal Requirements. The collecting and expending of internal funds must be in accordance with the Florida Constitution, Florida Statutes, Florida Administrative Code, and School Board Rules. Sound business practices are to be observed in all transactions.

Competition with Commercial Firms. Student projects and activities financed with internal funds, and designed to provide educational experiences, shall be conducted in such a manner as to offer a minimum of competition to commercial firms.

Purchases. Purchases from internal funds shall not exceed the resources of the purchasing account, except for items for resale.

Internal Controls. An adequate system of internal controls shall be maintained in order to safeguard the assets of the school internal funds.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1010.04, 1011.06, 1011.07, Fla. Stat.
History: New, June 12, 1989
Revised: October 14, 1993

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GENERAL PRACTICES TO BE OBSERVED IN SCHOOL INTERNAL FUNDS 6.202

Employee Bonds. All employees having responsibility for handling funds or for recording financial transactions shall be bonded in the manner prescribed by Section 6.110.

Principals shall require classes, clubs, departments, and organizations to submit proposed annual budgets and to secure approval of the budget prior to undertaking any activity or event to raise or spend money. Once established, the budget of an activities organization becomes a guideline for the subject school year. When activities approach budgeted limits, a review and possibly an amended budget should be prepared, adopted, and submitted to the principal or his/her designee for review and action. If approved, the organization will operate under the revised budget. If not approved, the principal will specify conditions and terms of operations for the remainder of the year.

Approval of Purchases. All purchases from internal funds must be authorized in writing by the principal or his/her designee. Neither the school nor the School Board shall be liable for any purchase in the name of the school made without express written approval. Any person who makes, or approves the making, of any such unauthorized purchase shall be personally liable for the amount of the obligation.

Pre-numbered Receipts or Cash Register. Approved pre-numbered receipts shall be used as the means of recording cash received, and as the basis for entries to ledgers.

Pre-numbered Checks. Approved pre-numbered checks shall be used as the means for disbursing funds, and as the basis for entries to ledgers.

Instruments of Obligation. Promissory notes, installment contracts, or lease-purchase agreements shall not be executed in the name of a school or any school organization except as authorized by the School Board. All such obligations must be executed by the School Board.

Accommodations to Employees or Others. Internal funds shall not be used to cash checks, make any kind of loans, pay any form of compensation directly to School Board employees, or extend credit. Employees of the District who are compensated for additional services, such as game personnel to work at athletic events, shall be paid through the District payroll department with reimbursement from internal funds. Haney Vocational Technical Center may cash checks and make loans as necessary to administer student grant and loan programs funded by federal, state or private sources. Purchase of articles for the personal use of any person shall not be made from internal funds.

Fiscal Year. Internal funds shall be accumulated and utilized on the same fiscal year basis as all other District school funds. No school organization shall make expenditures that exceed the cash resources available to that organization. All accounts payable shall be disclosed to the Board at year end.

Reconciliation of Bank Statements. Bank statements shall be reconciled as soon as received.

Monthly Financial Reports. Monthly financial reports shall be made in written form to provide the school administration with financial information necessary for appropriate decision making, and filed with the internal accounts auditor.

Annual Financial Reports. Annual financial reports shall be submitted to the internal accounts auditor, on or before the date specified each year, for inclusion in the District's annual financial statements.

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Annual Audit. An annual audit of the internal funds of each school shall be made by the District internal accounts auditor pursuant to the Florida Administrative Code. The audit shall verify accuracy of all financial transactions, and shall also identify any instances of failure to comply with law, Florida Administrative Code, rules of the Bay County School Board and procedures set forth in the "Manual of Policies and Procedures for the Management and Accounting of Bay County Schools Internal Funds." The principal shall take appropriate action to correct any errors, deficiencies, or adverse findings noted in the annual audit. Copies of audit reports shall be included in and made a part of the principal's personnel file.

Retention of Records of Internal Funds. All records maintained as part of the internal funds of the school and public records under the laws of the State of Florida and may not be destroyed or otherwise disposed of without specific authorization. All requests for disposition of internal fund records, after completion of audit, shall be directed to the Director of Management Information Services. No such records shall be destroyed unless and until written is authorization is provided.

Chart of Accounts. Each transaction recorded in the internal fund records for each school shall be coded with uniform revenue and expenditure codes, including fund, function and object.

Procedure Manual. The Superintendent shall develop and provide to each school a manual entitled "Manual of Policies and Procedures for the Management and Accounting of Bay County Schools Internal Funds." This Manual shall outline specific procedures for accounting and handling of funds which incorporate and implement the rules governing internal funds set forth herein, generally accepted accounting principles, rules relating to internal funds adopted by the State Board of Education, and laws relating to receipt and expenditure of public funds.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1010.04, 1011.06, 1011.07, Fla. Stat; Fla. Admin. Code R. 6A-1.091; 6A-1.087
History: New, June 12, 1989
Revised: October 14, 1993, April 10, 1996; July 8, 2009

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STANDARDS, PRACTICES, AND PROCEDURES FOR SCHOOL INTERNAL FUNDS 6.203

Depositories for Internal Funds. Depositories in which internal funds are kept must be qualified public depositories, approved by the School Board, and required to furnish the same type of security for deposits as is required for other School Board funds.

Bank Accounts. Each school shall have only one checking account which shall be entitled "(School Name) Internal Fund, The School Board of Bay County, Florida." This account title must be imprinted on all internal fund checks and deposit slips. All monies received by the school shall be deposited intact as collected into this account and all disbursements will be made by checks drawn on this account. Savings or investment accounts shall be titled in the same manner.

Check Signatures. Each account shall have at least two (2) authorized check signers, one of whom must be the principal. The principal may also authorize a designee to sign in his/her absence. These names should be kept on file for audit. All checks must be signed with two (2) signatures, one of whom must be the principal or his/her designee. Under no circumstances may checks be presigned.

Cash Collections and Deposits. All money collected by the school or by school personnel must be substantiated by pre-numbered receipts, consecutively numbered class receipt records, Reports of Monies Collected, pre-numbered tickets, Reports of Tickets Issued and Sold, or other auditable records.

Insofar as is practicable, all money should be collected in the school office. Collections made outside of the school office must be turned into the school office by the next business day.

If an individual holds funds collected and the funds are lost or stolen he/she must replace the loss.

All money collected must be deposited intact to a depository as frequently as feasible and as dictated by sound business practices. In any event, funds collected must be deposited within five (5) working days. No funds may be held in the school overnight, unless properly secured.

All deposits must equal the total amount of money taken in and recorded on receipts for the period covered by the deposit. Deposit slips shall be made in the number of copies necessary to meet the approved accounting procedures. All checks deposited in the designated account shall be endorsed showing a restrictive endorsement as noted below:

FOR DEPOSIT ONLY
INTERNAL FUND
THE SCHOOL BOARD OF BAY
COUNTY, FLORIDA
(Account Number)

The principal shall be notified immediately of any errors in deposits or disbursements and shall take appropriate action to effect correction.

All source documents shall be pre-numbered and a perpetual inventory maintained. It should show the beginning and ending numbers of all tickets purchased and issued to ticket sellers. In all cases where tickets are used, ticket reports and unsold tickets must be available for audit. All pre-numbered documents shall be accompanied by a certified statement of the numbers received.

Cooperative Activities. A cooperative activity is one in which the school participates with outside groups such as the PTA or various booster clubs through planning, staging, conducting, or attending school-

related activities. Such activities may be held on or off the school grounds and will usually take the form of fund-raising events such as carnivals, paid entertainment, or food sales.

If the proceeds from the cooperative activity are to be divided between the school and the sponsoring organization, a written agreement should be executed prior to initiation of the activity. The agreement should include, as a minimum:

1. Responsibilities of the school and the sponsoring organization for planning and conducting the activity;
2. A formula for division of the profits derived from the proceeds of the activity.

All purchases for items to support the cooperative activity shall be in accordance with the general requirements for purchases specified herein. All expenditures shall be initiated and recorded in the manner provided herein.

As soon as practicable following the activity a reconciliation of all revenue and expenditures attributable to the activity, and a calculation of the division of profits shall be prepared by the principal. A copy of such reconciliation shall be provided the sponsor of the activity.

Faculty and Staff Accounts. When approved by the principal, trust funds for faculty and staff may be deposited in and accounted for through the internal funds of the school.

Investments. The school shall at all times maintain its internal funds in an interest bearing account. When there are funds in excess of the current requirement, those excess funds shall be deposited in certificates of deposit to earn the highest possible return to the school.

Collection of Worthless Checks. The principal is responsible for seeking reimbursement for any unpaid check returned by the bank. If, after having exhausted all reasonable efforts to collect the check, the principal may adjust the internal fund accounts to write off the check amount. Any such adjustment shall be temporary until specifically approved by the internal accounts auditor. Requests to the internal accounts auditor to write off checks may be made on an annual basis. No unpaid check may be permanently canceled or written off without specific approval of the School Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1010.04, 1011.06, 1011.07, Fla. Stat.; Fla. Admin. Code R. 6A-1.0012; 6A-1.087
History: New, June 12, 1989
Revised: March 26, 1992, October 14, 1993, April 10, 1996

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STUDENT ACTIVITIES AND PROJECTS 6.204

Athletics. All revenue and expenditures involving athletic business transacted at the school level shall be recorded in accounts in this classification.

Music. Proceeds of activities of musical organizations, donations to these groups, and their expenses for supplies and trips shall be recorded in this classification. Collections from students for rental or maintenance of uniforms or instruments, shall be recorded in separate accounts in this classification, or in trust if restricted as to use.

Classes, Clubs, and Departments. Class and club accounts are those which support a group of students within a community of interest with a roster of members, officers, and sponsors. Each class or club to be included in the internal funds of the school shall be approved by the principal.

The sponsor of each school club or organization shall be responsible for providing adequate financial documents and records to the principal and is responsible for retaining duplicates of the documents and records. These records may include an organization budget; duplicate receipts for all income from dues, fund raising activities, entertainments, assessments, or donations; and approved requests for payments.

All collections received by any club or school organization must be deposited in the school internal fund.

All disbursements by any club or school organization must be made by an internal fund check. Disbursements shall be approved by the appropriate organization officer, the sponsor and the principal.

A financial report completed by the sponsor shall be filed with the principal's office at the close of each fund-raising activity. To accommodate collection of data for this report a separate account for the activity may be established. The organization sponsor shall designate transactions to be recorded in each of the club's accounts.

Class and club monies shall be expended for the benefit of the students who participated in the generation of the revenue.

Any remaining balance in the account of a class that has graduated, and has had an opportunity to determine the disposition of the funds, shall be considered as belonging to the General Miscellaneous account and shall be closed to that account at the end of the following school year.

Any remaining balance in the account of an inactive student organization shall be considered as belonging to the General Miscellaneous account and shall be closed after a reasonable period of time.

The business functions of school organizations are to be conducted in such a manner as to offer minimum competition to commercial firms.

Promotion and Public Relations Funding. Funds may be used for promotion and public relations on a school level for:

1. School wide curricular and co-curricular purposes and activities including recognition of students, community and/or staff on special educational-related occasions;
2. Hospitality for school-related activities and/or events;
3. For costs incurred by students, staff and/or community members when representing the school or the system at special occasions; and
4. For hospitality of business guests, patron support group officers in meetings with the principal, and meetings with District board members and District administrators.

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It is not intended that individual schools will conduct all of the activities identified as approved for the District administration. This is not for self-promotion.

A school principal may establish the Promotion and Public Relations Fund account and

1. Transfer profits from designated school level auxiliary enterprises, excluding food service activities;
2. Use of up to 25 percent (25%) of school pictures commissions or profits as received from photographer, profits from a school store, profits from vending machines (excluding those profits designated for food service); and
3. Use gifts received and designated specifically for the purpose of funding public relations and use of undesignated gifts received for purposes authorized in Section 4 above, to the extent or limit specified in paragraph (5).

Disbursements of these funds in any fiscal year for individual school purposes shall not exceed $300 or the school's prior year unweighted FTE multiplied by $.70, whichever amount is greater. Any of these District or school funds not expended in any fiscal year shall not be carried forward.

Trust Funds. All funds collected for a specific, restricted purpose shall be accounted for in a trust account. Such funds may be expended only for the purpose for which they were collected.

At no time may a trust account have a deficit balance. These accounts should normally have a zero balance at the end of each year. When the purpose of the trust fund has been accomplished or becomes inoperative, unused trust funds shall be returned to the person(s) from whom collected, if practicable. Donors may designate an alternative purpose. Funds which cannot be returned shall be placed in the Miscellaneous General account.

If a school organization undertakes a project extending beyond the current fiscal year, or receives a restricted donation to be used over a period of time beyond the year in which received, approval must be granted by the principal, and the funds must be held in a trust account.

Collections for and remittances to the School Board, such as out-of-state tuition, course fees, reimbursement for damages, or telephone charges shall be accounted for through trust funds.

Collections of State sales tax shall be accounted for through a trust account.

Funds collected from students as deposits for use of locks, etc., shall be accounted for through a trust account and returned to the students at the time the property is returned to the school in good condition.

General Fund. This fund shall include all funds not classified in paragraphs (1) through (5), and which are to be utilized for the general welfare of the student body of the school. Separate accounts shall be maintained for activities such as the school store and other activities when it is good business practice to separately monitor the financial status of the activity. Activities not accounted for separately shall be recorded in a Miscellaneous Account.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1010.04, 1011.06, 1011.07, Fla. Stat.
History: New, June 12, 1989
Revised: October 14, 1993, April 10, 1996

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PURCHASING POLICIES AND STANDARDS 6.205

The principal shall be fully responsible for all purchases and purchase commitments requiring the present or future disbursements of internal funds monies. A signed commitment from the principal or his/her designee must be on file before any purchases are made. No purchase shall be made unless sufficient resources are available, except items for resale.

Expenditures Without Prior Authorization. Equipment, materials, supplies, or services which cost less than $2,500, excluding freight charges, (except equipment which is to be attached to the building or major equipment, which requires the use of public utilities, other than electric office equipment or fans) supplies, forms, and postage, etc.

All expenditures in excess of $2,500 shall be made on the basis of three (3) or more quotations. All quotations should be written; however, when it is not practicable, the principal shall enter the price quoted, the name of the company, and the date on the purchase authorization or an attached memoranda. These quotations shall be attached to the invoice and purchase authorization for auditing purposes.

Expenditures Which Require Prior Authorization. All expenditures in excess of $2,500 (excluding freight charges) except: items on an approved County bid list, items purchased for resale and printing.

Use of District Bids. If the school district has an open bid in effect for specific commodities, all purchases from internal funds for that class of commodities shall be made through the approved vendor.

Commemorative Items. Specifications for all commemorative items will be developed by a school committee consisting of staff and student representatives appointed by the principal. These specifications will be used to purchase commemorative items on an annual basis. This purchasing will be conducted as a service to those students wishing to purchase commemorative items.

Restricted Expenditures. The following expenditures from internal funds are deemed inappropriate and shall not be made except from trust funds collected for a specifically identified purpose.

1. Equipment, supplies, forms, and postage for curricular or classroom use for which School Board funds are available;
2. Curricular-related travel; professional, technical, or consultant services; or other items which are the responsibility of the District;
3. Articles for the personal use of any student, employee, or other person; except those items which are identifiable as being in recognition of service or promotion of school activities and those items identified under Florida Administrative Code Rule 6A-1.0143 "Promotion and Public Relations Expenditures." Expenses other than travel, lodging, meals, and registration for employees traveling with students on approved activity travel are not permitted.
4. Personal memberships or subscriptions;
5. Salaries or other compensation for duties or assignments which are the responsibility of the school district;
6. Loans, credit, or accommodation purchases for anyone;
7. Repairs and maintenance of School Board equipment;
8. Payments for compensation to employees of the school district, for work performed at athletic or other school events. All such payments must be made through the District payroll office on School Board warrants.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1010.04, 10110.6, 1011.07, Fla. Stat.; Fla. Admin. Code R. 6A-1.012, 6A-1.0143
History: New, June 12, 1989
Revised: October 14, 1993, April 10, 1996; July 8, 2009

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PROPERTY ACQUISITION AND CONTROL 6.206

If, in the course of school activities, tangible personal property (as defined in § 274.01, Fla. Stat.) is purchased for use in a project or program, the item shall become the property of the School Board and shall be identified and accounted for in the manner prescribed for all School Board property.

Tangible Personal Property. The Property Records Office shall be notified when items that meet the criteria for fixed assets are purchased or received through donation. Such notification shall include a complete description of the item(s) purchased or received, including the following specific information:

1. Make and model number of the item;
2. Serial or identification number;
3. Date acquired; and
4. Total cost (or fair market value if donated).

Construction, Remodeling, Renovation, Repairs or Alteration to Buildings. All expenditures from internal funds for construction, remodeling, renovation, repairs, or alteration to School Board facilities must have prior written approval of the Superintendent or his/her designee.

Modifications to School Property. In the event it becomes necessary, either by a student organization, a contracting concessionaire, or an outside organization, to change, alter, or attach permanent fixtures to school property; or to utilize more than the ordinary amount of utilities, prior approval must be obtained from the Superintendent or his/her designee.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1010.04, 1011.06, 1011.07, Fla. Stat.
History: New, June 12, 1989

PURCHASES SUBJECT TO SALES TAX 6.207

All items purchased from internal funds for resale are subject to Florida sales tax unless specifically exempted.

Alternative Method of Payment of Sales Tax. As an alternative to collecting sales tax from students and remitting to the State monthly, each school may pay State sales tax on the basis of the purchase price to the vendor from whom the goods are purchased. However, if the items being purchased for resale are purchased from an out-of-state vendor or from a vendor who will not accept payment of the tax, the appropriate amount must be collected on each sale and remitted to the State Department of Revenue monthly.

Taxable Status of Admissions. Admission charges for school activities which utilize student or faculty talent exclusively are not taxable. Free passes are not taxable unless a service charge or donation in excess of $.09 is required. All other admissions to activities held or sponsored by the school are taxable, and the tax must be collected and remitted monthly.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1010.04, 1011.06, 1011.07, Fla. Stat.
History: June 12, 1989

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CLUBS AND OTHER FUND RAISING ACTIVITIES 6.208

Although booster and parent-teacher clubs are independent organizations, school principals reserve the right to recognize and sanction the clubs involvement in school extracurricular activities including fundraising. The school principal is not obligated or required to accept funds from the clubs or recognize the clubs as a school allied organization. Further, only the school principal shall allow a club to incorporate the school's name into the club name. The school principal has final authority on the existence of and all activities of a club. Failure to abide by the policies and procedures of the School Board may, at the discretion of the principal, result in the revocation of these privileges.

Booster and parent-teacher clubs are separate legal entities from the School Board of Bay County. Each club shall operate according to a written constitution and a set of by-laws which shall be submitted to the principal for review and approval. The clubs shall be open to all parents and community members.

Booster clubs exist as independent organizations comprised of parents and interested community members. Booster clubs serve two general purposes:

- To promote the education, general welfare and morale of students, and
- To assist in financing legitimate extracurricular activities of the athletic student body in order to augment, but not conflict with, the educational programs provided by the School Board.

The school's athletic director, assistant athletic director, or applicable athletic coach may not serve as an officer and voting member of the booster clubs. A school employee who is a member of a club is prohibited from handling club funds, including the writing or signing of club checks. A representative from the school's athletic department shall be given at least 48 hours notice of all booster club meetings and an employee designated by the principal for the parent-teacher clubs. The representative should attend as the school's liaison. The purpose of the school liaison is to foster a positive working relationship between the school and the clubs. The school liaison is to communicate to the clubs the needs of the team or activity.

Booster and parent-teacher clubs must provide current banking information, a list of current officers, and financial reports by June 1st each year. The principal may request more current financial information upon three (3) days notice to the organization.

The Superintendent shall develop administrative procedures so that each group's fund-raising activities are in compliance with Board policies and funds raised are used solely for school-related projects that are approved by the principal. Each club shall follow these administrative procedures as well as all School Board Policies.

Booster and parent-teacher clubs may elect to make gifts or donations to the school. The gift/donation to the school should be accompanied with a letter of purpose from the booster club. The letter should reflect the specific purpose of the gift/donation. NO PAYMENTS SHALL BE MADE TO SCHOOL BOARD EMPLOYEES WITHOUT SPECIFIC APPROVAL OF THE PRINCIPAL.

Fund Raising Activities

Liability Exposure. If a school or a school organization proposes to engage in any fund-raising activities which may expose the School Board to extraordinary liability, prior written approval must be obtained from the Superintendent or his/her designee.

Deposits of Receipts. All receipts from fund-raising activities must be deposited in the internal funds of the school and all transactions in connection with the activity must be recorded through such internal funds.

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School-related or parent-teacher and booster organizations are permitted to hold their own fund-raising activities and to account for their collections and disbursements through their own bank accounts.

Each authorized organization is required to submit to the principal a financial report listing projects, receipts, disbursements, accounts payable, and other data by June 1st each year. An approved organization financial statement may be submitted instead but must supply the same information required on the School Board form.

The principal will maintain a file on each organization to contain the financial statements and the audit reports, and maintain a listing of operating organizations that have not filed reports for review by the internal accounts auditor.

Each organization must provide to the principal at the beginning of each school year a list of officers for the current year.

All parent-teacher or booster groups formed for support or promotion of any or all programs and activities of a school shall adhere to Parent-Teacher Association, Southern Association of Colleges and Schools, and Florida School Activities Association rules regarding non-interference with school administration or school programs.

A patron organization or individual shall not use a school or School Board tax identification number (Federal T.I.N.) or Florida sales tax exemption number, in accordance with State and Federal Law.

Authority: § 1001.41 Fla. Stat.
Law Implemented: §§ 1010.04, 1011.06, 1011.07, Fla. Stat.
History: New, June 12, 1989
Revised: November 8, 1989, October 14, 1993, April 10, 1996; July 22, 2014

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PART THREE
STUDENT TRANSPORTATION

PURPOSE AND FUNCTION
OF TRANSPORTATION PROGRAM **6.301**

The transportation program shall be administered in such a manner as to provide safe and efficient services at the lowest possible cost. Transportation funds shall be used primarily to provide transportation of students to and from their assigned school. The functions and purposes of the transportation program shall be to:

1. Provide transportation for each public school student in prekindergarten, handicapped and in kindergarten through grade 12 when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available and to transport students who do not live within a reasonable walking distance of the school to which assigned; and
2. Provide for the safety and welfare of students who are transported to and from school and school sponsored activities.

Students Eligible for Transportation. Any student who resides more than a reasonable walking distance from his/her designated school is eligible to ride the school bus to and from that school, except students authorized to attend school outside their normal attendance zone. A reasonable walking distance for any student who is not otherwise eligible for transportation pursuant to Section 1011.68, F.S., is any distance not more than two miles between the home and school or one and one-half miles between the home and the assigned bus stop. Such distance shall be measured from the closest pedestrian entry point of the property where the student resides to the closest pedestrian entry point of the assigned school building or to the assigned bus stop. The pedestrian entry point of the residence shall be where private property meets the public right-of-way. The district shall determine the shortest pedestrian route whether or not it is accessible to motor vehicle traffic.

A student classified as physically handicapped, as defined by the Florida Administrative Code, shall be entitled to transportation to school regardless of distance from home to school.

Exceptional students shall be transported to other school districts or other facilities in the District when necessary to provide an adequate program of special instruction or services. Such transportation shall be consistent with the "Special Program Procedures for Providing Education for Exceptional Students" adopted pursuant to Section 8.501.

Provide transportation to students who are exposed to hazardous walking conditions that endanger their life or threaten their health or safety. Such hazardous walking condition shall include, but not be limited to the definition contained in § 1006.23, Fla. Stat. The Superintendent or his/her designee shall make a determination as to whether a particular hazardous condition exists.

The Transportation Department shall, as required under § 1013.36, report any hazardous conditions within a two (2) mile radius of a school site to the governmental entity within the jurisdiction of which the hazard is located.

Students engaged in field trips, extra-curricular activities and other approved trips, as provided herein.

Students in the Teenage Parenting Program (TAP) pursuant to § 1003.54, Fla. Stat.
Transportation shall be provided for student parents and their children to and from home, school and the child care facility, as required for the parent's educational activities in credit earning hours.

The School District and parents of students with special transportation needs as defined in § 1011.68, Fla. Stat. shall adhere to the responsibilities and policies as outlined in Fla. Admin. Code R. 6A-3.0121 and other policies herein.

Transportation may be provided for out-of-zone students where no additional costs, mileage or stops are required and provided there is seating space available on the bus. Out of zone students are assured transportation on a continuing basis only so long as space is available.

No transported student shall be reported for state reimbursement purposes unless the student lives two (2) or more miles from school, is entitled to transportation as a physically handicapped student, or is exposed to hazardous walking conditions, pursuant to §1006.23, Fla. Stat.

Only a student who is regularly enrolled as a transported student and whose name appears on the assigned bus driver's record may ride the bus. However, an exception may be granted by the principal when requested by the parent, provided space is available. If the request exceeds five (5) days, the approval of the Superintendent shall be required.

The following additional persons may be permitted to ride school buses:

1. Substitute drivers and substitute aides who are in training;
2. Teachers, Resource Officers, and other School Board employees while supervising school sponsored or school connected activities;
3. Chaperones for school activities which have been authorized by the principal; or
4. Any other employees approved by the Superintendent. Such approval may only be given in emergency situations and when vacant seats are available during the scheduled route and shall not exceed a reasonable period of time for the employee to make other arrangements for transportation.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1003.54, 1006.21, 1006.21, 1006.21(3), 1006.23, 1013.36 Fla. Stat.; Fla. Admin. Code R. 6A-3.001, 6A-6.0525
History: New, June 12, 1989
Revised: March 23, 1995; October 12, 1995; June 10, 1996, August 14, 1996, March 11, 1998; July 27, 2021

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TRANSPORTATION BY MEANS
OTHER THAN SCHOOL BUS **6.302**

The School Board shall use school buses, as defined in the Florida Statutes, to transport pre-kindergarten through grade 12 students to and from school or school-related activities which are a part of a scheduled series or sequence of events at the same location. Students will only be transported between the hours of 6:00 a.m. and midnight.

The School Board may regularly use motor vehicles other than school buses only under the following conditions:

1. When the transportation is for physically handicapped or isolated students and the District has elected to provide for the transportation of the student through written or oral contracts or agreements providing for the reimbursement of the cost of transportation. Contracts with individuals to transport students must be specifically authorized by the Board and be in accordance with the following:
   a. The contract sum shall not exceed the state-authorized mileage for each mile traveled to and from the bus stop or the school, whichever is nearer the student's home.
   b. The owner of the vehicle shall be properly licensed and shall maintain insurance with limits of $100,000 per person and $300,000 per occurrence. The owner shall furnish the Board with a certificate of insurance.
   c. The official Board minutes shall show the amount of transportation assistance approved, names of students served, school attended, and mileage of the route.
2. When the transportation is part of a comprehensive contract for a specialized educational program between a school board and a service provider who provides instruction, transportation, and other services.
3. When the transportation is provided through a public transit system.
4. When the transportation of students is necessary or practical in a motor vehicle owned or operated by the School Board other than a school bus and such transportation is provided in designated seating positions in a passenger car not to exceed eight (8) students or in any other motor vehicle designed to transport ten (10) or fewer persons which meets all federal motor vehicle safety standards for passenger cars.
5. Except as provided in sections (1) and (2) above, the School Board may authorize the transportation of students in privately owned motor vehicles on a case-by-case basis only in the following circumstances:
   a. When a student is ill or injured and must be taken home or to a medical treatment facility under nonemergency circumstances;
   b. The school has been unable to contact the student's parent or guardian or such parent, guardian, or responsible adult designated by the parent or guardian is not available to provide the transportation;
   c. Proper adult supervision of the student is available at the location to which the student is being transported;
   d. The transportation is approved by the school principal or a school administrator designated by the principal to grant or deny such approval, or in the absence of the principal and his/her designee, by the highest ranking school administrator or teacher available under the circumstances; and
   e. If the school has been unable to contact the parent or guardian prior to the transportation, the school shall continue to contact the parent or guardian until the school is able to notify the parent or guardian of the transportation and the pertinent circumstances.
6. When the transportation is in connection with a school function or event regarding which the District or school has undertaken to participate or to sponsor or to provide the participation of students; and
   a. The function or event is a single event which is not part of a scheduled series or sequence of events to the same location, such as, but not limited to, a field trip, a

recreational outing, an interscholastic competition or cooperative event, an event connected with an extracurricular activity offered by the school, or an event connected to an educational program, such as, but not limited to, a job interview as part of a cooperative education program;

b. Transportation is not available, as a practical matter, using a school bus or District passenger car;

c. Each student's parent or guardian is notified, in writing, regarding the transportation arrangement and gives written consent before a student is transported in a privately owned motor vehicle;

d. The transportation is approved by the principal;

e. The driver shall be of at least twenty-one (21) years of age and hold a valid Florida drivers license, except for military personnel which may hold a valid drivers license in any state of the U.S.; and

f. The driver has liability insurance limits of $100,000 per person and $300,000 per occurrence.

7. When the School Board requires employees such as school social workers and attendance officers to use their own motor vehicles to perform duties of employment, and such duties include the occasional transportation of students.

Any vehicle used to transport students must meet the Federal Motor Vehicle Safety Standards for passenger cars or multipurpose vehicles. Designated seating capacity for students shall not exceed eight (8) students in a passenger car or ten (10) or fewer in a multipurpose vehicle. The Supervisor of Transportation will maintain a list of approved vehicles which meet the Federal Motor Vehicle Safety Standards.

Students must be transported in designated seating positions and shall be required to use the occupant crash protection system provided by the vehicle manufacturer unless the student's physical condition prohibits such use.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 20.23, 1006.22, 1011.68, Fla. Stat; Fla. Admin. Code R. 6A-3.017; 49 C.F.R. § 571
History: New, June 12, 1989
Revised: October 12, 1995, September 11, 1996; April 12, 2011; November 22, 2011

CHAPTER SIX
BUSINESS AFFAIRS

SCHOOL BUS ROUTES 6.303

The Superintendent shall annually designate school bus routes, following consideration of data and recommendations of the Supervisor of Transportation. The guidelines provided herein and State law are to be used by the Superintendent and staff in establishing routes for school buses. Any proposed route which is not in compliance with the criteria herein must be approved by the School Board prior to implementation.

Each route shall be planned and adjusted, as far as practicable, to ensure that no more than 1-1/2 (one and one-half) hours will elapse between the time the student boards the bus and the time school begins, or the time school closes and the student leaves the bus in the afternoon and that travel each morning and afternoon should not exceed 50 minutes for an elementary student or 60 minutes for a secondary student.

Each route shall be planned and adjusted in such a manner as to eliminate the necessity for students to stand when a school bus is in motion.

Each route shall serve students living only in areas where transportation by school bus is the most economical method of providing adequate educational facilities.

A route shall not be extended for the purpose of accommodating pupils whose homes are over two (2) miles, as the route is scheduled, if a shorter distance than two (2) miles, or a more economical route, is available to serve the pupils.

The road must be in a safe and satisfactory condition for the operation of a bus of the type and size to be used in the area.

Where it is necessary for a bus to turn around, a suitable turning area must be available.

Student loading stops shall not be established less than 2/10 (two-tenths) of a mile apart, except when the safety and welfare of the pupils require more frequent stops.

All bus routes shall be reviewed each year to determine:

1. If routes can be combined;
2. If routes need to be extended;
3. If routes can be decreased in length; and
4. If any bus needs to travel a new road other than the one traveled.

It shall be the responsibility of parents of transported students to ascertain and ensure that their children arrive at the assigned school bus stop on time in the morning and to provide the necessary protection for their children going to and from and while waiting at bus stops.

Spur routes from main trunk routes shall not be made to pick up students living less than 3/4 (three-quarters) mile from such route, except when students are physically handicapped or in cases where walking presents a danger to students. A spur route will only be considered when the road is an all-weather road, a satisfactory place to turn around is available, and the change will not result in scheduling that would require students who board the bus first to leave home at an unreasonable time in the morning.

Drivers of school buses may not discontinue stops, begin new stops, or otherwise change a route without approval of the Superintendent or his/her designee.

Under extenuating circumstances the Superintendent or his/her designee is authorized to make exceptions to the requirements prescribed in this rule.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.21, 1006.21(3), 1006.22, Fla. Stat; Fla. Admin. Code R. 6A-3.001, 6A-3.017
History: New, June 12, 1989
Revised: August 14, 1996

CHAPTER SIX
BUSINESS AFFAIRS

SPECIAL USES OF SCHOOL BUSES 6.304

In addition to transportation of students to and from school, school buses may be used for educational field trips and for school connected or sponsored activities; provided that such trip is approved by the principal and is under the direct supervision of a member of the professional staff of the school. Trips outside the District shall require approval of the Superintendent. Such trips may include educational field trips and extracurricular trips sponsored by the school. No student shall be eligible for transportation on a field trip or on an extra-curricular trip unless he/she is duly enrolled in a school of the District and is approved to make the trip as provided in these rules.

Educational Field Trips. Any trip which is directly related to a unit of instruction being studied by a particular group of students may be considered an educational field trip.

A field trip may be scheduled during the school day between the hours approved by the Transportation Department. Special field trips may be requested for a Saturday or holiday, or after school.

Extra-Curricular Trips. A trip which is not directly related to the instructional program, but which is related to a school sponsored or connected activity shall be considered an extra-curricular trip. Any request for use of a school bus for an extra-curricular trip shall be approved by the faculty sponsor of the activity prior to submission to the principal or Superintendent for approval.

School buses, when available, may be used for extra-curricular trips; provided that the school or organization may be required to pay the cost of the driver's hourly rate and other expenses at the rate established by the School Board. The school will not be obligated to pay the cost of the driver's admission to any activity. Drivers for extra-curricular trips must hold a valid commercial driver's license with passenger endorsement.

The expenses of any extra-curricular trips, other than situations where students are representing the school in competitive activities, shall be the sole responsibility of the school and shall be paid from the school's internal account funds, the school's transportation allocation account, or from the funds of the organization making the trip or sponsoring the activity. Exceptions to this requirement may be made by the School Board on an individual basis.

Immediately following any such trip, the Supervisor of Transportation shall send a statement of cost of the trip to the school. Upon receipt of such statement, the principal shall pay the School Board the amount due within 30 days. Payment to the bus driver shall be in accordance with the approved salary schedule and shall be by School Board warrant.

To assist in scheduling, all requests for the use of buses for athletic trips shall be submitted to the principal and, when appropriate, to the Superintendent prior to the season for each sport as prescribed below:

1. Football - September 1.
2. Basketball - November 1.
3. Spring Sports - February 1.

Any field trip or extra-curricular trip, in order to be eligible for approval, must be adequately planned and must make provision for supervision of students. It shall be the responsibility of the principal of the school or his/her designee to provide chaperones for each scheduled trip and to see that the chaperones are properly instructed in the rules governing transportation prior to departure with special emphasis on behavior and safety rules. At least one (1) chaperone on each trip shall be a member of the administrative or instructional staff.

Where an extra-curricular trip or any other school approved trip warrants travel by a chartered bus operated by a commercial line, approval shall be obtained from the Superintendent.

The following procedures and requirements shall apply to the use of school buses for all extra-curricular and field trips:

1. Transportation Department with the principal's approval at least seven (7) working days prior to the time of the scheduled trip. If the trip requires the approval of the Superintendent, the request must be submitted at least ten (10) working days in advance. If School Board approval is required, the request must be submitted at least ten (10) working days prior to the School Board meeting at which approval will be considered.
2. Scheduling of a bus for a special trip shall be the responsibility of the Supervisor of Transportation and such trip shall in no way alter, interfere with, or disrupt the operation of a regular bus route carrying students to and from school.
3. Where principals of two (2) or more schools are sending participants to common activities outside the school district, travel shall be coordinated and only one (1) bus requested when adequate. The normal load for out-of-district trips shall be two (2) passengers per seat.
4. No unauthorized person shall be permitted to ride a bus on a field trip or on an extra-curricular trip. An approved chaperone shall be considered to be an authorized passenger.
5. All school bus operating requirements prescribed herein shall apply to extra-curricular and field trips.
6. Before the trip, written permission of the parent or guardian of each minor student participating in a special trip shall be on file in the office of the principal of the participating school.
7. The principal of the school shall be responsible for the handling of any collection of damages due to vandalism or for any other reason on a special trip in which the school participated.
8. All School Board rules relating to pupil responsibilities and discipline shall be enforced.
9. The bus driver of the special trip shall clean the bus after each trip and shall have the bus in proper condition for the regular trip the following morning. Failure to comply with this provision shall make the driver ineligible for employment for additional special school trips.

Summer Program Transportation.

Buses and drivers for the summer program shall be approved by the Superintendent. School buses, when available, may be used for approved trips on the basis of the cost to be paid by the school in the same manner as for extra-curricular trips during the regular school term.

Use of School Buses by Outside Organizations. The Superintendent is authorized to enter into agreements with nonprofit corporations and nonprofit civic associations to allow the use of school buses to transport school-age children for activities sponsored by such organizations, and with public agencies for transportation of the transportation disadvantaged. All such agreements shall provide for compensation to the School Board in an amount at least equal to the actual cost incurred by the Board. Each agreement shall require the organization to provide liability insurance in the amounts specified by § 1006.261, Fla. Stat., and shall also contain a provision agreeing to indemnify and hold the District harmless from any liability whatsoever which might arise as a result of the use of buses pursuant to the agreement. A copy of each such agreement shall be provided to the School Board for information purposes.

When school buses are used for purposes set forth above, exclusive for transportation of the transportation disadvantaged, the inscriptions on the front and rear of the buses shall be covered and the flashing red lights and white strobe lights shall not be used.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.21, 1006.22, Fla. Stat.
History: New, June 12, 1989
Revised: April 11, 1991; June 12, 1996

CHAPTER SIX
BUSINESS AFFAIRS

REPORT OF BUS DRIVERS' DRIVING HISTORY 6.305

Prior to the first day of each semester of the regular school year and prior to the first day of summer school, the Superintendent shall request a driver's history record on each person licensed as a bus driver from the Department of Highway Safety and Motor Vehicles. The requests shall be made in the form prescribed by the Department of Highway Safety and Motor Vehicles using the Automated School Bus Driver's License Record Check System through the Department's database. For any driver licensed in another state, the Superintendent shall obtain and review the driver's history record from the appropriate state.

If such check shows, at any time, that a bus driver's commercial drivers license with passenger endorsement has been suspended or revoked, the employee shall be subject to dismissal.

If a bus driver is found to be at fault for an accident or traffic violation as determined by a Transportation Department investigation or a law enforcement agency, the driver may be subject to suspension or dismissal.

Authority: § 1001.41, Fla. Stat.
Law Implemented: Fla. Admin. Code R. 6A-3.0141
History: New, June 12, 1989
Revised: June 12, 1996

DUTIES AND RESPONSIBILITIES OF THE PRINCIPAL FOR TRANSPORTATION OF STUDENTS 6.306

In addition to other responsibilities described herein, each school principal shall be responsible for performing the following duties, as prescribed by Fla. Admin. Code R. 6A-3.017:

1. Plan the program of the school so that transported students who arrive early or remain late will be under school supervision at all times.
2. Plan and assign places for students to get on and off school buses at the school, and to ensure the safety of the loading/unloading zone and to provide supervision of students.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1012.22, Fla. Stat; Fla. Admin. Code R. 6A-3.017(2)
History: New, June 12, 1989
Revised: June 12, 1996

CHAPTER SIX
BUSINESS AFFAIRS

SCHOOL BUS
OPERATING PROCEDURES **6.307**

The following procedures and practices shall be followed in operation of school buses.

School buses shall be operated at a safe speed, based on existing bus equipment, road and weather conditions, and never in excess of the legally posted speed limit in business or residential areas; or five (5) miles under the posted speed on a Turnpike, Interstate, Expressway, or Multi-lane Divided Highway, such as, driving 65 mph in a posted 70 mph speed limit.

The amber lights shall be actuated at a point approximately 200 feet from each student stop or at such greater distance as is necessary due to traffic speed and road conditions, as a warning to traffic that the bus has stopped and before the door has opened, the amber lights shall be deactivated and the top signal arm supplemented by flashing red lights, shall be displayed as due warning that students are being loaded or unloaded. The bus door shall not be opened to unload students until approaching traffic in the immediate vicinity of the bus has stopped.

The bus driver should turn on the hazard lights approximately 150 feet before stopping at least 15 feet, and no more than 50 feet, from the nearest rail of any railroad grade crossing. The driver shall not proceed across tracks until after looking carefully in each direction, opening the door and window and listening for the sound of an approaching train, and determining that it is safe to proceed. The bus door shall be closed before proceeding across the tracks of a railroad and then turning the hazard lights off.

Operation of Bay District School buses are prohibited from idling for more than five (5) minutes. Idling is the continuous operation of a vehicle's main drive engine while the vehicle is stopped. School bus drivers will shut off bus engines immediately upon reaching destination, and buses will not idle while waiting for passengers. This rule applies to all bus use, including daily route travel, field trips, and transportation to and from athletic events. School buses will not be restarted until they are ready to depart.

Drivers will limit idling time during early morning warm-up to manufacturer's recommendations – generally three to five (3 to 5) minutes in all but the coolest weather and for the pre-trip safety inspection.

Exceptions to this policy are granted only when running the engine is necessary to operate required safety equipment or to maintain a safe environment for students with special health needs.

Students shall not be permitted to leave the bus at locations other than their regular stop, except upon written request of the parent and approval of the principal.

Order and discipline of students shall be maintained at all times the bus is in operation. Any serious misconduct, or continued less serious misconduct, on the part of a student shall be reported to the principal.

The license number of any vehicle, and the name of the driver if known, which illegally passes the bus while a student is entering or leaving shall be immediately reported to the Supervisor of Transportation.

If the bus is involved in an accident, the driver shall immediately notify the local police department, the sheriff's office or the state highway patrol and the Supervisor of Transportation. The driver shall remain with the bus unless seriously injured, and shall keep the students under control until they can be safely removed. An older student or a passerby may be used to give the proper notice of the accident.

A written report of any accident involving either the school bus or a passenger on the bus shall be made immediately to the Supervisor of Transportation and the Superintendent. In addition, all accidents in

which a school bus or transported student is involved or in which total damages to property exceeds $500 shall be reported to the State Administrator of Transportation.

The posted schedule shall be observed unless to do so would constitute an unnecessary hazard. When ahead of schedule, the driver shall wait for any student until the time of the scheduled stop.

All passengers shall be removed from a bus prior to filling the fuel tank.

The bus driver shall require that students leaving the bus at bus stops to walk approximately 10 feet in front of the bus in order to cross the highway or to cross to the park strip of a divided highway. The driver shall not open the service door and permit students to unload or to cross the highway until all traffic in the immediate vicinity of the bus has stopped.

If the bus stop is equipped with a traffic control light, or is staffed with a school crossing guard or a traffic control officer, all students leaving the bus shall be required to wait a safe distance from the roadway until a signal to cross is given by the person or device directing the flow of traffic.

A daily pre-trip inspection of the bus shall be made by the bus driver and any defect affecting safety or economy shall be immediately reported to the Supervisor of Transportation.

The bus shall be kept clean at all times. No stickers or other unauthorized items shall be affixed to the interior or exterior. The driver is responsible for washing the bus at least once each month, and for sweeping the inside of the bus at least once daily and more frequently if needed.

The driver shall require all passengers to remain seated and to keep aisles and exits clear. Luggage, band instruments, ice boxes or any package or material may not be placed in the bus in a manner which blocks the aisles or the entrance of the bus.

Large boxes, packages, band instruments and similar objects shall be secured in such a manner that a sudden stop would not cause the material to move and possibly cause injury to a passenger.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1012.22, 1006.21, Fla. Stat; Fla. Admin. Code R. 6A-3.017
History: New, June 12, 1989
Revised: June 12, 1996; April 12, 2011; June 28, 2016

CHAPTER SIX
BUSINESS AFFAIRS

PURCHASE AND SALE OF TRANSPORTATION EQUIPMENT 6.308

Except when specifically approved by the School Board, all new school buses shall be purchased through the state pool purchase plan administered by the Department of Education. The Board shall designate the number of and size of buses to be purchased each year.

Where possible, other transportation equipment and supplies shall be purchased in accordance with bid prices established by the State Board of Education or by the Division of Purchasing of the Department of General Services unless the same quality of merchandise can be purchased otherwise at a lower price.

Sale and Disposal of Transportation Equipment. District-owned transportation equipment purchased entirely or in part with funds provided by the State may not be sold within a calendar period of five (5) years of the date of the initial Florida title being issued unless the conditions specified in § 1002.42, Fla. Stat. are met.

No individual school shall be permitted to own a school bus.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1002.42, Fla. Stat; Fla. Admin. Code R. 6A-3.006
History: New, June 12, 1989
Revised: June 12, 1996

CHAPTER SIX
BUSINESS AFFAIRS

INSPECTION, MAINTENANCE AND REPAIR OF VEHICLES 6.309

The Supervisor of Transportation shall be responsible for a planned program of inspection and maintenance in order to keep all vehicles operating in a safe and efficient manner. The program shall include:

1. Instruction of bus drivers in methods of anticipating and noting maintenance problems;
2. Inspection of all vehicles every thirty (30) school days;
3. Periodic servicing of all vehicles;
4. Maintenance of service and repair records on each vehicle;
5. A planned and scheduled program of preventive maintenance through major overhaul and repair of all equipment; and
6. An inservice training program for apprentice mechanics.

Procedures for Inspection. School bus safety inspections shall be conducted in accordance with procedures and include all items listed in the Florida School Bus Safety Inspection Manual obtained from the State Department of Education.

Withdrawal of School Buses from Use. An examination of the mechanical condition of each school bus shall be made each month of operation. A detailed inspection of each bus shall be made annually. Any school bus which does not meet the requirements of law shall be withdrawn from use immediately and until it meets such requirements with the repairs being documented. Any school bus removed from service so as to disrupt the safety inspection schedule shall be reinspected prior to being returned to service.

School Board Automotive Equipment. All automotive equipment owned by the School Board shall be maintained in proper operating condition.

No such equipment may be used for any purpose other than a school purpose and any employee violating the provisions of this rule shall be subject to suspension or dismissal.

Failure of the operator of any piece of automotive equipment to notify the Transportation Department as to any mechanical defect or malfunction shall be cause for the employee's suspension or dismissal.

Any mechanical defect of equipment, where repairs are needed shall be the responsibility of the Transportation Department and repairs shall be made as soon as possible; provided that the vehicle may be withdrawn from use by the Supervisor of Transportation until the repairs are made. The School Board will not assume any financial responsibility for purchases or contracts for repairs on any automotive equipment or tractor equipment unless such had prior approval of the Supervisor of Transportation.

Except under emergency conditions, no equipment shall be repaired by a private shop or private individual unless approved by the Supervisor of Transportation.

The person to whom a vehicle is assigned shall be responsible for bringing the vehicle to the garage for inspection when required by the Supervisor of Transportation.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.21, 1006.22, Fla. Stat.; Fla. Admin. Code R. 6A-3.017(8)
History: New, June 12, 1989
Revised: June 12, 1996; February 13, 2018

CHAPTER SIX
BUSINESS AFFAIRS

SCHOOL BUS SAFETY DRILLS 6.310

School Bus Emergency Evacuation Drills. The Supervisor of Transportation shall instruct the bus drivers in the procedures to be followed in conducting a bus emergency evacuation drill. Initial instruction shall be provided at some time during the week immediately preceding the opening day of school for students. The second period of instruction shall occur during the first two weeks of the second semester.

The principal shall inform the bus drivers by written notice as to the day on which a practice emergency evacuation drill is to be held. A drill shall occur during the first six (6) weeks of each semester. The bus driver shall hold the drill as directed and shall report in writing to the principal the results of the drill.

The record of any drill shall be filed in the principal's office, and a copy filed with the Supervisor of Transportation and the Superintendent.

Instruction in Safety Practices. The principal of each school shall during the first six (6) weeks of the first semester provide instruction for all transported students regarding safe practices on and off the school bus. The principal shall determine the most effective and practical manner in which to provide such instruction.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.21, 1012.28, 1006.22, Fla. Stat.; Fla. Admin. Code R. 6A-3.017
History: New, June 12, 1989
Revised: June 12, 1996

STORAGE AND USE OF DISTRICT OWNED VEHICLES 6.311

School Buses. The bus driver shall park his/her assigned bus overnight in the location designated or approved by the Supervisor of Transportation. A parked bus shall not be open to the public for use in any way and under no conditions may the bus be used for personal or private purposes, or for convenience of the bus driver.

Other Vehicles. The Superintendent or his/her designee may assign certain employees the responsibility of driving a District-owned, operated, or controlled vehicle to their residence after school hours. This shall be an employment condition and the vehicle shall only be driven to the employee's residence or an approved work center and returned to the school or work center for use during the duty day. The Superintendent or his/her designee shall designate employees that will use the vehicles and determine the parking location of the vehicles. The use of District-owned vehicles for personal use shall be prohibited.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.21, 1006.22, Fla. Stat.
History: New, June 12, 1989
Revised: June 12, 1996

CHAPTER SIX
BUSINESS AFFAIRS

AUTHORITY OF BUS DRIVERS OVER TRANSPORTED STUDENTS 6.312

Students are under the direct control and jurisdiction of school bus drivers at all times while being transported to and from school and school-sponsored or school-related activities and while the school bus is present at the bus stop. All rules of the School Board relating to student conduct shall be in full force during such periods of time. Each principal shall delegate to the school bus driver such authority as is necessary for the control and safety of students being transported.

The school bus driver shall preserve order and good behavior on the part of all students being transported but he/she shall not suspend a student from riding the school bus.

Should an emergency develop resulting from misconduct of students on the bus, the bus driver is empowered to take whatever reasonable steps are necessary to protect the safety of students on the bus, notwithstanding the limitations prescribed above. Such authority shall include the permissible use of any reasonable force necessary to protect the safety of him/herself or students on the bus.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.10, 1006.22, 1006.07, Fla. Stat; Fla. Admin. Code R. 6A-3.017
History: New, June 12, 1989
Revised: June 12, 1996, May 13, 1997

EMPLOYEE SEAT BELT POLICY 6.313

All Bay County School Board employees must wear seat belts while driving or riding in school district vehicles, as required by Florida Law.

Authority: §1001.41, Fla. Stat.
Law Implemented: §§ 316.614, 316.6145, Fla. Stat.
History: New, December 14, 2007

CHAPTER SIX
BUSINESS AFFAIRS

PART FOUR
FOOD SERVICE

GENERAL FOOD SERVICES POLICY **6.401**

The school food service program shall operate according to requirements set forth in § 1006.06 and § 1001.42, Fla. Stat., Fla. Admin. Code R. 6A-7.040 through 6A-7.049, and federal laws. The federally reimbursed breakfast and lunch program, the summer feeding program, ala carte food, beverage offerings, or other components that are available to students at all school facilities during the school day.

The school food service program shall be an integral part of the District's educational program, offering nutritional and educational opportunities for students.

The school food service program shall be primarily for the benefit of students and shall be operated on a non-profit basis. School meal prices shall be established by the School Board and may be changed as required to cover operational costs. Free and reduced price meals shall be provided in accordance with School Board rules.

Except as may be provided to the contrary herein, the foods and beverages available in schools shall be only those which meet the nutritional needs of students and contribute to the development of desirable health habits.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.06, 1001.42, Fla. Stat.; Fla. Admin. Code R. 6A-7.040 through 6A-7.049
History: New, June 12, 1989
Revised: April 10, 1996; September 13, 2006

CHAPTER SIX
BUSINESS AFFAIRS

FREE AND REDUCED PRICE MEALS 6.402

The School Board has established the following free and reduced price meal policy with respect to determining the eligibility of and providing service to children in attendance.

Free or reduced price meals shall be served to all children who are determined to qualify based on the established eligibility criteria.

The Income Eligibility Guidelines for free or reduced price meals shall be in accord with the scale provided by the Department of Education. The free and reduced scales include household size and income by week, month, or year. Any child who is a member of a family which has a weekly, monthly, or annual income not above the applicable family size income level set forth in the scale must be served a free or a reduced price meal, whichever is indicated. The scale shall be that adopted by the State Board of Education based upon income guidelines prescribed by the U. S. Secretary of Agriculture.

Eligibility standards shall be applicable to all schools under the jurisdiction of the School Board and they shall provide that all children from a family meeting the eligibility standards and attending any school under the jurisdiction of the School Board shall be provided the same benefits.

Definitions.

"Family" means a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit.

An “economic unit” is a group of related or unrelated people who share housing and/or all significant income and expenses of its members. Students who are temporarily away at school, e.g., students attending boarding schools or colleges, should be counted as members of the household.
"Meal" means any meal pattern as defined by Federal Regulations and Guidelines.

"Free or Reduced Price Meal" means a meal that is priced below the full price of the meal and one which neither the child nor his/her family shall be required to supply an equivalent value in work for the school or the school's food service program.

"Service Institution" means a private, non-profit institution or a public institution, such as a child day care center, which provides day care, or other child care where children are not maintained in residence.

"Income" means income before deductions for income taxes, employee's social security taxes, insurance premiums, bonds, etc. It is gross income and includes the following:

(1) Monetary compensation for services, including wages, salary, commissions, or fees;
(2) Net income from non-farm self-employment;
(3) Net income from farm self-employment;
(4) Social Security;
(5) Supplemental Security Income (SSI);
(6) Dividends or interest on savings or bonds, income from estates or trusts or net rental income;
(7) Public assistance or welfare payments;
(8) Unemployment compensation;
(9) Government, civilian employee or military retirement, or pensions, or veterans' payments;
(10) Private pensions or annuities;
(11) Alimony or child support payments;
(12) Regular contributions from persons not living in the household;
(13) Net royalties; and
(14) Other cash income.

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The determination of eligibility of a family for free or reduced meals is managed in the Food Service Office using a comprehensive computer program that scans the annual family application.

Applications. Listed below are the procedural steps used in accepting applications for free and reduced price lunches.

At the beginning of each school year, all parents of children attending school will be notified by letter about the free and reduced price meals outlined in these rules. They will be provided an application form. Families of children enrolling in the school at any time during the school year will receive this same information at the time of enrollment.

Applications will be completed and signed by an adult member of the family. A family may file an application any time during the school year.

The information requested shall be limited to that needed to demonstrate that the family does not meet the criteria in the school's approved eligibility standards and will be in accordance with the guidelines issued by the U. S. Department of Agriculture.

The information requested concerning the annual income of the family shall be limited to:

(1) The type or types of such income, such as salary, wages, or commissions from employment; earnings from self-employment, including farming; or annuities; and other cash income.
(2) The amount of gross income for the family in total or by type.

The application shall contain clear instructions with respect to the submission of the completed application to the official designated to make eligibility determinations.

The application shall include immediately above the space for signature, that the person signing it certifies that all information on the application is true and correct and that all income is reported, that the person signing it understands that the information is being given for the receipt of federal funds, that school officials may verify the information on the application and that deliberate misrepresentation of the information may subject the applicant to prosecution under applicable state and federal laws.

Within ten (10) school days of the receipt of the application, parents will be notified in writing if their application is approved or denied. The reason will be given and the parent will be notified that an appeal may be made. The procedure for making this appeal will be stated at the time the parent is notified. Prior to initiating the hearing procedure, the parent or the principal may request a conference to provide an opportunity for the parent and the Food Service Official to discuss the situation, present information, and obtain an explanation of data submitted in the application and decisions rendered. Such a conference shall not in any way prejudice or diminish the right to a fair hearing.

When a child transfers from one school to another within the same school system, any records pertaining to his/her eligibility for free or reduced price meals can be transferred with him/her.

At the beginning of the school year, those students who were eligible the previous school year shall continue to receive their free or reduced price meals until the new application is received, but no longer than for the first thirty (30) days of school.

All applications, approved and disapproved, will be preserved for a period of three (3) years for audit purposes.

Local officials may complete an application for a student known to be needy if the household fails to apply. When exercising this option, the school official must complete an application on behalf of the student based on the best household size and income information available and make an eligibility determination. The source of the information MUST be noted. Social security numbers of household members need not be secured and these applications may be excluded from verification. The household must be notified that the student has been certified and is receiving free or reduced price benefits. This option is intended for use in individual situations and does not allow eligibility determinations for categories or groups of children.

In all cases, an application must be on file for each child receiving a free or reduced price meal and the application must be signed either by an adult member of the family or by an adult who is aware of the child's need and approved by the Food Service Official.

The District Food Service Office will coordinate a direct certification program annually which identifies students eligible for "free meals" using a computer match with the Department of Health and Rehabilitative Services database. This program will be conducted during the summer period and eligible parents/guardians notified of their students' qualifications. However, all students will receive an application at the beginning of the school year to preclude overt identification of free meal status.

Verification. The verification process will be a focused sample conducted by the Food Service Office beginning October 1 and completed by November 15 of each year.

Hearing Procedure for Appeals.

A hearing may be requested whenever an appeal is made by the parents on the decision of the Food Service Official or the verification process, relating to the providing of free or reduced price meals. The family may ask the Food Service Director for such a hearing. The request may be oral or written.

The hearing will be held within a month after the appeal is made and the family will be given two (2) weeks notice as to the time and place of the hearing. The family will be consulted as to a mutually convenient time and place for such a hearing to be held.

The family will be offered the opportunity:

1. To be assisted or represented by an attorney or another person in presenting their appeal;
2. To examine, prior to and during the hearing, the documents and records presented to support the decision under appeal;
3. To present oral and documentary evidence and arguments supporting its position without undue interference; and
4. To question or refute any testimony or other evidence and to confront and cross-examine any adverse witness.

The hearing shall be conducted and the decision made by a member of the District staff who did not participate in making the decision under appeal. The decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record. The family and any designated representative will be notified in writing of the decision made by the hearing official.

A written record of such hearing will be made. This record will include:

1. The decision under appeal;
2. Any documentary evidence;
3. A summary of any oral testimony presented at the hearing;

4. The decision of the hearing official, including the reasons for such decision; and
5. A copy of the notification to the family of the decision of the hearing official.

This written record will be preserved for a period of three (3) years and will be available for examination by the family or their designated representatives, at any reasonable time and place during such period.

This same hearing procedure shall be followed when the school challenges the continued eligibility of any child for a free or reduced price meal. During the process of such challenge the child shall continue to receive the free or reduced price meal to which he/she was originally determined to be eligible based on the information supplied in the application.

Procedure for Collecting Payments and Other Non-discrimination Practices. The School Board shall establish procedures for collecting payments from paying children in a manner which protects the anonymity of children receiving free and reduced price meals.

The Superintendent shall take action necessary to insure that the names of children eligible to receive free or reduced price meals shall not be published, posted or announced in any manner and that there shall be no overt identifications of any such children by the use of special tokens or tickets, or by any other means. Children eligible for a free or reduced price meal shall not be required to:

1. Work for their lunch;
2. Use a separate food service facility;
3. Go through a separate serving line;
4. Enter the cafeteria through a separate entrance;
5. Eat meals at a different time from other students; or
6. Eat a meal different from the meal sold to children paying the full cost.

If a school employs student helpers who are eligible for free or reduced price meals, they are not to work in any capacity except at the written request of the parents. Parents and/or guardians are to clearly understand that the children would receive a free or reduced price meal even if the students did not work.

Public Announcements. The Superintendent shall publicly announce the standards for determining the eligibility of children for free and reduced price meals. The public announcement shall be made in the following two ways:

1. A letter shall be sent to all parents on or before the beginning of each school year. When a child enrolls in school after the beginning of the school year, the letter shall then be distributed to his/her parents. The letter will contain or be accompanied by:

    a. A copy of the Free and Reduced Price Meal Application;
    b. A copy of the Income Eligibility Scale which has been uniformly adopted by the State Board of Education;
    c. Information regarding how to make an application for a free or reduced price meal;
    d. Information regarding how a family may appeal the decision of the principal with respect to such application under the hearing procedures described in herein.
2. A public press release, containing the same information supplied to the parents, shall be made available to the informational media, unemployment offices, any major employers who are contemplating layoffs in the area from which the school draws attendance before the beginning of each school year, and whenever there is a change in the policy. A copy of this press release may be obtained by any interested party at the Office of the Superintendent.

Changes in Eligibility Standards During the Year. Any changes or amendments in the eligibility standards during the school year which have been approved by the Department of Education, shall be publicly announced in the same manner as the original standards were announced herein.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.06, 1001.42, Fla. Stat.; Fla. Admin. Code R. 6A-7.042(2)(f)
History: New, June 12, 1989
Revised: April 10, 1996; September 13, 2006

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RESPONSIBILITIES OF THE DISTRICT
FOOD SERVICE DEPARTMENT **6.403**

The Food Service Department shall be responsible for providing supervision and coordination to ensure that the school food service program of the school district is operated in accordance with federal law and regulations, Florida Administrative Code and School Board rules. This responsibility shall include, but not be limited to, the following:

1. Develop the food service part of the annual District budget.
2. Supervise the implementation of the centralized food service accounting system and develop and distribute the necessary forms.
3. Develop and implement an ongoing system of in-service training for all food service employees of the school system.
4. Develop specifications for food service equipment and food and non-food supplies for the food service program.
5. Assist the principal in identifying needs for maintenance and repair of equipment and facilities in the school food service program and recommend such needs to the Director of Maintenance/Capital Improvement.
6. Inspect periodically all food preparation and serving areas to ensure that all health and sanitation standards are being met.
7. Assist principals in the selection of personnel for recommendation to the Superintendent for employment in the food service program.
8. Administer the USDA Donated Foods Program, including acquisition, warehousing and storage, and allocation and distribution to schools.
9. Process and approve all family applications for those who wish to apply for free and reduced meals and conduct income verification annually.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.06; 1001.42; 1012.23, Fla. Stat.
History: New, April 10, 1996
Revised: September 13, 2006

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SALE PRICES OF MEALS 6.404

Student Meals. The Board shall annually establish sale prices for all federally reimbursed meals served as a unit in school cafeterias. Each student, unless qualified under Section 6.402 for a free or reduced meal, shall pay the full price for each meal.

Adult Meals. The Board shall annually establish sale prices for all meals served as a unit to adults in school cafeterias. The following additional provisions shall apply to adult meals:

1. Only adults who are on school business at lunch time, School Board employees, and others approved by the School Food Service Director may purchase food in the cafeteria based on the principal's or his/her designee's approval.
2. Parents and other interested citizens may eat in the cafeteria once they have signed in as a visitor at the front office. They are encouraged to give prior notice to the teacher, office personnel, or the Food Service Manager/Lead. Prearrangement is encouraged in order to ensure that the food supply is adequate.
3. Only full-time, part-time, and substitute food service employees shall receive meals as part of their compensation.
4. All other School Board employees shall pay the established adult price for the meal.

Payment Method.

1. Prepayments for meals may be accepted. No meal or meals may be sold to an adult on a credit basis. Elementary and secondary students will be permitted to charge up to three (3) days. Alternative meals will be provided for all students without funds up to a maximum of three alternative meals.
2. Prices of individually priced food and beverage items shall be determined by the Food Service Director.
3. Students who qualify for free meals will no longer have a charge on their lunch account. The meals previously charged will now be listed on their account as a free meal.
4. Students are not allowed to charge a la carte items.
5. Overt identification is avoided through the meal counting/claiming software. Students enter their account number on the keypad. The cashiers address each student by name, verifying the student. The student's meal is correctly claimed at the point of sale.
6. The food service staff are to be trained at the beginning of each school year on the meal charge policy. The staff is given a copy of the presentation for future reference.
7. The information on this meal policy will be communicated in the student handbook for students and parents to view.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.; Fla. Admin. Code R. 6A-7.042
History: New, June 12, 1989
Revised: April 10, 1996; September 13, 2006; June 23, 2010; May 26, 2015; April 24, 2018

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BUSINESS AFFAIRS

RESPONSIBILITY OF PRINCIPAL FOR FOOD SERVICE PROGRAM 6.405

It shall be the duty and responsibility of each principal to insure that the food service program in his school is operated in conformance with all applicable laws, regulations, and rules. The principal shall also:

1. Schedule lunch periods so that maximum participation may be realized.
2. Perform evaluation of Food Service employees.
3. Make the entire school staff conscious of the opportunities for using the school food service as a laboratory for teaching nutrition, health and social development and for correlating the program with other areas of instruction.
4. Ensure that any organization desiring to use the kitchen or cafeteria shall complete forms BU-BCSB-15A and BU-BCSB-15B. A Food Service Manager or other qualified food service employee shall be present and reimbursed, if appropriate, when food is to be prepared or kitchen equipment is to be used. The District shall compensate the Food Service Manager or other qualified food service employee who is entitled to such reimbursement and shall collect funds from the organization to cover such reimbursement.
5. Take the appropriate measures to ensure that the food service program does not compete with commercial establishments.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.06, 1012.22, 1001.42, Fla. Stat.
History: New, June 12, 1989
Revised: April 10, 1996; September 13, 2006

CUSTODIAL RESPONSIBILITIES 6.406

The principal, following consultation with the Food Service Manager, shall annually assign custodial staff responsibility for cleaning of school food service areas. A schedule for such cleaning activities shall be jointly developed by the principal and the Food Service Manager. Specific duties to be included in the schedule shall include:

1. Cleaning the dining room floors daily and waxing periodically, where appropriate. Kitchen floors are to be spot cleaned by food service personnel, but are to be scrubbed on schedule by the custodian.
2. Cleaning the windows of the school food service area.
3. Cleaning fans, hoods and any equipment that requires the use of high ladders.
4. Removal of garbage cans from the food service area, and cleaning and sanitizing such cans.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989

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USDA DONATED FOODS 6.407

The Director of School Food Service shall be responsible for the distribution of commodities to the schools. The following procedures shall be followed in the distribution and use of commodities:

1. Records and receipts of the arrival and distribution of commodities shall be maintained by the Director of School Food Service and the Finance Department.
2. Donated food may not be sold, exchanged for any purpose, or used in any manner violative of federal regulations. These commodities may be used for emergency feeding in designated shelters.
3. Food Service Managers shall plan the use of donated foods in such a manner as to avoid any unnecessary carryover from year to year.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.06, 1001.42, Fla. Stat.
History: New, June 12, 1989
Revised: April 10, 1996

LEFTOVER FOOD AND GARBAGE 6.408

Each Food Service Manager shall plan meal preparation in a manner to minimize over-production.

Leftover Food. Leftover food may not be taken from the school food service area by any person, including employees. This includes both purchased food as well as donated food. Any leftover food may be disposed of in the following manner:

1. Sold as seconds to students.
2. Stored properly and incorporated in future meals.
3. Discarded as appropriate.

Garbage and Swill. Employees of the school system may not remove garbage or swill from the school.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.06, 1001.42, Fla. Stat.
History: New, June 12, 1989
Revised: April 10, 1996

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UNAUTHORIZED PERSONS IN FOOD PREPARATION AREAS 6.409

The Food Service Manager shall be responsible for the control of unauthorized persons in the school food preparation areas. Admission to such area or areas shall be limited to the food service staff, the principal, and school personnel on official business.

Students may be allowed in the kitchen area provided they are:

1. Employed in accordance with child labor laws;
2. On tour as part of an educational project prearranged with the principal and the School Food Service Manager; or
3. Under the supervision of a school staff member.

Relatives of school food service personnel shall not be allowed in the kitchen area during food preparation or serving.

Unauthorized adults shall not be allowed in food preparation areas at any time except for making repairs or using the facilities as authorized by the Superintendent.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.06, 1001.42, Fla. Stat.
History: New, June 12, 1989
Revised: April 10, 1996

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PART FIVE
SCHOOL FACILITIES

USE OF SCHOOL PROPERTY **6.501**

School property, facilities and equipment are intended primarily for educational purposes and for the benefit of students. No other use shall interfere with these purposes. The Principal may approve the use of school property, facilities and equipment for any group or organization ("Lessee") as herein provided. The Principal shall be responsible for safeguarding of such property, facilities and equipment. In addition, the Principal shall see that the rules of the School Board are observed, and that proper lease forms are executed, risks are assessed and mitigated, user liability insurance is in place, the school calendar is accurate and up to date, lease documentation files are maintained, and that required lease payments are made.

School leasing files shall be subject to periodic audit for compliance with this Board Policy and with procedures as approved by the Superintendent in respect to consistent and orderly administration of this Board Policy. Lease forms shall be executed at least ten (10) days in advance of the use or event.

Use of School Property Without Charge. The Principal may authorize the use of school facilities without charging school fees and the Superintendent's designee may waive district fees, except labor costs as may be required for supervision or clean-up, under the following conditions. The Superintendent shall be notified, in writing, of each authorization for the use of school facilities without charge. If there is any doubt as to the eligibility of an organization to use facilities without charge, the matter shall be referred to the Superintendent or designee for resolution.

School facilities and equipment may be made available for any District educational purpose, or for use by employees in accordance with provisions of a collective bargaining agreement.

School facilities may be made available to national youth groups operating under the sponsorship of a county organization provided that the group is properly supervised. District use agreements may be executed with the community organization for all schools or for an individual school.

School facilities and equipment shall be made available for civil defense use as directed by the Superintendent who shall notify the Principal of the school affected.

School facilities may be made available to the Board of County Commissioners for voting places in any election, provided that the Principal can make such arrangements to prevent the election from interfering with the operation of the school.

School facilities may be made available to any governmental, community agency or other organization when specifically approved by the School Board as being in the public interest or for the benefit of the school system or its employees.

Use of Facilities With a Charge Being Made. The Principal, or other designated administrator, may permit the use of school facilities for non-school activities under the following conditions:

School facilities may be made available for specific, temporary, or short-term purposes to organizations which are civic, religious or community connected, upon the payment of the fee established herein.

If the use is to be repetitious for a period of more than six (6) months, approval must be given by the School Board, upon recommendation of the Principal.

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The Principal shall be responsible for seeing that the facilities are under sufficient supervision and that adequate custodial service is provided. School kitchens and food service facilities shall not be accessed or used by any outside organizations. Organizations using stadiums and sports fields (or indoor facilities for large crowd events) shall be required to have at the organization's expense, at least one (1) uniformed security officer for the entire time of use. The Principal may require use of and payment for other specialized school or district employees or other personnel to properly operate facility lighting systems, sound systems, curtains and set rigging systems, scoreboard, and other specialized equipment. The Principal shall approve of the labor plan for supporting the use or event.

Payment for labor for custodial, supervisory, security, or special technician employees shall be made by the organization using the facility directly to the personnel providing services for the event, not to the school or district. Labor rates shall be as agreed between the user organization and the personnel performing the event support services. Lessee shall provide written documentation to the Principal for labor payments actually made in support of Lessee's use or event. Such labor payments for required services shall be in addition to the space fees charged for usage. Charges shall also be assessed for any damage to the facility, furnishings, or equipment, and reimbursement for such charges shall be made by the organization using the facility.

Booking Deposit. At the time of booking the event in the school calendar, a non-refundable deposit must be paid to the school to reserve the space. The booking deposit shall be the greater of $250 or 20% of the total lease fee, unless the total lease fee is less than $250 in which case the total lease fee is due at the time of booking. The booking deposit will be credited toward the total fees to be paid to the school. Booking deposits are specific to one calendar time frame and cannot be applied to multiple bookings.

Fees. The fees in Exhibit A shall be set out in a signed lease agreement and charged for each use of school facilities for any event in which an admission fee is charged or financial profit is expected, or for any other use deemed appropriate for charges by the Principal. The purpose of the district fees and charges is to recover district costs for energy, field paint, supplies, pool chemicals, etc.

If the use of the facility is for a profit-making activity, the organization shall be assessed a fee equal to ten percent (10%) of the gross proceeds or the fees set forth in Exhibit A, whichever is greater.

Payment of Required Fees and Reimbursements. Lease fees shall be paid, by check made payable to the Bay District Schools, ten (10) days in advance of the use of the facilities. Reimbursement for additional expenses, gate share, or any damage costs shall be made within ten (10) days of date of billing and shall be paid by check made payable to the Bay District Schools.

Liability and Insurance Coverage. Each organization proposing to utilize school facilities, whether without or with charge, shall agree in writing to hold the School Board harmless from any liability which might accrue to the Board as a result of such use. In addition, the organization, except school booster clubs and parent-teacher groups, shall provide public liability insurance coverage in the amount of at least $100,000 per person and $300,000 per occurrence ten (10) days prior to the use of the facility. Without a certificate in hand proving this insurance coverage is in effect, the facility use shall not be permitted.

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Prohibited Uses of School Facilities. No school facilities, equipment, or grounds shall be permitted for any of the following purposes:

(a) Programs involving any form of gambling or other illegal activity.
(b) Private teaching, unless specifically approved in advance by the School Board. Supplemental educational services under Florida Statutes §1008.331 shall not require special School Board approval. This does not prohibit student development activities such as clinics, camps, or workshops for sports, academics, theater, cheer, band, choir or other student club or booster club activities that are approved by the Principal.
(c) Programs which would be in violation of any law or School Board Rule.
(d) Use by political groups for the purpose of fund raising activities or rallies.

Special Provisions. The following special provisions shall apply to all organizations using school facilities. It is the responsibility of the Principal to see that these provisions are enforced or observed.

(a) Restrooms will be made available for organizations renting school facilities.
(b) No alcoholic beverages or controlled substances shall be allowed on school property.
(c) No smoking or the use of tobacco products or electronic cigarettes shall be permitted at any location.

Appeal to School Board. When any organization feels that the use of school facilities has been improperly denied, or that an improper charge or fee has been applied, a written appeal may be made to the School Board for resolution.

Exhibit A – Schedule of Space Fees

Space Fees	School $ Per Hour	District $ Per Hour
Classroom	**$22**	**$5**
Cafeteria / Multi-Purpose Room	**$32**	**$15**
Small Multi-Purpose Room / Band Room	**$22**	**$11**
Media Center	**$42**	**$15**
Gymnasium (Middle School)	**$75**	**$72**
Gymnasium (High School)	**$103**	**$72**
Locker Room High School or Middle School)	**$30**	**$22**
Auditorium - Arnold HS	**$200**	**$72**
Fine Arts Center - Mosley HS	**$200**	**$72**
Grand Piano - Mosley HS FAC	**$250**	
Fine Arts Center - Bay HS	**$200**	**$72**
Auditorium - Rutherford HS	**$160**	**$72**
Football / Soccer Field / Track (no lights)	**$100**	
Football / Soccer Field / Track (with lights)	**$100**	**$84**
Baseball / Softball Field (no lights)	**$100**	
Baseball / Softball Field (with lights)	**$100**	**$84**
Practice Field	**$75**	
School Board Room - Nelson Building		**$96**
Staff Development / Training Room – Nelson Building		**$60**
Tommy Oliver Stadium		**$300**
Gavlak Stadium		**$240**
Bozeman Stadium		**$240**
Swimming Pool - Mosley HS		**$90**

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1013.02, 1001.42, Fla. Stat.
History: New, June 12, 1989
Revised: January 11, 1990, July 15, 1993; December 12, 2001; June 9, 2010; November 22, 2011; August 27, 2013; November 14, 2017; April 13, 2021; October 25, 2022

CHAPTER SIX
BUSINESS AFFAIRS

AVAILABILITY OF SCHOOL FACILITIES TO SECONDARY STUDENTS FOR MEETINGS 6.502

In accordance with The Equal Access Act, the School Board authorizes school facilities to be made available to secondary students who wish to conduct meetings during non-instructional time. Non-instructional time shall be defined as the time set aside by the school in the morning before actual classroom instruction begins, or in the afternoon after actual classroom instruction ends, exclusive of the optional periods offered by the School Board. The use of school premises for these meetings may be approved by the principal in accordance with the following provisions:

(1) The meeting:
  (a) Is voluntary and student-initiated;
  (b) Does not materially and substantially interfere with the orderly conduct of educational activities within the school;
  (c) Is not directed, conducted, controlled, or regularly attended by nonschool persons;
  (d) Does not require additional tax funds; and
  (e) Is not otherwise unlawful.

(2) The length of the meeting shall not extend beyond 5:00 P.M. unless extended by individual school policy.

(3) Admission fees are not charged during the course of the meeting.

(4) Application for use of elementary, middle, secondary, or post-secondary school premises is properly executed by the student initiating the request, utilizing forms that may be secured from the school office where use is being requested.

(5) There shall be no sponsorship of the meetings by the school, the School board or its agents or employees. The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting. Employees or agents of the school or School Board may be present at meetings only in a non-participatory capacity.

(6) Use of school premises shall not be denied on the basis of the number of participants or on the basis of the content of the speech at such meetings, e.g., religious, political, philosophical; however, nothing in this Rule shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

(7) Denial by the principal of the use of school premises to any student-initiated group for the purposes of conducting a meeting during non-instructional time may be appealed to the Superintendent.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1013.02, Fla. Stat.; P.L. 98-377, 20 U.S.C. 4071
History: New, June 12, 1989

CHAPTER SIX
BUSINESS AFFAIRS

IMPROVEMENTS TO SCHOOL FACILITIES AND GROUNDS 6.503

Any group, including a parent-teacher association, which desires to improve a school site, to add facilities, to install equipment, or to make any improvement which would place an additional load on the electrical system shall submit a written proposal to the principal and Superintendent for approval. All plans and specifications must be reviewed and approved by the Director of Facilities/ Maintenance to ensure compliance with Chapter 6A-2, Fla. Admin Code and other applicable building codes. The building must be inspected and accepted by the Director of Facilities/Maintenance upon completion. The Superintendent shall not approve any request until it is determined that adequate electrical service is available and plans have been approved as provided herein. Any such improvement or addition shall become the property of the School Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989

BREAKING AND ENTERING OR VANDALISM 6.504

Where breaking and entering or vandalism occurs to school property outside of school hours, or by persons not subject to jurisdiction of the school, the principal shall report the matter within 48 hours to the Supervisor of Facilities and Maintenance and to the proper law enforcement agency giving all available information.

Where a student willfully damages school property, he/she shall be properly disciplined and his parents or guardian shall be requested in writing to restore or replace such damaged or destroyed property as determined by the true value established by the Director of Facilities and Maintenance. In extreme cases of vandalism, a student shall be subject to suspension or dismissal from school under the charge of serious misconduct. Each school shall formulate local school rules to properly deal with the abuse of school property by students.

Where vandalism or theft of school property is known to have been committed by a minor and the parents or guardian refuse to restore or replace the property, a civil action against the parents or guardian may be instituted by the School Board to recover damages in an amount not to exceed the limit prescribed by law.

In any case of willful or negligent damage to school property by a person other than a student, the user or person responsible for the damage shall be responsible for the replacement of the property or for payment of the damages in accordance with the true value as determined by the Director of Facilities and Maintenance.

Each organization which is granted permission for the use of public property shall be responsible for any undue damage to the buildings, equipment or grounds and shall pay for any such damage in accordance with the true value as determined by the Director of Facilities and Maintenance Operations. Failure to comply with a request for payment of such assessed damages shall result in the individual, group, or organization being ineligible for further use of school property and such legal action as the School Board deems proper to recover the amount of damages.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.42, 741.24, Fla. Stat.
History: New, June 12, 1989

CHAPTER SIX
BUSINESS AFFAIRS

DISPOSAL OF SCHOOL PROPERTY 6.505

Real property may be disposed of only after having been officially declared unnecessary or unsuitable for school purposes by resolution of the School Board.

When such property, in the opinion of the School Board, has an estimated value of less than $5,000, the Board shall determine the procedure to be followed for disposal, which may be by either public sale, private sale, or negotiation.

When such property, in the opinion of the School Board, has an estimated value in excess of $5,000, the Board shall dispose of the property by public sale in the manner prescribed by Section 6A-2.22, State Board of Education Rules.

Notwithstanding the provisions herein, the School Board may transfer any real property, regardless of value, to another governmental unit for whatever consideration the Board determines to be in the best interest of the District.

Tangible personal property shall be disposed of in the manner prescribed by Chapter 274, Fla. Stat.

Unless determined to the contrary at time of sale, the School Board shall reserve all mineral rights to any land acreage legally owned and controlled by the Board, if and when such property is disposed of in any manner.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.42, 1013.28, Chapter 274, Fla. Stat.
History: New, June 12, 1989

ALTERING SCHOOL PROPERTY 6.506

No school building or other fixed property of the School Board may be constructed, altered, or removed in any way without the specific approval of the School Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989

CHAPTER SIX
BUSINESS AFFAIRS

EMERGENCY DISASTER PLAN 6.507

In the event of an emergency or disaster, school centers may be made available for Civil Defense use as emergency shelters or centers. In the event a storm is predicted to hit in or near this geographical area, each school principal shall be available in order to make the school for which he is responsible available as an emergency center upon receipt of such instructions from the Superintendent. When the principal is absent from the district, the Superintendent shall designate a member of the administrative or instructional staff to open and be responsible for the facility.

Each principal shall provide an emergency disaster plan for his/her school in the event of a hurricane, tornado or similar emergency. This plan shall be in print and shall be known to all concerned parents and the school faculty.

Upon the release of the school facility by the requesting agency the following procedures shall be observed:

1. School Board employees shall conduct a complete inventory of their assigned areas and perform such other duties as the principal or department head may assign.
2. The complete inventory report shall be forwarded by the principal or department head to the Superintendent by no later than the second day following the release of the property.
3. The Superintendent will determine when students will return to school except where Board action is deemed to be appropriate.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1013.02, 1001.42, Fla. Stat.
History: New, June 12, 1989

MAINTENANCE OF FACILITIES 6.508

The Maintenance Department shall be responsible for major repairs and the maintenance of buildings and equipment for the District.

The number of Maintenance Department employees required to hold the Commercial Driver License (CDL) will not exceed twenty-five percent (25%) of the total number employed by the Maintenance Department at any given time.

As facility manager, the principal is responsible for maintaining his/her assigned facility in an attractive, clean, healthy and safe condition that will enhance the educational program.

The principal or administrator shall be responsible for initiating all maintenance requests of the school or facility. Maintenance services must be requested by forwarding a work request form to the Maintenance Department for approval and forwarding of copies to the appropriate persons.
In case of an emergency which endangers the lives, health or safety of students or other persons, the principal or other person acting in his/her absence shall report the need for emergency repairs by telephone to the Supervisor of Maintenance.

Authority: § 1001.41, Fla. Stat.
Law Implemented: 1001.42, Fla. Stat.
History: New, June 12, 1989
Revised: November 8, 1989, August 8, 1991

CHAPTER SIX
BUSINESS AFFAIRS

ALARM SYSTEMS 6.509

The principal shall check or cause to be checked the alarm system of the school at weekly intervals. Any malfunction of the alarm system shall be reported immediately by telephone to the Supervisor of Maintenance who shall have the needed repairs made without delay. Any failure to make prompt repairs shall be reported to the Superintendent by the principal.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.42, 1013.01, Fla. Stat.; 6A-2.43, SBER
History: New, June 12, 1989

SANITATION 6.510

The principal shall be responsible for maintaining satisfactory standards of sanitation and housekeeping. The principal or his/her designee shall make a formal inspection of all buildings under his supervision at least once every two (2) months, including all restrooms, storage areas, garbage disposal areas, and student occupied areas. Those findings and the action taken to correct any unsatisfactory condition shall be on file in the principal's office.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.42, 1013.12, Fla. Stat.
History: New, June 12, 1989
Revised: February 25, 2020

TOXIC SUBSTANCES IN SCHOOL WORK AREAS 6.511

The Superintendent shall develop and implement a program to ensure that employees will be given information concerning the nature of toxic substances with which they are working. The program shall include, as a minimum:

1. Notification to each employee of the person to whom requests for information concerning such substances may be directed;
2. An orientation session, within 30 days of employment for all new employees to advise them of any adverse health effects which might occur as a result of their contact with toxic substances; and
3. Provision to disseminate information regarding the use of any toxic substances to the local fire department.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 442, Fla. Stat.
History: New, June 12, 1989

CHAPTER SIX
BUSINESS AFFAIRS

BUILDING INSPECTIONS 6.512

Each school building or other facility shall be inspected annually for compliance with the fire safety and sanitation standards of Chapter 2, State Board of Education Rules. Such inspections shall be made by personnel certified by the Department of Education to perform such inspections. The inspecting officer shall use approved inspection forms and provide one copy of the report to the Superintendent, one to the school principal, and one to the Department of Education.

Deficiencies reported that are determined to be an immediate danger to life shall be corrected immediately. The School Board shall be advised of such deficiencies and of corrective action. Other hazardous conditions shall be corrected in the following priority:

1. Causative factors of fire, accidents, and contagion.
2. Effective egress of facilities.
3. Early detection of fire.
4. Prevention of the spread of fire and unsanitary conditions.
5. Fire protection equipment, machine guarding, and personnel protection.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1013.12, 1001.42, Fla. Stat.
History: New, June 12, 1989

CHANGE ORDERS IN CONSTRUCTION CONTRACTS 6.513

The Superintendent shall have authority to approve change orders in contracts for the construction or alteration of school facilities in an amount not to exceed $25,000, upon determination that all requirements of law and the State Board of Education have been fully complied with.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1013.48, Fla. Stat.
History: New, June 12, 1989
Revised: June 9, 1994, November 10, 1998

CHAPTER SIX
BUSINESS AFFAIRS

ACQUISITION OF SCHOOL PROPERTY 6.514

Prior to taking action to purchase any real property for school use, the Superintendent shall obtain one or more appraisals from persons who are members of an appraisal organization listed in Section 253.025(7)(b), Fla. Stat.

- If the purchase price of the property is estimated to be less than $500,000, at least one (1) such appraisal must be obtained.
- If the purchase price of the property is estimated to be $500,000 or more, at least two (2) such appraisals must be obtained.

If the agreed purchase price of the property exceeds the appraisal in (1), or the average of the appraisals in (2), an affirmative extraordinary vote of at least four (4) members shall be required to approve the purchase.

Purchases of property of $100,000 or less may, on an individual basis and by ordinary vote, be exempted from the appraisal requirement above.

Pursuant to law, all appraisals, offers, or counteroffers relating to proposed purchases of real property may be maintained in a confidential form until:

1. An option contract is executed, or
2. 30 days prior to consideration for purchase or approval by the School Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1013.14, Fla. Stat.; Chapter 84-298, Laws of Florida
History: New, June 12, 1989

LONG-RANGE FACILITY PLANNING 6.515

The Superintendent shall develop and implement procedures for periodically recommending revisions to the Long-Range School Facility Program for approval of the School Board. Such Program shall be based upon the latest School Plant Survey conducted or approved by the Department of Education and shall form the basis for:

1. Acquisition of school sites;
2. Erection of new buildings;
3. Expansion of existing buildings;
4. Modernization and rehabilitation of existing buildings.
5. Re-purposing or closing of schools;
6. Re-zoning of attendance areas.

An amended Educational Plant Survey should be performed whenever a school enrollment meets any of the following conditions:

1. Decline of 5% per year for a period of five (5)years;
2. Less than 60% of permanent capacity after being in operation for five (5) years;
3. Exceeds the permanent capacity by more than 25%.

Authority: § 1001.41, Fla.Stat.
Law Implemented: §§ 1001.42; 1001.51; 1013.31, Fla. Stat.
History: New, June 12, 1989
Revised: May 26, 2004

CHAPTER SEVEN
STUDENT PERSONNEL

PART ONE
ADMISSION, ASSIGNMENT AND ATTENDANCE

ADMISSION AND ENROLLMENT 7.101

Enrolling Students. Students, under the age of 18, may only be enrolled by a parent. The definition of a parent shall include the following: a natural, adoptive, or foster parent of a child; a guardian; an individual acting in the place of a natural or adoptive parent with whom the child lives, or an individual who is legally responsible for the child's welfare. Homeless children and youth are afforded immediate enrollment in schools within the district even if the child or youth is unable to produce records normally required for enrollment, such as previous records, medical records, proof of residency, or other documentation. In addition, homeless *unaccompanied* youth, as defined by the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (School Board Policy 7.107), are entitled to immediate enrollment, even in the absence of a parent or guardian.

Immunization. Each student shall, upon initial admission to a District school, present a certificate of immunization for those communicable diseases for which immunization is required by the Department of Children and Families. Any student may be provided an individual exemption on religious grounds if his/her parents or legal guardians objects in writing that the administration of immunizing agents conflicts with his/her religious tenets or practices. Religious exemptions must be presented on HRS Form 681, which is to be issued only by HRS public health units. The principal or his/her designee is authorized to issue a temporary exemption from the provisions of this paragraph for a period not to exceed thirty (30) school days, in order to permit a student who transfers from another county to attend classes until his/her records can be obtained. Homeless students who are unable to provide immunization documentation must be exempt from this requirement as per the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

Student Identification Number. Each student will be issued a student identification number. A social security number may be requested for the following purposes: to determine eligibility for free/ reduced lunch; to determine eligibility for Medicaid reimbursements; and on eligibility submittals for the Florida Bright Futures Scholarship. A student is not required to provide his or her social security nxpndtw-2 umber as a condition for enrollment or graduation.

Medical Examination. Each student shall, within thirty (30) school days of initial admission to the schools of Bay County, present evidence of a medical examination conducted within the previous twelve (12) months pursuant to law and rules of the State Board of Education. Any student shall be exempt from the requirement of a medical examination upon written request of the parents or legal guardians of such student stating objections to such examination on religious grounds. Homeless students who are unable to provide medical examination documentation must be exempt from this requirement as per the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

Disclosure of Disciplinary Actions. Upon initial admission, each student shall disclose all previous school expulsions, arrests resulting in charges and/or juvenile justice actions.

Prekindergarten Admission. Children who will have attained the age of three (3) years on or before September 1 of a school year are eligible for admission to prekindergarten. The student must meet the General Admission and Enrollment Requirements. Homeless students who are unable to provide required enrollment documentation must be exempt from this requirement as per the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

Kindergarten Admission. In order to be eligible for admission to kindergarten, a student must have attained the age of five (5) years on or before September 1 of the school year. Before the principal shall

admit the child to kindergarten, the child must meet the General Admission and Enrollment Requirements. Any five (5) year old not having been in kindergarten previously during the school year may not enter after March 1. A transferring kindergarten student is eligible to be enrolled in a District school if the student has met the entrance-age requirements outside Florida and the requirements of Fla. Admin. Code R. 6A-1.0985.

First Grade Enrollment. Any child who has attained the age of six (6) years on or before September 1 of the school year and who has satisfactorily completed the requirements for kindergarten in a public or nonpublic school as defined below, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the Student Progression Plan. A transferring first grade student is eligible to be enrolled in a District school if the student has met the entrance-age requirements outside Florida and the requirements of Fla. Admin. Code R. 6A-1.0985. Students entering first grade from a kindergarten program will need written verification of successful completion of the program. The School Board defines completion of a public or non-public kindergarten as regular school attendance in a kindergarten program, which is in regular session for a minimum of 180 days of instruction comprised not less than three (3) net hours per day or the equivalent as calculated on a weekly basis.

Transfer Students from Nonpublic School or Program. A student entering the District school system by transfer from a nonpublic school or program shall meet the General Admission and Enrollment Requirements. If the student is transferring from a nonpublic school which is not state or regionally accredited, or from a home education program, the student shall be assigned to a grade by the school principal based on placement tests, age, previous school record, and other available educational data.

Verification of Prior Attendance and Grade Level. Each principal shall obtain a record of the prior attendance and grade level of each student entering the District school system by transfer or enrollment from another school or school district within or outside the State of Florida. No student may be promoted to a higher grade level in the absence of such verification and, in the alternative, shall be placed at the grade level determined by the principal or a child study team. Placement will be discussed with parents or legal guardians. The final decision for placement will rest with the principal.

Legal Name of Student. Where a parent or any other person seeks to enroll a student under a name other than a legal name or seeks to change the name of a student already enrolled, the parent or other person shall be informed that the name of the student as shown on the birth certificate or other supporting evidence as provided in 232.03, Fla. Stat. will be used until such time as a final court order verifies a legal change, or other satisfactory evidence is submitted by the parents or legal guardians.

Proof of Legal Residence. Proof of the primary legal residence may be verified through two of the following listed in the parent or legal guardian's name:

- car payment/billing statement
- deed
- drivers license
- lease or rental agreement
- recent utility bill that reports where service is provided (i.e. electric, water, telephone, cable, internet)
- rent receipt
- voter s registration
- insurance payment/billing statement
- W2 Income Tax statement
- verification from the Clerk of the Circuit Court as the address to which child support payments are sent
- property tax record
- recent legal document
- an official Contract to Occupy a Residence within 30 days. However, if that address does not become the student s official home address within 30 days, the student shall be transferred to his/her zoned school.
- any other pertinent information that may be requested and/or approved by the Superintendent or designee

If the parent/ guardian receives a homestead exemption at one residence, it will be presumed that the exempt property is the primary residence of the student unless shown otherwise by competent and substantial evidence. This requirement prevails for both in and out of county students.

Homeless students who are unable to provide proof of residence documentation must be exempt from this requirement as per the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 228.061, § 230.23166, § 230.23(6), § 230.2305, § 232.01, § 232.0315, § 232.032, Fla. Stat.; Fla. Admin. Code R. 6A-1.044, 6A-6.024, 6A-6.0525, 10D-3.033, 10D-3.088
History: New, June 12, 1989
Revised: September 24, 1992, July 24, 1997, March 11, 1998, August 9, 2000, January 15, 2003; June 25, 2003; January 25, 2006; May 24, 2006; November 22, 2011; December 9, 2014

CHAPTER SEVEN
STUDENT PERSONNEL

STUDENT ENROLLMENT AND EDUCATIONAL DECISIONS 7.102

The School Board recognizes the need for procedures to determine how educational decisions will be made when parents cannot agree between themselves. The School Board will resolve such disputes by looking to the parent who has most recently enrolled the child in school for a final decision concerning the child's educational issues.

PROCEDURES

(1) Definitions:

(a) For purposes of this policy the term "Parent" is defined as either or both biological parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent.

(b) The term "guardian" includes any guardian established by court order.

(c) The term “Enrolling Parent” refers to the Parent who has most recently enrolled the student in school.

(d) “Physical custody” or “custody” for enrollment purposes is demonstrated when a child lives with the Parent greater than 50% of the time. In the event that a child does not currently live with the Enrolling Parent on record greater than 50% of the time, the Parent having physical custody greater than 50% of the time may become the Enrolling Parent through the proper execution and filing of the District’s Affidavit of Custody for Enrollment, which is a sworn statement. As used herein, the terms “physical custody” and “custody” are not to be construed in the same manner as legal custody pursuant to any court order or agreement between the parties.

(e) The term "Parent Portal" refers to the web-based database that provides access to online student records, including but not limited to, student grades.

(2) Student Enrollment

(a) District's Responsibility for Student Enrollment

1. Principals and district personnel shall ensure that registrars and front office staff are aware of the student enrollment procedures.
2. The Registrar, front office staff, or district personnel assisting with enrollments (hereinafter collectively referenced as the “Registrar”) shall ensure that all documentation required for electronic registration is completed by the Parent and entered into the District's database in a timely manner.
3. The District approved electronic registration process must be used for student enrollment.
4. In the event a student who is currently enrolled in a school in the District attempts to enroll in another school in the District when there has been a change in physical custody, the Registrar shall first verify that the student has been withdrawn from the previous school. In the event the Enrolling Parent at the previous school is not available to withdraw the student, in an effort to promote school attendance, the registrar in the new school shall assist the Parent attempting to enroll the child in a new school in completing an affidavit attesting to the Parent’s physical custody of the

child in accordance with this Policy and complete the electronic registration procedure.

5. The Registrar shall ensure that any Guardian wishing to enroll a student provides all information required for electronic registration and that the Guardianship Affidavit is completed by the Guardian. Staff will also obtain a Guardianship Statement and Assignment of Guardianship to be completed and signed by the Parent giving guardianship of the student to the Guardian whenever possible. A Guardianship Affidavit is not required when a certified copy of a court ordered guardianship is provided.
6. Principals shall ensure that the electronic registration process will be used to update student biographical and contact information as needed.
7. Principals shall ensure that the parent submitted information associated with the electronic registration process is confirmed at the school site in a timely manner.
8. Changes will not be made to the electronic record by someone other than the current Enrolling Parent, except as is otherwise authorized by this Policy.
9. A change of the designated Enrolling Parent may be made on the electronic registration portal utilizing the Affidavit process.

(b) Parent Responsibility

1. To enroll a student in school, the Enrolling Parent must have physical custody of the student greater than 50% of the time and certify to that fact on the electronic registration portal.
2. The address of the Enrolling Parent will be used for purposes of pupil assignment to a school. A student will not be allowed to change schools when the student has visitation with the non-Enrolling Parent.
3. Entitlement to transportation and the designated bus stop will be based upon the address of the Enrolling Parent. For middle school and high school students, during the period of time when the student is living with the non-Enrolling Parent, entitlement to transportation and the designated bus stop may be based upon the address of the non-Enrolling Parent if the address is within the same school attendance zone; if the address of the non-Enrolling Parent is not in the same region or school attendance zone, it will be the responsibility of the Parents to provide transportation to and from the school or the designated bus stop. For elementary school students, the designated bus stop based upon the address of the Enrolling Parent will not change when the student is not with the Enrolling Parent; for safety reasons, when the student is with the non-Enrolling Parent, it will be the responsibility of the Parents to provide transportation to the school or the designated bus stop and to pick up the student from the school or the designated bus stop.
4. Persons on the contact list within the electronic registration portal are determined by the Enrolling Parent.
5. Whether or not the parents are married, if it is the intent of the Enrolling Parent that either Parent be allowed to pick up the student, the Enrolling Parent should ensure that the non-Enrolling Parent is on the contact list.
6. Students may be released only to those individuals listed on the contact list within the electronic registration portal.
7. The Enrolling Parent is responsible for updating the contact list in the electronic registration portal as soon as information changes.
8. Persons on the contacts list may pick up the student any day of the week regardless of any limitations that may be in a court order or parenting agreement. The school is not responsible for enforcing court orders or other legal documents with such

limitations. The Parents alone are responsible for compliance with court orders and agreements to which they are parties.

9. Persons on the contact list are not entitled to access to confidential student records or information unless they are a Parent as defined by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) or a Parent provides written consent to disclosure in accordance with FERPA.

(c) Modifications to the electronic registration portal

1. Regardless of the marital status of the parents, (e.g. married, separated, divorced or unwed), modifications to the electronic registration portal can only be made by the Enrolling Parent.
2. Should the non-Enrolling Parent request changes to the electronic registration portal (e.g. adding a party to the contact list), the non-Enrolling Parent should make his or her request of the Enrolling Parent. Only the Enrolling Parent can make the change directly within the portal.
3. The District does not enforce court orders and will not make any change to the electronic registration information as may be ordered by the court. The Parents alone are responsible for compliance with court orders and agreements to which they are parties.
4. District staff shall not modify the contact list on the electronic registration portal or release a child to someone not on the list. An exception may be made in the event of an emergency where the Enrolling Parent makes a telephonic request based on circumstances that impede the Enrolling Parent from physically coming to the school to make the change in person. District staff must, however, confirm the Parent's identity by asking the caller verifying questions, such as the student's date of birth, physical address, and grade, to ensure the Enrolling Parent is the one making the oral request. Subsequent deviations from the electronic records contact list will not be granted. The Enrolling Parent must update the electronic registration portal.
5. Telephone numbers can be updated within the electronic portal by the Enrolling Parent. If the District staff become aware of a change in telephone number that has not been updated within the electronic portal, or if a parent requests that a telephone number be changed, staff may also update the portal to reflect such a change.

(3) Decision-Making Authority

(a) Except as provided in this policy, the District will not decide disputes between Parents. Parents are encouraged not to have confrontations on school grounds and school personnel may help de-escalate the situation should a confrontation develop.

(b) Parents are encouraged to confer and cooperate with each other in making educational decisions.

(c) It is the intent of the Board to promote mutual respect, civility and orderly conduct amongst all Parents. Failure on the part of the Parent to abide by the Bay District School Boards' Civil Conduct Policy (School Board Policy 2.115) may result in loss of privilege and access.

(d) In the event both Parents cannot agree on an educational decision regardless of their marital status, the Enrolling Parent, as reflected on the most recent update of the electronic registration, has final decision-making authority.

(4) Records

(a) The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that provides access to and protects the privacy of student education records.

(b) Either Parent is entitled to copies of the student records relating to their child(ren), regardless of whether they are on the contact list.

(c) If a person claiming to be a Parent requests access to student records, the school will comply with the following procedures:

1. If the person is physically present, the school will request photo identification and compare the name on the identification with the name on the birth certificate or other legal document.
2. If the person is not physically present, the school will establish the Parent's identity by requiring an affidavit with documentation attached.
3. No records will be released unless the principal or designee is satisfied that the person is a Parent. The school has a reasonable time up to 30 days to produce the records.

(d) In the event of divorce, both Parents retain access to student records regardless of a custody order, unless the Parent's parental rights or FERPA rights have been specifically terminated by court order. If a Parent is aware of any order terminating a Parent's parental or FERPA rights, the Parent with such knowledge is expected to provide that information to the district.

(e) Initial copies of records and reports will be provided at no cost to the Enrolling Parent. The Enrolling Parent is responsible for providing the non-Enrolling Parent with copies of records and reports provided to the Enrolling Parent. Additional copies of records and reports will be provided upon request of either Parent electronically and/or at a charge of $.15 per page plus postage costs and labor when paper copies are necessary.

(f) The School District will not mail out records to both Parents simultaneously. If the Enrolling Parent does not provide the non-Enrolling Parent with copies of mail outs, the non-Enrolling Parent must request copies of those records.

(g) A Parent wishing to access student records via the Parent Portal must complete the application process at the student's school.

(h) A Parent wishing to access student records via the Parent Portal, but who resides out-of-county, must contact the student's school and follow the district's procedure to establish the Parent's identity by requiring an affidavit with documentation attached.

(5) Unforeseen Circumstances

In the event situations arise that are not covered under this policy, the superintendent or designee is authorized to resolve those situations on a case-by-case basis in the best interests of the student and the District.

Authority: § 1001.41, Fla. Stat.; § 1001.43, Fla. Stat.; § 120.81 Fla. Stat.; § 1000.21(5) Fla. Stat.; § 1001.31 Fla. Stat. § 1001.43 Fla. Statute; § 1002.22(3)(a)4 Fla. Stat.
Law Implemented: § 1001.43, Fla. Stat.; The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99
History: New, September 23, 2009
Revised: November 22, 2011; August 13, 2013; December 9, 2014; April 25, 2017

CHAPTER SEVEN
STUDENT PERSONNEL

STUDENT ASSIGNMENTS 7.103

The School Board shall establish residential attendance zones for each school, based upon the Superintendent's recommendation. Each residential attendance zone shall be established to achieve maximum utilization of all School Board facilities and to consider the time and distance of travel for students. The instructional capacity for each school will be set yearly by the School Board after the recommendation by the Superintendent or his/her designee ("Instructional Capacity"). For the purposes of this policy, Enrollment Capacity is defined as ten percent less than the Instructional Capacity. Any student residing in the Bay County School District shall be assigned to a school for attendance by the Superintendent or his/her designee, based upon the Controlled School Choice Program.

A. Controlled School Choice Program.

The Bay County School Board has established the following policies and procedures to ensure compliance with §1002.31, Fla. Stat. The Superintendent or his/her designee shall make student school assignments for grades K-12 using the parent's or legal guardian's (hereinafter collectively "Parents") indicated preferential school choice by use of the Parental Choice Selection ("Choice Request") as a significant factor in the assignment. The District shall ensure that parents are annually informed regarding the Controlled School Choice Program and given the opportunity to visit schools prior to making a choice. Choice Requests shall be filed annually by any student who resides in a county other than Bay County.

Choice Requests. A Choice Request will need to be filed only if the Parents desire the student to change schools. The submission of a new Choice Request at any time acts as a withdrawal of all previous Choice Request and the loss of any placement under the previously filed Choice Request.

Open Enrollment Period Selection for the Next School Year. By April 1 of each school year, the Superintendent and/or designee will select a 30-day Open Enrollment Period. The School Choice application shall be available on the Bay District Schools website during the 30-day Open Enrollment Period. No Choice Requests will be accepted for the next school year prior to the 30-day Open Enrollment Period. All Choice Requests received during the Open Enrollment Period shall, for school assignment purposes, be considered to have been filed on the same date. Parents s will be notified electronically of their children's placement for the following school year.

Change of Placement for the Current School Year. Change of Placement Requests for the current year will only be approved if the receiving school is under its Enrollment Capacity and the requested grade level of the receiving school does not exceed 95% of the maximum enrollment allowed for the District to be in compliance with the class size amendment.

A Change of Placement Request may only be filed once during a school year and such change must meet the requirements of this policy

Priority Placement. Parents s shall make a first, second, and third choice of schools on their Choice Requests. If no choices are made, or there are less than three choices on the Choice Request and the student is not assigned to one of those choices, then the Superintendent or his/her designee shall use their discretion in assigning the student to the student's zoned school. Every effort will be made to honor the preferences in making school assignments.

School Assignment Procedure. After the Superintendent or his/her designee reviews the Choice Requests, the students will be placed in one of the appropriate Priority Groups.

Special Programs. For the purposes of this Student Assignment Policy, a "Special Program" is considered a program that is unique to a particular school and similar programs are not available at another District school. These Special Programs are:

- Rutherford: International Baccalaureate
- Bay: Advanced International Certificate of Education (AICE)
- Middle School Advanced Academic Program

College Preparatory Programs. For the purpose of this Student Assignment Policy, a "College Preparatory Program" (CPP) is considered a program in which application and acceptance standards are required to be enrolled in the program. Each High School may have one College Preparatory Program; these are:

- Arnold Collegiate Studies (CS)
- Bay: Advanced College Track (ACT)
- Mosley: Mosley Advanced Placement Program for Success (MAPPS)

Priority Groups. If the student's choice is:

1. Placement Group 1 (Automatic): a school in which the student qualifies and is currently accepted in a Special Program (SP) and/or a school in which the student qualifies and is currently accepted in a College Preparatory Program (CPP). The percentage cap on out of residential zone students only applies when the student enrollment at the school offering the CPP reaches the Enrollment Capacity.

   It shall be the responsibility of the Principal or his/her designee to notify the School Choice Program Office of the change in status of any Special Program or College Preparatory Program student. In addition, the Principal or his/her designee shall submit the number of applicants received and number of applicants accepted out of residential zone.

   Students of full-time contract District employees may attend the school where the Parent is employed. If the Parent leaves the employment of the District or transfers employment to another District school, the student may stay at the original school until the end of the current school year, unless the next school year will be the student's final year.

2. Placement Group 2 (Automatic): within the student's residential attendance zone.

3. Placement Group 3 (Automatic): the student's current school placement is automatic for Choice Requests filed during the Open Enrollment Period unless the family has moved out of the residential zone. The parent must file a Choice Request for the student to remain at the current school unless the student is in their final year of school at that school site.

4. Placement Group 4 (Discretionary): a school in which the student is a sibling of a student properly enrolled at the chosen school, placement is discretionary for Choice Requests filed during the Open Enrollment Period.

5. Placement Group 5 (Discretionary): within the same school family as the student's residential zone school and the choice is based upon day care needs.

6. Placement Group 6 (Discretionary): within the same school family as the student's residential zone school and the choice is based upon other reasons.

7. Placement Group 7 (Discretionary): any other District high school which is part of the choice program regardless of school family.

8. Placement Group 8 (Discretionary): out of the student's residential zone school family and the choice is based upon day care needs

9. Placement Group 9 (Discretionary): out of the student's residential zone school family and the choice is based upon other reasons.

Assignment by Priority. After the close of Open Enrollment, students residing in Bay County will be assigned, based on Priority Groups, to particular schools until the number of students assigned to the school reaches its Enrollment Capacity. Those students in Priority Group 1 will be assigned to the school first, then those in Priority Group 2, and so on until the Enrollment Capacity of the school is reached. If the placement of the students falling within a particular discretionary Placement Group would cause the school to exceed its Enrollment Capacity, then all of those students in that discretionary Priority Group will be placed in a lottery. Their names will be selected at random through the lottery and ranked accordingly to reach the school's Enrollment Capacity. Students in the discretionary Priority Group not selected and those in the remaining discretionary Priority Groups will then be considered for their next choice school. Students who reside in a county other than Bay County and submit a Choice Request will be assigned a school **after** all students residing in Bay County have been given a school assignment.

Special Considerations. Due to special programs, the following schools are excluded from the choice program: Tom P. Haney Technical Center; New Horizons Learning Center; Margaret K. Lewis in Millville; Rosenwald High School; and St. Andrews Elementary School.

A proportionate number of kindergarten slots (1/6 of capacity for K-5 schools) will be held open at each elementary school until the sixth day of school, at which time any slots left open will be made available.

Students whose Individual Education Plan (IEP) designates a specific program will be assigned to the program, regardless of other factors. If appropriate special education classes are available in more than one school, parents may rank their school preferences.

In accordance with §1002.31, Fla. Stat., this Controlled School Choice Program shall not conflict with the desegregation orders in Youngblood v. Bay County School Board, Case No. MCA-572, Consent Order dated August 15, 1988. Requests to enter or leave Oscar Patterson Academy will be considered as any other request, as long as the school remains in compliance with the desegregation orders.

Pre-K is a separately funded and operated program and therefore is not part of the Controlled School Choice Program.

Homeless children and youth have the right to remain in their school of origin and the right to dispute school selection, if other than the school of origin as per the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (School Board Policy 7.107).

Administrative Assignment – The Superintendent or designee, may assign a student to any district school when it is determined by the Superintendent or designee that it is in the best interest of the student, school (preserving health, safety, welfare, or learning environment of the school), or school district that the student be involuntarily placed at a school other than his/her zoned school of attendance. A student so assigned, however, may be reassigned to the student's zoned school or another out-of-zone school as deemed appropriate by the superintendent or designee. This authority is independent of any other provision of this policy. Procedures for placement of Students With Disabilities will follow state and federal guidelines.

CHAPTER SEVEN
STUDENT PERSONNEL

School Families. For the purposes of this policy, the following school families are established:

J. R. Arnold High School
Surfside Middle School
Hutchison Beach Elementary School
Patronis Elementary School
Breakfast Point Academy
Walsingham Academy
West Bay Elementary School

Bay High School
Jinks Middle School
Merriam Cherry Street Elementary School
Northside Elementary School
Lucille Moore Elementary School
Oscar Patterson Academy

Deane Bozeman School
Southport Elementary School
Waller Elementary School

A. Crawford Mosley High School
Merritt Brown Middle School
Mowat Middle School
Deer Point Elementary School
Hiland Park Elementary School
Lynn Haven Elementary School
Tommy Smith Elementary School

Rutherford High School
Callaway Elementary School
Cedar Grove Elementary School
Parker Elementary School
Tyndall Academy

Hardship Waivers. If a student's school assignment causes undue hardship on the family or prevents a student from pursuing studies in a particular academic area, an appeal may be made in writing to the Superintendent. Study areas that may be a basis for a hardship waiver include, but are not limited to: ROTC, Fine Arts programs, and Career and Technical Education programs. Only one hardship waiver is permitted during a school year. The Superintendent or his/her designee shall review all appeals and make the final determination.

Siblings. Sibling is defined as one of two or more children: brother, sister, half-brother, half-sister, stepbrother, stepsister or foster child, living in the same household and having in common one or both natural or foster Parents.

Change in Residence. A Parent who moves during the school year to a residential attendance area of a school in another school family may retain their children's current school assignment for that school year but must provide their own transportation. For the subsequent school year, the student must submit a Choice Request under the controlled School Choice Program and be placed in a school in accordance with this Policy. If the legal residence as defined in School Board Policy 7.103 of a student changes

during the school year to a location outside of Bay County and the Bay District school the student attends exceeds its Enrollment Capacity and occurs before the last nine-week grading period, the student must be withdrawn immediately. If it occurs during the last nine-week grading period, the student may continue enrollment.

Proof of Legal Residence. A student's legal residence is defined as the residence of his/her parents, legal guardian, custodian, or other such person as defined by any order issued by a court of competent jurisdiction of the State of Florida. Proof of the primary legal residence shall include two of the following documents listed in the Parent 's name:

- car payment/billing statement
- deed
- driver's license
- lease or rental agreement
- recent utility bill that reports where service is provided (i.e., electric, water, telephone, cable, internet)
- rent receipt
- voter's registration
- insurance payment/billing statement
- W-2 Income Tax statement
- verification from the Clerk of the Circuit Court as to the address to which child support payments are sent
- property tax record
- an official Contract to Occupy a Residence within 30 days; however, if that address does not become the student's official home address within 30 days, the student shall be transferred to his/her zoned school
- recent legal document

Proof of military primary legal residence shall include two of the following documents listed in the parent 's name:

- military orders
- active duty military identification cord
- military temporary living receipt

If the Parent receives a homestead exemption at one residence, it will be presumed that the exempt property is the primary residence of the student unless shown otherwise by competent and substantial evidence. This requirement prevails for both in- and out-of-county students.

If the Parent is unable to supply the documents listed above to demonstrate proof of legal residence, the Superintendent may accept any other pertinent information that may be requested and/or approved by the Superintendent or designee.

The school principal shall be responsible for verifying and accurately recording the place of residence for each student who is assigned to the school. Any student found to be attending a school to which he/she is not assigned shall be transferred to his/her assigned school. If the situation resulted from school system error, the transfer shall be effected at the beginning of the next school year. If the situation was not the result of school system error, the transfer will take effect immediately.

Transportation. The School Board is obligated to provide transportation only in accordance with School Board Policy 6.301.

Enrollment in Other Academic Programs. If a student has been placed at a school due to participation in a Special Program and ceases to be enrolled in that program, the student shall be required to fill out a new Choice Request and be placed in a school in accordance with this policy as of the beginning of the next semester.

Returning a Student to His/Her Home-Zoned School or County. Prior to returning a student to his/her home zoned school or county because of nonattendance, discipline violations, or civil conduct violations, the principal shall notify the parents in writing of his/her decision.

- Nonattendance. If the attendance child study team and the principal have determined the student has established a pattern of nonattendance (defined as 5 absences or 5 tardies in 30 days or 10 absences or 10 tardies in 90 days) and improvements are not made after strategies are implemented, the student may be returned to his/her home zoned school or his/her home county.
- Discipline Violations. If the child study team and the principal have determined that a student attending school out of zone under the school choice program has documented, repeated acts in violation of the Code of Student Conduct and significant improvements are not being made, the student may be returned to his/her home zoned school or his/her home county.
- Civil Conduct Violations. If the principal has determined that a parent has documented repeated acts in violation of the Bay District School Board's Civil Conduct Policy, the student may be returned to his/her home zoned school or his/her home county (School Board Policy 2.115).

Students returned to their home school or county for non-attendance, discipline violations, or civil conduct violations may not return to the out of zone school for the remainder of the current school year and all of the following school year.

Unforeseen Circumstances. In the event situations arise that are not covered under this policy, the superintendent or designee is authorized to refer those situations, on a case-by-case basis, to the School Board to make a final decision in the best interest of the student and the district.

B. Out-of-County Students

Where the provisions of this subsection B deviate from those above in subsection A, subsection B controls in circumstances involving out-of-county students. However, where no conflict exists, the provisions of subsection A above apply to out-of-county students' enrollment and school assignments.

Procedure. Out-of-county students are required to submit an out-of-county application annually for the next school year, regardless of whether or not the student is requesting a change in school. The application will be processed in accordance with this policy.

Out-of-county students desiring enrollment in grades K-12 in Bay District Schools shall, prior to enrollment into Bay District Schools, provide evidence of academic performance for grade placement. Acceptable evidence may include standardized assessments, report cards, or a recommendation of grade placement from the home district or an accredited school.

Placement. Students who reside in a county other than Bay County and submit an out-of-county application will be assigned a school **after** all students residing in Bay County have been given a school assignment. No out-of-county student shall be placed in a school that is over the school's Enrollment Capacity unless the student will be in the highest grade level at that school and the student attended that school during the previous year. No out-of-county student shall be placed in a program or class that is at capacity. No out-of-county student may displace a student residing in the District.

Siblings of out-of-county students are not given any priority in placement.

Out-of-county students are not eligible for consideration of a hardship waiver.

Expelled or Suspended Out-of-County Students. Students shall not be permitted to transfer, enroll, or be admitted to a District school during a suspension or expulsion from another school district. This prohibition shall be effective for the period of time in which the student was expelled or suspended from the other school district. However, the Superintendent may, under § 1006.07, Fla. Stat., recommend to the School Board that the final order of expulsion of the other school district be waived and the student be admitted. The final decision shall be made by the School Board.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1002.31, §1006.07, Fla. Stat.
History: New, June 12, 1989
Revised: August 9, 1989, February 13, 1992, February 12, 1997, July 24, 1997, March 11, 1998, January 26, 1999; January 25, 2000, August 9, 2000, June 13, 2001, December 12, 2001, January 15, 2003; June 25, 2003; June 9, 2004; July 28, 2004; January 12, 2005; January 25, 2006; June 28, 2006; August 22, 2007; January 23, 2008; January 14, 2009, March 25, 2009; January 13, 2010; March 22, 2011; November 22, 2011; February 14, 2012; April 9, 2013; December 9, 2014; June 13, 2017; August 9. 2022

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CHAPTER SEVEN
STUDENT PERSONNEL

COMPULSORY ATTENDANCE 7.104

All children who have attained the age of six (6) years by February 1 of any school year or who are older than six (6) years of age but have not attained the age of (16) years, except herein provided, are required to attend school regularly during the entire school term. Students who have attained the age of 16 years and who have not graduated are subject to compulsory school attendance until they formally terminate enrollment with the district school board.

School personnel will conduct an interview with the student to determine the reasons for the decision to terminate school enrollment, and to inform the student of all available opportunities to continue his or her education. If the student still wishes to terminate enrollment, the student and parent must sign a formal declaration of intent which includes an acknowledgment that terminating school enrollment is likely to reduce the earning potential of the child.

With the exception of Haney Vocational Technical Center and Rosenwald High School, each student enrolled in grades 9-12 shall be scheduled for a full academic day, regardless of the credits needed by the student for graduation. Exceptions to this requirement may be granted in writing by the Superintendent.

In accordance with law, married students and unwed parents of compulsory attendance age shall be required to regularly attend school with full rights and responsibilities of a student. Students who become or have become married and students who are pregnant shall not be prohibited from attending school. Pregnant students may, upon request, attend the alternative program for teen-age parents or adult education programs, provided that the curriculum allows the student to continue to work toward a high school diploma.

Exemptions From Attendance. Children within the compulsory attendance age limits who hold valid certificates of exemption 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.

Authority: §1001.41, Fla. Stat.
Law Implemented: §§1003.21, 1003.54, 450.001-161, Fla. Stat.; Fla. Admin. Code R. 6A-6.0525
History: New, June 12, 1989
Revised: July 24, 1997; August 12, 1998; July 26, 2006; January 13, 2010; November 22, 2011

CHAPTER SEVEN
STUDENT PERSONNEL

DAILY ATTENDANCE. 7.105

Attendance Records. Daily attendance shall be taken for students who are enrolled in Pre-Kindergarten (age 3) through 12th grade.

It is the responsibility of each teacher to see that an accurate record of attendance is maintained in the manner prescribed by the State Board of Education and the Superintendent. The principal shall be responsible for the timely administration of attendance policies and procedures and for the accurate reporting of attendance in the school under his/her direction. The principal shall assure that all teachers and clerks are instructed in the proper recording of attendance, and it shall be his/her duty to see that such instructions are followed. The principal or his/her designee shall inspect and determine the completeness and accuracy of the records contained in the record keeping system for each of the required full-time equivalent student membership periods. At the end of each school year the principal or his/her designee shall certify the completeness and accuracy of the automated attendance records indicating that all attendance records have been kept as prescribed by law and rules of the State Board. An attendance record containing any material inaccuracies, resulting from willful or intentional falsification of data by or for the principal, shall be considered a false report for which the principal shall be subject to penalties as provided by law. Attendance verification is adequately documented through the 20 day and 45 day attendance verification reports provided through the online district grade book. In order for the attendance verification reports to be accurate, teachers must input attendance by class period at the secondary level and daily at the elementary level.

Leaving School During the Day. Before releasing a student from school, the principal or his/her designee shall establish the identity and authority of any individual who seeks the release of a student from school. A student shall be released only to the parents or legal guardians or other person authorized by the parents or legal guardians on the student's electronic registration portal. Should a person other than one authorized by the parents or legal guardians request the release of a student, the principal or his/her designee shall first obtain verbal consent of the parents or legal guardians before releasing the student. In the event that a dispute arises between parents regarding who is authorized to pick up a student from school, the student shall be released only to the parents or legal guardians registering the student for school. It is the responsibility of the Enrolling Parent or legal guardian to maintain current contact information in the electronic registration portal.

Students in grades 9-12 age 18 or older may sign themselves out of school during the regular school day if the school has on file a written, notarized request from the student=s parent allowing their student to check themselves out of school. The written request shall include an acknowledgment that the parent understands that the school will not notify the parent of excessive absences or tardiness if they allow their student this privilege. The written parental request may be waived by the principal in the event the principal determines through verification that the student is living on his/her own.

No teacher or other employee of the School Board shall permit or cause any student to leave school prior to the regular hour of dismissal except with the knowledge and approval of the principal or his/her designee.

At the discretion of the principal, the parents/guardians may be asked to physically sign the student out. Parents/Guardians must have a picture ID to prove they have authority to remove the student from campus.

No student may be excused from school during regular school hours in order to take private lessons, except as provided herein.

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All school campuses shall be closed during lunch periods. Each school year, the principal may request an exemption for eligible eleventh and twelfth grade students. If the exemption is approved by the school board, students must have a written notarized parent/guardian authorization form on file.

No student shall be sent from the campus during the school day to perform errands or to act as a messenger, except with the prior approval of the principal. Approval shall be given only for urgent and necessary school business.

Tardiness. Each student is responsible for regular and punctual class attendance. Students must be inside the classroom by the end of the ringing of the tardy bell in order not to be considered tardy. Students who leave more than 15 minutes before a class is over will be given an Early Departure. Chronic tardiness will be investigated by a designated school representative.

Absences. By the next school day after the absence, it shall be the responsibility of the parents or legal guardians to notify the school regarding the reason for each absence. The school principal or his/her designee shall contact the student's parent or guardian to determine the reason for any absence for which the reason is unknown. Justification will be evaluated based on the policy below regarding excused or unexcused absences. The final decision for approval will rest with the school principal.

Attendance Codes. Absences, Tardies and Early Departures shall be recorded with the following codes, as defined in this policy:

A - Absent (Adult use only-Tom P. Haney Technical Center)
B - Administrative Leave (excused)
E - Excused Absence
F - Family Leave – Preapproved (excused)
H - Hospital/Homebound
I - In-School Suspension (excused)
NS -No Show (used only during the beginning of the district school year No Show period as determined by Bay District Management Information Systems (MIS) department)
O - Out-of-School Suspension (unexcused)
P - Present (Adult use only)
R - Religious Leave (excused)
S - School Function Leave (excused)
T - Tardy (unexcused)
U - Unexcused Absence
V - Tardy (excused)
X - Early Departure (≥ 15 minutes)

Excused Absences, Tardies or Early Departures. For an absence to be considered as excused, documentation must be filed with the principal's office within three (3) days of the absence. Excused absences, Tardies or Early Departures may be given for the following reasons:

1. Death in the family or other bona fide family emergency.
2. Illness of student. A written statement from a physician that the student is under the supervision of the physician and that the student's condition justifies the number of days absent may be required after a total of five (5) days of absences (absences do not have to be consecutive).
3. Appointments for medical or dental care (physician's statement required.)
4. Visits to licensed therapist.
5. Legal reasons.

6. Pre-approved family leave. Requests for family leave must be in writing and approved before the student is to be absent and must comply with the following criteria.
   A. The student must have a C average or higher in all classes for the grading period.
   B. It must be demonstrated that the leave cannot be taken during school breaks.
   C. The requested leave cannot be for more than five (5) days per school year and may not be during semester/term exam days and/or during state assessments.

School Function Leave. Students shall be granted School Function Leave (excused leave) for school sanctioned events, including but not limited to:

1. School sanctioned activities.
2. Approved educational trips.
3. Curriculum related field trips with teacher chaperones and with principal approval.
4. Functions which the student is administratively recognized as a representative of a school.

Administrative Leave. Students shall be granted Administrative Leave (excused leave) for occasions which the principal feels are appropriate, including but not limited to:

1. Trips for college recruitment should be scheduled when school is not in session. The administration may make an exemption if the college has a planned program for a specific day or if the student has a specific appointment with a college official that is validated in writing.
2. Trips for military recruitment should be scheduled when school is not in session. The administration may make an exception if the recruiter makes arrangements with an administrator prior to the student being out of school.
3. Temporary Administrative Leave of a student, initiated by the principal, prior to the conclusion of a misconduct violation investigation. The principal may temporarily assign a student to Administrative Leave while completing the misconduct violation investigation. When temporary Administrative Leave is necessary, the principal or designee shall inform the parents or legal guardians by the most rapid means (including telephone). As soon as feasible under the circumstances, the principal or designee shall hold a conference with the student or parents or legal guardians.

Religious Leave. Students shall be excused from any examination, study, or work assignment for observance of a religious holiday, religious instruction or because the tenets of his/her religion forbid secular activity at such time. No adverse or prejudicial effects shall result to any student who avails him/herself to the provisions of this rule. Major religious holidays include, but are not limited to: Rosh Hashanah, Christmas, Epiphany, Yom Kippur, Sukkot, Ash Wednesday, Palm Sunday, Shmini Atzeret, Simchat Torah, Good Friday, Easter, Passover, Shavout, Vietnamese New Year, Kwanza, and Ramadan.

1. A student with the written consent of his/her parents or legal guardians, or a student who has attained the age of majority, upon application of the student, may be excused from attendance in school in grades 9-12 for a period not to exceed one (1) hour, during each school day to participate in religious instruction at his/her place of worship or at any other suitable place away from school property designated by the religious group, church, or denomination. Responsibility for transportation of students released for religious instruction shall be that of the parents or legal guardians. Written consent shall consist of request for the release of the student; assumption of responsibility for the student while off the school campus; and identification of the person or institution to which the student is to be released.
2. Student in grades K-12, upon written request of his/her parents or legal guardian, may be released from school in order to participate in a religious observance.

Unexcused Absences. Unexcused absences are those absences that are not justified according to the rules of this policy by the parent or legal guardian. In addition, truancy, and/or skipping are considered unexcused absences. Skipping class is defined by one or more of the following criteria:

1. Failure to check out when leaving school before the end of the official school day.
2. Absent from class without parents or legal guardians knowledge and/or permission.
3. Absent from class without teacher knowledge and/or permission.

Unexcused Absences and Athletic Eligibility. If a student has had at least five (5) unexcused absences within a calendar month, or ten (10) unexcused absences within a ninety (90) calendar day period, the principal shall, unless there is clear evidence that the absences are not a pattern of non- attendance, refer the case to the school's child study team to determine if early patterns of truancy are developing. If the attendance child study team, after examining the student's attendance records and seeking input from the parent and the student's teachers, finds that a pattern of non-attendance has developed, they will notify the principal and/or designee who will then notify the student, parent, and athletic director that the student will be suspended from all extra-curricular activities until the end of the current grading period or until the student fulfills the terms of an attendance agreement (FHSAA Policy 9.2.1.1. requires regular school attendance).

Unexcused Absences and Extracurricular Activities. Students with four (4) or more unexcused absences in a 9 week grading period (block schedule) or eight (8) or more unexcused absences in an 18 week grading period (7 period day) shall be placed on Administrative Probation, which shall include denial of participation in extracurricular activities through the end of the current grading period.

Appeals. A parent or student may appeal within five (5) days of notification a decision to classify an absence as unexcused by notifying the principal in writing.

Make Up Work - Excused Absences. Students are expected to make up all work missed during excused absences. The student must contact the teacher on the first day back in school in order to make arrangements to make up the work within five (5) school days. The teacher and/or the principal may grant additional time for making up work if warranted by the individual situation. All assignments including tests and exams announced in advance of the student's absence must be made up on the day the student returns to school. Teachers have the prerogative to require a student on school or administrative leave to complete work assigned in advance of the leave.

Makeup Work - Unexcused Absences. Students are responsible for making up all work missed, including tests and exams, during an unexcused absence. If the unexcused absence is due to a suspension of one to three (1-3) days, the student must contact the teacher upon the student's return to class to make arrangements to make up within five (5) school days work missed. Parent(s)/guardian(s) of students suspended for more than three (3) days are responsible for contacting the school by the end of the third day of suspension and obtaining the missed work assignments. All work must be completed and returned to the classroom teacher upon the student's return to school.

Attendance Incentive. Students on a block schedule in grades 9-12 with perfect attendance including the day of the exam in a 9 week grading period and an average of 85% and above or students in grades 9-12 with no Unexcused Absences and no more than three Excused Absences including the day of the exam in a 9 week grading period and an average of 90% or above may elect to drop the semester exam or a test or project grade from the current grading period which does not count for more than 1/7 of the student's grade in that class within the current grading period. Students on a seven period day in grades 9-12 with perfect attendance including the day of the exam in an 18 week grading period (7 period day)

and an average of 85% and above or students in grades 9-12 with no Unexcused Absences and no more than six Excused Absences including the day of the exam in an 18 week grading period and an average of 90% or above may elect to drop the semester exam or a test or project grade from the current grading period which does not count for more than 1/7 of the student's grade in that class within the current grading period. However, the student may not, under this provision, choose to drop the final exam grade unless the student's numerical score on the final exam is within 20 points on a scale of 1-100 of the student's numerical grade for the course prior to the exam unless the student has maintained an A or B average for both grading periods. These students must sit for the semester exam, but may choose to drop their exam grade regardless of the 20 point rule described above. A student may only drop a test which the student has taken or a project which the student has turned in for grading. This provision does not permit students to exempt the taking of tests or participating in projects. School Leave and Religious Leave shall not count as an absence for the purpose of this section.

1. Any student who is placed in in-school or out-of-school suspension during the 9 week grading period shall not be eligible under this policy to drop any test or project grade.
2. Any student who has three (3) unexcused tardies in a class during the 9 week grading period (block schedule) or six (6) unexcused tardies in a class during the 18 week grading period shall not be eligible under this policy to drop any test or project grade.
3. Any student who transfers into a District school or a student who transfers from one school to another in Bay County shall not be eligible to drop any test or project for the 9 week grading period of their transfer.

Minimum Attendance. A student may be in jeopardy of being retained if he/she fails to attend school for at least 160 days in a school year.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.07, 1003.24, 1001.53, 1003.26, 1003.2125 Fla. Stat., Fla. Admin. Code R. 6A-1.09514
History: New, June 12, 1989
Revised: July 24, 1997, August 12, 1998, August 17, 1999; June 14, 2000; May 9, 2001; June 13, 2001; August 8, 2001; December 12, 2001; August 14, 2002; December 10, 2003; September 8, 2004; January 25, 2006; June 14, 2006; January 10, 2007; December 14, 2007; November 22, 2011; August 14, 2012; April 23, 2013; May 14, 2013; December 9, 2014; August 23, 2016; April 25, 2017

NONATTENDANCE OR NONENROLLMENT 7.106

Excessive Absences. When a student has at least five (5) unexcused absences or absences for which the reasons are unknown within a calendar month, or 10 such absences within a 90 calendar day period, the primary teacher shall report to the principal or his/her designee that the student may be exhibiting a pattern of nonattendance. Unless there is clear evidence that the student is not exhibiting a pattern of nonattendance, the principal or his/her designee shall refer the case to the school's child study team. If the child study team determines that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parents, legal guardians, or other person having control of the student must be scheduled to identify potential remedies.

If an initial meeting with the parents, legal guardians, or other person having control of the student does not resolve the nonattendance problem, the child study team shall implement interventions that best address the problem. The child study team shall report the case to the Superintendent or his/her designee only when all reasonable efforts to resolve the behavior are exhausted.

If the parents, legal guardians or other person in charge of the student refuses or fails to participate in the remedial strategies because he/she believes that those strategies are inappropriate, he/she may appeal to the School Board. The School Board may provide a hearing officer and the hearing officer shall make a recommendation for final action to the Board. If the Board's final determination is that the strategies of the child study team are appropriate and the parent, legal guardian or person otherwise in control of the student still refuses to participate or cooperate, the Superintendent or his/her designee may seek criminal prosecution for noncompliance with compulsory school attendance.

Truancy. If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parents, legal guardians, or the Superintendent or his/her designee, shall refer the case to the Case Staffing Committee pursuant to § 984.12, Fla. Stat. and the Superintendent is authorized to file a truancy petition following the procedures outlined in § 984.151, Fla. Stat.

Habitual Truancy. A habitual truant is a student of compulsory school age who accumulates fifteen (15) unexcused absences within ninety (90) days. § 1003.01, Fla. Stat. The Superintendent or his/her designee is authorized to file a truancy petition following the procedures outlined in § 984.151, Fla. Stat. If the Superintendent or his/her designee chooses not to file a truancy petition, procedures for filing a child-in-need of services petition shall be commenced. Prior to the filing of such petition, the District must have complied with the procedures set forth in §1003.26, Fla. Stat. and those efforts must have been unsuccessful. In accordance with procedures established above, the Superintendent or his/her designee shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to § 984.12, Fla. Stat., as determined by the cooperative agreement required.

When all reasonable efforts to resolve the truant behavior have been exhausted, and the student is no longer subject to compulsory school attendance, the student may be withdrawn from school due to non-attendance.

If, during the activities designed to remediate truant behavior of a student, the parents or legal guardians transfer the student to another school district in Florida in an attempt to circumvent the remediation procedures already begun, the transfer school must provide to the new school administration, at no charge, copies of all available records and documents relevant to such remediation activities if the new school must begin remediation activities in the program that most appropriately meets the transfer student's needs.

In the event that legal proceedings have begun against a student that has been determined to be a habitual truant, the movement of the student who is the subject of such proceedings to another circuit court district of Florida will not affect the jurisdiction of the court to proceed with the case under law.

Nonenrollment. When the Superintendent or his/her designee determines there is no valid reason for the nonenrollment of a child in school the following actions shall occur:

The Superintendent or his/her designee shall give written notice, in person or by return-receipt mail, to the parents or legal guardians or other person having control, that requires the enrollment or attendance of the child within three (3) days after the date of notice.

If the child fails to enroll within the required time, the Superintendent or his/her designee may refer the case to the Case Staffing Committee, established pursuant to §984.12, Fla. Stat.

The Superintendent or his/her designee shall take the necessary steps to bring criminal prosecution against the parents, legal guardians or other person having control.

The Superintendent or his/her designee may file a truancy petition, as defined in § 984.03, Fla. Stat. following the procedures outlined in § 984.151, Fla. Stat.

Notification to Department of Highway Safety and Motor Vehicles. Each principal or his/her designee shall notify the Superintendent or his/her designee of each minor in its jurisdiction who accumulates fifteen (15) unexcused absences in a period of 90 calendar days. For the purpose of this policy, absence is defined as the failure of a student to attend one or more classes in a school day. The Superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor who has been reported under this paragraph and fails to otherwise satisfy the requirements of § 322.091, Fla. Stat.. Appeals based on hardship waivers shall be the responsibility of the Superintendent or his/her designee and shall meet the requirements of § 322.091(3). The Department of Highway Safety and Motor Vehicles may not issue a driver's license to, and shall suspend any previously issued driver's license or learner's driver's license of, any such minor, pursuant to the provisions of § 322.091, Fla. Stat.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 39.01, § 228.041(28), § 232.17, § 231.19 § 232.195, § 322.091 Fla. Stat., Fla. Admin. Code R. 6A-6.0713
Revised: July 24, 1997, March 11, 1998, August 17, 1999; June 25, 2003; January 13, 2010; November 22, 2011; December 9, 2014

CHAPTER SEVEN
STUDENT PERSONNEL

HOMELESS STUDENTS 7.107

I. Children and youth in this school district who experience homeless, including those not currently enrolled due to homelessness, will have equal access to the same free, public education, including a public preschool education, as provided to other children and youths, and other services needed to ensure an opportunity to meet the same challenging state academic achievement standards to which all students are held, and to fully participate in the district's academic and extracurricular activities. The District assures that children and youth will not be stigmatized, segregated, or separated in any educational program on the basis of their homeless status.

II. The District will designate an appropriate staff person able to carry out the duties described in the McKinney-Vento Homeless Assistance Act, as the district's liaison for homeless children and youth.

III. The District will remove barriers to:

A. Identifying homeless children and youth.

B. The enrollment and retention of homeless children and youth in an eligible school.

IV. The District will:

A. Provide access to homeless children to public preschool programs administered by the District;

B. Provide appropriate credit for full or partial coursework satisfactorily completed by homeless children and youth while attending a prior school;

C. Provide access for homeless children and youth to academic and extracurricular activities.

D. Enroll immediately homeless children and youth to an eligible school.

E. Coordinate District programs and collaborate with other school districts, community service providers and organizations, including:

1. Local social services and other community agencies to provide support to homeless students and their families,
2. Other school districts regarding homeless student-related transportation, transfer of school records, and other inter-district activities, as needed,
3. Housing authorities, and
4. Exceptional Student Education.

V. **DEFINITIONS**

Homeless children and youth - The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) defines "homeless children and youth" as individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and includes children and youth who:

a) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
b) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
c) are living in emergency or transitional shelters;
d) are abandoned in hospitals; or are awaiting foster care placement;
b) 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 103 (a)(2)(c));
c) are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
d) migratory children living in circumstances described in a) through c).

Unaccompanied youth - The term "unaccompanied youth" means a youth who is not in the physical custody of a parent or guardian.

School of origin - The term "school of origin" means the school that the child or youth attended when permanently housed or the school where the child or youth was last enrolled, including a preschool.

Enroll and enrollment - The terms “enroll and enrollment” mean attending classes and participating fully in school activities.

Immediate - The term “immediate” means without delay.

Parent - The term “parent” means parent or guardian of a student.

Designated receiving school – Designated receiving school includes the next level school, elementary from prekindergarten, middle from elementary, high from middle, that a homeless child or youth, whose homelessness continues into the next school year, may attend when that next level school is in the district designated school for those students in the homeless student’s school of origin.

Eligible School – The school of origin, the school zoned for the address where the student is temporarily residing, or another school which students residing in that attendance zone are eligible to attend.

Homeless liaison - The term “homeless liaison” means the staff person designated as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Act.

VI. The District shall identify homeless children and youth as defined by the McKinney-Vento Homeless Assistance Act. If the District’s liaison for homeless children and youth determines that a minor, age 16 or older, is a “certified unaccompanied homeless youth” per Florida Statutes, the liaison shall issue to the youth a certificate documenting his/her status as required by Florida law.

VII. The District will ensure the immediate enrollment of homeless children and youth to an eligible school and assures that:

A. A homeless child or youth may continue their education in the school of origin for the duration of homelessness or in any case in which a family becomes homeless between academic years or during an academic year;

B. Keeping the child or youth in the school of origin is presumed to be in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;

C. When considering a placement in a school other than the child's or youth's school of origin, the district will consider student-centered factors to determine a placement that is in the student's best interest;

D. The eligible school selected shall immediately enroll the homeless child or youth, even if the child or youth missed an application or enrollment deadline during any period of homelessness.

E. When a school other than the school of origin is selected, will remove barriers to enrollment and enroll homeless children and youth immediately, even if they cannot produce records, including previous academic records; immunizations or other health records; birth certificate; proof of residency; guardianship; or other required documentation; and problems resulting from enrollment delays that are caused by uniform or dress code requirements; outstanding fees or fines; or absences.

F. A homeless child or youth shall be given a temporary document exemption to provide proof of age, certification of a school-entry health examination, proof of immunization and other documentation required for enrollment.

VIII. A homeless student who becomes permanently housed during the academic year, may remain at their school of origin for the remainder of the academic year and continue to receive all McKinney-Vento Act benefits.

IX. Children and youth experiencing homelessness, and who meet the relevant eligibility criteria, will have access to all available academic and extracurricular activities for which they meet relevant eligibility criteria.

X. Unaccompanied homeless high school youth will receive counseling to prepare and improve their readiness for postsecondary education.

XI. Each homeless child and youth shall be provided the services that are available comparable to services offered to non-homeless students in their school, including the following:

A. Transportation;
B. Educational services for which the child or youth meets the eligibility criteria, including Title I, ESE, and educational programs for English learners;
C. Programs in career and technical education;
D. Programs for gifted and talented student program;
E. School nutrition programs;
F. Before- and after-school programs; and
G. Preschool programs administered by the District.

XII. Records for homeless children and youth will be:

A. Treated as a student education record, and will not be deemed to be directory information, under section 444 of the General Education Provisions Act;

B. Maintained for each homeless child or youth, including immunization or other required health records; birth certificate; academic records; guardianship records; and evaluations for special services.

C. Made available, in a timely fashion, when a child or youth enters a new school; and

D. Held confidential in a manner consistent with section 444 of the General Education Provision Act.

XIII. Transportation

A. Transportation to and from a child's or youth's school of origin will be provided or arranged, at the request of the parent or guardian, or, in the case of an unaccompanied child or youth, the district's designated liaison for the homeless children and youth.

B. When the child's or youth's living arrangements are in an area served by another school district (district of residence), this school district (district of school of origin) will coordinate with the district of residence to agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the districts are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

XIV. Disputes

A. When considering placement in a school other than the child's or youth's school of origin, the district will consider student-centered factors to determine a placement that is in the student's best interest.

B. When the district determines that a placement other than the school of origin is in the best interest, the district will provide the parent, guardian or unaccompanied homeless youth with:

i. A written explanation, in a manner and form understandable to the parent, guardian, or unaccompanied youth; and
ii. Information on the right to appeal the placement determination.

C. During a school selection dispute:

i. the child or youth will either remain enrolled in the student's school of origin or shall be immediately enrolled in the eligible school in which enrollment is sought, either the school zoned for the address where the student is residing or another school which students residing in that attendance zone are eligible to attend, pending final resolution of the dispute including all available appeals
ii. The parent or guardian of the child or youth or, in the case of an unaccompanied youth, the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school or the district, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions; and
iii. The parent guardian, or unaccompanied youth shall be referred to the district's designated homeless liaison to carry out the dispute resolution process as expeditiously as possible.

iv. in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute

XV. The District shall follow the requirements of the McKinney-Vento Homeless Assistance Act and Florida Statutes.

Authority: §§1001.41, 1001.42, and 1003.21 Fla. Stat.
Law Implemented: §§ 743.067, 1000.21, 1001.43, 1003.01 and 1003.21; MCKINNEY-VENTO HOMELESS ASSISTANCE ACT, P.L.100-77 NO CHILD LEFT BEHIND ACT OF 2001, P.L. 107-110 EVERY STUDENT SUCCEEDS ACT OF 2015
History: New, April 22, 2009
Revised: November 22, 2011; September 13, 2022

RE-ENROLLING AND HIGH SCHOOL TRANSFERS 7.108

Placement decision will be made by the Superintendent or designee for the following students:

1. Any student who is 16 years of age or over and who has previously withdrawn with a dropout code from a secondary school and decides to return to school or
2. Any credit deficient high school student who transfers into a high school and who will not be able to graduate within one (1) year of the student's cohort group.

For the purposes of this section, a student who has been withdrawn for nonattendance in accordance with School Board Policy 7.106 is considered to have been "withdrawn with a dropout code" and the student's placement upon re-enrollment is subject to paragraph one (1) above.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.41, Fla. Stat.
History: New, July 8, 2009
Revised: November 22, 2011; December 9, 2014

CHAPTER SEVEN
STUDENT PERSONNEL

PART II
STUDENT RIGHTS, RESPONSIBILITIES, CONDUCT AND DISCIPLINE

STUDENT CONTROL AND JURISDICTION 7.201

Student Jurisdiction. Each student enrolled in the District school system shall be subject to the policies of the School Board and the administrative control and direction of the principals, other members of the administrative or instructional staff, or bus drivers to whom such responsibility has been assigned.

- During the time he/she is enroute to and from school at public expense.
- During the time he/she is attending school.
- During the time he/she is attending or participating in a school sponsored activity.
- While a student is on the school premises before and after school and before and after a school sponsored function.

Student Victimization. A student who has been victimized by another student as specified §1006.13(5), Fla. Stat. may request that the offending student be required to attend another school than that of the victim or the victim's siblings. The District will facilitate such requests if possible. If not possible, the District will ensure that the victim and siblings are separated from the offender by steps such as in-school suspension of the offender and the scheduling of school attendance, activities and transportation so as not to coincide.

A teacher may send a student to the principal's office in order to maintain effective discipline in the classroom and the teacher may recommend an appropriate consequence consistent with School Board Policy 7.203. The principal shall employ the teacher's recommended consequence or a more serious disciplinary action if the student's history of disruptive behavior warrants it. If the principal determines a lesser disciplinary action is appropriate, the principal should consult with the teacher prior to taking disciplinary action.

Removal of Students from Class. A teacher may remove a student from class whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. The procedure for removing a student from class shall be:

1. The teacher will complete a Notice of Intent to Remove Student from Class form, and submit the form to the principal for alternative placement of the student. This form includes the teacher's summary statement and record of interventions, parent contacts, and guidance/administrative referrals.
2. The principal or his/her designee will communicate to the parents or legal guardians that the student's teacher has recommended the student for removal from that teacher's class. The student's prohibition from school-sponsored activities shall be an administrative decision made by the principal or his/her designee.
3. The principal or his/her designee may not return the student to that teacher's class without the teacher's consent unless the Placement Review Committee determines that such placement is the best or only available alternative. If the teacher refuses consent, the Placement Review Committee must render a decision within five (5) school days of the removal of the student from the classroom. If the Placement Review Committee's decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher's class, the teacher may appeal the Committee's decision to the Superintendent.

Placement Review Committee. The Placement Review Committee shall review cases in which the teacher withholds consent to readmit a student who has been removed from class for disciplinary purposes. The Committee shall be composed of at least three (3) members, including at least two (2) teachers, one selected by the school's faculty and one selected by the teacher who has removed the student; and one (1) staff member selected by the school's principal. The teacher who withheld consent to readmitting the student may not serve on the committee.

Any teacher who removes 25% of his/her total class enrollment shall be required to complete professional development to improve classroom management skills.

If a student with disabilities is recommended for removal which constitutes a change of placement (change of amount of time with non-disabled peers and/or ESE services), the IEP committee must meet to determine appropriate placement. A student with disabilities may not have services removed for more than ten (10) cumulative days in a school year, which would also include previous suspension days.

ESOL students recommended for removal by a teacher and not returned must continue to receive designated ESOL accommodations.

Each principal shall quarterly report to the Superintendent and the School Board each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident. The Superintendent shall annually report these data to the State Department of Education.

Use of Reasonable Force. Teachers and other instructional personnel are authorized to use reasonable force to protect him/herself or others from injury and is permitted to protect the student from:

- conditions harmful to learning;
- conditions harmful to student's mental health
- conditions harmful to student's physical health
- conditions harmful to safety
- harm and/or injury to self, school personnel, and others.

The State has defined reasonable force as "appropriate professional conduct including physical force as necessary to maintain a safe and orderly environment." Whether or not force is reasonable may be determined using guidelines that would include but not be limited to:

- severity of offenses
- size and physical condition of participants
- patterns of behavior
- potential danger, physical and other
- availability of assistance; and
- actions taken prior to use of physical force.

Reasonable force will not be excessive, cruel, or unusual in nature. Physical force being used should cease upon the restoration of a safe and orderly environment and the return of the student to the classroom. The District supports the use of non-violent Crisis Prevention Intervention Training, using the properly certified trainers employed by the District. A review of procedures will be done annually at schools with high risk students and semi-annually at other schools.

No student shall be permitted to be in any physical education area without supervision.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1003.31, 1003.32, 1006.07, 1006.09, 1006.10, 1006.13, Fla. Stat.
History: New, June 12, 1989
Revised: May 13, 1997, July 24, 1997, November 17, 1998; February 27, 2002; January 13, 2010; June 9, 2015

CHAPTER SEVEN
STUDENT PERSONNEL

CODE OF STUDENT CONDUCT 7.202

A Code of Student Conduct shall be adopted in the manner prescribed in §1006.07, Fla. Stat., as amended. The Superintendent shall annually, in cooperation with principals, teachers, parents, and legal guardians review the Code of Student Conduct and make recommendations to the School Board for revision as deemed appropriate. The Code of Student Conduct shall be based upon the rules governing student conduct and discipline adopted by the School Board in the manner prescribed in Section 1.103.

The Code shall be distributed electronically and/or by other reasonable means at the beginning of each school year to students, parents, legal guardians, teachers and other school personnel. The Code shall also be distributed to new students who enroll after the beginning of the school year. Principals shall be responsible for distribution to his/her students, teachers and other school personnel. The Superintendent, or his/her designee, shall be responsible for distribution to all other personnel.

The Code shall be discussed at the beginning of each school year in student classes, school advisory council meetings, and parent and teacher association meetings. The principal, or his/her designee, shall review all applicable rules with the student body at the beginning of the school year and at any subsequent time as is necessary to insure that students are fully aware of all applicable rules.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1006.07, Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997; June 9, 2015

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STUDENT PERSONNEL

STUDENT DISCIPLINE 7.203

It is the policy of the School Board that there shall be no tolerance of misbehavior. Schools and teachers may develop individual rules and disciplinary practices which supplement the School Board rules but do not conflict with those rules. Discipline should be applied after consideration of the eventual effect on the behavior of the student and should promote improved conduct. Students shall be subject to the provisions of this policy while attending school or on school premises, at any school function, or on any school sponsored transportation, or under the supervision of School Board personnel, whether on or off campus. Students may be subject to discipline even if that conduct occurs on property not owned or controlled by the School Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee. Parents, legal guardians or adult students will be financially responsible for any damage to school property. A student's academic grade shall not be reduced as a disciplinary measure. In accordance with this policy, violent or disruptive students may also be assigned to an alternative educational program or referred for mental health services.

A. MINOR INFRACTIONS

1. **Behavior Qualifying for Minor Disciplinary Measures.** Minor disciplinary offenses are those acts of misconduct which interfere with orderly classroom procedures, school functions, extracurricular programs, or approved transportation, do not seriously endanger the health and safety of others or a student's own learning process. Following is a non-inclusive list of actions which shall result in Minor Disciplinary Measures.
    - Disrespect of School Staff
    - Distribution of Unauthorized Materials
    - Excessive Talking
    - Failure to follow administrative directive
    - Failure to follow instructions of school staff
    - Inappropriate Behavior/Language
    - Libelous statements
    - Loss/Damage of materials belonging to the school
    - Minor disruption of class/school activities
    - Not remaining in assigned area
    - Possession or use of skateboards
    - Skipping class on or off campus without permission
    - Tardiness
    - Teasing/Horseplay
    - Unauthorized Assembly
    - Unauthorized use of school property
    - Violations of School Board Policy regarding cell phones, computers and/or internet usage

2. **Minor Disciplinary Measures.** Behavior qualifying for Minor Disciplinary Measures may result in any of the following as deemed appropriate by an administrator or teacher:Verbal Correction
    - Counseling
    - Parental Contact
    - Administrative Probation
    - Detention
    - In-School Suspension
    - Work Detail (with parental consent)
    - Seat re-assignment

B. MAJOR INFRACTIONS

1. **Behavior Qualifying for Major Disciplinary Measures.** Behavior requiring Major Disciplinary Measures are more serious acts of misconduct including repeated acts of misconduct, serious disruptions of the orderly conduct of the school or school transportation, or threats to the health, safety and property of self or others. Examples of more serious misconduct which may require Major Disciplinary Measures include but are not limited to the following as deemed appropriate by an administrator:

- Aggravated Battery
- Aiding & abetting another person in committing an act which would be a violation of School Board Policy
- Alcohol Use/Possession
- Any electronic communication, social media or blog posts that causes a foreseeable risk of substantial disruption to the work or discipline at a district facility.
- Arson
- Breaking & Entering/Burglary
- Bullying
- Cheating/Plagiarism
- Defiance/Insubordination
- Disruption on Campus
- Drug Sale/Distribution
- Drug Use/Possession
- Excessive Tardies
- Failure to report to an assigned placement in alternative setting
- Fighting
- Harassment
- Hazing
- Homicide
- Larceny/Theft
- Lying to School Officials
- Motor Vehicle Infraction
- Obstruction of an Investigation by school or other officials
- Participation in or leading a riot or disturbance
- Participation in Gang Activity
- Physical Attack
- Possession of a Weapon
- Possession of any device designed to expel a projectile by air or gas
- Possession of Dangerous Object or Device
- Possession, sale, or distribution of pornographic material
- Possession, use or sale of dangerous articles or chemical propellant sprays
- Possession, use or sale of fireworks or other destructive devices
- Possession, use or sale of matches or cigarette lighters (except at Tom P Haney by an adult student)
- Possession, use or sale of tobacco products of any kind or electronic cigarettes (vapes)
- Public display of affection
- Robbery
- Rude/Obscene Behavior and/or Language (profanity)
- Sexual Assault
- Sexual Battery
- Sexual Harassment
- Sexual Offenses Other
- Threat/Intimidation
- Tobacco
- Trespassing
- Unauthorized alteration or changing, or aiding and abetting or participating in the alteration of changing a student's grades or attendance records.
- Unauthorized use of free/reduced lunch number
- Use of wireless communication devices in violation of School Board Policy 7.211
- Vandalism
- Violating the rights of others
- Violation Alternative Placement Requirements
- Violation of Re-Entry Behavior Contract
- Violation of vehicle/parking regulations

2. **Major Disciplinary Measures.** Behavior qualifying for major disciplinary measures may result in any of the disciplines under Minor Disciplinary Measures, as well as the following as deemed appropriate by an administrator:

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- Out-of-School Suspension
- Bus Suspension
- Placement in an alternative setting
- Expulsion
- Bus Expulsion

a) **Out-of-School Suspension.** A student may be suspended from school by the principal or his/her designee for violation of any behavior qualifying for Major Disciplinary Measures. A good faith effort shall be made by the principal or his/her designee to employ parental assistance or other alternative measures prior to suspension or expulsion except in the case of emergency or disruptive conditions which require immediate suspension or expulsion.

b) **Bus Suspension or Expulsion.** A student may be suspended for up to ten school days from district approved transportation by the principal or his/her designee for violation of any behavior qualifying for Major Disciplinary Measures. A bus suspension may be imposed by the Superintendent for up to 45 school days. A bus expulsion for a period to be determined by the School Board in excess of a 45-day suspension. A good faith effort shall be made by the principal or his/her designee to employ parental assistance or other alternative measures prior to suspension or expulsion except in the case of emergency or disruptive conditions which require immediate suspension or expulsion. During the period of suspension or expulsion, it is the responsibility of the parent or legal guardian to provide transportation to and from school for the student.

c) **Determination of Out-of-School Suspension or Bus Suspension.** To determine whether out-of-school suspension or bus suspension is appropriate and to decide the length of suspension, the principal or his/her designee shall review the student's individual record and consider:The facts and the seriousness of the conduct leading to consideration for suspension;

b) The student's age, grade and past disciplinary record; and

c) Possible effectiveness of other forms of discipline in correcting behavior.

d) **Out-of-School Suspension on the Basis of Felony Charges Off School Property.** Any student formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on other than public school property, and that incident is shown, in an administrative hearing with proper notice to the parents or legal guardians, to have an adverse impact on the educational program, discipline or welfare of the school in which the student is enrolled, shall be subject to suspension in accordance with §1006.09, Fla. Stat. until determination of the case by a court of competent jurisdiction. Any student who is suspended as a result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed ten days, as determined by the Superintendent. Such suspension shall not affect the delivery of educational services in a daytime alternative education program, or an evening alternative education program, where appropriate. If the court determines that the student did commit the felony or delinquent act which would have been a felony if committed by an adult, the School Board shall have the authority to expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the student in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting. Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under Chapter 893 of the Florida Statutes may be entitled to a waiver of the discipline or expulsion in accordance with § 1006.09(2)(a)-(b), Fla. Stat.

C. ZERO TOLERANCE

Any disciplinary action taken against a student who violates this zero-tolerance policy must be based on the particular circumstances of the student's misconduct.

1. Zero Tolerance Level One — Weapons and Threats

a) **Level One Behaviors.** Zero Tolerance Level One behaviors include the following:Possession, use or sale of a firearm or weapon. This includes a firearm or weapon found in a student's vehicle, either at school or at a school sponsored event. The student shall be considered to be in possession of the firearm or weapon if it is determined by the principal, based upon evidence, that the student knew of the presence of the firearm or weapon in the vehicle. The School Board specifically waives the exception in §790.115(2)(a)(3) for purposes of student and campus parking privileges.

(ii) A threat or false report, as defined by §§ 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity.

b) **Level One Discipline.**

- Mandatory:
  - suspension for ten days,
  - expulsion for no less than one full year, and
  - referral for criminal prosecution
  - referral for mental health services identified by the school district pursuant to § 1012.584(4) and the criminal justice or juvenile justice system
- Additional considerations: The School Board may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. The Superintendent may consider the 1-year expulsion requirement on a case-by-case basis and request the School Board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

c) **Simulating a Firearm or Weapon.** Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under Section 1006.07 or Section 1006.13, Florida Statutes. Simulating a firearm or weapon while playing includes, but is not limited to:1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.

2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
4. Using a finger or hand to simulate a firearm or weapon.
5. Vocalizing an imaginary firearm or weapon.
6. Drawing a picture, or possessing an image, of a firearm or weapon.
7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student's parent. Disciplinary action resulting from a student's clothing or accessories shall be determined pursuant to Policy 7.209 unless the wearing of the clothing or accessory causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions.

2. Zero Tolerance Level Two — Controlled Substances and Intoxicants

a) **Level Two Behaviors.** Zero Tolerance Level Two behaviors include possession, sale, distribution, use, or being under the influence of any controlled substance under Chapter 893, Fla. Stat., any counterfeit controlled substance as defined by §831.31, Fla. Stat., model glue, other inhalant, or alcohol.

b) **Level Two Discipline.**

- Mandatory: suspension of one to ten days
- Permissive: may also result in expulsion
- Additional considerations:
    - A principal may, at his/her absolute discretion, reduce the length of the out of school suspension if the student is a first time alcohol or drug offender who possesses or is under the influence of any substance controlled under §893, Fla. Stat., or is under the influence of model glue or other inhalant or alcohol. **The principal's option to reduce the length of a suspension is only available for incidents involving small amounts of a controlled substance which the principal determines is for the student's individual use and not for distribution, delivery, or sale to other students.**
    - The Superintendent has the authority in drug or alcohol cases to offer the student an Alternative Placement in lieu of Expulsion under this policy.

3. Zero Tolerance Level Three — Fighting and Physical Aggression

a) **Level Three Behaviors.** Fighting and/or Physical Aggression will not be tolerated on Bay District School Board property at any time. If a student participates in a fight, he/she will be subject to disciplinary action as defined in the Bay District Schools Discipline Matrix. Schools will make a good faith effort to provide behavioral interventions for events of this nature. However, the following are deemed Zero Tolerance Level Three behaviors, subject to discipline in accordance with this policy: student exhibits a pattern of fighting and/or physical aggression;

- student participates in a fight which results in injury; or
- student participates in a fight which results in the significant disruption of the school environment.

b) **Level Three Discipline.**

- Mandatory: suspension for up to ten days
- Permissive: placement in an alternative setting or expulsion

D. BEHAVIOR THAT POSES THREATS TO SCHOOL SAFETY

1. **Expulsion.** If the Superintendent, after reviewing the particular circumstances, determines that the behavior poses a serious threat to school safety, the Superintendent shall recommend expulsion of the student to the School Board.
2. **Criminal Referrals.** All actions which are determined by this policy to be serious threats to school safety shall be reported to law enforcement. This policy does not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency, including, but not limited to, disorderly conduct, disrupting a school function, simple assault or battery, affray, theft of less than $300, trespassing, and vandalism of less than $1,000.00.

E. PROCEDURES

1. **Procedures for Out-of-School Suspension or Bus Suspension.** The following procedures shall be utilized in suspending a student, including those instances in which there is also a principal's recommendation for expulsion to the Superintendent.The principal or his/her designee may suspend a student only in accordance with the rules of the School Board.
   b) The principal or his/her designee shall make a good faith effort to immediately inform a student's parents or legal guardians by telephone of a student's suspension and the reasons for the suspension.
   c) Each suspension and the reasons for the suspension shall be reported in writing within 24 hours to the student's parents or legal guardians by United States mail or by hand delivery. The notice shall contain:
      (i) The nature of the offense;
      (ii) The date of the offense, beginning date of suspension, and the date on which the student may return to school; and
      (iii) Any conditions involving suspension, such as reduction of the suspension following a conference and assurance from the student of a change in attitude.
   d) Each suspension and the reasons for the suspension shall be reported electronically within 24 hours to the Superintendent.
   e) At a conference, the student shall be given both oral and written notice of the charges and given an opportunity to present his/her side of the story prior to suspension.
   f) The principal may temporarily suspend a student prior to a conference when, in his/her judgment, the safety or health of students, staff or other persons in the school may be threatened by the continued presence of the student. When temporary suspension is necessary, the principal shall inform the parents or legal guardians by the most rapid means (including telephone). As soon as feasible under the circumstances, the principal shall hold a conference with the student or parents or legal guardians.
   g) Upon request, the parents or legal guardians will be given an opportunity for an informal hearing with the principal or his/her designee within 48 hours of the request (excluding Saturday, Sunday and school holidays).

2. **Procedures for Out-of-School Suspension on the Basis of Felony Charges Off School Property.** The following procedures shall be utilized by the principal in instituting and conducting an administrative hearing in the suspension of a student on the basis of felony charges:Upon receiving proper notice from the State Attorney that a student has been formally charged with a felony, the principal shall immediately notify the parents or legal guardians of the student, in writing, of the specific charges against the student and of the right to a hearing prior to disciplinary action being instituted under the provisions of §1006.09, Fla. Stat.
   b) Such notice shall stipulate a date for the hearing which shall be not less than two school days nor more than five school days from postmarked date, or delivery, of the notice and shall also

advise the parents or legal guardians of the conditions under which a waiver of suspension may be granted, as prescribed in subsections (2) (a)-(b) of §1006.09, Fla. Stat. Pending such hearing the student may be temporarily suspended by the principal.

c) The hearing shall be conducted by the principal or his/her designee, and may be attended by the student, the parents or legal guardians, the student's representative or counsel, and any witnesses requested by the student or the principal.

d) The student may speak in his/her own defense, may present any evidence indicating his/her eligibility for waiver of disciplinary action, and may be questioned on his/her testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify.

e) In conducting the hearing, the principal or his\her designee shall not be bound by the rules of evidence or any other courtroom procedure, and no transcript of testimony shall be required.

f) Following the hearing, the principal shall provide the student, parents or legal guardians, and Superintendent or his/her designee with a decision, in writing, as to whether or not a ten-day suspension will be made. In arriving at this decision, the principal shall consider the conditions prescribed by subsection (2) (a)-(b) of §1006.09, Fla. Stat., under which a waiver of suspension may be granted, and may grant such a waiver when s/he determines such action to be in the best interests of the school and the student. The principal shall have authority to modify the decision to either grant or deny a waiver, at any time prior to adjudication of the student's guilt by a court, provided that any such modification adverse to a student shall be made only following a hearing conducted in accordance with this rule.

g) Any student who is suspended as a result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed ten days, as determined by the Superintendent or his/her designee. If the suspension is extended beyond ten days by the Superintendent or his/her designee, the student will be enrolled in an alternative education program pending adjudication of guilt.

3. **Procedures for Placement in an Alternative Educational Setting.** Placements in alternative educational settings are initiated by the principal and approved by the Superintendent or his/her designee in accordance with the following procedures:

a) A student may be placed in an alternative educational setting for a documented pattern of inappropriate behavior or for committing an offense qualifying for major disciplinary measures.

b) If a change in placement is contemplated for ESE students, a manifestation determination and an IEP meeting with the student's parents must be initiated. This meeting must include a review of the present IEP and a discussion to determine if additional supports are needed for the student to be successful in the present placement or whether a change in placement is needed. In addition to the locations listed below, IEP teams may also consider St. Andrew and New Horizons Learning Center as options for ESE students.

c) A placement letter will be mailed from the Superintendent or his/her designee to the student's parent/guardian informing them of the student's change in placement.

d) Students will have ten school days from the date of the placement letter to the parent/guardian to comply with the Placement option. If the student is not enrolled within ten school days, the student may be recommended for expulsion.

e) Placement locations may include, but are not limited to: Rosenwald High School, St. Andrew School, Bay Virtual School, and other dropout prevention programs as may be available.

f) Upon enrollment in the alternative setting, a student will be required to execute a Placement and Behavior Contract.

g) In addition to the core curriculum, students placed in an alternative setting will receive:

- A Structured, Small-Group Environment
- Positive Behavior Supports

- Intensive Social Skills Instruction/Groups
- Focused and Individualized Academic Support

h) Students who are placed in an alternative setting shall not be eligible to participate in extra-curricular activities.

i) The length of placement shall be determined by the Superintendent and by the student achieving Program Completion. Students may be placed in an alternative setting for not more than 90 Earned Days. However, students placed may be placed in the alternative setting in lieu of expulsion for up to 180 Earned Days.

j) Program Completion. A student attains Program Completion by attaining the required number of Earned Days.
   a. Days are earned for purposes of this policy for each school day that the student completes and adheres to the behavior contract and complies with all facets of the program, which includes consistent attendance, completion of assigned academic work, and appropriate behavior.
   b. Upon Program Completion, the student will be eligible to return to his/her zoned school at the beginning of the next grading period following a reentry meeting to be held at the receiving school.

k) If the student does not meet the program criteria or refuses to adhere to the program requirements, he/she may be referred for expulsion or alternative placement in lieu of expulsion

l) After a minimum of ninety school days or at the Superintendent's discretion, and with the recommendation of a placement review team designated by the principal, the student and parent/guardian may request in writing to the Superintendent to be allowed to return to a traditional zoned school in accordance with the District's school choice policy contingent upon behavior, attendance and academic progress during the placement period. If granted, the student will be allowed to return at the beginning of the next academic semester following a reentry meeting to be held at the receiving school where a behavior contract may be required.

4. <u>Procedures for Expulsion</u>

a) Upon finding that a student has committed a major disciplinary infraction warranting expulsion, a principal may recommend expulsion to the Superintendent. The principal's recommendation to the Superintendent shall be accompanied by the student's disciplinary history and all alternative and supportive measures previously implemented by the school.

b) The length of the expulsion period will be recommended by the Superintendent and must be approved by the School Board.

c) Once recommended for expulsion, all eligibility for extra-curricular activities is forfeited regardless of the student's educational setting. Eligibility to participate in extra-curricular activities is restored upon completion of the original terms or length of the expulsion period.

d) The Superintendent may then choose to recommend expulsion of the student to the School Board. Upon such recommendation, the Superintendent will provide written notice to the student and his/her parent: (i) of the recommendation and charges; (ii) advising the student and parent of their right to due process; and (iii) stating that the principal will hold an informal hearing at a specified time and place to hear from the student and parent.

e) Following the Superintendent's written notice, an informal hearing at the school level shall be conducted by the principal. If available, the student shall be given an opportunity to be heard

at this hearing. At the conclusion of the hearing, and based upon the facts and totality of the circumstances at issue, the principal will announce a decision to either withdraw or affirm the recommendation for expulsion. If the expulsion recommendation is withdrawn, the principal may then announce an alternative course of action.

f) If the recommendation for expulsion is affirmed at the conclusion of the informal hearing with the principal, the student and/or parent will be given notice of their right to request a hearing before the School Board, which will be conducted in the manner provided in § 120.57, Fla. Stat. and School Board policy 1.105. The date of the informal hearing shall be deemed the date of the Notice of Disciplinary Action.

g) Students and parents/guardians of students recommended for expulsion may file a request for hearing before the School Board within 15 calendar days of the date of the Notice of Disciplinary Action. Failure to file a timely request shall be deemed a waiver of the right to a hearing before the School Board. If no hearing is requested, the School Board will enter a final order of expulsion at the next available School Board meeting.

h) Requests for a hearing on a student expulsion must contain:
   i. name and address of the petitioner;
   ii. explanation of substantial interests that will be affected by the Board's proposed action;
   iii. statement of when and how petitioner received the notice of the proposed Board decision;
   iv. statement of disputed issues of material fact; if there are none, the request must state that there is no disputed issue of material fact;
   v. a concise statement of the ultimate facts alleged, and the rules, regulations, statutes and constitutional provisions which entitle the petitioner to relief;
   vi. a description of the relief requested; and
   vii. notice of waiver or non-waiver of 14-day notice of hearing.

   Hearing requests that do not comply with these conditions are subject to dismissal for lack of legal sufficiency.

i) When a request for hearing is made, unless the School Board determines that the request is untimely or does not comply with the filing requirements, the matter shall be set for a hearing before the School Board at the next available meeting.

j) After completion of the expulsion period, the student will be allowed to return at the beginning of the next academic semester following a reentry meeting to be held at the district office where a written reentry plan must be developed prior to the return of an expelled student to the school program. Each plan is to be developed in cooperation with all parties involved, including the student and parent/guardian.

5. **Procedures for Expulsion Re-Hearing.** After a minimum of 180 school days or at the Superintendent's discretion, the student and parent/guardian may request in writing to the Superintendent that s/he recommend to the School Board a modification of the expulsion order based upon the student's behavior and academic progress (if applicable) during the expulsion period. All requests for modification of the expulsion order must go through the Superintendent.
If granted, the student will be allowed to return at the beginning of the next academic semester following a reentry meeting to be held at the district office where a written reentry plan must be developed prior to the return of an expelled student to the school program. Each plan is to be developed in cooperation with all parties involved, including the student and parent/guardian.

6. **Confiscation of Contraband.** Any item that may not be possessed or used by a student under this policy shall be confiscated by the principal. If appropriate, the prohibited item shall be given to the proper law enforcement agency. Otherwise, if possession of the item is legal, the item shall be given to the student's parent or guardian after the conclusion of all disciplinary action against the student.

F. DISCIPLINE OF STUDENTS WITH DISABILITIES.

For the purpose of this rule a student with disabilities is defined as any student appropriately classified as 504 or Exceptional Student Education and presently placed in an exceptional student education program, excluding gifted. Parental notification of policies, procedures, and student rights regarding discipline of students with disabilities shall be provided, in writing, at the eligibility staffing meeting or when parental consent for 504/ESE placement is documented. Parental safeguards and rights of due process shall, in addition, be observed and followed at all steps in the process. Additional information is available in the "Florida Department of Education District Implementation Guide for Section 504 (504 Guide)" or the "Special Programs and Procedures for Exceptional Students (SP&P)," adopted by the Board pursuant to Section 1.103 and hereby incorporated by reference as a part of the Rules of the Bay County School Board.

1. **Suspension of Students with Disabilities.** The principal may suspend a student with disabilities for a period of time not to exceed ten school days (or an accumulation of ten school days within a school year) without the provision of a free and appropriate public education. Appropriate due process shall be observed, except in emergency situations in which a student's presence poses a continuing danger to persons or property or represents an ongoing threat of disruption to the academic process.
   When a bus incident occurs, a student with disabilities may be suspended from the bus. It is the principal's responsibility to ensure that a bus suspension will not interfere with the student's access to a free and appropriate public education.

   Following procedures outlined in the 504 Guide or the SP&P Manual, the school must conduct a functional behavioral assessment and develop a behavioral intervention plan for any student exhibiting a pattern of inappropriate behavior. If the student has a behavioral intervention plan, the 504/IEP Team shall meet to review the plan and consider modifying the plan to address the behavior.

2. **Suspension After Accumulation of Ten Suspension Days.** At such time that accumulated suspensions exceed ten days within a school year and a pattern of removal has been determined, the principal shall convene the 504/IEP Team and include the principal or his/her designee. This Team shall review the student's program and conduct a manifestation determination meeting to determine whether or not the student's disability is a precipitating factor in the disciplinary infraction.
   If the 504/IEP Team determines that the student's behavior is related to the student's disability, then using procedures outlined in the 504 Guide/SP&P, the Team will amend the student's Plan to address the behaviors.

   If the 504/IEP Team determines that the student's behavior is not related to the student's disability, the Team shall document the rationale for this decision in a manifestation determination meeting. In this case, procedures for disciplinary action will follow its regular course of action, as designated in School Board Policy 7.203. Parents must be informed of this decision. In no case will services cease for a student with a disability.

3. **Expulsion of Students with Disabilities.** If the student to be expelled is a student with disabilities, the following procedures from the 504 Guide/SP&P must be followed. Instances in which students with disabilities engage in behavior that could warrant expulsion action are described in School Board Policy 7.203.Expulsion of an identified student with disabilities constitutes a change in educational placement and may not be an exclusion from educational services.
   b) When a principal plans to recommend expulsion for a student with disabilities, the Superintendent or his/her designee shall be notified that a 504/ IEP Team meeting will be held. The Team shall meet to determine whether the student's misconduct is a manifestation of his/her disability.
   c) The 504/IEP Team shall determine the relationship of the student's behavior to the student's disability and amend the Plan to provide the alternative placement and/or programming. In no case may the District cease provision of educational services to a student with an IEP.
   d) Policies and procedures for conducting 504/IEP meetings and providing procedural safeguards to parents or legal guardians of students with disabilities consistent with Fla. Admin. Code R. 6A-0331(3) apply to this meeting.
   e) A copy of these policies and procedures shall be given to parents or legal guardians of students with disabilities at eligibility and 504/IEP manifestation determination meetings.

G. PROCEDURES FOR DISCIPLINARY DECISION APPEAL

A disciplinary decision of a school-based administrator or teacher may be appealed to the principal. The principal's decision may be appealed to the Superintendent or his/her designee. An electronic copy of the decision and notification of the right to appeal shall be furnished to the student, parents, or legal guardians via Parent Portal. The student, parents, or legal guardians shall have five working days from receipt of notification of the disciplinary decision to appeal.

H. DEFINITIONS

1. Administrative Probation. The placing of a student on probation by an administrator, which may include denial of participation in extracurricular activities, and may require the student to maintain frequent contact with a staff member assigned responsibility for monitoring his/her activities.

2. Bus Expulsion. The removal of district approved transportation privileges for a period of time to be determined by the School Board. During the expulsion period, it is the responsibility of the parent or legal guardian to provide transportation to and from school for the student.

3. Bus Suspension. Bus suspension is defined as the temporary removal of a student from district approved transportation for a period not to exceed ten school days if assigned by the principal or designee, and not to exceed 45 school days if assigned by the Superintendent. During the bus suspension period, it is the responsibility of the parent or legal guardian to provide transportation to and from school for the student.

4. Counseling. Guidance and written direction given to a student in a conference with teachers, School Counselors, and/or school administrators where problems are discussed and future expectations outlined.

5. Dangerous Objects or Devices. These may include, but not be limited to, razor blades, box cutters, common pocketknives, air soft guns, mace/pepper spray, chemicals, live ammunition/bullets, imitation weapons, or similar items.

6. Destructive Device. Any bomb, smoke bomb, grenade, mine, rocket, missile, pipe bomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms.

7. Detention. The assignment during non-classroom time of appropriate work, including work details, for misconduct. When a student is to be detained after school hours, the parents or legal guardians shall be notified. Special transportation arrangements necessitated by student detention are the responsibility of the student, parents or legal guardians.

8. Electronic cigarette (e-cigarette). Any oral device that provides a vapor of liquid nicotine and/or other substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarette, e-cigars, e-pipes, or under any other product name or descriptor.

9. Expulsion. Expulsion is defined as the removal of the right and obligation of a student to attend a public school under conditions set by the School Board. An expulsion may not exceed a period of time including the remainder of the school year and one additional year. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly. Final orders of expulsion may only be entered by action of the School Board.

10. Firearm. Any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term firearm does not include an antique firearm unless the antique firearm is used in the commission of a crime.

11. In School Suspension. Students may be removed from class or classes and assigned to alternative education classes or to other activities on the school campus under the supervision of District personnel.

12. Out-of-School Suspension. Out of school suspension is defined as the temporary removal of a student from the regular school program and all other school sponsored activities for a period not to exceed ten school days with the student being remanded to the custody of his/her parent(s) with specific homework assignments for the student to complete.

13. Parental Contacts. Contacts through notes, letters, phone calls or conferences between school personnel and parents or legal guardians.

14. Possession. Possession is defined as found on a student's person, within his/her control, his/her locker or other storage space or his/her vehicle (regardless of ownership of the vehicle) while parked on school property.

15. School Environmental Safety Incident Reporting (SESIR). Incidents that are against the law or represent serious breaches of the code of student conduct. This includes those incidents considered severe enough to require the involvement of a School Resource Officer (SRO) or incidents to be “Reported to Law Enforcement.”

16. Sexual Harassment. Examples of sexual harassment include unwanted sexual advances or propositions, demands for sexual favors in exchange for favorable treatment, unwanted sexually oriented remarks, verbal abuse of a sexual nature, graphic verbal commentary about an individual's body or sexual prowess, coerced sexual acts of assault, physical contact such as grabbing, pinching, or patting unnecessarily, leering, whistling or gestures of a sexual nature.

17. Verbal Correction. The verbal correction of a student by any member of the school staff for misconduct in the classroom, hallways, on the school grounds, going to and from school, or while attending school sponsored activities.

18. Weapon. Any dirk, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon, knife, or any other deadly device except a firearm, a common pocketknife with a blade not exceeding 4", a plastic knife, or a blunt-bladed table knife.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1006.07, §1006.09; §741.24, Ch. 790, Fla. Stat.; Fla. Admin. Code R. 6A-1.0956
Revised: July 24, 1997, August 12, 1998, August 17, 1999; January 25, 2000; August 9, 2000; October 11, 2000; July 11, 2001; September 12, 2001; November 14, 2001; April 24, 2002; July 24, 2002; June 25, 2003; July 28, 2004; January 25, 2006; January 14, 2009; January 13, 2010; June 9, 2010; August 23, 2011; July 23, 2013; September 23, 2014; October 28, 2014; January 13, 2015; August 23, 2016; September 25, 2018; November 12, 2019; July 26, 2022

STUDENT DETENTION, SEARCH, AND SEIZURE 7.204

Any member of the instructional or administrative staff may temporarily detain and question a student when there is reasonable suspicion that the student has committed, is committing, or is about to commit a violation of law or School Board policy. No student shall be temporarily detained longer than is reasonably necessary. Such temporary detention shall not extend beyond the place where it was first effected, or the immediate vicinity thereof. Searches should be conducted discreetly and with an eye toward causing the least amount of embarrassment to the student as possible.

If reasonable suspicion exists, including proper identification by a drug detection dog and its trainer, that a student is concealing or has concealed stolen, prohibited, or illegally possessed substances or objects (contraband) on his/her person, within his/her locker or other storage place, or vehicle owned or operated by the student, then the principal or a school employee designated by the principal may search the student, his/her locker or other storage space, or his/her vehicle owned or operated by the student. Student searches and questioning should be conducted and witnessed by school officials of the same gender as the student.

If the search reveals prohibited, or illegally possessed substances or objects (contraband), such property shall be seized and, when appropriate, turned over to law enforcement authorities.

Any prohibited, illegally possessed substances or other contraband found to be in the possession of students shall be confiscated by the principal and turned over to appropriate law enforcement personnel.

Each principal shall place a sign within the school, in a place readily seen by students, which shall contain the following text:

Notice to Students

> "Student lockers, other student storage spaces provided by the school system, and student vehicles are subject to search by school authorities at any time, upon reasonable suspicion, for prohibited or illegally possessed substances or objects."

Authority: §1001.41, Fla. Stat.
Law Implemented: §§1006.07, 1006.09(9), Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997; December 10, 2008

CONDUCT ON SCHOOL BUSES 7.205

It is the responsibility of students to abide by the rules of the School Board in order to assure the safety of all students. Failure to abide by School Board rules will result in disciplinary action. The principal has the authority to suspend and/or recommend expulsion of the student from bus riding privileges. See also 6.312, Authority of Bus Drivers of Transported Students. In addition to following the rules of the School Board, all transported students must:

- Occupy the seat assigned by the bus driver and refrain at all times from moving around while the bus is in motion. In cases where standing is necessary, the student shall stand in the area designated by the bus driver.
- Singing, shouting or other unnecessary noise is prohibited. Absolute silence on the bus shall prevail while the bus is stopped for railroad crossings or for discharging students.
- Obey all directions given by the bus driver.
- Wait until the bus has come to a complete stop before attempting to get on or off the bus. Students shall form a line in order to insure safety in getting on or off the bus.
- Observe proper rules of conduct while waiting for the bus. All rules of conduct of the school shall apply while the student is at the bus stop. In addition students at, or in the vicinity of, a bus stop or transfer station shall:
  - Not trespass on or abuse private property;
  - Stay off the roadway far enough to avoid traffic hazards;
  - Not leave litter or refuse;
  - Not harass or intimidate other students, passers-by or traffic;
  - Refrain from use or possession of tobacco products.
- Enter or leave the bus only at the front door after the bus has come to a complete stop except in cases of emergency or on instructions from the bus driver.
- If necessary, cross the highway in the proper manner and as instructed by the bus driver after leaving the bus.
- Keep all parts of the body inside the bus windows at all times.
- Refrain from throwing objects inside or outside the bus at any time.
- Refrain from the use of profane or objectionable language and from engaging in any other objectionable conduct. No pushing, fighting, or any other type of misconduct shall be permitted at any time.
- Cross the roadway ten (10) feet in front of the bus so that the bus driver can observe students at all times.
- Refrain from bringing animals or anything in a glass container on the bus, including science specimens, etc., without at least one (1) day prior permission from the bus driver.
- Proceed to their final destination by School Board provided transportation unless otherwise authorized by the principal.

Enforcement and Penalties. The following minimum penalties shall be applied by the principal for any violations of the rules set forth above or School Board rules. If warranted in the opinion of the principal, the penalties for the first three (3) referrals may be bypassed and more severe penalties imposed.

1. First Referral:
   A. Warning by principal or designee; and/or
   B. Conference with a counselor or parent/guardian; and/or
   C. Loss of bus riding privilege for up to three (3) days.
2. Second Referral.
   A. Conference with parent/guardian; and/or
   B. Loss of bus riding privilege for three (3) days.
3. Third Referral.
   A. Loss of bus riding privilege for three (3) to five (5) days.
4. Fourth Referral.
   A. Loss of bus riding privilege for five (5) to ten (10) days; or
   B. Recommendation of expulsion from bus transportation for the remainder of the semester.
5. Fifth Referral.
   A. Recommendation of expulsion from bus transportation for the remainder of the school year.

Parents or legal guardians of a student provided bus transportation shall annually obtain, sign, and return a form containing rules for conduct of students at bus stops and on school buses. Such form must be returned to the Transportation Department within five (5) days of the date transportation is initiated for the student.

Students who have been suspended or expelled from bus transportation shall be required to attend school. Transportation shall be the responsibility of the parents or legal guardians.

Authority: §1001.41, Fla. Stat.
Law Implemented: §§1006.07, 1006.10, Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997; August 23, 2016

CHAPTER SEVEN
STUDENT PERSONNEL

QUESTIONING AND REMOVAL OF STUDENTS BY LAW ENFORCEMENT OFFICERS 7.206

Except as provided herein, interviews of students by law enforcement officers will be permitted during the school day only when interviews during non-school hours would unduly interfere with the law. Any law enforcement officer wishing to question a student shall present adequate identification, and shall indicate the necessity or reason for the interview prior to being provided access to the student.

If the student to be questioned is under the age of eighteen (18), the principal shall notify the parents or legal guardians if possible, before asking any questions. If the parents or legal guardians refuse to give permission, the principal shall not permit the law enforcement officer to question or interview the student.

If the parents or legal guardians cannot be reached, the principal shall evaluate the necessity for the law enforcement officer having immediate access to the student and either permit or refuse access. If access is permitted the principal or his/her designee shall participate in the interview in order to ensure that all rights of the student are observed and protected. When questioning or searching students, the principal or his/her designee must be present with no more than two (2) law enforcement officers, unless officer safety is an issue. Student searches and questioning should be conducted and witnessed by school officials of the same gender as the student. A report of the interview shall be made to the parents or legal guardians at the earliest possible time.

If the parents or legal guardians give permission, the principal or his/her designee shall, upon the parent's request, participate in the interview in order to insure that all rights of the student are observed and protected. When questioning or searching students, the principal or his/her designee must be present with no more than two (2) law enforcement officers, unless officer safety is an issue. Student searches and questioning should be conducted and witnessed by school officials of the same gender as the student.

If the student is over the age of eighteen (18), the principal shall evaluate the necessity or reason for the law enforcement officer to have access to the student and may either permit or deny such access during school hours. If access is permitted, and when questioning or searching students, the principal or his/her designee must be present with no more than two (2) law enforcement officers, unless officer safety is an issue. Student searches and questioning should be conducted and witnessed by school officials of the same gender as the student.

Removal of Student from School Campus. No law enforcement officer shall be permitted to remove a student from the school campus for questioning or any other purpose, except under the following conditions:

1. A court order is presented authorizing the officer to take the student into custody;
2. A warrant is presented authorizing the arrest of the student;
3. The student is placed under arrest by the officer; or
4. The officer presents written documentation of parental permission.

Questioning and Removal of Student by Representatives of the Department of Children and Families. A properly identified representative of the Department of Children and Families shall be permitted to question a student during school hours when such questioning is in connection with the investigation of child abuse charges.

The principal or his/her designee may not participate in the interview unless specifically requested by the Department of Children and Families investigator. The Department of Children and Families shall be responsible for notifying the parents or legal guardians of the interview.

A properly identified representative of the Department of Children and Families may take a student into custody and remove the student from the school campus. The Department of Children and Families shall be responsible for notifying the parents or legal guardians of the removal of the student.

Questioning of Student by School Resource Deputy. Notwithstanding the provisions herein, a School Resource Deputy may interview a student concerning a school-related matter when authorized by the principal. Removal of a student from the school campus by a School Resource Deputy must be conducted in accordance with this policy.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1006.07, Fla. Stat.
History: Revised: July 24, 1997; December 10, 2008; November 22, 2011; August 23, 2016

CHAPTER SEVEN
STUDENT PERSONNEL

BULLYING, HARASSMENT, CYBERSTALKING OR TEEN DATING VIOLENCE AND ABUSE 7.207

It is the policy of the School Board of Bay County, Florida (the "District" or "School Board") that all of its students and school employees have an educational setting that is safe, secure, and free from harassment, bullying, and dating violence and abuse of any kind. The District will not tolerate bullying, harassment, or teen dating violence and abuse of any type. Conduct that constitutes bullying, harassment, or teen dating violence and abuse as defined herein, is prohibited, including discrimination on the basis of race, color, national origin, sex and disability.

Definitions

Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:

1. Teasing
2. Social Exclusion
3. Threat
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public or private humiliation
10. Destruction of property

This definition is inclusive of, but not limited to, behaviors which are motivated by the victim's sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background, or any such traits the harasser attributes to the victim based upon the harasser's perception of the victim.

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

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

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property

2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits
3. Has the effect of substantially disrupting the orderly operation of a school

Bullying and **harassment** also encompass:

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

Cyberstalking as defined in s. 784.048(1)(d), Fla. Stat., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

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

Stay-Away Agreement. The school-based alternative to a legal protective order is called a Stay-Away-Agreement. The Stay-Away-Agreement provides a list of conditions that must be followed by the alleged perpetrator while on school grounds or at school-sponsored activities. It is designed to ensure the safety of the victim.

Support person. All parties involved in a teen dating violence or abuse case have the right to have a support person present during all stages of the investigation. A support person includes domestic violence victim advocates, parents/guardians, or other advisors.

Expectations

The School Board expects students and employees to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The school district believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members. Since students learn by example, school administrators, faculty, staff, and

volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.

1. The School Board prohibits the bullying, harassment, cyberstalking, and teen dating violence and abuse of any student or school employee:
    a. during any educational program or activity conducted by the District;
    b. during any school-related or school-sponsored program or activity;
    c. on a District school bus;
    d. through the use of any electronic device or data while on school grounds or on a computer system, or computer network of the District, meaning regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section;
    e. through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school;
    f. through threats using the above to be carried out on school grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school-sponsored program or activity, or on a District school bus;
    g. while the District does not assume any liability for incidences that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying/harassment/teen dating and abuse against a student and the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate, which may include the use of the School Resource Officer; or
    h. The above section (e) does not require a school to staff or monitor any non-school-related activity, function, or program.
2. 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.
3. Student rights shall be explained as outlined in this policy and in the Student Code of Conduct.
4. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in this policy and in the Student Code of Conduct.

Consequences

For any student or employee of a public K-12 educational institution who commits an act of bullying, harassment, cyberstalking or teen dating and abuse or who is found to have **wrongfully and intentionally accused** another of an act of bullying, harassment, cyberstalking or teen dating violence and abuse:

1. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a technology-related incident cannot be raised as a defense in any disciplinary action.

2. Consequences and appropriate remedial action for students who commit acts of bullying, harassment, cyberstalking or teen dating violence and abuse or who are found to have

wrongfully and intentionally accused another of an act of bullying, harassment, cyberstalking or teen dating violence and abuse may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.

3. Consequences and appropriate remedial action for a school employee found to have committed an act of bullying, harassment, cyberstalking or teen dating violence and abuse against a student or who is found to have **wrongfully and intentionally accused** a student of an act of bullying, harassment, cyberstalking or teen dating violence and abuse may be disciplined in accordance with District policies, procedures, and agreements. Additionally, egregious acts of bullying, harassment, cyberstalking or teen dating violence and abuse by certified educators may result in a sanction against an educator's state issued certificate. (See State Board of Education Rule 6B-1.006, FAC., *The Principles of Professional Conduct of the Education Profession in Florida*.)

4. Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying, harassment, cyberstalking or teen dating violence and abuse or who is found to have **wrongfully and intentionally accused** another of an act of bullying, harassment, cyberstalking or teen dating violence and abuse shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

For a student or employee of a public K-12 educational institution who is found to have **wrongfully and intentionally accused** another of an act of bullying, harassment, cyberstalking or teen dating violence and abuse:

1. Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of bullying, harassment, cyberstalking or teen dating violence and abuse range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.

2. Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another as a means of bullying, harassment, cyberstalking or teen dating violence and abuse may be disciplined in accordance with District policies, procedures, and agreements.

3. Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Procedures for Reporting

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees and school volunteers are required to report alleged violations of this policy to the principal or the principal's designee on the same day it is witnessed. In addition to reporting the incident to the principal or designee, if a school employee has reason to suspect that an alleged violation of this policy might constitute a crime, the employee shall also immediately report the complaint to law enforcement. Any uncertainty regarding whether an alleged violation might constitute a crime must be resolved in favor of reporting the incident to law enforcement. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal's designee. In cases involving an alleged perpetrator who is of adult age and an

alleged teen victim, certain suspicions of abuse must be reported to the Florida Abuse Hotline or local law enforcement pursuant to Section 39.201, Florida Statutes.

The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians, how a report of bullying, harassment, cyberstalking or teen dating violence and abuse may be filed either in-person or anonymously and how this report will be acted upon. The victim of bullying, harassment, cyberstalking or teen dating violence and abuse, or anyone who witnessed the bullying, harassment, cyberstalking or teen dating violence and abuse, and anyone who has credible information that an act of bullying, harassment, cyberstalking or teen dating violence and abuse has taken place may file a report. A school employee, school volunteer, student, parent/legal guardian or other person(s) who promptly reports in good faith 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 will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

Any written or oral reporting of an act of bullying, harassment, cyberstalking or teen dating violence and abuse shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Procedures for Prompt Investigation

The investigation of a reported act of bullying, harassment, cyberstalking or teen dating violence and abuse is deemed to be a school-related activity and begins with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school aboard a school bus or at a school bus stop.

At each school in the District, the Procedures for Investigating Bullying, Harassment, Cyberstalking or Teen Dating Violence and Abuse include:

1. The principal or designee selects a designee(s), employed by the school, trained in investigative procedures to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully), the victim, or a relative of the accused perpetrator or victim.
2. Documented interviews of the victim, alleged perpetrator, and witnesses are 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.
3. The investigator shall collect and evaluate the facts including, but not limited to:
    a. Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc.;
    b. How often the conduct occurred;
    c. Whether there were past incidents or past continuing patterns of behavior;
    d. The relationship between the parties involved;
    e. The characteristics of parties involved (i.e., grade, age, etc.);
    f. The identity and number of individuals who participated in bullying, harassing, cyberstalking or teen dating violence and abuse behavior;
    g. Where the alleged incident(s) occurred;
    h. Whether the conduct adversely affected the student's education or educational environment;
    i. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and

   j. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
   k. The parent(s)/guardian(s) of youth involved in a dating violence or abuse complaint may be notified of the complaint, except if such notification is not in the best interest or impairs the safety of the students involved.
4. 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, harassing, cyberstalking or teen dating violence and abuse behavior; and
   b. A written final report to the principal and the Superintendent or Superintendent's designee with recommendations for disciplinary action if it is determined that bullying, harassing, cyberstalking or teen dating violence and abuse has occurred.
   c. If a crime has been committed, the police will be immediately notified.
5. The maximum of 10 school days, except in exceptional circumstances, 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, harassment, cyberstalking or teen dating violence and abuse, and the investigative procedures that follow.

Scope of District

A principal or designee will assign a designee(s) that is trained in investigative procedures to initiate an investigation of whether an act of bullying, harassment, cyberstalking or teen dating violence and abuse is within the scope of the District.

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, harassment, cyberstalking or teen dating violence and abuse falls within the scope of the District.

1. If it is within scope of the District, move to Procedures for Investigating Bullying, Harassment, Cyberstalking or Teen Dating Violence and Abuse.
2. If it is outside scope of district, and determined a criminal act, refer to appropriate law enforcement.
3. If it is outside scope of the District, and determined not a criminal act, inform parents/legal guardians of all students involved, except if such notification is not in the best interest or impairs the safety of the students involved.

Notification

The principal, or designee, shall promptly **report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying, harassment, or cyberstalking as defined by this policy to the parent or legal guardian of all students involved** on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

If the bullying, harassment or cyberstalking incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the bullying, harassment or cyberstalking incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states "...a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school."

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.

The parent(s)/guardian(s) of youth involved in a **dating violence or abuse** complaint may be notified of the complaint, except if such notification is not in the best interest or impairs the safety of the students involved.

Procedures for Restraining Orders for Teen Dating Violence and Abuse

Should a student or their guardian inform the School or the District that an order of protection has been issued, the principal or designee will contact the abuser and his/her parents to initiate a Stay-Away-Agreement, consistent with the terms of the order, with penalties for known violations of the agreement. The principal or designee will notify law enforcement immediately if they have reasonable belief that a criminal or civil restraining order has been violated. School Resource Deputies will respond immediately to a report of a violation of a criminal or civil restraining order.

The Stay-Away-Agreement will be administered in a conference with the alleged perpetrator and his or her parent/guardian. If the parent/guardian is unavailable or unwilling to attend the conference, the school should note this on the agreement. The Stay-Away-Agreement should include the following elements:

a. a description of the relationship between the victim and the alleged perpetrator.
b. a description of the violent incident(s): what, when, where, witnesses
c. a list of behaviors that the alleged perpetrator may not do (i.e. talking to the victim, sitting near the victim, sending notes to the victim, etc.)
d. any schedule changes for the alleged perpetrator (to separate the victim and the alleged perpetrator), including classes, lunch period, arrival and dismissal times, locker location, and extracurricular activities.
e. notes on other disciplinary action taken.
f. disciplinary consequences if the alleged perpetrator violates the Stay-Away-Agreement.
g. dates during which the Stay-Away-Agreement is valid.
h. date when the Stay-Away-Agreement will be reviewed.

Procedures to Provide Reasonable Accommodations to the Teen Dating Violence and Abuse Victim

Requests for accommodations may be made orally or in writing to any school employee and these requests should be taken to the principal or principal's designee. If the request is made orally, the principal or designee shall document the request in writing. The school shall provide a written decision to the student as soon as possible, but in all cases a decision must be made within five school days of the request. A denial to a request for accommodation must include the reason(s) for the denial. All requests for accommodations should be kept strictly confidential.

At no time shall the school personnel notify the alleged perpetrator of the student's request for accommodation, nor shall the school require the student to pursue a complaint against the alleged perpetrator through the school grievance process or the criminal justice system.

All accommodations under this policy are voluntary; the student may choose to decline or rescind any accommodations at any time by notifying the principal or designee. The student shall not be subject to any

retribution or disciplinary action for such decision and shall not lose the right to request and receive future accommodations.

Accommodations for safety shall be made even if the alleged perpetrator is not a student at the school or if the abuse occurred outside of school grounds.

The School or the District will provide a victim of dating violence or abuse with the following, based on the circumstances:

a) Stay-Away-Agreement: an agreement with the offender to stay away from the victim while on school grounds, on school transportation, and during school sponsored programs and events.

b) Reasonable accommodations, such as class schedule changes, change of locker assignment, private space for meeting with school guidance counselor or other appropriate school personnel.

If needed, the school will assist the student in creating an alternative education plan for the student such as transferring to a different school or the ability to make up school work missed due to dating violence.

c) Security protection, such as safe egress/regress from school and within the school.

d) Timely and comprehensive investigation of dating violence and abuse complaints.

e) Referrals for outside support and/or counseling.

f) Information and assistance in securing interventions to address the behavior of abusers (e.g. empathy training, anger management).

g) Information and assistance in securing intervention which includes assistance and support provided to parents/guardians, if deemed necessary and appropriate.

h) Other actions determined appropriate under the circumstances.

Referral for Counseling

A District referral procedure will establish a protocol for intervening when bullying, harassment, cyberstalking or teen dating violence and abuse is suspected or reported. The procedure shall include:

1. A process by which the teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included).
2. A referral process to provide professional assistance or services that includes:
    a. A process by which school personnel or parent/legal guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services. (Parent, legal guardian or support person involvement is required at this point.)
    b. 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, legal guardian or support person involvement is required at this point.)
3. A school-based component to address intervention and counseling assistance as determined appropriate by the intervention team that includes:
    a. Counseling and support to address the needs of the victims
    b. Research-based counseling/interventions to address the behavior of the perpetrator (e.g., empathy training, anger management)

c. Research-based counseling/interventions which includes assistance and support provided to parents/legal guardians, if deemed necessary or appropriate

School Safety Reports

The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes **bullying and harassment** incident codes as well as **bullying-related** and/or harassment element codes. The SESIR definition of bullying is systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile environment; or unreasonably interfere with the individual's school performance or participation. Harassment is any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.

If a bullying and/or harassment incident occurs then it will be reported in SESIR with the **bullying/harassment** code. If the bullying/harassment results in any of the following SESIR incidents the incident will be coded appropriately using the relevant incident code AND the related element code entitled **bullying-related**. Those incidents are:

Alcohol
Arson
Battery
Breaking and Entering
Disruption on Campus
Drug Sale/Distribution Excluding Alcohol
Drug Use/Possession Excluding Alcohol
Fighting
Homicide
Kidnapping
Larceny/Theft
Robbery
Sexual Battery
Sexual Harassment
Sexual Offenses
Threat/Intimidation
Trespassing
Tobacco
Vandalism
Weapons Possession
Other Major (Other major incidents that do not fit within the other definitions)

Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System.

The District will provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Surveys 2, 3 and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment and threat/intimidation incidents as well as any bullying-related incidents that have as a basis sex, race or

disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race or disability) noted in their student record.

Procedures for Providing Instructions

The District ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying, harassment and teen dating violence and abuse. 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, school resource officers, instructional aides, and/or school librarians), parents/legal guardians, and students.

Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's Policy and Regulations against bullying, harassment, teen dating violence and abuse. The instruction shall include evidence-based methods of preventing bullying, harassment, teen dating violence and abuse, as well as how to effectively identify and respond to bullying, harassment, teen dating violence and abuse in schools.

Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the Bay District School Board, shall teach all comprehensive health components listed in Section 1003.42, Fla. Stat., including a health education curriculum for students in grades 7 through 12 in the area of teen dating violence and abuse. This instruction shall include a teen dating violence and abuse component that includes, but is not limited to, the definition of teen dating violence and abuse, the warning signs of teen dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop teen dating violence and abuse, and community resources available to victims of teen dating violence and abuse. The curriculum chosen must also have an emphasis on prevention based education.

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 Florida Department of Education. Specific programs authorized for use in your schools will need to be determined by the Superintendent and/or appropriate school district staff.)*

- Olweus Bullying Prevention Program (OBPP)
- PBS/PBIS (Positive Behavior Support)/Positive Behavioral Interventions & Supports
- Monique Burr Foundations for Children, Inc.'s Child Safety Matters
- Second Step
- Aggressors, Victims, and Bystanders (AVB)
- Project Wisdom
- i-Safe
- Common Sense K-12 Digital Citizenship
- Creating a Safe and Respectful Environment in Our Nation's Classrooms (for teachers)
- Creating a Safe and Respectful Environment on Our Nation's School Busses (for bus drivers)
- Character Counts
- Values Matter

Decisions to include additional instructional programs or activities, not previously listed within this policy, will be made on a case-by-case basis and authorized by individual school principals.

Procedures for Regularly Reporting to the Victim's Parents/Legal Guardians Actions taken to Protect the Victim

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

Procedures for Publicizing Policy

At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.

Each District school shall provide notice to students and staff of this policy through appropriate references in the code of student conduct and employee handbooks, and/or through other reasonable means. The Superintendent shall also make all contractors contracting with the District aware of this policy.

Each school principal shall develop an annual process for discussing the District 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.

First Amendment Rights

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

Policy Review

Pursuant to Section 1006.147, F.S., the District must review the provisions of this policy every three (3) years.

Authority: 1001.41, 1006.147, Fla. Stat.
History: New; December 10, 2008
Revised: November 22, 2011; August 12, 2014; August 23, 2016

CHAPTER SEVEN
STUDENT PERSONNEL

HAZING 7.2075

Hazing activities of any type are prohibited at any time in school facilities, on school property, and/or off school property if the misconduct is connected to activities or incidents that have occurred on school property. No student shall plan, encourage, or engage in any hazing activities of any type as a condition for membership and/or participation in a District club or activity or a non-district sponsored club or activity or for acceptance by any group of students. No administrator, faculty member, or other School Board employee shall encourage, permit, authorize, condone, or tolerate any hazing activities of any type as a condition for membership and/or participation in a District club or activity or a non-district sponsored club or activity or for acceptance by any group of students.

Hazing is defined as any action or situation that endangers the mental or physical health or safety of a student at any middle or high school located in the district for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of any middle or high school located in the district. Hazing includes, but is not limited to:

1. Pressuring, coercing, or forcing a student into:

    a. Violating any state or federal law;
    b. Consuming any food, liquor, drug or other substance; or
    c. Participating in physical activity that could adversely affect the health or safety of the student.

2. Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

All hazing incidents shall be reported immediately to the Superintendent. Students, administrators, faculty members, and other School Board employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with the law.

Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Any alleged acts of hazing that occurs at any high school in the district that meets the criteria established under Florida Statutes, 1006.135(3), shall be reported to a local law enforcement agency.

The victims and perpetrators of any hazing activities shall be referred to one of the District's certified school counselors.

All incidents of hazing shall be reported in the school's safety and discipline report as outlined in Florida Statutes, 1006.135(2)(e).

Authority: §1001.41, Fla. Stat.
Law Implemented: §1006.135, Fla. Stat.
History: New, October 28, 2014

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STUDENT PERSONNEL

STUDENT RIGHTS AND RESPONSIBILITIES 7.208

Students have rights and responsibilities relative to the knowledge and observation of school and School Board rules; attendance; right to learn; participation in school programs and activities; respect for persons and property; assembly and free speech, student publications, and appropriate dress.

Students have the ***right*** to expect clear and understandable rules to be furnished by the school. They may expect these rules to be enforced fairly in accordance with School Board policy.

Students are ***responsible*** for understanding and observing school rules.

Students have the ***right*** to clearly defined information on attendance.

Students have the ***responsibility*** to take advantage of their educational opportunity by attending all classes daily and arriving on time.

Students have the ***right*** to participate in the appropriate school programs at all levels of instruction in an atmosphere conducive to the teaching learning process.

Students have a ***responsibility*** to take advantage of the appropriate school programs and not infringe on the rights of others; involve themselves in the classes in which they are enrolled through participation directed by the teacher; and involve parents and school personnel in making certain curriculum choices.

Students have the ***right***, under the direction of a faculty advisor, to form and operate appropriate student organizations within their respective schools; seek office and participate in activities and organizations regardless of race, sex, color, creed, or political beliefs.

Student organization officers and representatives have the ***responsibility*** to be alert to needs of the school and the concerns of the student body, and to work toward the satisfaction of these needs and concerns to the best of their ability.

Each student has the ***right*** to expect that his person and property will be respected by other students and the school staff; and that school property will be safe, clean, attractive and well maintained.

Students have the ***responsibility*** to respect the persons and property of other students and the school staff; and take care of the property of the school system.

Students have the ***right*** to be protected by legal provisions which prohibit the release of personally identifiable information to other than legally authorized persons and to inspect, review and challenge such information as provided by law; and privacy in their personal possessions unless the principal has a reasonable cause to believe that the student is concealing material which possession is prohibited by law.

Parents, guardians, or eligible students have the ***responsibility*** of informing the school and individuals or agencies who are working actively and constructively for benefit of the student of any information that may be useful in making appropriate educational decisions.

Students have the ***right*** to assemble peacefully on school grounds or in school buildings unless it substantially and directly endangers physical health or safety, damages property, or disrupts the school program.

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Students have the ***responsibility*** to plan, seek approval, and conduct those activities which are consistent with the educational objectives and responsibilities of the school.

Students have the ***right*** to express themselves and to petition and survey student opinion in accordance with the established procedures. Survey instruments and/or petitions must be approved by the teacher and sponsor of the activity and the principal before circulating.

Students have the ***responsibility*** to accept the rights of other individuals to have differing viewpoints and to express themselves on those issues in which they disagree in a manner which does not infringe upon the rights of others or interfere with the orderly educational process of the school and is not obscene or libelous or in violation of the school rules.

Students have the ***responsibility*** to come to school fully clothed and wear clothes which are not dangerous to health or safety, do not disrupt the learning process, and stay within the school dress code; to dress in a way not offensive to others or inappropriate at school, including, but not limited to, dress promoting drugs, alcohol, tobacco, gang identification, weapons, sexual behavior, and/or exposes underwear or body parts in an indecent or vulgar manner.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1006.07 Fla. Stat.
Revised: July 24, 1997; January 13, 2010, June 9, 2015

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STUDENT UNIFORM AND GROOMING 7.209

Appropriate dress is the primary responsibility of the student and his/her parent or guardian. In order to promote safety, personal hygiene, academic well-being, and moral development, students shall be expected to comply with reasonable requirements relating to dress, grooming and personal appearance. Students are expected to come to school dressed appropriately with proper attention having been given to personal cleanliness, grooming, and neatness of dress.

The following is the dress code for grades K-12 except students at Margaret K. Lewis and Tom P. Haney Technical Center.

The dress code policy applies from the time the student arrives on campus until the end of the school day and at all school activities during the school day. Exceptions may be made by the principal for field trips or other special activities (examples: Honors and Awards ceremonies).

Tops:

- All tops must be unaltered and appropriately fitted with sleeves; cannot be so sheer or tight as to reveal underwear or body parts
- Collared or crewneck tops only; scoop or v-neck shirts will not be permitted
- School approved T-shirts (club, spirit, etc) **are permitted**
- School colors preferred and encouraged
- **Students in grades K-5th**: any solid color or print patterns; manufacturer's graphics or logos permitted
- **Students in grades 6th-12th**: any solid color or print patterns; No graphics or logos except for a small manufacturer's trademark
- Students may layer their tops; however, all visible tops including camisoles or undershirts must be in solid colors

Bottoms:

- Bottoms must be any solid color
- Bottoms must be appropriately fitted and seated at the waist; cannot be so sheer or tight as to reveal underwear or body parts
- No shorts, skirts or dresses shorter than five inches (5") above the kneecaps as measured standing up, (K–5 students may wear jumpers)
- Any pants with holes, rips, or tears 5 inches above the kneecaps are not permitted
- Dresses with sleeves (underarm must be covered) must be a solid color or print patterns but no graphics
- Small manufacturer's trademark and minimal embellishments are acceptable
- Fitness pants such as leggings, yoga pants, exercise tights, etc. are permitted but must be covered with a top that reaches fingertip length when arms are at sides

Shoes:

- Closed toes and closed backs preferred
- Sandals with back or back strap for grades K-5 only
- No bedroom shoes, flip-flops, shower shoes, slides or beach footwear

Sweaters/Sweatshirts/Hoodies:

- Long-sleeved sweaters, sweatshirts, or hoodies must be a solid color or print patterns but no graphics (unless school approved spirit or club)
- Small manufacturer's trademark is acceptable
- Hood may not be worn indoors or in covered hallways

Note: School approved means clothing carries school logo and is in school colors.

Cloth Face Coverings:

- Cloth face coverings may be worn by students as necessary for health and safety
- Coverings must be solid colors or school approved
- Coverings may not cover eyes or tops of head
- Students will assume full responsibility for their own personal cloth face coverings

Other:

- Scarves must be worn appropriately around the neck or shoulders (accessory item only; no bandanas)
- No head wear except sunglasses. Hats or other sun-protective wear to only be worn while students are outdoors during school hours (not during class changes); however, at all other times, the sun-protective items must be properly stored by the student in pockets, purse, locker or backpack
- No jewelry or accessory that may be used as weapons such as chains or spiked jewelry
- Jackets/Coats must have either buttons, zippers or snaps that are from top to bottom. Jackets can be any color. Jackets may be worn in the classroom at the discretion of the teacher.
- Students participating in extracurricular activities shall conform to the standards of this policy while attending classes during the regular school day. Cheerleaders may wear their uniforms when required for participation in school sanctioned activities. Athletes may wear the team jerseys on game days with appropriate uniform bottoms.
- **Earbuds** – Principals are granted discretion of authority necessary to implement a technology policy (including earbuds/headphones) that best meets the needs of their campuses. In order for students to be made aware of security announcements or other hazardous situations in a timely manner, it is expected that all students will adhere to **single earbud use** while on campus, at school-sponsored events and on school-sponsored transportation. Earbuds are permitted during supervised testing situations.

Exceptions to wearing dress code attire are permitted when:

- A student wears a uniform of a nationally recognized youth organization, such as the Boy Scouts or Girl Scouts, on regular meeting days;
- A student wears a costume, special clothing or attire necessary for participation in a school-sponsored or extracurricular activity provided the clothing complies with District policy.
- The dress code guidelines violate a student's sincerely held religious belief. Students enrolled in special programs such as on-the-job vocational training, or participating in school activities which require additional standards of dress or grooming shall comply with such additional standards. When applicable, students shall be required to "dress out" and wear physical education uniforms prescribed by the school.
- A reasonable accommodation is needed to address a student's disability or medical condition. A request in writing shall be made to the principal by the student's parent/guardian.

Discipline for violating this policy shall be as follows:

- First and second offense consequences are: notification of parent or guardian; change of inappropriate attire;
- Consequences for subsequent offenses may include one or more of the following at the discretion of the principal:
    A. notification of parent or guardian;
    B. change of inappropriate attire;
    C. one to three days of in-school or out-of-school suspension; or

D. three days after school detention, if available.

- The fourth and subsequent offenses are willful disobedience which will result in further disciplinary action, which may include out of school suspension or expulsion;
- Any absence resulting from a violation of the Student Dress Code will be considered an unexcused absence.

Prohibited Attire at all Schools

Each student is expected to dress appropriately in such a manner that is respectful to self and others. Dress and grooming shall be clean, healthy and safe, and shall not be permitted to disrupt the teaching and learning environment. Attire and accessories that are prohibited include, but are not limited to:

- Clothing that exposes underwear or body parts
- Fishnet tights
- Garters
- Halloween costumes or anything perceived as a dress up costume
- Sleepwear, pajamas, or other bedroom clothes
- Beach wear or bathing suits
- Visible undergarments including camisole tops or undershirts
- Animal tails
- Any clothing or accessory item that causes a disruption to the learning environment

Any student who violates this specific policy of prohibited attire is subject to the following disciplinary actions:

- For a first offense, a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.
- For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed five (5) days and the school principal shall meet with the student's parent or guardian.
- For a third or subsequent offense, a student shall receive an in-school suspension pursuant to §1003.01(5), Florida Statutes for a period not to exceed three (3) days, the student is ineligible to participate in any extracurricular activity for a period not to exceed thirty (30) days, and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

Any interpretation of the dress code that is required of this policy shall be the responsibility of the principal of each school. The Superintendent is authorized to make the final decision regarding the interpretation, application and enforcement of this policy and to make certain that it is being uniformly applied and enforced at each of the schools within the District.

The Superintendent can add dress code requirements based upon the unique needs of the population served at a school.

Authority: §1001.41, Fla. Stat.
Law Implemented: §§1001.43, 1006.07, Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997; November 17, 1998; June 13, 2001; January 25, 2006; September 13, 2006; April 25, 2007; September 12, 2007; June 24, 2009; January 13, 2010; July 14, 2010; September 13, 2011; November 22, 2011; April 9, 2013; May 14, 2013; June 28, 2016 (without requirement of meeting – correct reference to School Advisory Council); September 27, 2016; July 30, 2019; July 13, 2021

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VEHICLE USE BY STUDENTS 7.210

When a student is authorized by the principal to drive a vehicle to school, the following requirements and procedures shall be observed. For purposes of this rule a vehicle shall include any motor vehicle, motorcycle, or moped owned or operated by a student.

The student shall have an operator's license and be enrolled in grades 11 or 12. Junior and senior class members with a valid driver's license shall be allowed to drive motor vehicles to school and park on the school campus, if space is available. Freshman and sophomores with a valid driver's license and documentation from their current employer or involvement in school sponsored extracurricular activities may be afforded the privilege of driving to school if space is available.

The student shall park the vehicle in the area designated for student parking.

No student may loiter in or around vehicles in the parking area or areas. Students shall not occupy vehicles during class hours, between classes, or before or after school, except as they arrive and leave for the school days.

The principal shall cooperate with law enforcement officers and any student who receives a citation for a traffic violation while traveling to or from school, or who is known to be operating a vehicle in such a manner as to endanger his/her own safety or that of others may be directed by the principal not to drive a vehicle to school. Any student violating such a directive shall be subject to suspension or expulsion from school.

If a student fails to observe the procedures herein the principal may revoke his/her privilege of driving a vehicle to school for an appropriate period of time.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §1006.07, Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997; November 22, 2011

POSSESSION AND USE OF WIRELESS COMMUNICATIONS DEVICES 7.211

For the purposes of this policy, "personal electronic mobile device" ("PEMD") shall include, but not be limited to, the following: cellular or satellite telephones of any type, pocket PCs, laptops, and personal data assistants ("PDA") owned, used or possessed by a student but shall not include such devices if owned and provided for use by the District.

Beginning 2012–2013, Bay District schools will allow the use of personal electronic mobile devices during specified times. Students will be allowed to bring their own device (BYOD). High schools will be allowed to participate in this initiative beginning with the 2012-2013 school year. Middle and elementary schools will be allowed to use personal electronic mobile devices when wireless infrastructure is available at the school location. BYOD access will be granted only after teachers have participated in BYOD professional development and with the approval of the Superintendent and principal.

It is not mandatory for students to bring their own personal electronic mobile devices. When personal electronic mobile devices are used to enhance student learning in the classroom, students without a PEMD will be provided access to an appropriate digital device. Students who choose to bring their personal electronic mobile devices MUST log in and use BDS filtered wireless network during the school day.

NOTE: Students will bring personal electronic mobile devices to school at their own risk. The district WILL NOT be responsible if a phone or other device is lost, stolen, misplaced, damaged, or confiscated. The district WILL NOT be responsible for virus, malware, or other computer related issues associated with connecting to the BDS network.

Beginning 2012–2013, students may utilize electronic mobile devices in the classroom for educational purposes when the teacher deems appropriate and with a signed AUP on file. While the district encourages students to use electronic mobile devices for educational purposes in the classroom, *high school* students may use these devices during lunch and before and after school. *Middle and elementary* students may use these devices before and after school, not during lunch. All students may use devices in the classroom setting with teacher permission and supervision. Use is STRICTLY prohibited for all students during passing periods due to safety issues.

Use of electronic mobile devices during the school day is a privilege. Adherence to the guidelines below is essential to maintaining an academic environment and the integrity of the classroom.

Teachers that wish to allow students to use mobile devices in the classroom must first participate in professional development opportunities provided by the Bay District Schools Instructional Technology Department.

ELECTRONIC MOBILE DEVICE GUIDELINES

- Using functions on electronic devices that disrupt the educational environment, from within or from outside the classroom, or violates the rights of others, including, but not limited to using the device to cheat, violate school conduct rules, harass or bully staff or students or use their device for unlawful purposes will be subject to disciplinary action; up to and including suspension, expulsion, and being reported to local authorities.

- Cell phone conversations during instruction or class time should take place only under the supervision of staff personnel unless otherwise directed.

- Using any device that permits recording voice or image of another in any way that disrupts the educational environment, invades privacy of others, or is made without prior consent of individuals being recorded is **prohibited**. Also, using any device that permits recording voice or image of another to take, disseminate, transfer, or share audio, images, video, or photos that reveal private parts of the body that are ordinarily covered by clothing is **prohibited**. The possession of pornographic images or video on any electronic device is **prohibited**.

- Students must comply with staff directives, including but not limited to, using appropriate device volume. When in use, devices must be on vibrate or silent mode so that no audible tone is heard.

PEMDs misused in accordance with this policy shall be confiscated from the student and only returned to the student's parent upon notification from the school office. Continued misuse of PEMDs may subject the student to disciplinary action, as determined by the principal. Use of a PEMD will subject the student to the possibility of the imposition of disciplinary action by the school or criminal penalties if the PEMD is used for the purposes of a criminal act.

Parents may request special permission for their student to use cellular or satellite telephones if the parent has requested such use in writing to the school principal and has provided a physician's statement that provisions for immediate medical needs are necessary. If such permission is granted by the principal at the principal's discretion, the cellular telephone will be placed on "vibrate" so not to disturb other students. Misuse of the cellular telephone under these circumstances will subject the student to disciplinary actions, as determined by the principal.

Authority: §1001.41, Fla. Stat.
Law Implemented: § 1006.07, Fla. Stat.
History: New, July 28, 2004
Revised: November 22, 2011; July 24, 2012

CHAPTER SEVEN
STUDENT PERSONNEL

PART III
STUDENT RECORDS AND HEALTH

STUDENT RECORDS **7.301**

Rules and practices of the School Board relating to student records shall be consistent with state and federal law and shall apply to the education records maintained to facilitate the instruction, guidance, and educational progress of students and adult students in programs operated under the authority and direction of the School Board. The principal of each school shall be responsible for the control, privacy and supervision of student records maintained at the school and following all rules related to student records and explanation of the same to the school staff, students, and the community. The Superintendent shall be responsible for control, privacy, and supervision of student records not maintained at a school site, and the interpretation of this rule.

Definitions. For the purposes of this rule the following definitions shall be used:

Education Records. The term "education records" shall mean those records, files, documents, and other materials as defined in §1002.22, Fla. Stat. and federal laws and regulations, which contain information directly related to a student or an adult student, which are maintained by the School Board, its schools, or by persons acting for the Board or any of its schools, and which are accessible to other professional personnel for purposes listed in Fla. Admin Code R. 6A-1.0955. Items not identified in §1002.22, Fla. Stat. are not considered to be educational records. Information contained in education records shall be classified as follows:

- Category A-Permanent Information. Verified information of educational importance which shall be retained permanently in the manner prescribed by §1001.52, Fla. Stat.
- Category B-Temporary Information. Verified information of educational importance which is subject to periodic review and elimination, when the information is no longer useful, in the manner prescribed by §1001.52, Fla. Stat.

The Cumulative Record. The Category A and Category B education records shall constitute the student's or the adult student's Cumulative Record. This record is under the control of the principal and shall not be removed from the designated school building except by court order or when it is being transferred or eliminated according to applicable policies.

Child. A child shall mean any person who has not reached the age of majority.

Student. A student shall mean any child who is enrolled in any instructional program or activity conducted under the authority and direction of the School Board.

Adult Student. Adult student shall mean any person who has attained eighteen years of age and is enrolled in any instructional program or activity conducted under the authority and direction of the School Board.

Content of Category A Records. The following Category A education records shall be maintained for each student and adult student. All Category A records shall be maintained on forms approved by the Florida Department of Education. These records shall be under the control of the principal, shall be kept current, and shall not be changed or altered in any manner except as authorized by the principal. Any change on the record shall be initialed by the person making the change. Under no conditions shall a grade or grades be withheld from the permanent record.

- Student's full legal name.
- Authenticated birth date, place of birth, race, and sex.
- Last known address of the student.
- Names of the student's parents or guardians.
- Name and location of last school attended.
- Number of days present and absent, date enrolled, and date withdrawn.
- Courses taken and record of achievement, such as grades, units, or certification of competence.
- Date of graduation or date of program completion.
- Records of requests for access to and disclosure of personally identifiable information from the education records of the student as required by FERPA.

Content of Category B Records Maintained in the Cumulative Record. The following Category B education records shall be maintained for each student in grades K-12. These records shall be under the control of the principal.

- Health information.
- Family background data.
- Standardized test scores.
- Educational and career plans.
- Honors and activities.
- Work experience reports.
- Teacher comments.
- Reports of student services or exceptional student staffing committees including all information required by § 1001.42(13), Fla. Stat.
- A list of schools attended.
- Driver education certificate.
- Correspondence from community agencies or private professionals.
- Record of persons requesting and provided access to the student's or adult student's record, including assurances of non-disclosure of records by third parties.
- Record of persons provided copies of the student's or adult student's record.
- Written agreements of corrections, deletions, or expunged items as a result of meetings or hearings to amend educational records.
- Summary of State Student Assessment Test results.

Other Category B Records. These records may be maintained outside of the Cumulative Record.

- Copies of reports of student services or exceptional student staffing committees for the identification and placement of students in exceptional child education programs which may be maintained by the District staff person assigned responsibility for exceptional education.
- Record of discipline, suspension, and expulsion.
- Counselors' and teachers' records of conferences with students.
- Other miscellaneous temporary records, (exit interviews, applications for free lunch, etc.)
- Information that is inaccurate, misleading or no longer useful that has been eliminated from the Cumulative Record, but is being held elsewhere awaiting the expiration of the minimum retention period.

Annual Notice. Each school must provide to parents and adult students annual notification of their rights to inspect and review student educational records. The notification shall be published annually in the School District's Parent Resource Guide or other materials available to students and on the School District's website at www.bay.k12.fl.us. Notification must be in the native language, when feasible, of the parent or adult student. If the native language of the parent is not a written language, the District will provide a translation in the language of the parent. The notice shall include but is not limited to the following:

- Right of access to all records maintained on the student by the school system.
- Right of waiver of access to such records.
- Right of privacy with respect to data contained in personally identifiable records.
- Right to challenge any record thought to be inaccurate or misleading, and to a hearing if necessary to make a determination on the challenge.
- Notice of the location and availability of these policies on education records of students and adult students.
- Definition of "school official" and "legitimate educational interest."
- Right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the Family Educational Rights and Privacy Act.
- Notice of District intent to transfer student disciplinary records, including suspension or expulsion if a student is transferring or enrolling in another school.

Inspection of Records. The adult student, parents or guardians of the student who is, or has been, in attendance in the District may inspect and review all educational records of the student by verbal request to the appropriate school principal or appropriate District staff member. The District shall comply with such a request within a reasonable period of time, but in no case more than thirty days following the request. The principal or District staff member will presume that the adult student or either parent of the student has the right to inspect and review the education records of the student unless the District has been provided with evidence that there is a legally binding instrument or court order governing such matters as divorce, separation, or custody which provides to the contrary. The right to inspect and review education records includes the right to reasonable requests for explanation and interpretation of the records, and the right to obtain copies of the records.

Right of Waiver of Access. The adult student or parent or guardian of a student may exercise the right of waiver of access to, but not limited to, confidential letters or statements. The waiver shall not be valid unless made in writing and signed by the adult student or the parents or guardians of the student, as appropriate. The waiver may be revoked in writing with respect to actions occurring after the revocation. The District will not require that adult students or the parents or guardians of students waive any of their rights in accordance with §1002.22, Fla. Stat.

Record Photocopying Cost. Photocopying of any record will be performed upon request of person with a right to the record, based upon the following charges which are computed as covering the actual cost of materials and supplies: $.15 for each copy of each page, initial postage .50, labor $10.21 per hour; transcript only $5.00.

If the volume of the records requested to be copied is such as to require extensive use of information technology resources, or extensive clerical or supervisory assistance by personnel of the District, or both, the District may charge a reasonable special service charge, which shall be *in addition to* the duplication charge, pursuant to Fla. Stat. § 119.07(1)(b).

Request for records of current students who are transferring or applying to a college will be copied and sent without charge. The first transcript request will be provided at no charge to any student. Subsequent requests for inactive students will be provided for a $5.00 fee.

Location of Records. Except as provided herein to the contrary, all education records are located at each school within the District. If there are records maintained on a student at a location other than the school, the record in the school shall contain a notation indicating the type and location of the additional records. Education records containing personally identifiable data may not be released without written consent of parents, or adult students except to the following:

1. A school official with a legitimate educational interest. "School official" is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board, a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A legitimate educational interest is defined as the school official's need to review an education record in order to fulfill his/her professional responsibility.
2. Administrative secretaries (only as required for recordkeeping duties.)
3. Bay County Health Department for records produced under the School Health Services Act (§381.0056, Fla. Stat.).
4. School readiness coalitions in order to carry out their assigned duties.
5. Officials of another school or school system in which the student seeks or intends to enroll upon receipt of the written request from such school officials provided the parent or student is furnished a copy of the records if they so request.
6. To authorized representatives of federal and state educational authorities as provided in §1002.22 if the records are necessary in conjunction with the enforcement of or compliance with legal requirements. Credentials of such persons shall be verified.
7. Credit bureaus, in connection with an agreement for financial aid which the student has executed, provided that information from the record may be disclosed only as may be necessary for such purpose of enforcing the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained to any person.
8. To educational agencies or institutions in connection with a student's application for or receipt of financial aid.
9. To accrediting organizations in order to carry out their accrediting functions.
10. To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.
11. To comply with a judicial order or lawfully issued subpoena; provided, that the District makes a reasonable effort to notify the adult student or parents of the student of the order or subpoena in advance of compliance.
12. To appropriate parties in a health or safety emergency subject to the conditions described below. District schools may disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The factors to be taken into account in determining whether personally identifiable information from the education records of a student may be disclosed under this section include the following:
    A. The seriousness of the threat to the health or safety of the student or other individuals;
    B. The need for the information to meet the emergency;
    C. Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and
    D. The extent to which time is of the essence in dealing with the emergency.
13. To use as evidence in student or student expulsion hearings conducted by the School Board pursuant to Chapter 120, Fla. Stat.
14. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student or student aid programs, or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of adult students or students and their parents by persons other than representatives of such organizations and if such information will be destroyed when no longer needed for the purpose of conducting such studies.
15. Parties to interagency agreements among the Department of Juvenile Justice, school and law enforcement authorities in accordance with §1002.22.

Procedures for Disclosure of Information When Written Permission is Required. Personally identifiable information shall be disclosed only on the condition that the party to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the adult student or the parent or guardian of the student, as appropriate. Personally identifiable information which is disclosed to an institution, agency, or organization may be used by its officers, employees, and agents, but only for the purpose for which the disclosure was made.

When prior written consent of the adult student or of the parent or guardian is required for release of information, the following procedures shall be followed: the written consent required must be signed and dated and shall include specification of the records to be disclosed; the purposes of the disclosures; and the party or class of parties to whom a disclosure is to be made. Whenever written consent is required, the District shall presume that the adult student, or the parent or guardian of the student, as appropriate, giving consent has the authority to do so unless the District has been provided with evidence that there is a legally binding instrument, or court order governing such matters as divorce, separation, or custody, which provides to the contrary.

A record shall be maintained of requests and disclosures of personally identifiable information from the education records. Records of requests and disclosures do not have to be maintained when the disclosure is to the adult student or to the parent or guardian of the student; when the disclosure is based on written consent; when the disclosure is directory information; or when the disclosure is to other school officials with a legitimate educational interest. The record of requests for the disclosure shall include but not be limited to the parties who have requested or obtained personally identifiable information; and the legitimate interests of the persons requesting or obtaining the information.

Provisions for Disclosure of Directory Information. The Superintendent must give an annual public notice of the categories of information designated as directory information, and the right of the adult student or the parent or guardian of a student to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that adult student or student. Directory information includes the following:

- Name, address and telephone number (if there is a listed number)
- Image or likeness in photographs, videotapes, film or other medium
- Date and place of birth
- Major field of study
- Current grade level
- Participation in officially recognized activities and sports
- Weight and height of athletic team members
- Dates of attendance
- Degrees and awards received
- Most recent previous educational agency or institution (school or center) attended by the student

Adult students or the parent(s) of a student must notify the District, in writing, within thirty days of the annual notice of which listed items of directory information (any or all information) may not be released without their consent. Directory information relating to the students shall be released only to the following:

1. In-school use of student directory information for official school business.
2. Student directory information, without addresses or telephone numbers, for school annuals, school newspapers, honors lists, and printed materials or programs for extracurricular activities.
3. Student directory information of junior and senior students may be furnished, upon request,

A. to Armed Forces Recruiting Officers, including the U.S. Coast Guard, for their use in providing for mail out information to student in regard to opportunities available to them in the United States Armed Services; provided, however, that any student may request that his/her name not be given for this purpose.
B. Florida public universities and colleges.

4. Student directory information may be furnished, upon request, to United States Congressman and Senators and Florida legislators.
5. The names and addresses of students may be furnished to third-party vendors who furnish senior and graduation memorabilia including, class rings, invitations and announcements, photos, cap and gowns and the like. The third-party vendors must be approved by the Principal.
6. Directory information may, at the discretion of the Superintendent, be released to charitable organizations providing goods or services to District students in need of same.

Except for directory information for 1 and 2 above, requests for directory information on students shall be made in writing to the District Public Information Office or Superintendent designee. A confidentiality agreement shall be signed by a representative or the organization and all information released shall be marked or noted to indicate that the information may not be subsequently released to any other party and that all copies of the information shall be destroyed when no longer needed for the purpose for which the disclosure was made. Information shall be released in a printed medium or district approved electronic medium.

Provisions for Challenging the Content of Any Record. The following procedures will be observed when an adult student or a parent or guardian of a student believes data in the record to be inaccurate, misleading, or a violation of privacy and wishes to correct, delete, or expunge the data:

1. Parents or eligible students shall notify, in writing, the school principal or appropriate district school official clearly identifying the portion of the record they want changed, and specify why it is inaccurate.
2. Informal meetings shall be held pursuant to §1002.22, Fla. Stat. in an attempt to resolve the dispute.
3. If an agreement is reached it shall be reduced to writing, signed and dated by the adult student or parent or guardian, and by the appropriate school officials. The agreement shall indicate that the record has been corrected, deleted, or expunged or that statements of explanation or rebuttal have been added to the file.
4. If the school decides to not amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of the right to a hearing regarding the request for amendment. The provisions for the hearing shall include, but not be limited to, the provisions of §1002.22, Fla. Stat.
5. The adult student, or the parent or guardian of the student, shall have the right to place a statement in the record if the decision of the hearing is that the record is not inaccurate, misleading or otherwise in violation of the right to privacy. The statement may include any comment pertinent to the record and set forth reasons for disagreeing with the decision.

Procedures for Transfer of Education Records.
The transfer of records shall be made within thirty days upon receipt of written request of an adult student, a parent or guardian of a student, or a receiving school. The following procedures shall be followed:

1. In-District Transfer. The principal or designee shall transfer the cumulative record, to include all Category A and Category B information. Such records shall include disciplinary records,

including suspension and expulsion records. The transfer of adult student or student education records shall not be delayed for non-payment of a fee or fine assessed by the school.

2. Out of District Transfer. The principal or designee shall transfer copies of the cumulative record, to include all Category A and Category B information and disciplinary records. The original cumulative records shall be maintained by the sending school.
3. Close of School Year Transfer. Current records shall be transferred at the close of the school year for students who will attend a different District school in the following year. Such records shall be transferred without request and copies do not need to be maintained at the sending school.
4. School Closure. When a District school is closed or phased out, the inactive records shall be immediately transferred to the school which replaced the former school, or as otherwise directed by the Superintendent.

Authority: §1001.41, Fla. Stat.
Law Implemented: §§1002.22, 1003.25, Fla. Stat.; Fla. Admin. Code R. 6A-1.0955; 20 USC 1232
Revised: December 12, 2001; June 25, 2003; January 25, 2006; January 13, 2010; November 16, 2010; November 22, 2011; September 23, 2014; June 9, 2015; September 26, 2017

CHAPTER SEVEN
STUDENT PERSONNEL

STUDENT HEALTH 7.302

Student Illness or Accident: The following procedure shall be followed when a student becomes ill or is injured while under the jurisdiction of the School Board:

1. Reasonable first aid shall be administered, and the principal's office notified immediately.
2. The parents or legal guardians of the student shall be notified immediately.
3. In an emergency situation, if neither parents nor legal guardians, nor a responsible adult can be reached, the school shall call 911 and turn the case over to emergency services.
4. Under nonemergency circumstances, the transportation guidelines in Section 6.302 shall be followed.

The School Board shall provide a legal defense for any civil action against an employee for good faith actions taken in accordance with this rule.

In case of an animal bite, the principal will notify the County Health Department immediately.

Physical education teachers shall report all injuries to the school principal, in writing, prior to the end of the school day.

Assisting in the Administration of Medication. Prescription and non-prescription medication may be administered to students during the time they are attending school, including any occasion when the student is away from school property on official school business only under the following conditions:

1. The parents or legal guardians must provide written permission for the school staff to assist in the administration of medication to the student. The statement must also explain the necessity for administering the medication during the school day, including any occasion when the student is away from school property on official school business.
2. Medications must be registered on Bay County School Board Physician's Form and be dispensed according to the physician's or other licensed practicing health care provider's instruction. This form must be updated at the beginning of each school year or whenever there is a change of medication.
3. The principal and his/her trained designee specifically authorized by the principal in writing are the only persons who may administer or assist in administering the medication.
4. The medication must be brought to the school by an adult. The medication must be received, counted and stored in its original container by the principal or his/her designee. Students are allowed to carry and self-administer epi-pens or metered dose inhalers with parental and physician written authorization.
5. When the medication is not in use, it shall be stored in its original container in a secure fashion under lock and key in a location designated by the principal.
6. The first dosage of any new medication shall not be administered during school hours due to the possibility of an allergic reaction.
7. A daily log will be maintained at the school containing the name of the student, medication administered, time of administration, and the name of the person assisting with the administration of the medication.
8. All persons authorized to administer medication shall receive specific training from health personnel of the County Health Department or by registered nurses/licensed practical nurses employed by Bay District Schools. The training of such personnel shall be incorporated each year in the School Health Services Plan.

Any suspected unlawful use, possession, or sale by a student of any controlled substance as defined in §893.02; any counterfeit controlled substance as defined in §831.31; any alcoholic beverage as defined in §561.01(4); or model glue shall be reported by school personnel to the principal or his/her designee, who shall have the sole authorization to contact the parents or legal guardians. School personnel shall be exempt from civil liability when reporting in good faith such unlawful use, possession or sale by a student. Reports made and verified shall be forwarded to the appropriate agency and the student's parent or legal guardian will be notified of such action.

Restriction on Provision of Medical Services. Non-medical school employees shall not perform invasive medical services, as outlined in §1006.062 Fla. Stat. unless determined appropriate by a licensed medical professional. Non-medical school employees shall be allowed to perform the following health-related services upon successful completion of child-specific training provided by a licensed medical professional: cleaning intermittent catheterization; gastrostomy tube feeding; monitoring blood glucose; or administering emergency injectable medication. The guidelines for performing these services shall be included in the District Health Plan.

Eye Protection Devices. Eye-protective devices shall be worn by students, teachers and visitors in courses including, but not limited to, chemistry, physics, or chemical-physical laboratories, at any time at which the student, teacher or visitor is engaged in or observing an activity or the use of hazardous substances likely to cause injury to the eyes, including the activities listed in § 1006.063 Fla. Stat.

The school shall provide plano safety glasses for students, teachers and visitors. Failure or refusal of the student to wear safety plano glasses shall be cause for his/her suspension or dismissal from the course.

Head Lice and Nits. The following circumstances require exclusion from school:

a. Live Head Lice. Any student with live head lice shall be temporarily excluded from attending school. Students with live head lice may not participate in school sponsored activities, or ride the school bus until the student has received treatment for head lice.
b. Nits at the base of the hair follicle. Any student with nits at the base of the hair follicle will be temporarily excluded from school. Students with nits at the base of the hair follicle may not participate in school sponsored activities, or ride the school bus until the student has received treatment for head lice.

To be readmitted to school the student must be free of head lice and nits at the base of the hair follicle. When returning to school the student must be checked by the school nurse or designee. The Parent must be present. The student may remain at school only if they are found to be free of head lice and nits at the base of the hair follicle. Final readmission decisions shall be made at the principal's discretion.

If the student is found to still have head lice or nits at the base of the hair follicle, the school nurse or designee shall contact the student's Parent to discuss continued treatment.

The school principal or his/her designee shall investigate the absence of a student who is absent from school in excess of three days because of head lice or nits at the base of the hair follicle.

Bed Bugs and Other Pests. Any student infested with bed bugs or other pests shall be excluded from attending school, participating in school sponsored activities, and riding the school bus until the student has received treatment for bed bugs and other pests. To be readmitted to school the student must be free of bed bugs and other pests. The student must be checked at school by designated school personnel, and the parent or legal guardian must be present. The school principal or his/her designee shall investigate the absence of a student who is absent from school in excess of three days because of bed bugs or other pests.

CHAPTER SEVEN
STUDENT PERSONNEL

Authority: § 1001.41, Fla. Stat.
Law: §§ 1002.20, 1006.062, 1006.063, 1006.09, Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997, August 12, 1998, November 17, 1998, October 30, 2002; June 14, 2006; January 13, 2010; June 9, 2010; January 25, 2011; November 22, 2011; June 9, 2015; May 4, 2017

REPEALED **7.303**

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WELLNESS PLAN. **7.304**

Pursuant to SECTION 204, PUBLIC LAW 111-296, HEALTHY HUNGER-FREE KIDS ACT of 2010 (42 U.S.C. 1751 et seq.), Section 1006.06, Florida Statutes, the Bay County School Board shall make as part of its rules a publication of guidelines titled Bay District Schools Wellness Plan. This plan shall include goals for nutrition standards and education, physical activity, and other school-based activities. Recommendations for revisions and improvement will be reviewed annually by the Bay District Schools Wellness Committee and the School Health Advisory Council.

Authority: § 1001.41, F.S.
Law Implemented: 42 USC 1771, et. seq.; § 1006.06, F.S.
Revised: April 12, 2006; November 22, 2011; January 13, 2015

CHAPTER SEVEN
STUDENT PERSONNEL

MEDICAL MARIJUANA USE BY QUALIFIED PATIENTS IN SCHOOLS 7.305

A. Medical Marijuana use at school in accordance with § 1006.062, Fla Stat.

1. The Board strives to comply with state law to honor families' private medical decisions while ensuring a learning environment free of disruption. To that end, the School Board allows the administration of medications to students while at school when administration cannot reasonably be accomplished outside of school hours. Parents and Caregivers should administer students' medications, including Medical Marijuana, at home whenever possible. In those limited circumstances when it is medically necessary during the school day, the administration of Medical Marijuana products to qualified Bay District Schools students on School Board property shall be in accordance with this policy.

2. Medical Marijuana cannot be administered to a Qualified Patient while aboard a school bus or at a school-sponsored event.

3. This policy conveys no right to any student or to the student's parents, guardians or other Caregivers to demand access to any general or particular location on school or district property, a school bus, or at a school-sponsored event to administer Medical Marijuana.

4. If the federal government indicates that the district's federal funds are jeopardized by this policy, the Board declares that this policy shall be suspended immediately and that the administration of any form of marijuana to Qualified Patients on school property shall not be permitted. The district shall post notice of such policy suspension and prohibition in a conspicuous place on its website.

B. Definitions.

As used in this Policy, the following definitions shall apply:

1. "Student" means an individual enrolled in a Bay County public school, Pre-K through 12th grade who is subject to compulsory school attendance, as well as students with disabilities who are 18 through 21 years of age.

2. "Qualified Patient" means a student who is a resident of this state who has been added to the Medical Marijuana Use Registry by a qualified physician to receive marijuana or a marijuana delivery device for medical use and who has a valid qualified patient identification card in accordance with Florida law.

3. "Parent" is defined to include parents and guardians.

4. "Primary Caregiver" or "Caregiver" means a person who:

   a. is registered with the State Department of Health (DOH) Registry for Medical Marijuana use and meets all statutory requirements. § 381.986, Fla. Stat.;
   b. has a valid medical marijuana use registry identification card issued by DOH, which is in the Caregiver's immediate possession at all times when in possession of marijuana or a marijuana delivery device; and
   c. is designated as a primary caregiver on the Qualified Patient's DOH application.

5. "Designated Location" means a location identified in writing by the school administration in its sole discretion as written in the student's Medical Marijuana Health Care Plan. The Designated Location shall be a location that minimizes the risk of disruption to the educational environment or exposure of other students to Marijuana.

6. "Medical Marijuana" means Permissible Forms of marijuana, including low-THC cannabis, that is acquired, possessed, used, delivered, transferred, or administered pursuant to a physician certification in accordance with § 381.986, Fla. Stat.

   a. "Permissible Forms" of Medical Marijuana include only products that cannot be smoked or inhaled, and include products such as oils, tinctures, edible products, or lotions that can be administered and fully absorbed in a short period of time.

   b. "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.

   c. "Low-THC Cannabis" means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabinol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.

   d. As used herein, the term "Medical Marijuana" does not include the following prohibited forms of marijuana or cannabinoid products: vapors, patches, and any other forms of administration that provide continuous delivery of marijuana to a Qualified Patient while at school.

C. Administration of Medical Marijuana to Qualified Patients on school district property.

1. A Parent of a Qualified Patient requesting the administration of Medical Marijuana at school must first submit a written request to the Principal.

2. No school nurse, school health care personnel, school administrative staff, or school employee may administer, store, hold, or transport Medical Marijuana in any form. Medical Marijuana shall not be stored on School Board property.

3. A Qualified Patient's Caregiver may administer Medical Marijuana on School Board property in a Designated Location if all the following requirements are met:
   a. Registration and Identification. A copy of current Department of Health Registry Identification Cards for the Qualified Patient and the Caregiver and a valid form of photo identification must be provided to the school.

   b. Authorization Form. A current Medical Marijuana Authorization Form must be on file. The Authorization Form must:
      i. be completed by a physician and signed by the Parent;
      ii. acknowledge that the Caregiver will personally administer the Medical Marijuana;

iii. include the type and amount of Medical Marijuana to be administered, the time of day when Medical Marijuana must be administered, and any possible side effects and any special instructions regarding the Medical Marijuana;
iv. be submitted to the Principal or his/her designee every school year; and
v. be updated by the Parent any time changes are made to the Qualified Patient's Medical Marijuana treatments.

c. Assumption of Responsibility. A written Assumption of Responsibility form signed by the Qualified Patient's Parent must be on file. The Assumption of Responsibility form shall state that the Parent assumes all responsibility for ensuring the Caregiver is qualified to perform the task, assumes all responsibility for the administration, maintenance, and use of Medical Marijuana under state and federal law, and releases the School Board from liability for any injury arising out of the administration of medical marijuana on School Board property.

d. Medical Marijuana Health Care Plan (hereinafter the "Plan"). Upon approval of a request by a Parent for authorization for a Qualified Patient to receive Medical Marijuana at school, a written Medical Marijuana Health Care Plan shall be drafted in accordance with the following:
i. The Plan shall be prepared by the school with input from the Qualified Patient's Parent.
ii. The Plan must identify: the form of Medical Marijuana that may be administered; Designated Location(s) for administration of Medical Marijuana; and any protocol regarding administration of Medical Marijuana to the Qualified Patient.
iii. The Plan shall state that the Caregiver is solely responsible for safely administering and transporting the Medical Marijuana to and from school each day. Caregivers and Parents are solely responsible for providing a permissible form of Medical Marijuana to be administered to the Qualified Patient.
iv. The school administrator, the Qualified Patient (if capable), the Qualified Patient's Parent, and the Caregiver shall sign the written plan.

e. Access to Campus. Any Parent or Caregiver accessing School Board property for purposes of this policy must comply with District policies and procedures concerning visitors to schools, including checking in and presenting photo identification for scanning at the front desk.

f. At no time shall the Qualified Patient have the Medical Marijuana in their possession except during the administration process, through dispensation by the designated Caregiver, per the student's Plan.

4. Timely Request. Parent requests for the administration of Medical Marijuana to a Qualified Patient while on school grounds must be submitted in writing to the Principal at least two school days in advance of the Parent's intended administration of Medical Marijuana.

D. Responsibilities of Principals and Administrators.

Upon review and approval of a Parent's written request and documentation, the Principal shall:

1. Coordinate the development of the student's Plan for Medical Marijuana Use for Qualified Patients at School.

2. Provide the Parent with a copy of this policy and review the student's Plan with Parent.

3. Report to the Superintendent any incidents of student or Caregiver dispensation of substances other than the permissible forms of Medical Marijuana as specified on the Authorization Form and take action in accordance with School Board policy 7.203, Student Discipline.

E. Consequences of Rule Violation.

1. Permission to administer Medical Marijuana to a Qualified Patient may be limited or revoked if the Qualified Patient or the student's Caregiver violate this policy or demonstrate an inability to responsibly follow this policy's parameters.

2. Consequences for the sale, attempted sale, or transmittal of any Medical Marijuana products or low THC cannabis, or substances held out and represented to be Medical Marijuana, may result in disciplinary actions as outlined in School Board policy 7.203 and may require consultation with local law enforcement.

3. Student possession or use of marijuana or marijuana derivatives inconsistent with this policy may be considered a violation of School Board policy 7.203 and may subject the student to disciplinary consequences, including suspension and expulsion, in accordance with applicable Board policy, and may require consultation with local law enforcement.

4. Dispensation by Caregiver of Medical Marijuana in any form other than specified on the Authorization Form may be treated as a violation of School Board policy 7.203 for possession, use, or being under the influence of a controlled substance, which are expellable offenses.

Authority: § 1001.41, Fla. Stat.
Law Implemented: Article X, Section 29, Constitution of the State of Florida, §§ 381.986, 1006.062, Fla. Stat.
History: New, March 26, 2019

Threat Assessments **7.306**

I. Purpose.

The School Board of Bay County, Florida is committed to protecting its students, employees, and members of the community. It is essential that district-wide violence prevention be in place to foster a learning environment that promotes a culture of safety, respect, trust, and social and emotional support, while also protecting students and staff from conduct that poses an actual or perceived threat to self or others. The threat assessment policy shall be interpreted and applied consistently with all applicable state and federal laws.

II. Threat Assessment Teams Established.

Threat assessment teams are hereby established at each school. Threat assessment teams' duties include the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Office of Safe Schools. The procedures for behavioral threat assessments will be in compliance with the instrument developed pursuant to Florida law.

III. Definitions.

A. **Threat** – a student's expression of intent to harm someone that may be spoken, written, gestured, or communicated via social media. An expression of intent to harm one's self is a threat. An expression of intent to harm someone is considered a threat even if the threat is not communicated directly to the victim or the victim is not aware of the threat. Behavior that implies an intent to harm someone, such as bringing a weapon to school coupled with other threatening behavior, may also be considered a threat. Threats may be further categorized as:
    1. **Transient Threats** - threats that do not express a lasting intent to harm someone. A threat is transient only if it can be quickly and easily resolved and, once resolved, no longer exists.
    2. **Substantive Threats** - threats that express a continuing intent to harm others.
    3. **Serious Substantive Threats** - threats that involve an intent to fight or physically attack someone.
    4. **Very Serious Substantive Threats** – threats that involve using a weapon or a threat to kill, rape, or severely injure someone.

B. **Aberrant behavior** – behavior which is atypical for the person or situation and causes concern for the safety or well-being of those involved. Aberrant behavior for an individual involves actions, statements, communications or responses that are unusual for the person or situation; or actions which could lead to violence toward self or others; or are reasonably perceived as threatening or causing concern for the well-being of the person. These can include (but are not limited to):
    1. Unusual social distancing or isolation of subjects from peers and family members;
    2. Sullen or depressed behavior from an otherwise friendly and positive person;
    3. Out of context outbursts of verbal or physical aggression;
    4. Increased levels of agitation, frustration and anger;
    5. Confrontational, accusatory, or blaming behavior;
    6. An unusual interest in or fascination with weapons; and/or
    7. Fixation on violence as a means of addressing a grievance.

C. **Threat Assessment –** a procedure to identify and resolve threats to harm one's self or others. For students who threaten to harm themselves, the threat assessment should include procedures for the assessment and management of suicide or self-harm.

D. **Mental health services –** include, but are not limited to, community mental health services, health care providers, and services provided under §§ 1006.04 and 1011.62(17), Fla. Stat.

IV. Referrals to Mental Health Services.

A goal of the School Board is to assist in connecting students with services wherever they may be available. School personnel will receive training pursuant to §1012.584, Fla. Stat., and shall be notified of the mental health services that are available in the District and the individuals to contact if a student needs services.

V. Threat Assessment Procedure.

A. A threat assessment team shall include persons with expertise in counseling, instruction, school administration, and law enforcement. The threat assessment teams shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self. The threat assessment team shall use the behavioral threat assessment instrument developed by the Office of Safe Schools pursuant to Florida Law. § 1001.212(14), Fla. Stat.

B. Upon a preliminary determination that a student poses a threat of violence or physical harm to himself or herself or others:
   1. If an immediate mental health or substance abuse crisis is suspected, school personnel shall follow procedures established by the threat assessment team to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and school resource officers trained in crisis intervention, shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services.
   2. Onsite school personnel shall report all such situations and actions taken to the threat assessment team, which shall contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary follow-up actions.
   3. The threat assessment team shall immediately report its determination to the superintendent or his or her designee. The superintendent or his or her designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school district personnel from acting immediately to address an imminent threat.
   4. Each threat assessment team established pursuant to this subsection shall report quantitative data on its activities to the Office of Safe Schools in accordance with guidance from the office and shall utilize the threat assessment database developed pursuant to § 1001.212(15) upon the availability of the database.
   5. The threat assessment team may obtain criminal history record information, as provided in § 985.047. A member of a threat assessment team may not disclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

C. The School Board recognizes that § 1006.07(7), Fla. Stat. provides for more open sharing of records or information are reasonably necessary to ensure access to appropriate services for students experiencing or at risk of an emotional disturbance or a mental illness or to ensure the safety of the student or others. The School Board will comply with all applicable confidentiality

laws while also recognizing applicable exemptions and the need to communicate, collaborate, and coordinate efforts to serve such students with all state and local agencies that provide services to students experiencing or at risk of an emotional disturbance or a mental illness, including the school districts, school personnel, state and local law enforcement agencies, the Department of Juvenile Justice, the Department of Children and Families, the Department of Health, the Agency for HealthCare Administration, the Agency for Persons with Disabilities, the Department of Education, the Statewide Guardian Ad Litem Office, and any service or support provider contracting with such agencies.

Authority: §1001.41, Fla. Stat.
Law Implemented: §§ 1001.212, 1006.07(7), 1006.13, Fla. Stat.
History: New, November 12, 2019

CHAPTER SEVEN
STUDENT PERSONNEL

PART IV
SCHOOL SPONSORED TRIPS, CLUBS AND ORGANIZATIONS, FOREIGN EXCHANGE, STUDENT SURVEYS

SCHOOL SPONSORED TRIPS 7.401

Each student planning to participate in a school sponsored trip must submit, in advance, a signed statement from his/her parents or legal guardians giving consent for the trip. This statement must contain date, time, location, length of trip, and method of transportation. If private vehicles are to be used the statement shall also contain the names of the drivers. Adult drivers transporting students other than their own in private or rental vehicles must be cleared by Motor Vehicle Registration (MVR), have Volunteer Employee Criminal History System (VECHS) clearance, and complete a School Volunteer form. The VECHS clearance must be done at the Bay District Fingerprinting Office and will be paid for by the chaperone candidate. Students shall not be authorized as drivers.

Travel time shall be restricted to the hours of 6:00 a.m. to 10:00 p.m. except when traveling by commercial vehicle or school bus.

Each trip must be planned in advance and approved in writing by the principal. All chaperones must be approved by the principal, complete a School Volunteer form, and comply with VECHS clearance before they can supervise children other than their own. The principal shall inform the sponsor of all rules, requirements, and responsibilities applying to the particular trip. The sponsor shall inform the chaperones of such rules, requirements, and responsibilities prior to departure. Sponsors should have a signed parental consent form for each student and a hard copy of each student's Authorization for Medical Treatment form while on school sponsored trips.

Chaperones who participate in out-of-town overnight trips shall be approved by the principal and will be required to provide their fingerprints for a VECHS criminal background check by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The VECHS criminal background check will be paid for by the chaperone candidate. The VECHS criminal background check must be conducted by the Bay District Schools Fingerprint Department.

Any non-athletic activities which require dismissal of students during the regular school day must be included on the District activities calendar and approved by the Superintendent.

Out-of-district non-athletic activities which require dismissal of students during the regular school day must be approved by the Superintendent or his/her designee.

All out-of-state trips shall be approved in advance by the Superintendent and shall be limited to the continental United States. Travel outside the continental United States must be approved in advance by the School Board.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1006.07, Fla. Stat.
History: New, June 12, 1989
Revised: April 12, 2016

CHAPTER SEVEN
STUDENT PERSONNEL

CLUBS AND ORGANIZATIONS 7.402

This policy is intended to implement the federal Equal Access Act, 20 U.S.C. SS4071, et seq., and the First Amendment right of freedom of speech. The school district believes that it is important for students to learn the meaning and practice of freedom of speech while in school, in order that as future citizens they will appreciate the proper exercise of this vital liberty. In adopting this policy, the school district does not forego its authority to maintain an orderly and disciplined school environment. The secondary schools in this district shall have a limited public forum for student groups wishing to meet to engage in speech. All clubs and organizations must be approved by the principal before they can operate within a school and must comply with the following rules:

(A) Students shall be permitted to meet during the non-instructional time of the individual students involved in the meeting, including before school, after school, during lunch or other non-instructional times. However, no student shall be present at a meeting when he or she has a class or is required by school rules to be elsewhere, unless permission from the classroom teacher is obtained. This includes any time during which the school requires the particular student or all students to be off school property or outside the school building.

(B) All meetings shall be student-initiated and open to all students in the school. All student attendance at a meeting shall be voluntary.

(C) All meetings shall be held on school property in school facilities. This may be waived for special meetings and events upon the request of the faculty sponsor and approval of the principal.

(D) No meeting may include any activity that is unlawful or that materially and substantially interferes with the orderly conduct of educational activities within the school.

(E) It is understood that the content of these student meetings is not sponsored by the school district. The school district is neutral as to the content of these meetings, if the meetings comply with paragraphs (B), (C), and (D).

(F) Students may invite outside speakers to their meetings subject to paragraphs (B), (C), (D), and (E).

(G) In order to maintain an orderly and disciplined environment and to ensure that meetings are conducted in accordance with the provisions of this policy and the Equal Access Act, a faculty sponsor shall be present at meetings. No club or organization will be allowed to form without a faculty sponsor or faculty representative. The students will be responsible for finding a faculty sponsor to be present. A faculty sponsor shall be present at all meetings and activities, and all social events shall be adequately chaperoned. Stipends paid for a sponsorship are at the discretion of the principal and are not required.

(H) If students wish to meet under this policy, they must file a request to meet with the principal which lists: (a) the room in which they wish to meet and the time during which they will meet; (b) the name of one student who will serve as the contact between the group and the school authorities; and (c) the faculty member who will be present. The principal shall approve a meeting if it meets the requirements of this policy and shall notify the student contact of his/her approval or, if it does not meet the requirements of this policy, his/her reason for disapproval within two (2) days of the submission of the request to meet.

(I) If students wish to meet on a continuing basis as a non-curricular student club they must file a written application with the school principal in order to seek recognition of the club at the school. The application shall be completed on an MIS Form as prescribed by the District and shall include:

- Name of the proposed club;
- Name of one student who will serve as the contact between the club and school authorities;
- Brief statement of the club's purpose and goals;
- Name of faculty member who has agreed to be the club's school liaison and attend meetings;
- Name of any organization outside the school which is affiliated with the proposed club;
- Draft of the proposed club By-Laws;
- In order to establish that there is student interest in the club a statement certifying that at least five (5) students at the school have committed to join the new club and actively participate in its programs and that the club will operate with at least five (5) members on an ongoing basis;
- Room in which the students wish to meet; and
- Time during which they plan to meet.

The application must be signed by the student organizer(s) and the proposed faculty liaison. The principal shall approve of the request if it meets the requirements of this policy and shall notify the student contact of his/her approval or, if it does not meet the requirements of this policy, his/her reason for disapproval within two (2) days of the submission of the request. Once approved, the non-curricular student club may continue meeting for the remainder of the school year, unless the club subsequently violates School Board policies. All non-curricular student clubs shall be required to file, with the school principal, an annual Club Recognition Renewal form as prescribed by the District. The renewal of non-curricular student club recognition status shall be completed within thirty (30) days of the beginning of each school year.

(J) The decision of the members of an organization not exempted by the provisions of §1006.14, Fla. Stat. shall not be one of the factors in selecting additional members.

(K) The charter and constitution setting forth the purposes, qualifications for membership, and the rules of conduct of each approved club or organization shall be kept on file and always available to all students and instructional personnel of the school.

(L) Hazing of members is prohibited. Hazing is defined as any action or situation that endangers the mental or physical health or safety of a student at any middle or high school located in the district for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of any middle or high school located in the district. See district policy 7.2075.

(M) Dues shall be reasonable and not prohibitive.

(N) All monies accruing to any school club or organizations shall be accounted for through the internal accounting system of the school.

(O) No club or organization shall carry on any activity or act in any way which is in violation of the law, the policies of the School Board, or the policies of the local school.

(P) Any club or organization of a school which engages in an initiation ceremony of its members shall prepare and submit its program or initiation exercises to the faculty sponsor of the club or organization for review and approval by the principal of the school.

Authority: §§1001.41; 1001.42(22); and 1006.14(3), Fla. Stat.
Law Implemented: §1006.07, Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997; January 13, 2010; November 22, 2011; October 28, 2014

FOREIGN STUDENT EXCHANGE/ NON-IMMIGRANT PROGRAMS 7.403

The Bay County System will accept foreign exchange students (J-1) for placement who are represented by an organization which has been granted a listing by the Council of Standards for International Educational Travel. The organization must also be properly registered in the Student Exchange Visitor Information System (SEVIS) and authorized to issue U.S. Department of State Form DS-2019. All organizations must be approved through the District Office Student Services Department. All applications for foreign exchange students must be approved by the District Student Services Department and the high school principal. Applications must be filed in the Student Services Department and the high school which they will attend by July 15 of the upcoming school year. Foreign exchange students must enroll for the entire school year. Students will not be enrolled for only one semester.

Foreign exchange students must have a staff member of the sponsoring organization located in Bay County or within 50 miles of the School Board office in Bay County.

The District Office Student Services Department shall be the county contact for foreign exchange students. The Foreign Exchange company must receive notification of approval in writing prior to student enrollment in a Bay District School. Violations could put future applications in jeopardy. The principal or designee shall be the school foreign exchange student coordinator.

The number of foreign exchange students assigned to each District school should not exceed .5 percent of the student enrollment of that high school, with no more than two (2) from the same country. Foreign Exchange students must comply with Bay District School Board policy regarding school placement.

Senior class foreign exchange students are welcome to participate in graduation ceremonies but will not be granted a diploma from a Bay District High School.

All foreign exchange students must be proficient in English (speaking, reading, and in writing) and score at level four on the SLEP (Secondary Level English Proficiency) test or an equivalent test. Foreign exchange students shall not have received a high school diploma or its equivalent from their home country. Foreign exchange students shall not be eligible to take driver's education.

Students will be registered according to age or the last grade/level completed in their home country to allow them the best interaction among their peers. Students 17 years of age and above will be registered as seniors; students 16 years of age will be registered as juniors; students 15 years of age will be registered as sophomores and etc. In the courses in which they are enrolled, foreign exchange students are subject to the same academic requirements that apply to other District high school students. Foreign exchange students are subject to the policies of the School Board.

Non-immigrant foreign students categorized as F-1 (academic) or M-1 (vocational) will not be enrolled in any program offered by Bay District Schools.

The Federal Educational Records Protection Act (FERPA) does not apply to F, J, or M non-immigrants to the extent that waiving FERPA is necessary to implement the SEVIS program.

Authority: §1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.; Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by the USA Patriot Act and the Enhanced Border Security and Visa Entry Reform Act of 2002
History: New, June 12, 1989
Revised: July 24, 1997; December 10, 2003; April 14, 2004; September 23, 2009; November 22, 2011

STUDENT SURVEYS 7.404

The District shall cooperate with the federal government and state agencies such as the Florida Department of Health in conducting student surveys. These surveys shall be conducted anonymously and shall contain no personally identifiable information from or on any individual student. Parents shall be notified of upcoming surveys that reveal information concerning one or more of the following items:

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

No student shall be required to participate in such surveys if the student's parent objects in writing to the student's participation. Parents shall have the right to inspect any such survey instrument before the survey is administered or distributed if the request is made within a reasonable period of time.

Parents shall be notified annually at the beginning of each school year of this policy and the notice shall include approximate dates during the school year when any such survey is administered.

Authority: §1001.41, Fla. Stat.
Law Implemented: PPRA, Public Law 107-110, Title X, Part F, Section 1061
History: New, December 10, 2003; November 22, 2011

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

PART ONE
CURRICULUM AND INSTRUCTION

STUDENT PROGRESSION PLAN **8.101**

Purpose. The purpose of the Student Progression Plan for Bay District Schools is to identify for school personnel, parents, students, and other interested citizens School Board rules and administrative procedures required to implement state legislative and local School Board student progression requirements. The Plan shall be based on an evaluation of student performance and mastery of the performance standards approved by the State of Florida and Bay District Schools.

The Student Progression Plan is intended to be a comprehensive program for student progression, which delineates the requirements to be met by students and the district's plan for ensuring that progression. The district's comprehensive program for student progression uses assessment data (universal screening and ongoing progress monitoring) to evaluate the effectiveness of instruction, identify students needing more intensive instruction support, and monitor the student's response to implemented instruction/interventions. Student progression decisions consider the effectiveness of core instruction and the student s response to evidence-based instruction/interventions implemented with fidelity.

The district is committed to the implementation of a Multi-tiered System of Supports: Response to Instruction/Intervention framework to integrate/align efforts to improve educational outcomes and meet the academic/behavioral needs of all students. The district will provide high quality instruction/intervention matched to students needs and use learning rate and level of performance to inform instructional decisions including decisions regarding promotion, acceleration, retention, and remediation. A Multi-tiered System of Supports: Response to Instruction/Intervention is a data-based decision making" process applied to education. A four-step problem-solving method and the systematic use of assessment data at the district, school, grade, class and individual level will guide decisions about the allocation of resources and intensity of instruction/interventions needed to improve learning and/or behavior.

Each school principal shall be responsible for distributing highlights of the Student Progression Plan annually to students and parents. The Superintendent shall solicit information from principals, teachers, parents/legal guardians and School Advisory Councils in reviewing and making recommendations to the School Board for revisions to the Student Progression Plan as deemed appropriate.

Responsibilities. Implementation of the Student Progression Plan shall be defined as:

1. The School Board shall establish policy related to student progression based on state/ federal law, district needs, and input from district staff, school administrators, teachers, parents, and school community leaders.
2. The School Board and the administration of each school shall provide all students with instructional and remedial programs. Such programs will monitor progress, promote continuous achievement, and make provision for individual differences.
3. The School Board, through its administrators, will assist teachers with resources and staff development to accomplish the goals of this plan and will establish procedures for record keeping to certify the accomplishment of state and district standards.
4. The Superintendent shall designate an administrative staff member who is responsible for the development and coordination of the total curriculum of the district.
5. The Superintendent shall ensure that each student s progression through district schools is based on School Board policy.

6. The Directors of Elementary, Secondary and Adult Instructional Services shall coordinate an ongoing examination and review of the instructional program of the schools to identify any modifications required by changes in law or rule, educational philosophy, research, best practices, student needs, or physical requirements of the school system.
7. The Superintendent, after reviewing the recommendation of the Director, shall submit a proposed Program of Studies to the School Board for approval. This program shall constitute the prescribed curriculum for district schools. Copies of the program shall be available in all schools and on the district web page.
8. The principal shall assume administrative responsibility for all required records and reports, the transfer of students within and outside the school system, and for promotion and retention of students.
9. Principals and teachers are responsible for ensuring that the state standards are taught and assessed, and student achievement shall be reported to parents.
10. Teachers are responsible for providing quality instruction, assessment, and remediation based on evidence of student academic achievement, for implementing the district curriculum, and for establishing a positive learning climate.
11. Teachers are responsible for providing quality instruction, assessment, and differentiation based on evidence of ELL student academic achievement and English language proficiency level, for implementing the district curriculum, and for establishing a positive culturally sensitive learning climate.
12. Parents are responsible for their child's school attendance, for promoting an interest in learning, and for the conduct of their children while they are enrolled in a district school.
13. Parents are responsible for monitoring their child’s achievement or the lack thereof and initiating follow-up contacts with teachers and/or administrators.

Authority: 1001.41, Fla. Stat.
Law Implemented: 1008.25, Fla. Stat.; Fla. Admin. Code R. 6A-1.09401
History: New, June 12, 1989
Revised: July 24, 1997; August 12, 1998; August 17, 1999; July 11, 2001; July 24, 2002; January 10, 2007; December 9, 2009; December 7, 2010; November 12, 2013; May24, 2016; December 13, 2016; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

INSTRUCTIONAL GOALS
AND CURRICULUM DEVELOPMENT 8.102

Required Instruction. Instruction in required programs as specified by Florida law shall be incorporated into the appropriate curriculum. Exemptions from instruction related to reproductive health or disease shall meet the requirement of § 1003.42, Fla. Stat. Documentation will be reflected by teacher lesson plans.

Lesson Plans. Lesson plans shall be developed, kept current, and readily accessible according to procedures established in each school and used as a daily guide by each teacher. The lesson plan shall include learning objectives, student activities, assessments and must document alignment to the state standards.

Goals for Instructional Program Development. The following goals shall be utilized in planning, developing, modifying, and delivering the instructional programs for district schools. These objectives are to be considered as guides rather than limits, flexible enough to meet changing needs of both individuals and society, and pervasive throughout the entire system for all levels and subject areas:

1. To help meet the intellectual, emotional, and physical needs of students; particularly the needs to inquire, learn, think, and create; to establish aesthetic, moral, and ethical values; and to relate satisfactorily to others in social situations involving family, work, government, and recreation.
2. To foster in students a mastery of the basic skills of learning, thinking, and problem solving; for teaching them the use of various media of self-expression; for instilling in them a knowledge of the social and natural sciences; for acquainting them with the richness of our heritage; and for stimulating them to productive work in the various areas of human behavior.
3. To supplement the role of the home and other social agencies in developing habits and attitudes which contribute to enriched personal living, the maintenance of optimum physical and mental health, and the establishment of sound moral, ethical, and aesthetic values.
4. To develop and offer a wide range of positive alternative opportunities, services and programs for students with varied interests and divergent needs.
5. To develop programs and services which stress the lifelong aspect of learning, to encourage and counsel students to seek further study and training, and to provide a wide range of opportunities in order to fully meet the educational and citizenship needs of the adult population.

Components of Curriculum Design. The School Board shall approve the courses of study for all district schools in accordance with State law. The design and development of curriculum for district schools shall be based on the premise that the core of the curriculum should consist of an essential base of knowledge, skills, processes, and abilities to be mastered within the context of each course or grade level and shall be sequential from grade to grade and level to level as outlined in the state standards.

Modifications and/or Additions to the District Curriculum. A new course may, upon the recommendation of a curriculum administrator and following Board policy and State law, be introduced into the district curriculum by the Superintendent upon approval by the School Board.

The School Board may approve a waiver request submitted by a school principal to allow substitution of locally approved intended outcomes for a State-approved course. Any waiver requests approved by the School Board shall be submitted by the Superintendent or his/her designee to the Commissioner of Education for his/her approval.

Panels comprised of district staff and representatives of all impacted schools shall be responsible for reviewing major curricular and enrollment changes in district-wide magnet programs. This panel shall

make recommendations about proposed changes to the Superintendent, who may, in turn, make recommendations regarding the proposed changes to the School Board for approval.

The district shall participate in the State Student Assessment Program as required by Florida law. Further, the district shall administer additional norm-referenced assessments or criterion-referenced assessments as needed for decision making in curriculum, personnel, placement of students, and program evaluation.

Academic Standards. Standards for all subject areas are integrated into the curriculum. Student mastery of these will be determined by locally identified criteria if no state assessment exists. The State standards benchmark student achievement and serve as guides to the best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. The benchmarked standards describe what students should know and be able to do at four progression levels (grades K-2; 3-5; 6-8; and 9-12) in subjects of the arts, health, physical education, foreign languages, language arts, mathematics, science, social studies and other standards as set forth by the State Board of Education. The state standards shall be a part of the district achievement standards and shall serve as the basis for statewide assessment.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1006.28, Fla. Stat.
History: New, June 12, 1989
Revised: November 17, 1998; July 11, 2001; July 24, 2002; December 7, 2010 (Without requirement of meeting); November 12, 2013

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

ORGANIZATION FOR INSTRUCTION 8.103

The public schools of Bay County shall be organized in the following manner:

1. Elementary Schools. Elementary schools shall include classes for students enrolled in preschool programs, kindergarten, and grades 1 through 5.
2. The Bay County School Readiness Coalition may contract with the School Board for services for 3-4 year old students based on family income as governed by program guidelines.
3. Middle Schools. Middle schools shall include classes for students enrolled in grades 6 through 8.
4. High Schools. High schools shall include classes for students enrolled in grades 9 through 12.
5. Bozeman School. Deane Bozeman School shall include classes for students enrolled in preschool programs and grades K-12.
6. Breakfast Point Academy. Breakfast Point Academy shall include classes for students enrolled in grades K-8.
7. Rutherford High School. Rutherford High School shall include classes for students enrolled in grades 6 through 12.
8. Haney Technical Center. The Haney Technical Center shall provide adults with postsecondary career technical education and adult general education programs (GED, Adult Basic Education, ESOL). Selected secondary students may attend career technical education programs.
9. Special Schools. Schools serving unique needs of students shall be established by the School Board when a need is documented, and evidence indicates that a special school represents the most cost-effective solution. These shall include, but not necessarily be limited to schools for gifted students, schools for special needs students, and schools for students needing alternative programs.
10. Charter Schools. Charter schools may contract with the School Board to operate a charter school as a public school and may include classes for students enrolled in pre-school programs and grades K-12.
11. Bay Virtual School. Bay Virtual School and the Bay Virtual Instruction Program provide access to online courses for eligible students (Grades K-12). Credit is awarded for successful completion of such courses.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.42, Fla. Stat.
History: New, June 12, 1989
Revised: November 17, 1998; August 9, 2000; July 24, 2002; May 28, 2003; January 10, 2007; December 9, 2009; December 7, 2010; September 25, 2012; November 12, 2013; April 11, 2017; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

PROGRAM OF INSTRUCTION 8.104

A. Length of School Day for Students. The length of the instructional school day for students shall be defined as:

1.	Grades K-5.	5.33 hours of bona fide instruction.
2.	Extended Day K-5.	5.58 hours of bona fide instruction.
3.	Grades 6-8.	5.5 hours of bona fide instruction.
4.	Grades 9-12.	6 hours of bona fide instruction.

B. Program of Studies - Grades K-5. The elementary school curriculum shall emphasize mathematics and language arts using the Bay District Reading Framework and the six identified areas of reading as the basis. Concepts and processes related to science, social studies, art, music, and physical education will be integrated within the curriculum. The program of studies for grades K-5 shall delineate sequences of curriculum outcomes expected for students for each subject at each grade level consistent with state standards. The term "program of studies" for grades K-5 shall mean a curriculum based on state standards for each subject and curriculum outcomes within each subject called benchmarks.

1. Intensive Acceleration Class for Retained Readers: An Intensive Acceleration Class for retained readers shall be established at each applicable school for students in grade 3 who scored at Level 1 on the reading portion of the FL state assessment and who were retained in grade 3 in the prior year. The class must have a reduced teacher-student ratio; provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 state standards in other core subject areas; use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year; provide research-based intensive language and vocabulary instruction, including the use of a speech language therapist; and weekly progress monitoring measures. Retained 3rd grade students who have received intensive instructional services but are still not ready for grade promotion must be offered the option of being placed in a transitional instructional setting. Such a setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency. The district shall report progress of students in said class at the end of the first semester in accordance with state requirements and shall also report specific intensive reading interventions and supports implemented upon request of the State Board of Education.

C. Program of Studies - Grades 6-8. The program of studies for grades 6-8 shall mean the Curriculum Course Descriptions prescribed by the State Board of Education which include state standards and benchmarks. The middle school curriculum shall continue to build upon the basic academic skills introduced in the elementary schools. There shall be planned experiences for integrating and applying various skills, processes, and knowledge to areas of study. In addition, there will be opportunities to explore career technical interests that may lead to high school credit and/or industry certification. Eighth grade students in their World History classes will develop an academic and career plan. The term "program of studies" for grades 6-8 shall mean documents covering each course offered that include course specifications such as course number, title, major concepts and content, and intended outcomes, and sets of student performance standards for curriculum outcomes. Reading instruction shall follow state guidelines and utilize the components of the Secondary Reading Framework.

D. Program of Studies - Grades 9-12. The program of studies for grades 9-12 shall mean the Curriculum Course Descriptions prescribed by the State Board of Education, which include state standards and benchmarks for each high school course offered in the schools. Student performance standards shall be developed and submitted for approval by the School Board for each high school course offered outside of the Curriculum Course Code prescribed by the State Board of Education. The high school curriculum shall be sufficiently comprehensive so as to meet the needs of students whether their program emphasis is immediate career technical preparation or readiness for post-secondary education. The term "program of studies" for grades 9-12 shall mean documents covering each course offered that include course specifications such as course number, title, credits, major concepts and content, and intended outcomes, and sets of student performance standards for curriculum outcomes.

E. K-12 Physical Education - The physical education programs in Bay District Schools are an integral part of the educational process. Bay District Schools has three levels of physical education, elementary, middle and high school. The school district offers adapted physical education for students with disabilities and emphasizes the same outcomes as with our regular education students. The K-12 physical education programs offer a wide variety of experiences through sequential and integrated means of instruction. These experiences will enable the student to develop a positive attitude toward physical activity as a life long goal. The elementary, middle and high school programs are based on the state standards and are child centered, focusing on the needs of students. This approach fosters the sequential progression of motor, cognitive, emotional and social development of our students.

1. Physical Education Counseling - Each school will make available to students and parents one on one nutrition and physical activity counseling. The physical education instructor along with school health personnel, if available, will identify students who need possible counseling regarding the benefits of nutrition and physical activity. The Guidance Department in conjunction with the physical education instructor and health personnel will request a student/parent conference in which the student and parents will be provided factual information into the importance of nutrition and physical activity. The student will be monitored by the guidance counselor and physical education instructor for future counseling, if necessary.

2. Elementary Programs – Students in kindergarten through grade 5, and students in grade 6 who are enrolled in a school that contains one or more elementary grades, will receive 150 minutes of physical education instruction per week and at least 30 consecutive minutes of physical education on any day during which physical education instruction is conducted. This program shall be aligned to the state standards and shall include instruction in movement concepts, motor concepts, manipulative concepts, rhythm concepts, fitness concepts, and safety concepts.

3. Middle School Programs. Each district school shall provide the equivalent of one class period per day of physical education for one semester of each year for students in grades 6-8. This program shall be aligned to the state standards and shall include instruction in movement concepts, motor concepts, manipulative concepts, rhythm concepts, fitness concepts, and safety concepts.

4. Physical Education Waivers for Students in Grades K-8.

   a. Students in grades K-8 are eligible to waive the physical education requirement if they meet any of the following criteria:

1. The student is enrolled or required to enroll in a remedial course; or
2. The student's parent indicates in writing to the school that:

- The parent requests that the student enroll in another course from among those courses offered as options by the school district; or
- The student is participating in physical activities outside the school day which are equal to or in excess of the mandated requirement.

b. The deadline for applying for a physical education waiver will be set by the district and advertised on the district's web site. Proper documentation must be provided each year and a new request in writing from the student's parent is required for each additional year that a student is eligible and requests to waive physical education.

5. High Schools Programs – Students are required to complete one credit (two semesters) of physical education. Students will be required to take ½ credit of Personal Fitness and a ½ credit of any Physical Education elective.

a. Personal Fitness. Personal Fitness emphasizes: the benefits of a lifetime of fitness; individual assessment of the student's health related fitness level; developing an individual fitness program; and assessing progress. Elective classes allow students to choose activities they can benefit from over a lifetime or develop greater skill and knowledge. High School students are required to complete one credit (two semesters) of physical education to include the integration of health.

b. Physical Education and Physical Fitness Waivers for Students in Grades 9-12. The following students in grades 9-12 are eligible to waive the physical education and/or fitness requirements:

i. Students who complete two seasons of an interscholastic sport at the junior varsity or varsity level, may waive the ½ credit in Personal Fitness and the ½ credit requirement in a physical education activity elective.
ii. Students who complete one semester with a grade of "C" or better in a marching band class, a physical activity class that requires participation in marching band activities as an extracurricular activity, or a dance class may waive the ½ credit physical education elective.
iii. Students who complete two years in the Junior ROTC program may waive the ½ credit physical education elective.

6. Assessment - Assessment in physical education shall be based on the active participation of each student even though different evaluative processes are used. Students shall be assessed on the achievement and maintenance of an appropriate physical fitness level using the following criteria: motor, cognitive, emotional, and social development.

F. Program of Studies - Adult Education. The program of studies for adult education shall include the Curriculum Course Descriptions prescribed by the State Board of Education for each course offered in the schools.

G. Support Programs. Students with identified special needs are to be placed in a support program within the school. Procedural guidelines are established for each of the support programs and are located in the school principal's office. Such programs may include, but are not limited to:

1. Summer School or Tutorial Programs
2. Dropout Prevention and Academic Intervention programs
3. Alternative programs
4. Limited English Proficiency
5. Exceptional Student Education (K-12)
6. ASPIRE – Grades 6-8 (Academic Success through Prevention, Intervention, Remediation, and Enrichment)

H. Education for Educationally Disadvantaged Students. In order to assist students that, because of educational or economic deficiencies, have need for special services and instruction, special programs shall be established and implemented utilizing federal, state and local funds. Funds from these programs shall be used to supplement and, to the extent practical, increase the level of other non-state or non-federal funds that would be available to serve selected students. Programs to be implemented shall include, but not necessarily be limited to the following:

1. State Compensatory Education Program;
2. State Migrant Education Program;
3. Dropout Prevention programs;
4. Title I of the Elementary and Secondary Education Act:
   A. Basic component; and Targeted Assistance and/or School-wide Project
      Part A: Improving Basic Programs
      Part B: State Assessment Grants
      Part C: Migrant
      Part D: Neglected, Delinquent, or At-Risk

I. ESOL Instruction. Programs shall be established to assist students from non-English speaking backgrounds to overcome language deficiencies which detract from their ability to function in the instructional program. Such programs shall be funded from a combination of available federal, state and local funds.

J. Dropout Prevention and Academic Intervention Programs. Pursuant to the provisions of § 1003.53, Fla. Stat., the Superintendent shall develop and submit to the Board for approval, a plan designed to meet the needs of students who do not perform well in traditional educational programs. The plan will include drop-out prevention strategies for students in grades 1-12, as well as Academic Success through Prevention, Intervention, Remediation, and Enrichment (ASPIRE) for 6-8th grade students. The School Board shall make as part of its rules a publication of guidelines, which shall be entitled “Bay District Schools’ Middle School Academic Success through Prevention, Intervention, Remediation, and Enrichment Plan” (the ASPIRE Plan). This plan will be evaluated each year and recommended revisions presented to the Bay District School Board.

These programs shall differ from traditional programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ procedures and programs allowed under Florida law which support improved performance in the areas of academic achievement, attendance and discipline. The principal has the final decision on the placement of students. Students in grades 1-12 shall be eligible for dropout prevention and academic intervention programs based upon one of the following criteria:

1. Unsuccessful academic performance evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics or writing; or
2. A pattern of excessive absenteeism or having been identified as a habitual truant; or
3. A history of disruptive behavior in school as defined by law or commission of offenses which warrant out-of-school suspension or expulsion, according to the Student Code of Conduct.

The plan, as adopted by the School Board pursuant to Section 1.103, is hereby incorporated by reference as a part of these Rules.

K. Teenage Parents Program. This program shall be designed to provide pregnant students or students who are parents with the option of enrolling in a special program specifically designed to meet their needs.

L. Youth Services Program. The Youth Services Program shall be designed to serve the special needs of students housed at the Regional Detention Center operated by the Department of Children and Family Services.

M. Advanced Academic Programs. High schools may offer advanced academic programs as outlined in the district's advanced academic program Guidelines.

1. The advanced academic program will receive 100% of the funds generated by students. These funds must be used, at least in part, to pay state mandated teacher bonuses and purchase required tests, textbooks, and other necessary instructional resources. Teachers trained in advanced academic programs shall be trained at the program's expense. However, parents of students in or entering high school must be notified of the opportunity and benefits of Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and Florida virtual school courses. These programs will be used to accelerate or shorten the time necessary for completion of the requirements for the high school diploma and a postsecondary degree.

2. Each high school shall make advanced placement courses available to students who have demonstrated sufficient motivation and capability to participate in academic programs at the post-secondary level.

3. Bay High School shall be the only high school to offer the Advanced International Certificate of Education (AICE) diploma option and designated as an AICE Program Center. Other high schools wishing to offer specific AICE courses shall be required to:

    1. Become an AICE Test Center;
    2. Offer only courses approved by the Bay High School principal; and
    3. Pay Bay High School a fee equal to 20% of the additional weighted FTE funding received by the District for each student enrolled in an Advanced International Certificate of Education (AICE) course who receives a score of "E" or higher on the subject exam given at other schools.

4. Rutherford High School shall be the only high school to offer the International Baccalaureate (IB) diploma option and/or be designated as an IB Test Center.

5. High schools may offer advanced academic programs that meet the following criteria:

a. Offer a specific, unique advanced curriculum;
b. Have specific, unique advanced expectations;
c. Offer students the opportunity to earn advanced standing at the college/university level; and
d. Have students make application to these programs and meet the academic requirements of the program for admittance.

6. All courses in the advanced academic programs are designed to provide students with the opportunity to earn college credit, experience an advanced curriculum, and better prepare them for the challenges of college. In order to complete this experience, students are required to take all corresponding examinations. Without the standardization of the exams, there is no way for colleges to measure the rigor of the academic experience. Exemptions will be at the discretion of the advanced academic program coordinator and the school principal.

N. Dual Enrollment.

1. Eligible students may enroll in a postsecondary course creditable toward a career technical certificate or an associate or baccalaureate degree. Students may not enroll in postsecondary courses that are offered during the school day at high school of enrollment.

2. Students who are eligible for dual enrollment pursuant to this policy may enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term. Such students shall meet the specifications of §§ 1007.27 and 1007.271, Fla. Stat.

3. Comprehensive articulation agreements will be completed each year between the School Board and local postsecondary institutions.

4. Students who are also enrolled in courses at a high school must schedule dual enrollment courses taken at a local postsecondary institution only during class periods designated by the individual school or after normal school hours.

5. Students may enroll in no more than six credit hours of dual enrollment courses per summer with the following exception: Students may enroll in one additional credit hour per summer session for any corresponding lab or four-credit hour course.

6. Dual enrollment students may enroll in no more than eleven credit hours during the fall or spring semester. These eleven credit hours include courses taken on the high school campus, on the college campus, and online.

O. District Plan for the Provision of Special Education Programs for Exceptional Students. In compliance with law and Rules of the State Board of Education, the Bay County School Board hereby affirms its intent to provide appropriate programs or services for all students who, upon proper evaluation, have been deemed to meet the criteria established by the State Board of Education for the various classifications of exceptionalities. The procedures for conducting such programs shall be in accordance with the "Special Programs and Procedures for Exceptional Students," adopted by the Board pursuant to Section 1.103 and hereby incorporated by reference as a part of the Rules of the Bay County School Board.

P. District Plan for Career and Technical Education. The Bay County School Board affirms its intent to provide appropriate programs for all students in career and technical training. The procedures for conducting such programs shall be to meet the needs of the local community while remaining within state and federal requirements and shall be approved by the Board pursuant to Section 1.103 and hereby incorporated by reference as a part of the Rules of the Bay County School Board.

All Career and Technical Career Pathways are a series of a minimum of three courses that prepare students for post-secondary opportunities both academic and work ready in their enrolled career pathway. Industry Certifications are credentials that are recognized by businesses and industry professionals that show mastery of particular skills in a career field. Students are required to take the corresponding Industry Certification Tests approved by the Career and Technical Education Supervisor for the career pathway that they are enrolled in. Exemptions will be at the discretion of the Career and Technical Education Teacher(s) in the Career Pathway and the school principal.

Q. Work Experience Opportunities. Work experience opportunities for students shall be provided as part of the cooperative education program. The primary responsibility for the program shall rest with the principal of the school. Such opportunities must comply with the following:

1. Students in work experience programs shall be placed in socially acceptable occupations. Such placement shall always be based on the special needs of the student.
2. Employers selected to participate in the program should be of high moral character and should support the objectives of the program.
3. All federal and state child labor and wage laws shall be adhered to by employers participating in the program.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.01, 1003.4282, 1003.455, 1006.28, 1007.27, 1007.271, Fla. Stat.; Fla. Admin. Code R 6A-1.09512
History: New, June 12, 1989
Revised: November 17, 1998; August 17, 1999; July 11, 2001; August 28, 2002; September 10, 2003; November 16, 2004; January 10, 2007; November 14, 2007; January 23, 2008; October 22, 2008; December 9, 2009; December 7, 2010; December 7, 2010; November 22, 2011; September 25, 2012; August 27, 2013; November 12, 2013; January 15, 2015; April 12, 2016; November 8, 2016; June 13, 2017; September 26, 2017; November 14, 2017; June 12, 2018; June 25, 2019; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

STUDENTS WITH DISABILITIES 8.105

Exceptional Student Program Entry. An identified student with disabilities may be served in one or more of the following programs if he/she is at least three (3) years old. The programs are Intellectual Disabilities, Other Health Impairment, Orthopedic Impairment, Traumatic Brain Injury, Speech Impairment, Language Impairment, Deaf or Hard of Hearing, Emotional or Behavioral Disabilities, Visually Impaired, Specific Learning Disabilities, Developmentally Delayed, Dual Sensory Impaired, Autism Spectrum Disorder, and Hospital/Homebound.

Related services such as speech therapy, language therapy, physical therapy, occupational therapy, audiology services, interpreting services, or health services are designed to enable a student with a disability to access a free appropriate public education (FAPE) as described in the IEP.

Accommodations. Students with disabilities may be provided with accommodations for classroom, district, and state assessments. Accommodations are determined by the student's IEP team and, following state guidelines, may be used only if they do not alter the underlying content that is being measured by the assessment or negatively affect the assessment's reliability or validity.

State Standards. All students with disabilities who meet state criteria for a program for students with disabilities will have an IEP to be reviewed at least annually. The IEP will identify the most appropriate measure of the student's skills and instruction in the state standards.

1. The student will earn grades based on progress made in the general curriculum including the use of accommodations if needed and indicated on the IEP. Use of accommodations will not be a factor in determining a student's grade. Below grade level performance will be indicated on report cards to parents if applicable.

2. Promotion criteria is the same for all students. Promotion is based on skill acquisition regardless of necessary accommodation. Promotion is determined by the student's mastery or lack of mastery of the state standards and/or FL state assessment/end of course performance.

3. If the IEP Committee determines that instruction in the access points is the most appropriate means of providing the student access to the general curriculum, the student will participate in Florida's alternate assessment.

The need for extended school year for students with disabilities will be determined by the IEP Team.

Authority: § 1001.41, Fla. Stat.
Law Implemented: Fla. Admin. Code R. 6A-6.0312, 6A-6.0331
History: New, June 12, 1989
Revised: July 24, 1997; August 17, 1999; September 12, 2001; August 28, 2002; January 10, 2007; December 9, 2009; December 7, 2010; November 22, 2011; September 25, 2012; November 12, 2013; January 15, 2015; December 13, 2016

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

ADULT EDUCATION 8.106

The adult education program shall be under the overall supervision of the district administrator in charge of the program. An adult student shall be defined as a person who has attained the age of 16 years and who has legally withdrawn from the middle or high school last attended or a high school student who is taking an adult course. Any student who withdraws from the regular high school program and subsequently enrolls in the adult education program may not be permitted to return to the regular school program, in accordance with School Board Policy 8.204.

Fees. Fees shall be charged for all students enrolled in workforce development education except for those students specifically exempted by §§1009.25, 1011.80, Fla. Stat., and this policy. Fees shall be calculated and reported in accordance with §§1009.22, 1011.80, Fla. Stat. A fee schedule for nonexempt students shall be established annually by the School Board.

Adult Fee Waivers. Adult student fees will be waived only up to the amount allowed in the General Appropriations Act, or as otherwise required by law. §1009.26(1), Fla. Stat.

Adult Fee Deferments. The Director of Haney Technical Center may defer adult student fees from the date of registration or the first day of class, whichever is the later, for those students receiving financial aid, other than veteran's benefits, state or federal assistance programs, when the receipt of such aid by the student is delayed through circumstances beyond the control of the student. Failure by the student to make timely application for such aid shall not be a reason for granting such deferral.

Veteran students and others eligible for benefits under Chapters 30, 31, 32, 33, 34, 35, Title 38, U.S. Code or Chapter 106 of Title 10, U.S.C., upon written request shall receive a deferment each time there is a delay in the receipt of their benefits for the payment of tuition fees from the date of registration or the first day of class whichever is later.

The Director of Haney Technical Center may defer tuition and fees for students receiving financial aid from a federal or state assistance program when the aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for the aid is an insufficient reason to receive a deferral of fees. (F.S. § 1009.27)

Workforce Education Tuition Refund. All information pertaining to charges, refunds and appeals will be furnished to the student at the time of registration. One hundred percent of the unused tuition and refundable fees charged will be refunded if the student does not begin class or withdraws during the drop/add period (within 10 business days of enrollment). If the class is cancelled, 100% of the tuition and other fees will be refunded. Students who withdraw during the ten-day drop/add period are eligible for a full refund less any tuition and fees used for that period. Nonrefundable fees include Registration and Student Activity (not to exceed $100).

Any tuition fees paid by a federal agency will be refunded to that agency first. If tuition fees were paid by more than one agency and if the refund is not sufficient to refund each agency, the refund will be allocated to each agency in the same ratio in which each agency initially funded the fees, except where federal regulations specify otherwise. **Students who are administratively withdrawn are not eligible for a refund.**

When refunds are due, they will be made within 30 days of the last day of attendance if written notification of withdrawal has been submitted to the Student Services Offices by the student or instructor. Refunds made without a student request will be made within 30 days from the date that school terminates the student or determines withdrawal by the student.

A student wishing to withdraw from Haney Technical Center prior to the end of a semester and/or enrollment period must provide notice to the school in writing. Written notice should be submitted to a Haney Technical Center counselor in Student Services. The notice should contain the date the student will cease attendance and the reason for the withdrawal. The official withdrawal date is the date the student has the withdrawal form signed by administration or the last date of attendance. This is an official withdrawal. Students are given a letter grade at the time of withdrawal. Students meeting "Satisfactory Academic Progress" at the time of their withdrawal and return to the same program/major within 180 days are considered to be in the same payment period.

The Financial Aid office will calculate any refunds due to the Title IV (Pell) program and notify the student in writing within ten days. The student will be billed for any refunds due to Haney and the Federal Financial Aid programs.

If the student is in default to a federal Title IV student aid program and has not repaid the funds within 45 days, the repayment due will be posted to the National Student Loan Data Base showing the student is ineligible for further funding. If the student has not repaid the funds within 45 days, the Collection Department of the U.S. Department of Education will be notified.

If an adult education program at Haney Technical Center has a summer break, students enrolled in that program remain enrolled in Haney over the summer break. However, students must complete an Intent to Return form indicating the students' intent to return for the completion of the program when it resumes in the fall. If a student who is receiving Federal Student Aid under Title IV of the Higher Education Act of 1965, as amended, fails to complete an Intent to Return form, Haney Technical Center is required to calculate the amount of Title IV grant or loan assistance that the student earned as of the student's withdrawal date and may result in funds having to be returned to Title IV programs in accordance with 34 C.F.R. § 668.22.

Authority: 1001.41, Fla. Stat.
Law Implemented: §§ 295.01, 295.06, 440.16, 1001.42, 1009.25, 1009.26, 1011.80, Fla. Stat.; 34 CFR 668.22
History: New, June 12, 1989,
Revised: January 14, 1993; July 24, 2002; January 10, 2007; December 9, 2009; December 7, 2010 (Without requirement of meeting); November 22, 2011; January 15, 2015; May 26, 2015; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

PART TWO
GRADING, REPORTING AND ASSESSMENT

GRADING SYSTEM **8.201**

All instructional and administrative personnel shall adhere to the uniform system of determining grades approved by the School Board as defined in the district's Assessment Practices and Principles. Academic achievement/performance criteria on which academic grades are based includes individual achievement of state standards/benchmarks, as well as examinations, observations, district/state assessments, written papers, class participation, and other academic/performance criteria. Teachers' records (grade books or portfolios) shall substantiate grades earned by students.

Assessment in physical education shall be based on the active participation of each student even though different evaluative processes are used. Students shall be assessed on the achievement and maintenance of an appropriate physical fitness level using the following criteria: motor, cognitive, emotional, and social development.

Progress Reports. Progress reports are available 24 hours a day/7 days a week through the district's on line Parent Portal (hard copy progress reports will no longer be provided by the district). Parents without internet access can request a copy of grades from the student's school.

Definition of a grading period:

9 weeks - All elementary schools, middle schools, Breakfast Point Academy (K-8), Bozeman School (K-12), Arnold High School, Bay High School, Mosley High School, Rutherford High School (6-12), Haney Technical Center, New Horizons Learning Center, Palm Bay Preparatory Academy

4½ weeks - Rosenwald High School, and North Bay Haven Career Academy

Report Cards/Report to Parents. An annual written report must be provided to the parents of each student on the student's progress toward achieving proficiency in reading, writing, science, mathematics and other courses taken by the student. The district shall also report to the parent the student's results on each statewide assessment test. Report cards will be in a district approved format and issued on the dates prescribed by the school calendar. Report cards will clearly depict and grade the student's academic achievement/performance in each class or course, the student's conduct/behavior; and the student's attendance, including absences and tardiness and shall clearly indicate promotion or non-promotion. Satisfactory grades in remedial programs must indicate that the student is working satisfactorily in a remedial program (below the range required for the grade assignment). Academic achievement/performance grades will be separated from the student conduct/behavior and attendance grades. Student academic grades shall be a clear and accurate depiction of student achievement of Florida state standards. Students with disabilities will receive a report of progress towards IEP goals in addition to the above requirements.

Review of Grades. Parents/legal guardians or adult students, after consulting with the teacher, may request that the principal review any report card grade earned by a student at the end of a grading period. However, such grade may not be changed or altered by the principal unless there was an apparent error in the grade determination; there was insufficient evidence to support the grade; or the determination of the grade was not consistent with requirements or procedures set forth in the district's Assessment Practices and Principles. Following a requested review, the principal shall either affirm the grade or make an appropriate modification and shall notify both the parent or legal guardian and the

teacher in writing. The principal shall ensure that documentation of any grade change is included in the student's permanent cumulative record.

In cases where Incomplete ("I") grades are given on report cards, teachers shall use the district's Assessment Practices and Principles to provide students with opportunities to complete required work. An Incomplete ("I") grade may also be given when an End of Course (EOC) makes up a percentage of the course grade and the EOC score has not yet been uploaded. Students will be allowed a minimum of two weeks following the date the report card is issued to complete required assignments. Hospital/homebound students shall make up an Incomplete in accordance with their IEP.

District grading scales shall be as follows:

Grade K. The grading scale for nonacademic matters, including but not limited to, health, art, music and physical education shall be as follows:

S Satisfactory – student performance is acceptable
N Needs Improvement – student performance needs to improve
U Unsatisfactory student performance is well below grade level expectations
I Incomplete - insufficient information available at this time
NG No grade

Student academic achievement is reported as follows:

S Satisfactory - achievement is at grade level expectation (S=70-100)
N Needs Improvement - achievement is approaching the grade level expectation (N=60-69)
U Unsatisfactory - achievement is well below the grade level expectation (U=59 and below)
I Incomplete - insufficient evidence available at this time
NG No grade

Grades 1-5. The grading scale for nonacademic matters, including but not limited to, health, art, music and physical education shall be as follows:

S Satisfactory - student performance is acceptable
N Needs Improvement– student performance needs to improve
U Unsatisfactory - student performance is well below grade level expectations
I Incomplete - insufficient evidence available at this time
NG No grade

The grading scale for all academic core curriculum subjects (language arts, math, science, and social studies) shall be as follows:

A 90-100 Outstanding Progress
B 80-89 Above Average Progress
C 70-79 Average Progress
D 60-69 Lowest Acceptable Progress
F 59-0 Failure
I Incomplete – insufficient evidence available at this time
NG No grade

Grades 6-12. The grading scale for nonacademic matters, including but not limited to, attendance and conduct/behavior shall be as follows:

E	Exceeds
S	Satisfactory
N	Needs Improvement
U	Unsatisfactory
I	Incomplete - insufficient evidence available at this time or for EOC courses
NG	No grade

The grading scale for all subjects shall be as follows:

A	90-100	Outstanding Progress
B	80-89	Above Average Progress
C	70-79	Average Progress
D	60-69	Lowest Acceptable Progress
F	59-0	Failure
I	Incomplete - insufficient evidence available at this time or for EOC courses	
NG	No grade	

End-of-Year Final Grades K-8: Final grades for students in grades K-8 will be determined by considering the evidence of student achievement over the course of the school year. Where appropriate, emphasis must be given to the more recent evidence. Teachers should use processes that produce final grades that are accurate depictions of student achievement of the state standards at the end of the school year. The final report card for a school year shall contain a statement indicating end-of-year status or performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or non-promotion. Promotion, retention or accelerated grade placement will be recorded in permanent cumulative records and on the report card/report to parents or legal guardians of students in grades K-8. Letter and/or numerical grades will be recorded in permanent cumulative records and on report cards of all students.

Reassessment. Procedures for retesting or reassessment opportunities (grades K-12) shall be followed using the district's Assessment Practices and Principles.

Reassessing any retained 3rd grade student may include subsequent assessments, alternative assessments, and portfolio reviews in accordance with rules of the State Board of Education and district guidelines. Retained 3rd grade students promoted during the school year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FL state assessment as determined by the State Board.

Grade Books. Each teacher (grades K-12) shall use the district's online electronic grade book that is current and accurate. Teachers in grades K-2 who are keeping comprehensive student records in the form of student portfolios may continue to use the portfolio documentation; however, this does not exempt the teacher from maintaining current and accurate records in the district's electronic gradebook. Portfolios shall be turned in to the principal's office or stored in a designated place at the end of the school term and can be actively used each year throughout the student's elementary career.

State Mandated Reporting. The district shall annually publish the following in the local newspaper by September 1 of each school year: district policies and procedures on student retention and promotion; the number and percentage of all students by grade level (grades 3-10) performing at levels 1 and 2 on the FL state assessment reading; the number and percentage by grade level (grades 3-10) of all students retained; the total number of students promoted for good cause by each category; and any revisions from the prior year to the School Board's policy on retention and promotion.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1008.25, § 1003.437, § 1003.33, Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997; August 12, 1998; August 17, 1999; August 9, 2000; November 8, 2000; July 11, 2001; April 9, 2002; July 24, 2002; September 10, 2003; July 28, 2004; November 16, 2004; January 10, 2007; October 22, 2008; December 9, 2009; December 7, 2010; November 22, 2011; September 25, 2012; January 8, 2013; November 12, 2013; January 15, 2015; September 13, 2016; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

GRADE POINT AVERAGE GRADES 9-12 8.202

Required for Graduation. Every student must earn an overall cumulative grade point average of 2.0 or above.

Parent Notification. Parents of students who have a cumulative GPA of less than .5 above the cumulative GPA required for graduation at the end of each semester in grades 9, 10, 11, and 12 shall be notified that the student is at risk of not meeting the graduation requirements. The notice shall contain an explanation of the programs the district has in place to assist the student in meeting GPA requirements.

Computation. The grade point average for a semester/term is obtained by taking all the letter grades assigned quality points of A=4, B=3, C=2, D=1, and F=0 then dividing the total of these grades by the number of courses taken. Numerical grades from the semester/grading periods will not be used. The cumulative grade point average is obtained by taking all the letter grades for all high school level courses taken to date and dividing by the total number of courses taken. Grades from home education programs or private tutoring will not be used in the computation of grade point average.

All unduplicated courses shall be used to compute the grade point average. However, if a student's grade point average is less than 2.0, then the student may drop elective courses above the State required credits with the lowest grade until such time the GPA meets the required 2.0.

All pre-International Baccalaureate, pre-AICE, honors, advanced Level III Math and Science and Level III, IV, and V Foreign Languages will carry an extra .5 quality point. All AICE, International Baccalaureate, dual enrollment, and Advanced Placement courses will carry an extra 1.0 quality point. Honors weighting will be applied only to courses that are offered at the honors level in Bay District Schools.

Forgiveness. A student must obtain written permission from the principal before the student takes a course for forgiveness. Any course in which a student makes a D or F may be taken over during the school year to improve his/her grade point average. A grade of D may not be taken over to improve a student's grade point average during summer school, if offered, unless it is needed to meet graduation/grade point average requirements or fulfill the requirements of an academic performance contract. In a required course, a grade of C or better in the same or comparable subsequent course will be used in lieu of the original grade to compute the grade point average. In an elective course, a grade of C or better in any other subsequent course will be used in lieu of the original grade to compute the grade point average. The original grade must remain on the record. Sources for forgiveness credit are:

1. Haney Technical Center for 16 years old or older and meets the requirements of Fla. Admin. Code R. 6A-6.020.
2. Correspondence schools accredited by a regional accreditation agency.
3. Extended school day programs approved by the Superintendent.
4. Florida Virtual School and Bay Virtual School.
5. Credit recovery courses and intensive reading and mathematics intervention courses based on student performance on the FL state assessment. These courses should be competency based and offered through innovative delivery systems, including computer-assisted instruction.

Note: The only exception to the above forgiveness policy shall be made for a student in the middle grades who takes any high school course for high school credit and earns a grade of "C", "D", or "F" or equivalent. In such cases, a grade of "C" or higher or equivalent earned in the same or comparable course may replace the previous grade.

Semester/Term Final Exams/Assessments. All students enrolled in courses for high school credit must take a semester/term final exam or any state-mandated end of course exams, when applicable. For courses without state-mandated end of course assessments, the final exam grade shall count as 1/7 of the final grade and will be combined with other appropriate grades to determine the semester/term final grade. In all dual enrollment classes and advanced academic programs, the college's program criteria shall determine the weight given to semester/term final exams. Final exams/assessments do not necessarily have to be pencil and paper tests, but may include alternative assessments such as portfolios, projects, performances, presentations, etc. Teachers shall have the option of assessing students prior to the final exam day, however, instruction and assessment shall continue until the end of the scheduled term.

A student enrolled in a valid cooperative education program is exempt from a semester/term exam for the on-the-job training portion of the program provided he/she has received satisfactory grades from the on-the-job training supervisor for that portion of the program.

Authority: § 1001.42, Fla. Stat.
Law Implemented: § 1006.07, § 1003.48, Fla. Stat.; Fla. Admin. Code R. 6A-1.09401
History: New, June 12, 1989
Revised: July 24, 1997; August 12, 1998; April 14, 1999; August 17, 1999; June 14, 2000; August 9, 2000; July 11, 2001; December 12, 2001; August 14, 2002; January 10, 2007; January 23, 2008; December 9, 2009; December 7, 2010; November 22, 2011; September 25, 2012; January 8, 2013; November 12, 2013; January 15, 2015; June 23, 2015; July 14, 2015; May 24, 2016; June 12, 2018; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

STATEWIDE ASSESSMENT PROGRAM 8.203

Every student enrolled in a district school shall participate in the statewide assessment tests, unless exempted by state or federal law. Each student who does not meet specific levels of performance in English Language Arts (ELA), science, and mathematics, as determined by the Florida Commissioner on Education, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and academic needs. The district uses assessment data (universal screening and ongoing progress monitoring) to evaluate the effectiveness of instruction, identify student level of performance and rate of progress, and monitor response to implemented instruction/interventions.

Under NO circumstances may school personnel suspend regular curriculum for the purpose of administering practice tests or test preparation activities other than those allowed in statute.

Elementary school personnel within the district are required to administer the school readiness screener, selected by the Department of Education, to first time kindergarten students.

Pursuant to 20 U.S.C. § 6311(b)(2)(G)(i), states are required to administer an annual assessment that measures the English language proficiency of English language learners (ELLs) in grades K-12. The ACCESS 2.0 for ELLs will be administered to all ELLs in the state to meet this requirement and to assist districts and schools in determining English proficiency attainment in listening, speaking, reading, and writing.

Authority: § 1001.42, Fla. Stat.
Law Implemented: §1002.69, §1008.22 (4), § 1008.25(4)(a), Fla. Stat., 20 U.S.C. § 6311.
History: New, August 11, 2004
Revised: January 10, 2007; October 22, 2008; December 9, 2009; December 7, 2010; January 15, 2015; April 12, 2016; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

ADMINISTRATION OF GENERAL EDUCATION DEVELOPMENT (GED) TEST 8.204

A. Administration of the General Education Development Test shall be in compliance with § 1003.435, Fla. Stat., Fla. Admin. Code R. 6A-6.0201, and conditions outlined in the contract with the Florida Department of Education. To take the GED exam, a candidate must be at least 18 years of age at the time of examination. Candidates between the ages of 16 and 18 may be eligible to take the GED examination if they meet the special requirements listed below or are enrolled in the GED Exit Option Program.

B. Special Requirements for Students Between the Ages of 16 and 18. Students between the ages of 16 and 18 must: meet the requirements of extraordinary circumstances, meet enrollment requirements, and be granted an age waiver by the Superintendent or his or her designee before the student will be permitted to take the GED examination. Such requirements for students between the ages of 16 and 18 are detailed as follows:

1. Definition of Extraordinary Circumstances. A student between the ages of 16 and 18 shall qualify for extraordinary circumstances only if the student is:
   - incarcerated, adjudicated or emancipated youth;
   - pregnant;
   - suffering a financial hardship due to the student's financial responsibility to provide for his/her family;
   - assigned custody of dependent children;
   - a teenage parent with no access to child care;
   - attending an alternative school or have attended an alternative school;
   - court ordered to take the GED;
   - a fifth-year senior;
   - suffering from a medical, mental or physical condition which interferes with regular school attendance;
   - under a current expulsion order; or
   - approved at the discretion of the Superintendent or his or her designee.

2. Enrollment Requirements. Candidates, whether district students or home education students, who score less than 155 on the GED preparation ("GED Ready") test, must be enrolled in a GED Preparation Program at Haney Technical Center, in a program under a contract with an outside agency to provide educational services for the School Board ("Contract Programs"), or in a Juvenile Justice Program ("DJJ"). Once a candidate has withdrawn from a district high school to enter the GED Preparation Program, he/she may not re-enter a district high school.

3. Age Waiver Requirements. Candidates shall be granted a waiver by the Superintendent or his or her designee if the following conditions have been met:
   - Candidates must have provided the Director of Haney with: 1) a written letter of hardship from their parent/guardian, 2) a score of 155 or above on the GED Ready test, or 3) a copy of the Age Waiver Form that is required when registering for the GED Ready test. The Director of Haney will accept GED request packages with information from New Horizons, Contract Programs or home education students. DJJ students shall have scored a 155 or above on the GED Ready test

- The Director of Haney or the district liaison for DJJ shall present to the Superintendent or his/her designee a written recommendation for the candidate to take the GED examination at Haney.
- Waivers granted by the Superintendent or his or her designee are ONLY for students enrolled in and taking the examination in a Bay District School.

C. Performance-based Exit Option Program. The Performance-based Exit Option Program (formerly known as the GED Exit Option) is not an early exit option. The Performance-based Exit Option Program is for students enrolled at Rosenwald High School and New Horizons Learning Center who are at risk of not completing high school with those students whose class or peer group with which they entered kindergarten is graduating or has graduated.

1. Age Waiver. Students who are at least 16 years of age are exempt from the age waiver requirements and will be classified as 11th graders. However, such a student must:
   - be enrolled in courses that meet high school graduation requirements;
   - be over age for grade, behind in credits, with a low GPA;
   - score a 155 or better on the GED Ready test;
   - have a minimum reading level at 9th grade as documented by the TABE reading component and
   - successfully participate in the Performance-based Exit Option Program for at least one full semester.

2. Program Completion Requirements. For students to successfully complete the Performance-Based Exit Option Program, the student must:

   - Continue enrollment and attendance in high school courses that meet high school graduation requirements as specified in Section 1003.4282, Fla. Stat., whichever is applicable;
   - Pass the required sections of the FL state assessment, or receive a concordant score in accordance with Section 1008.22, Fla. Stat.;
   - Pass all of the required subtests for the State of Florida High School Diploma as specified in Rule 6A-6.0201, F.A.C.; and
   - Complete any additional requirements established by the school district.

3. Official Recognition.
   (1) Performance-Based Exit Option Program students must receive official recognition. Students enrolled in the Performance-Based Exit Option Program are eligible to participate in all standard high school activities, including extracurricular activities, as well as graduation and other recognition ceremonies.
   (2) A student completing the Performance-Based Exit Option Program who passes all of the required tests for the State of Florida High School Diploma as specified in Rule 6A-6.0201, F.A.C. and the required sections of the FL state assessment, or receives a concordant score in accordance with Section 1008.22, Fla. Stat., must be awarded a State of Florida High School Performance-Based Diploma.
   (3) A student completing the Performance-Based Exit Option Program who does not meet the graduation requirements established in Section 1003.4282, Fla. Stat., as applicable, does not qualify to receive a standard high school diploma.
   (4) If a student passes all of the required tests for the State of Florida High School Diploma as specified in Rule 6A-6.0201, F.A.C. but does not pass the FL state

assessment, the student must only be awarded the State of Florida High School Performance-Based Diploma (GED).

(5) Rule 6A-1.0995, F.A.C., provides the allowable format for State of Florida High School Performance-Based Diploma

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1003.4282, 1003.435, 1008.22, Fla. Stat.; Fla. Admin. Code R. 6A-6.0201, 6A-6.0212
History: New, June 12, 1989
Revised: May 9, 1991; February 9, 1995; August 28, 1996, January 15, 2003; January 25, 2006; January 10, 2007; August 22, 2007; November 14, 2007; December 9, 2009; December 7, 2010; November 12, 2013; January 15, 2015; June 14, 2016; January 14, 2020

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PART THREE
REMEDIATION

REMEDIATION **8.301**

The areas of academic need and multisensory intensive systematic reading interventions are identified through a problem-solving/ response to instruction/intervention process. Multiple tiers of increasingly intense instruction/intervention services are implemented to support student academic proficiency. Students needing remediation or intensive instructional support will be matched to strategic and intensive instruction/interventions based on screening, progress monitoring, and diagnostic assessments.

Student progress from grade to grade will be based on achievement/credits. Each school in the district shall provide remedial programs for those students who fail to master the district-identified curriculum. Students with disabilities must meet district proficiency levels unless the student's IEP has identified their need for an alternate curriculum (special diploma).

Each school shall be responsible for maintaining adequate documentation to verify that students who have not mastered the district-identified curriculum have been given appropriate remediation and reevaluation in accordance with § 1008.25, Fla. Stat. Parents of such students shall be notified in writing of the student's difficulty in learning and lack of achievement in reading. The school in which the student is enrolled will develop, in consultation with the student's parent/guardian, and implement a progress monitoring intervention plan designed to assist the student in meeting state and district expectations for proficiency. Parents/guardians shall be informed of strategies that will assist their child in succeeding in each identified area.

Remedial and supplemental instruction resources must be allocated as follows: first to students who are deficient in reading by the end of Grade 3, and second to students who fail to meet performance levels required for promotion/graduation. The district shall assist schools and teachers in the implementation of research-based reading activities that have shown to be successful in teaching reading to low-performing students. Schools shall also provide for the frequent monitoring of the student's progress.

If a student's documented deficiency has not been remediated, the student may be retained. If the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, science, and mathematics are not met, remedial or supplemental instruction must be provided until expectations are met, the student graduates from high school, or the student is not subject to compulsory school attendance.

Any student in grades K-12 who is identified as not meeting specific levels of performance as determined by the School Board, or who scores below Level 3 in reading or math will receive further diagnostic assessments to determine the nature of the student's difficulty and areas of academic need leading to remediation using one or more of the intervention strategies addressed in the progress monitoring intervention plan. The progress monitoring intervention plan is intended to provide additional instruction to assist in meeting the academic needs of the student. Along with sound professional judgment, school personnel will use performance indicators to measure proficiency in reading, writing, science, and mathematics.

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Based on universal screening and ongoing process monitoring, a student may not be proficient if:

Grade K:

- a significant number of skills are marked Unsatisfactory (U) on the primary report card, or
- there is a significant lack of phonemic awareness, or
- the student is working one year or more below grade level, or
- other indicators in the body of evidence reflect a lack of proficiency.

Grade 1:

- The reading, mathematics, science, or social studies oriented grade are D or F, or
- the teacher's assessment of running records indicates deficiencies, or
- the student is working one year or more below grade level, or
- the student is not demonstrating progress with grade level writing standards and/or school based writing assessment, or
- other indicators in the body of evidence reflect the lack of proficiency, or
- the student has not made adequate progress toward achievement of IEP goals and objectives/benchmarks.

Grade 2:

- The reading, mathematics, science, or social studies oriented grade are D or F, or
- the teacher's assessment of running records indicates deficiencies, or
- the student is working one year or more below grade level, or
- the student is not demonstrating progress with grade level writing standards and/or school based writing assessment, or
- other indicators in the body of evidence reflect the lack of proficiency, or
- the student has not made adequate progress toward achievement of IEP goals and objectives/benchmarks.

Grade 3:

- The reading, mathematics, science, or social studies oriented grade are D or F, or
- the teacher's assessment of running records indicates deficiencies, or
- the student is working one year or more below grade level, or
- the student is not demonstrating progress with grade level writing standards and/or school based writing assessment, or
- the student scores a Level 1 on the FL state assessment or below the 45th percentile on an approved alternative assessment, or
- other indicators in the body of evidence reflect the lack of proficiency, or
- the student has not made adequate progress toward achievement of IEP goals and objectives/benchmarks.

Grade 4:

- The reading, mathematics, science, or social studies oriented grade are D or F, or
- the teacher's assessment of running records indicates deficiencies, or
- the student is working one year or more below grade level, or
- the student is not demonstrating progress with state grade level writing standards and/or school based writing assessment, or
- the student scores a Level 1 on the FL state assessment or,
- other indicators in the body of evidence reflect the lack of proficiency, or
- the student has not made adequate progress toward achievement of IEP goals and objectives/benchmarks.

Grade 5:

- The reading, mathematics, science, or social studies oriented grade are D or F, or
- the teacher's assessment of running records indicates deficiencies, or
- the student is working one year or more below grade level, or
- the student is not demonstrating progress with grade level writing standards and/or school based writing assessment, or
- the student scores a Level 1 on the FCAT or,
- other indicators in the body of evidence reflect the lack of proficiency, or
- the student has not made adequate progress toward achievement of IEP goals and objectives/benchmarks.

Grade 6:

- The language arts, reading, mathematics, science, or social studies oriented grade are D or F, or
- the student is working one year or more below grade level, or
- the student is not demonstrating progress with grade level writing standards and/or school based writing assessment, or
- the student scores a Level 1 on the FL state assessment or,
- other indicators in the body of evidence reflect the lack of proficiency, or
- the student has not made adequate progress toward achievement of IEP goals and objectives/benchmarks.

Grade 7:

- The language arts, reading, mathematics, science, or social studies oriented grade are D or F, or
- the student is working one year or more below grade level, or
- the student is not demonstrating progress with grade level writing standards and/or school based writing assessment, or
- the student scores a Level 1 on the FL state assessment
    - or,
- the student has not received a proficient score on the Civics EOC, or
- other indicators in the body of evidence reflect the lack of proficiency, or
- the student has not made adequate progress toward achievement of IEP goals and objectives/benchmarks.

Grade 8:

- The language arts, reading, mathematics, science, or social studies oriented grade are D or F, or
- the student is working one year or more below grade level, or
- the student is not demonstrating progress with state grade level writing standards and/or school based writing assessment, or
- the student scores a Level 1 on the FL state assessment or,
- other indicators in the body of evidence reflect the lack of proficiency, or
- the student has not made adequate progress toward achievement of IEP goals and objectives/benchmarks.

Grade 9:

- The language arts, reading, mathematics, science, or social studies oriented grade are D or F, or
- the student is not demonstrating progress with grade level writing standards and/or school based writing assessment, or
- the student scores a Level 1 on the FL state assessment, or
- the student is enrolled in a Level 1 math course, or
- the student has not completed Algebra I or its equivalent, or
- the student has not received a proficient score on the Algebra I EOC, or
- other indicators in the body of evidence reflect the lack of proficiency, or
- the student has not made adequate progress toward achievement of IEP goals and objectives/benchmarks.

Grade 10:

- The language arts, reading, mathematics, science, or social studies oriented grade are D or F, or
- the student is not demonstrating progress with state grade level writing standards and/or school based writing assessment, or
- the student scores a Level 1 on the FL state assessment, or
- the student has not received a proficient score on the Geometry and Biology EOCs, or
- other indicators in the body of evidence reflect the lack of proficiency, or
- the student has not made adequate progress toward achievement of IEP goals and objectives/benchmarks.

Grade 11:

- The proficiency levels for grade 10 have not been met, or
- the student does not pass the reading and/or math sections on the FL state assessment, or
- the student has not made adequate progress toward achievement of IEP goals and objectives/benchmarks.

Educational strategies for remediation may include, but are not limited to:

- Change in teacher or student assignment;
- Scheduling adjustments;
- Counseling;
- Parent conferences;
- Evaluation/reevaluation in reading, writing and/or math;
- Special tutoring;
- Consultation services;
- Summer school course work;
- Extended day services;
- Parental academic assistance programs;
- Contracted academic services;
- Exceptional education services;
- Suspension of curriculum other than reading, writing and mathematics;
- Specialized programs;
- Dropout Prevention and Academic Intervention Programs;
- Transitional class for retained 3rd grade students; or
- Online instruction.

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Students not meeting grade level proficiency requirements receive increasingly intense instruction/intervention services to support student academic proficiency. Multiple tiers of increasingly intense instruction/intervention services are implemented to support student academic proficiency. Students not responding positively to core instruction, which includes differentiated instruction based on student assessment data will receive an individual response to intervention plan that identifies instruction/intervention support through a problem-solving/response to instruction/intervention process.

Reading Proficiency. For a student with a deficiency in reading, a school-wide system of progress monitoring can be used as the progress monitoring intervention plan. The plan must include instructional and support services to be provided in assisting the student to meet the desired levels of performance. Schools shall also provide for the frequent monitoring of the student's progress. Parents of any student who exhibits a substantial deficiency in reading must be notified in writing of the deficiency and lack of achievement in reading; a description of current services and supports provided to the student; a description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified area of reading deficiency; that the student will be retained unless he/she meets one of the good cause exemptions and other provisions of School Board Policy 8.402; and the strategies a parent may use in helping their student succeed in reading proficiency.

Grades K-3. The reading ability of K-3 students shall be regularly assessed following the requirements of the Comprehensive Reading Plan. K-3 students who exhibit substantial deficiency in reading skills must be given intensive reading instruction immediately. The student's reading proficiency must be reassessed at the beginning of the next year, and such instruction will continue until the deficiency is remedied. Parents of such students shall be notified in writing of the student's difficulty in learning and lack of achievement in reading. The school in which the student is enrolled will develop and implement a progress monitoring intervention plan (Rtl/MTSS) designed to assist the student in meeting state and district expectations for proficiency. Parents will be included in the development of this plan and shall be informed of strategies that will assist their child in succeeding in each identified area. If the student's reading deficiency is not remedied by the end of Grade 3, as demonstrated by scoring at least a Level 2 or higher on the FL state assessment in reading, the student must be retained, unless the student is exempt from mandatory retention for good cause, as determined by School Board Policy 8.402.

Retained third grade students must be provided with intensive instructional services and supports to remediate the identified area of reading deficiency as identified by a valid and reliable diagnostic assessment including a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies, which may include, but are not limited to: small group instruction; reduced teacher-student ratios; more frequent progress monitoring; tutoring or mentoring; transition classes containing 3rd and 4th grade students; extended school day, week, or year; effective instructional practices; appropriate teaching methodologies; and/or summer reading camps. A student portfolio shall be required for each retained 3rd grade student.

Grades 4-8. The reading ability of students in grades 4-8 will be regularly assessed following the requirements of the Comprehensive Reading Plan.
Level 1 readers in middle school must be enrolled in an intensive reading course.

Level 2 readers must be placed in either an intensive reading course or content course in which reading strategies are delivered.

Students may receive additional academic intervention through the ASPIRE program if they meet that program's eligibility requirements.

Grades 9-12. The reading ability of students in grades 9-12 will be regularly assessed following the requirements of the Comprehensive Reading Plan. High School students who fail to master standards which are tested by the FL state assessment will be remediated and given additional opportunities to show mastery of these standards.

Level 1 readers in high school must be enrolled in an intensive reading course.

Level 2 readers must be placed in either an intensive reading course or content course in which reading strategies are delivered.

Seniors are required to show mastery of the Reading FL state assessment before they receive a standard diploma.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1008.25, 1003.4282, Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997; August 12, 1998; August 17, 1999; August 9, 2000; July 11, 2001; September 12, 2001; December 12, 2001; July 24, 2002; September 10, 2003; July 28, 2004; November 16, 2004; June 14, 2006; January 10, 2007; January 23, 2008; May 13, 2009; December 9, 2009; December 7, 2010; November 22, 2011; September 25, 2012; November 12, 2013; January 15, 2015; January 14, 2020

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SUMMER SCHOOL/ SCHOOL TUTORIAL PROGRAM 8.302

Regular attendance in summer school or tutorial programs does not guarantee credit or promotion to the next grade.

Grades 1-5. Students in grades 1-5 who were retained, or students who are at risk of possible retention are eligible to attend a summer school or tutorial program, if offered. Students in grade 3 whose reading skills fall under the state's and district's retention guidelines shall be offered the opportunity to attend a summer reading camp. At the end of the summer school or tutorial program, the principal of the school the student attended during the regular school term shall review the student's evidence of achievement and determine the student's academic placement for the coming year. That principal's decision shall be final.

Grades 6-8. Students in grades 6-8 will be permitted to make up one (1) course during a summer school/tutorial program, if offered. This course may be used to satisfy deficiencies in a required subject or to provide additional instruction for the student. At the end of summer school or tutorial program, the principal of the school the student attended during the regular school term shall review the student's evidence of achievement and determine academic placement for the coming year. That principal's decision shall be final.

Grades 9-12. Summer school, if offered, is provided for students to make up required credits that they have failed during the regular school year ("forgiveness") or for students to fulfill their academic performance contract necessary for their participation in interscholastic extracurricular activities. High school students shall be required to attend summer school for the entire length of instruction and meet academic standards in order to receive credit.

Students with Disabilities. Students who are eligible for programs for students with disabilities are eligible for extended school year as recommended through their Individual Education Plan (IEP).

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1003.43, Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997; August 12, 1998; March 10, 1999; August 17, 1999; August 9, 2000; July 11, 2001; September 12, 2001; July 24, 2002; July 28, 2004; December 7, 2010; April 12, 2016

CHAPTER EIGHT
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PART FOUR
PROMOTION AND RETENTION

PROMOTION OF STUDENTS **8.401**

A. General Considerations. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion. District-wide criteria for promotion shall include achievement of state standards and overall achievement/performance in all academic areas. The primary authority and responsibility for assessment and reporting of student achievement of standards is the classroom teacher. The teacher shall report all assessments of student achievement of standards in a timely manner at the direction of the principal or Superintendent. Work habits, attitudes and attendance will be reported separately. Conduct/behavior shall not be a determining factor in determining promotion of students.

B. Academically Challenging Curriculum to Enhance Learning (ACCEL)

All schools must offer options to eligible students that provide an academically challenging curriculum or accelerated instruction. At a minimum, these options must provide for:

1. Whole-grade or mid-year promotions to students meeting district eligibility guidelines
2. Subject matter acceleration
3. Virtual instruction in higher grade level subjects
4. A Credit Acceleration Program (CAP) open to all students
   *** Promotion decisions are final.**

Additionally, schools are encouraged to offer, but not limit themselves to, the following ACCEL options:

1. Enriched STEM course work
2. General curriculum enrichment programs
3. Flexible (multi-grade level) student grouping
4. Advanced academic courses
5. Combined classes (e.g. math/science joint credit for a single course)
6. Self-paced instruction
7. Curriculum compacting (e.g. alternate or enrichment activities)
8. Advanced content instruction
9. Telescoping curriculum (e.g. combining Spanish 3 and 4 into a single course)

Decisions on student eligibility for each of the above ACCEL options will be made according to district-wide guidelines that apply to both school-level options and options that would enable a student to move between two schools. Eligibility decisions must, at a minimum, be based upon:

- Student performance on a locally determined assessment, a statewide assessment or a statewide standardized assessment
- The student's grade point average
- The student's attendance record
- The student's conduct record
- Recommendations from one or more core-curricula teachers
- A recommendation from a guidance counselor

*** The principal has the final authority for determining eligibility for the ACCEL program.**

The ACCEL options must, at a minimum, include the following implementation components:

- Principals must inform parents and students of the ACCEL options available and of the requirements for eligibility
- Parents must be allowed to request student participation in the various ACCEL options
- If a parent requests student participation in an ACCEL option and the student meets the eligibility requirements, the student must be provided the opportunity to participate
- If a student participates in an ACCEL option subsequent to a parent request, a performance contract must be executed. This contract must be signed by the student, the parent and the principal and must include, but not be limited to, minimum attendance requirements, minimum student conduct requirements and minimum participation in program components (field trips, competitions, extracurricular activities, etc.)

C. Mid-year Promotion.

1. Elementary students, in grades other than third grade, may be promoted mid-year provided that the student has met district proficiency levels based on accumulated documentation and has the approval of the classroom teacher and principal.

The principal, subject to the retention policy, has the final authority for mid-year promotion of elementary students.

Third grade students previously retained may be promoted mid-year prior to November 1 if the student can demonstrate that he or she is a successful and independent reader. To be eligible for mid-year promotion after November 1, a student must demonstrate mastery of reading skills consistent with the month of promotion to fourth grade as presented in the scope and sequence of the school district's core reading program. Evidence of demonstrated mastery is as follows:

- successful completion of portfolio elements that meet state criteria or
- satisfactory performance on a locally-selected standardized assessment.

To promote a student mid-year using a student portfolio, there must be evidence of the student's mastery of third grade state standard benchmarks for Language Arts, and beginning mastery of the benchmarks for fourth grade. The student portfolio must meet the following requirements:

- selection by the student's teacher
- accurately depict the student's ability and include only student work that has been independently produced in the classroom
- include evidence of mastery of the benchmarks assessed by the grade 3 Reading FL state assessment
- include evidence of beginning mastery of fourth grade benchmarks that are assessed by the grade 4 Reading FL state assessment. For each benchmark, there must be two examples of mastery as demonstrated by a grade of "C" or better; and
- approved and signed by the teacher and the principal as an accurate assessment of the required reading skills.

To promote a student mid-year using a locally-selected standardized assessment, there must be evidence that the student scored at or above grade level, in reading comprehension, as

demonstrated by standard scores or percentiles, consistent with the month of promotion to fourth grade.

2. Middle school students may be promoted mid-year provided that the student has met district proficiency levels based on accumulated documentation, has met or will meet middle school promotion requirements, and has the approval of the classroom teacher and principal. The principal, subject to the retention policy and middle school promotion requirements, has the final authority for promotion of middle school students.

3. High school students' potential for mid-year promotion is subject to the credit requirements. In the freshman year, students begin earning credits toward graduation. Credits awarded in middle school according to district and state guidelines will be applied towards graduation as stated in 8.404.

   Unless otherwise specified herein, the following credits (as defined in 8.404) will be required for promotion and graduation from district schools under Option 1 (24-credit option as outlined in 8.403):

   For the 2015-16 school year and thereafter, the following credits will be required for promotion and graduation from **Arnold, Bay, Bozeman, Mosley, Rutherford, Rosenwald, New Horizons, Bay Virtual School, and Palm Bay Preparatory Academy**:

   5 credits to become a sophomore
   11 credits to become a junior
   17 credits to become a senior
   24 credits*, meet the graduation requirements outlined in School Board Policy 8.403

   *Extenuating circumstances for transfer students new to the district can be approved on an individual basis by the Superintendent.

   The following progression will be in effect for **Arnold, Bay, Bozeman, Mosley and Rutherford** as new credit requirements are implemented:

   Students entering the 12th grade in 12-13 needed 27 credits to graduate.
   Students entering the 11th grade in 12-13 will need 26 credits to graduate.
   Students entering the 10th grade in 12-13 will need 25 credits to graduate.
   Students entering the 9th grade in 12-13 and thereafter will need 24 credits to graduate.

   The following credits will be required for promotion and graduation from **North Bay Haven Charter Career Academy**:

   6 credits to become a sophomore
   12 credits to become a junior
   20 credits to become a senior
   28 credits, meet the graduation requirements outlined in School Board Policy 8.403

Unless otherwise specified herein, the following credits will be required for promotion and graduation from district schools under **Option 4** (18-credit option as outlined in 8.403). Credit is defined in School Board Policy 8.404:

4.5	credits to become a sophomore
9	credits to become a junior
13.5	credits to become a senior
18	credits, meet the graduation requirements outlined in School Board Policy 8.403Specific courses may be required by individual schools with the approval of the School Board.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1002.3105, 1008.25, Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997, January 14, 1998; August 12, 1998; August 17, 1999; August 9, 2000; July 11, 2001; July 24, 2002; September 10, 2003; July 28, 2004; January 25, 2006; January 10, 2007; January 23, 2008; May 28, 2008; December 9, 2009; December 7, 2010; November 22, 2011; September 25, 2012; January 8, 2013; November 12, 2013; January 15, 2015; May 24, 2016; April 11, 2017; January 14, 2020

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RETENTION OF STUDENTS K-8 8.402

A. Student progression from grade to grade will be based on achievement/credits/units. A student may not be promoted based on age or other factors that constitute social promotion. When a student is retained, he/she must receive an intensive program that is different from the previous year's program and that takes into account the student's learning style. Students in grades K-8 who have not mastered the district identified curriculum for the grade level shall be retained. Students recommended for retention are subject to the provisions of §1008.25, Fla. Stat.

B. If at the end of the first semester a student is in danger of retention, a warning message will be printed on the student's second quarter report card. Parents or legal guardians must be notified by mail no later than 30 school days prior to the last day of school if the student appears to be in danger of retention. After this date, each student must continue to complete satisfactorily all assignments to assure promotion. Parents of students in grades 3, 5, and 8 will be notified of mandatory retention upon the district's receipt of all FL state assessment scores and the reasons the student is not eligible for good cause exemption. Grade three notification must also include a description of proposed interventions and supports that will be provided to the student.

C. Retention. The principal has the final responsibility to ensure that all district and state policies regarding the retention and promotion of students are followed in accordance with § 1008.25, Fla. Stat. At a minimum, the following factors must be considered when determining whether to retain a student:

1. Failure to achieve state standards;
2. Overall achievement/performance in all academic areas;
3. Failure to achieve district level proficiencies per School Board Policy 8.301; and
4. Attendance in accordance with School Board Policy 7.104.

Students who are retained, and students needing remediation or intensive instructional support, will be matched to strategic and intensive instruction/interventions based on screening, progress monitoring, and diagnostic assessments.

D. 3rd Grade – Mandatory Retention. Students with a reading deficiency, as identified by §1008.25(5)(a), not remedied by the end of Grade 3, as demonstrated by scoring a Level 1 on the statewide assessment test in reading for Grade 3, shall be subject to mandatory retention. Such students shall:

- be provided intensive reading interventions as specified in School Board Policy 8.301 to ameliorate the specific reading deficiency, as identified by a valid and reliable diagnostic assessment;
- have the opportunity to complete a student portfolio or other alternative assessment;
- be provided with intensive instructional services as identified by law;
- be provided with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals.

Requests for Good Cause Exemption from Mandatory Third Grade Retention. After receipt of FL state assessment scores, the student's teacher shall submit a recommendation for good cause exemption with the student's existing progress monitoring intervention plan, IEP (if applicable), report card, alternative standardized reading assessment scores or student portfolio to the principal, who shall review and discuss the recommendation with the teacherThe principal shall make the determination as to whether the student should be promoted or retained. Recommendations for promotion should be made in writing to the Superintendent, who shall accept or reject the principal's recommendation in writing.

The Superintendent may only exempt 3rd grade students from mandatory retention for good cause under the following conditions:

1. Limited English proficient students who have had less than 2 years of instruction in an ESOL program.
2. Students with disabilities whose IEP indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board rules and § 1008.212, Fla. Stat.
3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education.
4. Students who demonstrate, through a student portfolio in compliance with Fla. Admin. Code R. 6A-1.094221, that the student is reading on a grade level as evidenced by demonstration of mastery of the state standards in reading equal to at least a Level 2 performance on the FL state assessment.
5. Students with disabilities who participate in the FL state assessment and who have an IEP or 504 plan that reflects that the student has received the intensive remediation in reading required above for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, Grade 1, Grade 2, or Grade 3.
6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, Grade 1, Grade 2, or Grade 3 for a total of 2 years. A student may not be retained more than once in Grade 3.

FL state assessment shall not be the sole determiner of retention or promotion. Schools shall use additional evaluations, portfolio reviews, and other assessments in the body of evidence to determine student retention or promotion. A parent of a student in Grade 3 who is identified anytime during the year as being at-risk of retention may request that the school immediately begin collecting evidence for a portfolio.

Each elementary school will establish, where applicable, an intensive acceleration class for retained third grade students who subsequently score a Level 1 on the reading portion of FL state assessment. The focus of the class will be to increase the student's reading level at least two grade levels in one school year. The intensive acceleration class must provide the following:

a. Uninterrupted reading instruction for the majority of student contact time each day and opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas through content-rich texts.
b. Small group instruction.
c. Reduced teacher-student ratios.

d. The use of explicit, systematic, and multisensory reading interventions, including intensive language, phonics, and vocabulary instruction, and use of a speech-language therapist if necessary, that have proven results in accelerating student reading achievement within the same school year.
e. A read-at-home plan.

Retained 3rd grade students shall be provided with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals. Student progression decisions consider the student's response to evidence-based instruction/interventions implemented with fidelity.

A student who is promoted to Grade 4 with a Good Cause Exemption shall be provided intensive reading instruction and intervention that include specialized diagnostic information and specific reading strategies to meet the needs of each student. The school district shall assist schools and teachers with the implementation of explicit, systematic, multisensory reading strategies which are in compliance with § 1008.25, Fla. Stat., research-based and have shown success in improving reading among students who have reading difficulties.

E. 5th Grade. In Bay District Schools, there will be no social promotion. A student who does not qualify for a good cause exemption will be retained in 5th grade if he or she meets the following criteria:

- FL state assessment ELA Score is Level 1 (using most recent available score), **AND**
- FL state assessment Math Score is Level 1 (using most recent available score), **AND**
- Receives a final grade of "F" in reading and/or math.

F. 8th Grade. In Bay District Schools, there will be no social promotion. Florida Statute 1003.4156 states all students must have successfully completed three middle school or higher courses in English, mathematics, social studies, science and one course in career and education planning. If a student has met all course requirements outlined in F.S. 1003.4156, he/she may still be retained if he/she meets the following criteria:

- FL state assessment ELA Score is Level 1, **AND**
- FL state assessment Math Score is Level 1

G. Good Cause Exemptions for Fifth and Eighth Grade Students:

1. Before a student may be considered for a good cause exemption, the student must complete all tutorial/remediation programs offered to the student.

2. Fifth and eighth grade students meeting one or more of the following criteria are eligible for a good cause exemption:

   a. Limited English proficient students who have had less than 2 years of instruction in an ESOL program.
   b. Students with disabilities whose IEP indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board rules.

c. Students with disabilities who participate in the FL state assessment and who have an IEP that reflects that the student has received intensive remediation but still demonstrates a deficiency on FL state assessment. Before a student may be considered for a good cause exemption, the student must complete all tutorial/remediation programs offered to the student.

d. Students who have received intensive remediation but still demonstrate a deficiency on FL state assessment. Students exempted from retention in this category may be assigned an alternative placement. Before a student may be considered for a good cause exemption, the student must complete all tutorial/remediation programs offered to the student.

e. The Superintendent, upon the recommendation of the principal, may promote a student upon extraordinary circumstances that impacted the student's performance.

3. If a student transfers into Bay District Schools from another state after the administration of the FL state assessment, but prior to the end of the school year, the student may be promoted if the student meets all other promotion criteria.

H. Parental Request for Retention in Grades K-8. A student's parent(s) or legal guardian may request, in writing, that the principal allow the student to be retained in their current grade for an additional year based on academic need. The principal shall have the final authority for student retention based on parental requests. The request, and all related documentation, shall be placed in the student's cumulative folder, whether the request is granted or not.

I. Screening and Testing. Any student who demonstrates a learning difficulty severe enough to impede mastery of district curriculum shall be referred to the child study team for consultation and/or evaluation in areas such as, but not limited to, speech, language, hearing, vision, academic achievement, and social and emotional interaction. Further assessment and evaluation shall be made as needed to ensure appropriate placement for the student.

Authority: § 1001.41, Fla. Stat
Law Implemented: §§ 1003.4156, 1008.25, Fla. Stat.; Fla. Admin. Code R. 6A-1.094221
History: New, June 12, 1989
Revised: July 24, 1997; August 12, 1998; August 17, 1999, August 9, 2000, January 10, 2001; July 11, 2001; July 24, 2002; July 28, 2004; November 10, 2004; February 23, 2006; January 10, 2007; September 12, 2007; January 23, 2008; May 13, 2009; December 9, 2009; December 7, 2010; November 22, 2011; September 25, 2012; January 15, 2015; May 24, 2016; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

COURSE REQUIREMENTS 8.403

Middle School.

It is the intent of the legislature and the School Board that students promoted from the 8th grade have the necessary academic skills for success in high school. Promotion from a district middle school requires students to successfully complete the following in order for the student to be promoted to the high school level:

3 - English courses that emphasize literature, composition, and technical text
3 - math courses (Each middle school must offer at least one high school-level math course for which the student will earn high school credit.)
3 - social studies courses, one semester of which must include the study of civics education
3 - science courses
1 - career and educational planning course resulting in the completion of an Electronic Personal Education Plan (ePEP)

Successful completion of the required course means a passing grade. A student may be promoted to the next grade with one failed course; however, the course must be retaken in place of an elective the following year. A student shall not be promoted to 9th grade until all middle school course requirements have been successfully completed.
No middle school student may earn more than a maximum of seven (7) total course units per year (August 1 - July 31). Request for waiver of this provision shall be made to the Superintendent or his/her designee.

Additional Requirements

- In addition to the above unit requirements for promotion, students must complete one class period per day of physical education for one semester of each year.
- For each year in which a student scores a level 1 on FL state ELA assessment, the student must complete an intensive reading course the following year.
- For each year in which a student scores a level 2 on FL state ELA assessment, the student must complete an intensive reading course or other approved reading intervention the following year.
- For each year in which a student scores a level 1 or 2 on FL state math assessment, the student must receive remediation the following year.
- Each district student in grades 6-8 and his/her parents will be provided information concerning three-year and four-year high school graduation options.

High School. Students may select one of four high school graduation options: (1) completion of the four year, 24 credit program requirements for high school graduation (refer to 8.401 for staggered credit requirements); (2) completion of an International Baccalaureate (IB) curriculum; (3) completion of an Advanced International Certificate of Education (AICE) curriculum; (4) completion of an 18-credit standard diploma option through the ACCEL program. Students selecting Options 2-4 should be aware that specific courses may be required by the State of Florida for graduation. Students not selecting any graduation option shall be considered to have selected the four-year general requirements for high school graduation.

Students who enter a Florida public school at the 11th or 12th grade from out-of-state or from a foreign country shall not be required to spend additional time in school in order to meet the high school course requirements. Students who are not proficient in English should receive immediate and intensive

instruction. A transfer student must earn a 2.0 grade point average and pass the 10th grade FL state assessment or an alternative assessment as specified in Fla. Stat. § 1008.22(9).

Additional Requirements

- For each year in which a student scores a level 1 on FL state ELA assessment, the student must complete an intensive reading course the following year.
- For each year in which a student scores a level 2 on FL state ELA assessment, the student must complete an intensive reading course or other approved reading intervention the following year.
- For each year in which a student scores a level 1 or 2 on FL state math assessment, the student must receive remediation the following year.
- Each district student in grades 9-12 and his/her parents will be provided information concerning three-year and four-year high school graduation options.
- Remedial and compensatory courses taken in grades 9-12 may only be counted as elective credit.

Option 1: Four-year, 24 credit program requirements for High School Graduation:

4 - English
4 - Math (one must be Algebra I or equivalent and one must be Geometry or equivalent)
3 - Science** (one must be Biology and two of which must include a laboratory component)
1 - U.S. History
1 - World History
½ - Economics with Financial Literacy
½ - U.S. Government
½ - Personal Fitness***
½ - Physical Education
1 - Fine and Performing Arts or Practical Arts
8 - Electives*
(At least one course within the 24 credits required for graduation must be completed through online learning.)

Diploma Designations: In addition to earning a standard diploma, the following diploma designations are available for students:

Requirements for a Scholar Designation:

- Meet the requirements for the 24-credit standard high school diploma
- Earn 1 credit in Algebra II (must pass EOC)
- Pass the Geometry EOC
- Earn 1 credit in statistics or an equally rigorous mathematics course
- Pass the Biology I EOC
- Earn 1 credit in chemistry or physics
- Earn 1 credit in a course equally rigorous to chemistry or physics
- Pass the U.S. History EOC
- Earn 2 credits in the same world language
- Earn at least 1 credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course

A student is exempt from the Biology 1 or U.S. History assessment if the student is enrolled in an AP, IB or AICE Biology 1 or U.S. History course and the student takes the respective AP, IB or AICE assessment; and earns the minimum score to earn college credit.

Requirements for a Merit Designation:

- Meet the requirements for a standard high school diploma
- Attain one or more industry certifications from the list established (per section 1003.492, Florida Statutes)

*Students at North Bay Haven High School must earn an additional 4 credits in electives to meet the 28 credits required for graduation.

**Since laboratory facilities are not available at New Horizons Learning Center, the Superintendent has granted a waiver of the laboratory requirement at this school.

***Students who participate in an interscholastic sport, whether at the freshman, junior-varsity, or varsity level, for two full seasons will satisfy the ½ credit requirement in Personal Fitness and the ½ credit in physical education. Completion of one semester with a grade of "C" or better in a marching band class or in a physical activity class that requires participation in marching band activities or dance shall satisfy the ½ credit requirement in PE or ½ credit in performing arts; this credit may not be used to satisfy the personal fitness requirement or adaptive PE under an IEP or 504 plan. Students completing 2 years of ROTC shall satisfy one credit in PE and one credit in performing arts; this credit may not be used to satisfy the Personal Fitness requirement or adaptive PE under an IEP or 504 plan.

School Specific Requirements/Allowances for Option 1:

Rosenwald High School:

- Students may earn course credits through competency-based programs which use portfolios to determine final grades earned by the student. The administrator of the program has final review and approval of all portfolios submitted for grades.

New Horizons Learning Center:

- Students may earn course credits through competency-based programs which use portfolios to determine final grades earned by the student. The administrator of the program has final review and approval of all portfolios submitted for grades.

- Upon entry into the New Horizons Learning Center, a conference will be held with the student and parents or legal guardians to explain that if the student intends to transfer to another district high school, the credit hours required must be earned for graduation from another high school. A copy of the explanation and guidelines for graduation from New Horizon Learning Center will be given to the student and the parents or legal guardians, who must acknowledge in writing receipt of the explanation and guidelines.

Option 2: International Baccaluareate (IB) Diploma Program: The IB Diploma Program is a rigorous pre-university course of study leading to internationally standardized tests. The program's comprehensive two-year curriculum allows its graduates to fulfill requirements of many different nations' education systems. Students completing IB courses and exams from six subject groups are eligible for college credit. The award of credit is based on scores achieved on IB exams. Students can earn up to

30 postsecondary semester credits by participating in this program at the high school level. For information, visit http://www.ibo.org. (Online course requirement does not apply to this diploma program.)

Option 3: Advanced International Certificate of Education (AICE) Program: The AICE Program is an international curriculum and examination program modeled on the British pre-college curriculum. To be considered for an AICE Diploma, a candidate must earn the equivalent of six credits by passing a combination of examinations at either the full (one-credit) Advanced Subsidiary Level (AS) or double (two credits) International Advanced Level (A), with at least one course coming from each of the three curriculum areas. Florida's colleges and universities provide college credit for successfully passing the exams. For information, visit http://www.cie.org.uk/qualifications/academic/uppersec/aice. (Online course requirement does not apply to this diploma program.)

Option 4: 4 year 18-credit Accelerated Program: For students entering the 9th grade in the 2013-2014 school year and thereafter, the 18 required credits for graduation must include:

- 4 - English, must include ELA I, II, III and IV or equivalent
- 4 - Math (one must be Algebra I or equivalent and one must be Geometry)
- 3 - Science (two of which must include a laboratory component, must include Biology I and two equally rigorous courses)
- 1 - U.S. History
- 1 - World History
- ½ - Economics with Financial Literacy
- ½ - U.S. Government
- 1 - Fine and Performing Arts or Practical Arts
- 3 - Electives

Prior to enrolling in Option 2, 3, or 4: (1) school personnel should meet with the interested student and his/her parent to explain requirements and advantages/disadvantages of each option and, (2) the student shall have submitted to his/her principal and guidance counselor a signed parental consent to enter the specified option.

Early Admission to College. To qualify for early admission, a student must:

1. have passing scores on state-mandated assessments or concordant score;
2. have a composite score of 26 on the ACT or 1170 on the SAT;
3. have a 3.5 grade point average on a 4.0 scale;
4. have earned 20 credits including all required courses except senior English and Economics/American Government;
5. be approved by his/her high school principal;
6. be accepted by an accredited college;
7. have completed accelerated graduation form signed by the parents;
8. be approved by the School Board; and
9. have completed two (2) years of instruction above grade 9.

Students in the Early Admission to College program may be awarded a diploma with their regular class:

1. if the student has completed two (2) college semesters or equivalent with a normal class load (12 semester hours each semester) including six (6) semester hours of English, three (3) semester hours of both Economics and American Government,
2. if the student maintains at least a 2.0 grade point average or equivalent, and

3. if the student's cumulative folder shows adequate notations covering the work accomplished while in college.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1008.25, Fla. Stat.; Fla. Admin. Code R. 6A-1.09412, 6A-6.014, 6A-6.020, 6A-6.0201
History: New, June 12, 1989Revised: July 24, 1997, January 14, 1998; August 12, 1998; August 17, 1999; August 9, 2000; July 11, 2001; July 24, 2002; September 10, 2003; July 28, 2004; January 10, 2007; January 23, 2008; December 9, 2009; December 7, 2010; November 22, 2010; September 25, 2012; January 8, 2013; November 12, 2013; January 15, 2015; May 24, 2016; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

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CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

HIGH SCHOOL CREDIT 8.404

Credit for high school graduation is defined as a minimum of 135 hours of instruction in a designated course which contains student performance standards. For a high school that has been authorized by the School Board to implement block scheduling, credit for high school graduation is defined as a minimum of 120 hours of instruction in a designated course which contains student performance standards. Credit cannot be earned twice for the same course, with the exception of Intensive Reading which is an elective credit.

To receive credit, students must demonstrate mastery of the student performance standards as evidenced by a final course grade of 60% or better and compliance with the attendance requirements included in 7.104.

Under no conditions may work done under a private tutor be accepted for credit, a grade, or for purposes of promotion except when a course is not offered or no certified teacher employed by the School Board is available to provide the instruction. The tutor and course must be approved by the Superintendent or his/her designee prior to instruction. In order for credit to be awarded, the student's private tutor must meet the requirements of School Board policy regarding home education students.

Students enrolled in a full-year course shall receive ½ credit if the student successfully completes either the first half or the second half of a full-year course but fails to successfully complete the other half of the course. If the averaging of the first half and second half grades would result in a passing grade, and the student has successfully completed assignments and other indications of student performance, the student shall receive full credit for the course. The only exception to this averaging practice would be as it relates to state mandated End of Course exams that must count 30% of the student's overall average.

The principal may recommend that a student earn new credit or additional credit. However, taking additional courses for credit toward graduation may adversely affect a student's grade point average. Students must obtain written permission from the principal before beginning any such program. Sources for new or additional credit are:

1. College summer institutes which earn at least 3 hours of college credit (3 hours of college credit = ½ high school credit).
2. Dual enrollment programs.
3. Correspondence school accredited by a regional accreditation agency (one credit per year).
4. Haney Technical Center for 16 years old or older.
5. Bay Virtual School

Students who withdraw from a district high school and enter other educational institutions may transfer no more than ten credits per year (August 1 - July 31) with a maximum of five credits per semester/term when reentering a district school. Credits from accredited institutions will be accepted at the face value, subject to validation, if deemed necessary. Credit from non-accredited institutions will be validated on the basis of student performance standards or examination.

No student may earn more than five credits per semester/term or more than a maximum of ten total credits per year (August 1 - July 31). This applies to students enrolling in virtual school courses beyond the regular school day. Request for waiver of this provision shall be made to the Superintendent or his/her designee.

Work successfully completed in a district school program conducted at any location (including Starting Over Straight, and Department of Juvenile Justice) will be used to determine credit at any district school.

These programs must use school board approved student performance standards. Every effort will be made to put a student in the same course at the special facility that he/she was taking before he/she entered the special facility.

In order to provide reasonable consistency of maturity levels among students in the traditional high school program, high school students pursuing a regular high school diploma must be able to graduate from school prior to their twentieth birthday. If a student attains the age of eighteen prior to completing his/her tenth grade year, the student may be reassigned to a district alternative program or be afforded the opportunity to pursue General Education Development (GED) programs of the district. The provisions of this paragraph shall not apply to students who are classified as exceptional students.

Middle school students enrolled in a course designated by a high school course code will earn credit to be used in satisfying high school graduation requirements using the criteria set forth in district guidelines.

Students shall not be enrolled in Level 1 courses unless the student's assessment indicates that a more rigorous course of study would be inappropriate, in which case a written assessment of the need must be included in the student's individual educational plan or in a student performance plan signed by the principal, the guidance counselor, and the parent or guardian or the student if he/she is 18 years old or older prior to enrollment. No student may be granted credit toward high school graduation for enrollment in the following courses or programs:

1. More than a total of nine elective credits in remedial programs.
2. More than one credit in exploratory career technical courses.
3. More than three credits in practical arts home economics.
4. Any Level 1 course that does not meet the requirements above.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§1003.43, 1003.436, 1008.30, 1009.28, Fla. Stat.; Fla. Admin. Code R..6-1.099
History: New, June 12, 1989
Revised: July 24, 1997; August 12, 1998; August 17, 1999; January 25, 2000; August 9, 2000; July 11, 2001; December 12, 2001; July 24, 2002; September 10, 2003; January 10, 2007; December 9, 2009; December 7, 2010; November 12, 2013; February 14, 2017; April 11, 2017; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

GRADUATION REQUIREMENTS 8.405

Students at grade levels 6-8 who successfully meet the requirements of courses designated in the Course Code Directory as appropriate for grade levels 9-12 must use these courses to satisfy high school graduation requirements or Florida Bright Futures Program requirements. The grade earned in such courses will be used in computing the State grade point average.

At the end of each semester, the parents/legal guardians of students in grades 9-12 who have a cumulative grade point average of less than 0.5 above the cumulative grade point average required for graduation shall be notified by mail no later than 30 days prior to the last day of school that the student is at risk of not meeting the requirements for graduation. The notice will meet the criteria explained in §1003.43, Fla. Stat. Parents will be informed at this time that students must successfully complete state assessment requirements in order to receive a diploma upon completion of all district requirements for graduation. A record of each notification shall be placed in the student's folder.

A student's 9th grade year of entry will determine state assessment criteria for graduation. Assessment requirements by year of entry can be found at http://fcat.fldoe.org/eoc (Graduation Requirements). Students must also meet the required grade point average as specified in School Board Policy 8.202, earn the number of required credits, and meet the diploma/program requirements in order to graduate.

A student who does not complete his/her work as previously described will have two (2) calendar weeks to present a written appeal to the principal. This appeal must be accompanied by appropriate documentation explaining any extenuating circumstances which might allow the student to work past the deadline. If the principal agrees, the principal shall submit a written appeal to the Superintendent requesting a specific extension.

A student must be enrolled full-time in a district school for the final grading period of the last semester of his/her senior year and complete the required credits by the last day of the district's regular school year or forthcoming summer school program, if offered, in order to receive a diploma from a district high school. For extenuating circumstances, the Superintendent, or his/her designee, shall make the final determination.

Each student has the option of graduating as soon as the student has earned 18 credits that meet high school graduation requirements. Students who graduate early will still be able to participate in high school graduation activities. A student who graduates at the end of the first semester is eligible for a Bright Futures Scholarship to enter college in the Spring term.

Transfer students shall meet the number of credits required for graduation from the school district, state or country from which he/she is transferring, earn a 2.0 grade point average, and pass the state assessment criteria in order to receive a district diploma. An 11th or 12th grade student entering the district may substitute an SAT/ACT score that is concordant with the 10th grade FL state assessment in order to receive a district diploma.

In lieu of passing FL state assessment a student may use Reading concordant scores, if allowed by DOE, under the following conditions:

1. pursuant to S. 1008.22(10)(a), Fla. Stat. (Concordant Scores for the FL state assessment), a student must take the Grade 10 Reading FL state assessment without earning a passing score in order to use a concordant subject area score to satisfy the assessment requirement for a standard high school diploma. This requirement shall not apply to a new student who enters the Florida public school system in Grade 11 or 12,

who may either achieve a passing score on the FL state assessment Retake or use an approved subject area concordant score to fulfill the graduation requirement.

2. when content alignment and concordant scores can be determined, the Commissioner of Education shall adopt those scores as meeting the graduation requirement in lieu of achieving the FL state assessment passing score and may adopt those scores as being sufficient to achieve additional purposes as determined by rule. Each time that test content or scoring procedures change for the FL state assessment or for a high school achievement test for which a concordant score is determined, new concordant scores must be determined.
3. once a student has met the assessment graduation requirement for a standard high school diploma with a concordant score Florida's school code does not require the student to continue retaking the Grade 10 FL state assessment for the purpose of high school graduation. However, S.1003.43, Fla. Stat., requires district school boards to establish standards for graduation, and these standards must include the completion of all other applicable requirements prescribed in the district's Student Progression Plan pursuant to S.1008.25.

If a student transfers into a Florida high school from out of country, out of state, a private school, or a home school, and that student's transcript shows credit received in Algebra I or an equivalent course, Geometry or an equivalent course, or Biology I or an equivalent course, the student must also have a documented passing score on a statewide, standardized EOC assessment; otherwise, the student must sit for all state-required EOCs in order to graduate.

Types of Diplomas.

A. Standard Diploma. Students who pass the state assessment criteria, master the performance standards and the required district courses, will be granted a Standard Diploma.

B. Career and Technical Education – Graduation Pathway Option. Beginning with the 2019-2020 school year, a student may earn a standard high school diploma through the Career and Technical Education (CTE) pathway option.

To earn a standard high school diploma through this pathway option, a student must:

1. Successfully complete a minimum of 18 credits;
2. Have a minimum, cumulative GPA of at least a 2.0 on a 4.0 scale;
3. Meet the requirements of:
   a. 4 English credits (including the statewide grade 10 Reading assessment or the grade 10 ELA assessment, or earn a concordant score);
   b. 4 Math credits (including the statewide Algebra 1 EOC assessment, or earn a comparative score);
   c. 3 Science credits; and
   d. 3 Social studies credits.
4. Complete two credits in career and technical education. The courses must result in a program completion and an industry certification; and
5. Complete two credits in work-based learning programs. A student may substitute up to two credits of electives, including one-half credit in financial literacy, for work-based learning program courses to fulfill this requirement.

C. Standard Diploma - Students with Disabilities.

In addition to the four options available for students to earn a standard diploma listed above, Rule 6A-1.09963, Florida Administrative Code (F.A.C.), High School Graduation Requirements for Students with Disabilities, outlines three additional options that students with disabilities may complete toward a standard diploma.

- Standard Diploma – 24 credit Access Course Requirements. Specific requirements for students with disabilities for whom the individual education plan (IEP) has determined that participation in the Florida Standards Alternate Assessment is the most appropriate measure of the student's skills and instruction in the Florida Standards Access Points is the most appropriate means of providing the student access to the general curriculum.

  4 – English (Access English I, II, III, IV)
  4 - Math (Access Algebra IA and IB; Access Geometry; 1 additional math)
  3 – Science (one must be Access Biology and two of which must include a laboratory component)
  1 – Access World History
  1 – Access U.S. History
  ½ - Access U.S. Government
  ½ - Access Economics with Financial Literacy
  1 –Fine and Performing Arts, Speech and Debate or Practical Arts
  1 - Physical Education
  8 – Electives (Must include a course in Self-Determination or Transition Planning)
  At least one course within the 24 credits required for graduation must be completed through online learning unless waived by the IEP team.
  Eligible CTE courses may substitute for certain credits.

- Standard Diploma – 18 credit Access Course Requirements. Specific requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills.

  4 – English (Access English I, II, III, IV)
  4 - Math (Access Algebra IA, IB, Access Geometry, 1 additional Math)
  3 – Science (one must be Access Biology and two of which must include a laboratory component)
  1 – Access U.S. History
  1 – Access World History
  ½ - Access Economics with Financial Literacy
  ½ - Access U.S. Government
  1 - Fine Arts or Performing Arts
  3 – Electives – (must include a course in Self-Determination or Transition Planning)
  At least one course must be completed through online learning unless waived by the IEP team.
  Eligible CTE courses may substitute for certain credits.

The potential to defer receipt of a standard high school diploma applies to any student with a disability, as long as the requirements of s. 1003.4282(10)(c) are met.

If a student's IEP Committee determines that the required state assessment criteria cannot accurately measure the student's abilities, the team may recommend that the student be considered for a waiver. To be considered for a statewide, standardized assessment results waiver, the following criteria must be met:

1. The student must be identified as a student with a disability, as defined in s. 1007.02, F.S.
2. The student must have an Individual Education Plan (IEP)
3. The student must have taken the statewide, standardized assessment with appropriate allowable accommodations at least once.
4. In accordance with s. 1008.22(3)(c)2, F.S., the IEP team must make a determination of whether a statewide standardized assessment accurately measures the student's abilities, taking in to consideration all allowable accommodations for students with disabilities.

D. State of Florida High School Diploma. A student desiring to take the General Education Development (GED) Test shall meet Bay District School Board policy and GED Testing Service policy on administration and eligibility requirements for the GED Test. Students who pass the GED exam will receive a State of Florida High School Diploma.

E. State of Florida High School Performance-based Diploma. A diploma will be awarded when a student enrolled in the GED Exit option program meets the following requirements:

1. Successfully passes the FL state assessment.
2. Successfully passes the GED.

F. Special Diploma - Student with Disabilities. The repeal of s.1003.438, F.S., effective July 1, 2015, does not apply to a student with a disability as defined in s.1003.438, F.S., whose IEP, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education, if the student meets the requirements specified in s.1003.438, F.S., and in effect as of June 20, 2014.

Students identified as having the following disabilities are eligible to receive a Special Diploma, either through Option 1 or 2:

1. Intellectually Disabled;
2. Deaf or Hard of Hearing;
3. Orthopedically Impaired;
4. Other Health Impaired;
5. Traumatic Brain Injury;
6. Language Impaired;
7. Emotional/Behavioral Disabled;
8. Specific Learning Disabilities;
9. Dually Sensory Impaired; or
10. Autism Spectrum Disorder

Students with disabilities who earn a Special Diploma, Option I or 2 will continue to be eligible for services as outlined in the Special Programs and Procedures for Exceptional Students Manual (SP&P). Students so choosing would continue in courses addressing the needs identified in the Individual Education Plan (IEP) concentrating on coursework related to their transition needs to move from school to post-school adult living.

Special Diploma - Option 1: For students with disabilities entering grade nine (9) during 2010-2011 school year through the 2013-2014 school year, completion of credits in Access Points for Special Diploma is required. The following descriptions provide course requirements and expectations.

2.0 GPA in the following:

4 – Language Arts
4 – Math
3 – Science
2 – Social Studies
1 – .5 in Health and .5 in Physical Education OR
1 – Physical Education that includes integration of Health
4 – Career and Technical Education for students with disabilities OR General Career and Technical Education
6 – Electives*

Special Diploma - Option 2: Option 2 is an individually designed option that may meet the needs of some students with disabilities. Option 2 requires that the student:

1. be at least 16 years of age to be considered for this option and 18 years of age to graduate;
2. satisfactorily complete the equivalent of 13 credits out of which must include three (3) credits in mathematics and three (3) credits in language arts;
3. be successfully employed at least 25 hours per week in a community based job for a minimum of one (1) semester, unless the student is placed in supported employment;
4. achieve the annual goals and short-term objectives related to employment and community competencies specified in his/her Transition IEP;
5. demonstrate mastery of the employment and community competencies specified on the Graduation Plan.

For students with disabilities entering the Option 2 program during the 2012-2013 or 2013-2014 school year, completion of these requirements apply:

1. be at least 16 years of age to be considered for this option and 18 years of age to graduate;
2. 2.0 GPA in the following credits:
   2 - language Arts
   2 - mathematics
   4 - career and technical education for students with disabilities, general career and technical education, or special skills courses with an emphasis on community competencies;
3. be successfully employed at least 25 hours per week in a community based job for a minimum of one (1) semester, unless the student is placed in supported employment;
4. achieve the annual goals and short-term objectives related to employment and community competencies specified in his/her Transition IEP;
5. demonstrate mastery of the employment and community competencies specified on the Graduation Plan.

G. Certificate of Completion. Students who complete the required credits, but have not passed the state-mandated assessments or do not have the required grade point average are eligible to receive a Certificate of Completion. Students awarded a Certificate of Completion solely by virtue

of not passing the state-mandated assessments shall be awarded a Standard Diploma if they subsequently pass the state-mandated assessments. A Certificate of Completion is available only to students exercising the graduation requirements in Option 1 in School Board Policy 8.403.

5th Year Senior Options

At the discretion of the principal, after consultation with the District Graduation Assistance Team, students who have completed four years of high school, but are still credit deficient may be assigned one of the following 5th year senior options:

- Full-time high school student enrolled in a full course load
-
- Part-time or full-time virtual school student
- Full-time alternative program student

A student returning to school as a fifth-year senior may earn a Standard Diploma or may earn a Certificate of Completion. However, any student who is otherwise entitled to a Certificate of Completion may elect to remain in the secondary school either as a full-time student or as a part-time student for up to one additional year and receive special instruction designed to remedy his/her identified deficiencies.

Graduation Ceremonies

Each high school will have its graduation at the end of the second semester. A student must meet all the requirements for a standard high school diploma before participating in graduation exercises. Students will not be permitted to participate in graduation exercises and walk the stage with a Certificate of Completion.

Students meeting all the district-identified graduation requirements by the end of the first semester of their senior year may receive a letter certifying that all graduation requirements have been met. These students will be eligible to participate in the regular graduation ceremony at the end of the second semester.

Students who meet all of the graduation requirements at the end of summer school will be given a high school diploma at this time. Diplomas not issued after the conclusion of summer school must be destroyed by the respective high school. Students meeting graduation requirements after the conclusion of summer school must be issued a diploma for the current school year in which the requirements were met.

Beginning with the graduating class of 2015, senior class GPA academic achievements will be calculated at the end of the first semester and recognized as follows:

*Valedictorian
*Salutatorian

4.0 and higher (weighted GPA) – (with Distinction)
3.75 – 3.99 (weighted GPA) – (with Excellence)
3.5 – 3.74 (weighted GPA) – (with Honor)

Students who graduate with Distinction will select at least one speaker from within the with Distinction graduates for participation in the graduation ceremony.

*In order to be eligible for valedictory and salutatory awards, at the time of calculation, a student must have been enrolled for at least two (2) consecutive semesters during the junior and senior years in the school from which he/she is seeking the award. In computing a student's class rank for Valedictorian and Salutatorian determination, only grades in courses taken in grades 9-12 will be used.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1008.22, 1008.25, 1003.4282, Fla. Stat.; Fla. Admin. Code R. 6A-1.09412, 6A-6.014, 6A-1.09961, 6A1.09963
History: New, June 12, 1989
Revised: July 24, 1997, January 14, 1998; August 12, 1998; August 17, 1999; August 9, 2000; July 11, 2001; September 12, 2001; July 24, 2002; July 28, 2004; January 10, 2007; February 28, 2007; May 23, 2007; January 23, 2008; October 22, 2008; May 13, 2009; December 9, 2009; February 24, 2010; December 7, 2010; November 22, 2011; September 25, 2012; January 8, 2013; November 12, 2013; October 14, 2014; January 15, 2015; April 14, 2015; April 12, 2016; May 24, 2016; December 13, 2016; April 25, 2017; January 14, 2020

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CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

PART FIVE
INSTRUCTIONAL MATERIALS
AND RESOURCES

ADOPTION OF INSTRUCTIONAL
MATERIALS (Definitions) **8.501**

The Superintendent and District Instructional Staff shall prepare and recommend to the School Board for adoption of Adequate Instructional Materials after consultation with teachers, principals, and parents.

A. Definitions of instructional materials include the following:

1. Adequate Instructional Materials. The term means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-back or soft-back instructional materials, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware of software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.

   (a) The district school board has the duty to adopt courses of study for use in the schools of the district. This includes state, district, and/or school adopted instructional materials and other resources.

   (b) The district school board has the duty to provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials and furnish such other instructional materials as may be needed. The district school board shall ensure that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks adopted by rule of the State Board of Education, as well as with the state and district performance standards provided for in 1003.41, Fla. Stat.

   (c) Supplementary materials may also be provided by the district. These materials consist of all forms of instructional materials which enhance the instructional program but are not core texts/core materials. This class of items consists of instructional materials, regardless of format, which do not appear on the list of instructional materials adopted by the State Board of Education and which do not conform to the definition of instructional aids stated above but which are used to clarify concepts, enrich background information, or extend learning in one or more areas of the curriculum. Items in this class include, but are not limited to, the following: maps, charts, posters, photographs, films, filmstrips, film "clips", Internet resources, videotapes, audiotapes, records, pamphlets, newspapers, magazines (including instructional magazines such as The Weekly Reader, Scholastic Scope, etc.), study guides, teacher-produced handouts, student-produced material (such as pieces of creative writing, essays, reports, videotapes, audiotapes, etc.), excerpts from books and other print media, models, realia, workbooks, sheet music, computer software, and books selected by individuals or groups of students from a prescribed list for small group and independent reading and discussion.

   (d) School library media services will be established and maintained as a program of school library media services for all public schools in the district, and District Media Center.

(e) Other instructional resources which may be available include all forms of instructional media that have been mentioned and implied that are available from sources but not be limited to the public library, state library and other public and private organizations.

(f) Instructional resources may also be supplemented with digital content, digital software and online databases that comply with copyright law.

2. Instructional Aids. This class of items consists of instructional materials, regardless of format, which do not appear on the list of instructional materials adopted by the State Board of Education but are required for use by the class as a whole as primary material to meet instructional objectives in one or more areas of the curriculum. Items in this class include, but are not limited to, the following: novels; plays; works of literary, artistic, and historical criticism; instructional games; computer software; and instructional kits of the type available in reading, mathematics, vocabulary development and social studies.

3. Classroom Libraries. This class of items consists of materials other than those adopted by the State Board of Education and other than supplementary materials as defined in paragraph A.1.(c) above, which are physically present in the classroom and available for students' independent reading.

4. Other Material. All other material not falling into the above-mentioned categories, shall not be placed in the classroom, but rather in the school media center.

5. Performance Material Text. This class of items consists of those texts that serve as the basis for script of plays and/or motion pictures the performance of which the School Board, Superintendent or School Principal authorizes students to attend. These texts are deemed approved for classroom use at or above the grade level of the students authorized to attend the performances.

B. Other Special Academic Programs.

1. Advanced Placement. Advanced Placement courses shall be governed by the objectives set by the Advanced Placement Program of the College Board and shall be exempt from the provisions of this policy.

2. International Baccalaureate Program. International Baccalaureate courses shall be governed by the objectives set by the International Baccalaureate Organization, based in Geneva, Switzerland, and shall be exempt from the provisions of this policy.

3. Dual Enrollment. Dual Enrollment courses shall be governed by the objectives set by the college or university, and shall be exempt from the provisions of this policy.

4. Advanced International Certificate of Education. Advanced International Certificate of Education (AICE) and Pre-AICE courses shall be governed by the objectives set by the University of Cambridge International Examinations, based at University of Cambridge, Cambridge, England, and shall be exempt from the provisions of this policy.

C. School Board Responsibility and Selection Criteria.

The School Board is responsible for assuring that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks approved by the State Board of Education, as well as the state and district performance standards.

The selection of instructional materials is a part of the total process of curriculum development. As such, it is the responsibility of professionals employed by the Bay County School Board, with input and assistance from parents, students, and other lay members of the community as appropriate to make recommendations. Motion picture and television rating systems shall be used as a guide in determining the appropriateness of content and format of such media. The schools shall consider but not be limited to the following categories: G, PG and TV-Y in elementary grades; G, PG, TV-Y, TV-Y7, and TV-G in middle grades; G, PG, PG13, TV-Y, TV-Y7, TV-G, and TV- PG in high school grades. Instructional materials with other ratings or without an assigned rating shall be selected using the criteria outlined in this policy. Personnel involved in the process should consult reputable professionally prepared selection aids and other appropriate reviews of instructional materials, when available, to ensure that the selection process yields the following:

1. Instructional materials which are appropriate for the subject area and for the age, emotional development, ability level, and social development of the students for whom the materials were selected.
2. Instructional materials with significant literary, scientific, artistic, or musical merit.
3. Instructional materials which foster an awareness, understanding and respect for the many important contributions to our multi-cultural society.
4. Instructional materials which illustrate the historical and contemporary forces or attitudes which have influenced the economic, political, religious, and ethical development of our society.
5. Instructional materials which are designed to motivate students and staff to examine their own attitudes and behaviors and to comprehend duties, responsibilities, rights, and privileges as citizens in our multi-cultural society.
6. Instructional materials concerning current issues, events, or artistic developments which have not yet been incorporated into textbooks, but may affect our society today
7. Instructional materials which do not contain vulgar, obscene or sexually explicit material unless those attributes are outweighed by the work's literary merit.
8. Instructional materials shall be selected for their strengths, rather than rejected for their weaknesses.

Nothing in this policy limits or removes the responsibility of the district to include in its curriculum the required instruction specified in s. 1003.42, Florida Statutes, including, but not limited to, the following: the history of the United States; the history of the Holocaust; the history of African Americans; the study of Hispanic contributions to the United States; the study of women's contributions to the United States; the nature and importance of free enterprise to the United States economy; patriotism; the events surrounding the terrorist attacks occurring on September 11, 2001, and the impact of those events on the nation; the elementary principles of agriculture; and kindness to animals.

Selection is an ongoing process which includes the removal of instructional materials no longer appropriate and the replacement of lost and worn instructional materials still of educational value.

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All materials used for instructional purposes shall comply with state and federal law and the current fair use guidelines as clarified in "Copyright: A Guide to Information and Resources", by Gary H. Becker, a copy of which shall be kept at each school. No exception will be allowed without appropriate written permission from the copyright holder.

Instructional Aids should not, at any time, replace or be used in lieu of district adopted instructional materials.

Materials that are not the property of the district or one of its entities may be used if they meet the School Board's criteria for appropriateness.

Copies of the policy and procedures for selection of instructional materials shall be furnished to all instructional staff and shall be redistributed when updates occur. All new instructional staff employees shall receive a copy upon employment at a school site. This distribution is intended to clarify and facilitate requests for approval of new instructional materials.

Each principal or his/her designee shall review with their staff the policies and procedures for selection of instructional materials at the start of each school year. It is the responsibility of the principal to inform, monitor and enforce the School Board's policies regarding appropriate use of instructional materials.

Each principal shall be responsible for including the current district policy on the appropriate use of instructional materials in their school's handbook for teachers.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1006.28, 1006.283, 1001.42, Fla. Stat.
History: New, June 12, 1989
Revised: July 12, 1990, May 9, 1991, December 12, 1991; August 12, 1998; January 26, 1999; January 23, 2008; December 9, 2009; December 7, 2010 (Without requirement of meeting); November 22, 2011; April 14, 2015; November 8, 2016; January 14, 2020

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EVALUATION OF INSTRUCTIONAL MATERIALS 8.502

All classroom materials, including State-adopted instructional materials, being used as single source textbooks in the Bay District Schools for the first time shall undergo an evaluation. This evaluation shall determine the suitability of the materials for information being taught in the classroom in relationship to State standards, curriculum frameworks, and district programs, as well as with state and district performance standards. The following procedures shall be observed in conducting evaluations.

Materials to be Reviewed. The district's review cycle for subject area instructional materials will stay within two years of the state adoption cycle to ensure access to current instructional materials. Instructional materials for a particular course or subject shall be carefully examined to determine the most appropriate for a course or subject. These materials include but shall not be limited to student textbooks, activity books, laboratory books, workbooks, test books, teacher's editions, teacher's guides, teacher's manuals, pamphlets, keys, study guides, record books, charts, musical arrangements, cards, transparencies, tests, copies of materials on duplicating masters, prints, computer software, compact discs, digital and online resources. Samples of materials will be made available for evaluation in digital format to all teachers. The district may request hard copy samples if needed.

Duties, responsibilities, and requirements of instructional materials publishers and manufacturers. Publishers and manufacturers of instructional materials, and their representatives, shall at all times remain in compliance with Florida law, including Florida Statutes § 1006.38, which is incorporated herein by reference.

Publishers Presentations. The Superintendent or his/her designee will notify in writing all publishers who have been evaluated and selected by the district instructional materials reviewers for hard copy samples and/or on digital format samples. The Superintendent or his/her designee will give each publisher an opportunity to make a presentation of materials. Each publisher will be given equal time. No other presentations may be given and publishers will not be permitted to visit schools without written permission from the Superintendent or his/her designee.

Examination of All State-Adopted and Non-State Adopted Instructional Materials. In accordance with the provisions of Florida Statutes, the Superintendent shall ensure that there is an evaluation of any instructional materials to be requisitioned that has not been used previously in the schools. All instructional materials, both state adopted and non-state adopted, may be purchased only after having been reviewed and approved through procedures established by the Superintendent.

Content instructional specialist and/or the district review committee may use online instructional materials evaluation tools to ensure the accuracy and alignment to Florida standards. Fla. Stat. § 1003.41, 1006.31.

District Review Committee. District reviewers will be selected by the content instructional specialist and or appointed by the superintendent and or his/her designee. This committee will consist of two or more classroom content area teachers, one or more parents of a child at content grade level as recommended by school principals, and/or district personnel.

Content area teachers will be selected by the district content area specialist or appointed by the superintendent and or his/her designee to serve on the district review committee. The district content specialist will provide to the committee a list of recommended parents who have a student at the grade level of the instructional material under consideration. The district review committee will select from that list one or more parents to serve on the committee. ABCE may provide one representative to serve on the district review committee. The committee will evaluate and provide rubrics concerning the

instructional materials samples. They will review and research the instructional materials to make sure they meet the district goals and objectives and the curriculum frameworks adopted by rule of the State Board of Education, as well as with the state and district performance standards provided for in Fla. Stat. § 1001.03(1).

Student editions of recommended instructional materials will be made accessible online at least 20 calendar days before the school board meeting, or any public hearings regarding the instructional materials.

Prior to final adoption, the School Board will hold an open, noticed school board hearing to receive public comment on the recommended instructional materials. An open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased will take place on a different date following the hearing. § 1006.283(2)(b)8, Fla. Stat.

The district review committee will present a recommendation to all schools involved in the adoption process in the given year and or content area(s). Each school site will be given a minimum of thirty days to review the proposed titles to be adopted district wide. Each school site will submit a completed rubric and any concerns and/or feedback related to the materials presented to the Teaching and Learning Department. The Teaching and Learning Department will take under consideration all feedback given by the school sites. The Teaching and learning Department will be responsible for the final recommendation of the instructional material(s) for adoption to the superintendent.

AP instructional materials will be adopted and implemented district wide for the entirety of the adoption cycle. AP instructional materials will be selected by consensus of the district content area specialist and content area teachers.

Within the parameters of financial resources and sound educational practice, the instructional materials adoption for the core courses of mathematics, language arts, social studies, science, reading and literature in grades K-12 shall be standardized.

The Teaching and Learning Department will be responsible for the final recommendation of the instructional material(s) for adoption to the Superintendent for recommendation to the School Board for official adoption of materials for purchase and use in Bay District Schools. Such purchases shall be made within the first two years of the adoption cycle. In accordance with Fla. Stat. §1006.28, the Superintendent or his/her designee shall notify the Department of Education by April 1 of each year the titles of the district-adopted or State-adopted instructional materials that will be requisitioned for use in the district.

The following procedures shall apply to all objections to instructional materials adopted by the district school board:

1. The parent or a resident of Bay County, as defined by Florida Statutes, may contest the district school board's adoption of a specific instructional material by filing a petition, on form (Motion to Contest an Instructional Material Adoption Form), within thirty calendar days after the adoption of the material by the school board.
2. The form (Objection to Instructional Material) must be signed by the parent or resident of the county, include the required contact information, and state the objection to the instructional material based on the criteria stated in Florida Statutes § 1006.31(2) or 1006.40(3)(d).
3. Within thirty days after the initial 30-day period has expired, the school board must, for any petitions timely received, conduct at least one open public hearing before an unbiased and qualified hearing officer. The hearing officer may not be an employee or

agent of the school district. The hearing is not subject to the provisions of Chapter 120; however, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer. The School board's decision after convening a hearing is final and not subject to further petition or review. Fla Stat. § 1006.28(3).

Evaluation Forms. The online instructional materials evaluation tools and rubrics used in the State-wide and district evaluation processes will be made available to the schools to rank the instructional materials submitted for evaluation. In this way, evaluations will be based on legally required criteria in the areas of content, presentation, instructional design, and classroom use.

Conflict of Interest. Bay District employees will not solicit or accept any emolument, money or other valuable thing, or any inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material during the months actually engaged in performing duties under his/her contract, shall not receive any private fee, gratuity, donation or compensation in any matter whatsoever for promoting the sale or exchange of any school book, map or chart in any public school or be an agent for the sale or the publisher of any school textbook or reference work, or be directly or indirectly pecuniarily interested in the introduction of any such textbook.

Piloting Instructional Materials. Use of instructional materials, to include, but not limited to textbooks, software or digital subscriptions, for the purpose of piloting prior to the evaluation and selection process is permitted in the Bay County Schools under the following conditions.

1. All instructional material pilot programs must be arranged and coordinated through the appropriate curriculum supervisor with approval of the Superintendent or his/her designee.
2. All piloted materials shall be collected from schools at the conclusion of the school year.
3. Funds may not be spent to obtain more than the instructional materials being piloted.
4. Teachers piloting instructional materials should be prepared to expend the extra time necessary in using a different text instructional material without additional pay.
5. Teachers piloting instructional materials will make class time available for the purpose of administering evaluation instruments as necessary.
6. Only one district school may pilot a specific program for school/district consideration.
7. The district may not pilot a program of materials being considered for adoption during the 18 months prior to the adoption of the materials by the Commissioner of Education. Fla. Stat. § 1006.32(3).
8. Any pilot program during the first two years of the adoption period must have the prior approval of the Commission of Education. Fla. Stat. § 1006.32(3).

Evaluation and Adoption of Other Classroom Instructional Aids. The following procedures shall be followed in the evaluation, selection, and use of additional instructional aids for classroom use which have not been adopted by the State Board of Education, and approved for use:

1. When teachers, groups of teachers, or academic departments determine that the need exists for new or additional classroom instructional aids, they shall review available items and seek input and assistance, when appropriate, from parents, students, and other lay members of the community, and determine which instructional aid or aids best meet instructional needs.
2. After making this determination, they shall prepare a written rationale for each instructional aid, which includes, but is not limited to, the following:

A. The class(es) or age group(s) for which the instructional aid is appropriate.
B. The curriculum objective(s) to be addressed through the use of the instructional aid.
C. The way(s) in which the instructional aid will be used to meet the curriculum objective(s).
D. Problems, if any, of style, tone, content or theme inherent in the instructional aid, and the way(s) in which these problems will be addressed during the instructional process.
E. Other appropriate instructional aids which individual students might use in place of the one selected.
F. Where applicable, supporting professional materials which were used in selecting the instructional aid.

3. The rationale shall be submitted to the principal. The principal shall review the rationale to determine whether it demonstrates that the instructional aid is consistent with the district goals and with the school and course objectives. Within ten working days, the principal shall recommend, in writing, the approval or the rejection of the instructional aid, or shall return the rationale to the teacher for revision. If the instructional aid is recommended for rejection or returned for revision, the principal shall state his/her reasons in writing. Upon resubmission of a revised rationale by the teacher, the principal shall make a decision for recommendation or rejection within ten working days.
4. The principal shall submit his/her recommendation to the Supervisor of Instructional Technology and Media Services. At the time of any submission by the principal to the Supervisor of Instructional Technology and Media Services concerning any particular instructional aid, the teacher requesting the instructional aid shall be furnished with copies of such submission. If the principal fails to make a decision within ten working days from the date of submission, the teacher will have twenty working days from the date of submission to file a written request for review by the Supervisor of Instructional Technology and Media Services. If the instructional aid is rejected by the principal, the teacher shall have ten working days from the date of rejection to file a written request for review by the Supervisor of Instructional Technology and Media Services.
5. Within ten working days, the Supervisor of Instructional Technology and Media Services will make his/her recommendation for approval or rejection to the Director of K-12 and Adult Instructional Services and the Superintendent. If the Supervisor of Instructional Technology and Media Services fails to make a decision within ten working days from the date the request for review is received, the teacher will have twenty working days from the date of the receipt of the request for review to file a written request for review by the School Board. If the instructional aid is rejected by the Director of K-12 and Adult Instructional Services and the Superintendent, the teacher shall have ten working days from the date of rejection to file a written request for review by the School Board.
6. Quarterly the Superintendent shall submit to the Board a written list of any instructional aids which have been submitted by teachers and rejected by a principal, the Supervisor of Instructional Technology and Media Services, the Director of K-12 and Adult Instructional Services, or the Superintendent, and not appealed by the teacher. This list shall state the reasons for the rejection of each instructional aid. At the time of any submission by the Director of K-12 and Adult Instructional Services or by the Superintendent to the School Board concerning any particular instructional aid, the teacher requesting the instructional aid shall be furnished with a copy of such submission.
7. The School Board shall notify the teacher initially requesting approval of the instructional aid of the date and time of the School Board's consideration of the request. The teacher shall have the opportunity to be heard prior to the Board's making a decision on the

material. The teacher shall be granted a temporary duty assignment for the purpose of attending the meeting.

8. The School Board shall make a decision on the material within 45 working days of the receipt of a recommendation or an appeal.
9. The rejection at any level, of the use of an instructional aid shall be for that academic year only. Any instructional aid previously rejected, at any level, may be resubmitted in any subsequent year.
10. Materials approved shall be deemed appropriate for use at the grade level requested and may be used at higher levels throughout the district providing that the curriculum sequence is maintained.

Use of Supplementary Materials. All supplementary materials as defined in 8.501 must be consistent with the district goals and objectives, School Board policies, and the State standards approved by the State Board of Education. Because of their nature, there is no formal procedure established for their approval; however, each teacher shall be responsible for previewing these materials prior to classroom use. All supplementary materials shall be subject to the review process outlined in 8.503

Use of Elementary School and Exceptional Student Instructional Aids. All elementary school and exceptional student education instructional aids must be consistent with the district goals and objectives, School Board policies, and the State standards approved by the State Board of Education. Because of their nature, there is no formal procedure established for their approval; however, each teacher shall be responsible for previewing these materials prior to classroom use. All elementary school and exceptional student education instructional aids shall be subject to the review process outlined in 8.503

Classroom Libraries. Materials in this category presently in the classroom which have been approved for classroom use shall remain available for continuing use by students. Materials acquired to replace or duplicate books or other materials which have already been approved may be made available for student use without resubmission of their titles to the school's media center. When new materials are added to the classroom library, a list of said new materials shall be submitted to the school's media center. In selecting new materials, teachers shall apply the selection criteria in 8.501. Materials available in the classroom libraries are subject to the material review process set forth in 8.503.

Course Outline. Upon request by a parent, a teacher shall provide a brief course outline listing the instructional aids he/she anticipates using during that grading period. To meet student needs the teacher thereafter may amend the outline and list.

Listing of Approved Instructional Aids. Prior to the beginning of the school year, the Supervisor of Instructional Technology and Media Services or his/her designee shall prepare a list of instructional aids approved for use throughout the district at each grade level and subject area. This list shall be available on the Instructional Technology and Media Service webpage. The list shall be updated to reflect additions or deletions.

The Superintendent shall prescribe a standard approval form to be used throughout the district which shall contain all data required above. This completed form shall be submitted by the teacher to the principal for his/her approval. After it is approved, a copy of it shall be kept on file in the classroom for review by parents.

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Authority: §1001.41, Fla. Stat.
Law Implemented: §§ 1006.28, 1006.283, 1006.32, Fla. Stat.
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REVIEW OF CLASSROOM INSTRUCTION MATERIALS 8.503

The following process and procedures shall be followed by any parent or resident who object to the use of specific material in a classroom. All instructional materials, instructional aids, supplementary materials, and classroom library materials used in the classroom shall be subject to review under this procedure.

As needed, there shall be created in each school in the district an Instructional Material Review Committee. It shall be made up of five citizens selected by the School Board who reside in the particular school zone, two teachers selected by the Superintendent from the particular school, and two teachers selected by the principal from the particular school. Each committee member shall be selected for a one year term.

Parents or Bay County residents who object to the use of specific material should make their objections explicitly known to the teacher and principal and attempt to resolve the problem at that level. If their objections cannot be resolved at that level, a request for Reconsideration of Instructional Material form shall be filed with the School Instructional Material Review Committee. Within ten working days of such filing, parents of other students in the class(es) involved or potentially affected in that school shall be notified in writing by the principal that a challenge has been initiated.

Based upon a parent or resident's written complaint, each School Instructional Material Review Committee is authorized to conduct a review of the text-book(s), instructional aid(s), or supplemental material(s) under challenge. If the complainant is a member of the review committee, he or she shall not participate in a review of the challenged material.

The School Instructional Material Review Committee shall meet and shall make written recommendations to the individual principal within thirty working days of the filing of a complaint. The Committee recommendations shall address whether the challenged material is consistent with the selection criteria outlined herein. The Committee shall have no authority to determine curriculum. The principal shall take into account these recommendations when making his/her decision as to whether the material should be retained or removed.

Within ten working days of receiving the recommendations of the School Instructional Material Review Committee, the principal shall make a decision whether to retain the material or remove the material.

If the principal determines that the challenged material be retained, the complainant shall be notified in writing within five working days. The complainant shall be given a copy of the decision of the School Instructional Material Review Committee and a copy of the procedures for filing an appeal. If the principal determines that the challenged material be removed, then the complainant, the teacher(s), the students in the class, and the parents of the students in the class where the complaint was initiated, shall be notified in writing within five working days of the decision at the same time the decision will be referred to the District Instructional Material Review Committee.

An appeal of a principal's determination to retain challenged material must be filed with the principal within five working days of notification of that determination and shall include a specific statement of the complainant's grounds for disagreement with the principal's determination. Copies of the appeal shall be furnished to the teacher(s) and the parents of the students in the class where the complaint was initiated within five working days of the filing of the appeal.

The Superintendent shall appoint a District Instructional Material Review Committee to hear appeals from decisions made at the school level. The Committee shall be composed of the following 13 members. All but 4, 5 and 6 below shall be appointed for one year terms. In the event the challenge originates at the

same school at which a member of the committee works then the Superintendent shall substitute another individual from the same category.

1. Two Lay Persons. One of whom shall be a citizen at large, and one of whom shall be a member of and approved by the Public Library Board.
2. District Level Staff Member. One staff member from the level or special area where the material has been challenged.
3. Three Principals. One principal shall be appointed from each level (elementary, middle, and high school). However, only the principal from the same level as the school at which the challenge originates shall serve on the review panel for the particular material.
4. Grade Level Instructional Staff Member. One instructional staff member who is a department head, grade level chair or team leader from the same level (elementary, middle, or high school) at which the challenge originates.
5. Three Teachers. Three teachers from the same level at which the challenge originates shall be appointed by name.
6. Four Parents. One shall be a parent of an elementary school student, one shall be a parent of a middle school student and two shall be the parents of high school students.
7. One instructional staff member designated by the ABCE.

The District Instructional Material Review Committee shall make recommendations to the Superintendent as to whether challenged material is appropriate under the criteria set forth herein. The Superintendent shall take into account the recommendations of the committee when making the decision as to whether or not the challenged material should be removed.

The District Instructional Material Review Committee shall have 30 working days from the date of the complaint to file its written decision with the Superintendent, who shall then have ten working days from that date to make a written decision, and distribute it to the complainant, the teacher, the principal of the school involved, and the School Board.

If the Superintendent recommends removal of the material, the School Board shall act on the recommendation within 45 working days. Should the Superintendent decide not to recommend removal, that decision shall be final unless the complainant appeals in writing directly to the School Board within ten (10) working days of the decision. The School Board shall act upon the appeal within 45 working days.

The School Board shall notify the complainant and teacher(s) seeking to use the challenged material of the date and time of the School Board's consideration of the recommendation to remove or the appeal of the recommendation not to remove. The School Board shall furnish the complainant and the teacher(s) seeking to use the challenged material an opportunity to be heard prior to the Board's making a decision on the approval or rejection of the challenged material. The teacher(s) shall be granted a temporary duty assignment for the purposes of attending the meeting.

A decision by the principal or the Superintendent to remove the instructional material shall result in an automatic appeal to the next level. If the School Instructional Material Review Committee or the District Instructional Review Committee fails to act within the time specified, the principal or Superintendent shall then make the decision without Committee input.

During the review process, the material shall not be removed from use.

The school board’s decision after convening a hearing is final and not subject to further petition or review.

The decision to remove challenged material from use shall, unless otherwise determined by the School Board, be effective at the grade level at which the material is in use and all lower grades.

Administrative Procedures. The Superintendent shall develop whatever administrative procedures are necessary to implement this Rule. Copies of the procedures, and any subsequent amendments, shall be submitted to the Board for information purposes.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1006.28, Fla. Stat.
History: New, June 12, 1989
Revised: December 12, 1991; August 12, 1998; August 13, 2003; December 7, 2010 (Without requirement of meeting); November 22, 2011; November 8, 2016; January 14, 2020

MANAGEMENT OF TEXTBOOKS 8.504

Disposal of Usable Surplus, Obsolete and Unusable Instructional Materials. The Superintendent or his/her authorized representative shall determine which books in the district are in such physical condition as to make them unusable for further use or for renovation. Instructional materials that have become unserviceable or surplus or are no longer on state adoption contract may be disposed of, under adopted rule of the district school board.

A. Unusable books can be sold to used book dealers, recycling plants and other persons.
B. If the unusable books cannot be sold, books may be given to a governmental or charitable agency, teachers for use in developing supplemental teaching materials for students, parents or individuals.

Sale of Instructional Materials. If available, new instructional materials which are unused and in current adoption may be purchased by the public from the District Media Center.

All monies received by reason 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.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §1006.41, §1006.28(3), Fla. Stat., Fla. Admin Code R. 6A-7.074
History: New, June 12, 1989
Revised: August 12, 1998; August 8, 2001; December 9, 2009; December 7, 2010 (Without requirement of meeting); November 22, 2011

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

CONTROVERSIAL ISSUES 8.505

The responsibility and right of any member of the instructional staff to present information of a controversial nature is hereby recognized. The teacher shall not present controversial material or issues which are not directly or closely related to the subject area being taught. In presenting controversial materials or an issue, the teacher shall present all sides of the question without bias or prejudice and shall permit each student to arrive at his/her own conclusions. District supervisory personnel shall monitor such instruction to verify that both sides of such issues are presented objectively.

Before any course or unit in the objective study of the Bible or a comparative study of religion, as provided in § 1003.45, Fla. Stat., is installed in any school, a course description shall be presented to the School Board for approval. The description shall give in detail the purpose of the course, the materials to be used, grade location, length of the course and credit value. No teacher shall present or permit to be presented any material which holds up to ridicule any religious sect, belief, or faith.

Prior to the installation of any course or unit of instruction in sex education as such, a course outline and complete description of the course shall be filed with the School Board for approval. The course outline and description shall show the purpose of the course, the grade level or levels at which the course will be taught, the materials to be used (including audio-visual materials), the credit value, the names of the teachers and the names of any resource people who will be used. This rule does not preclude the teaching of personal cleanliness in health and physical education classes or in the elementary grades, or the teaching of matters relating to sex as provided in state-adopted textbooks, or information relating to sex as required in health education courses or any other course using duly adopted textbooks and materials where sex is an incidental part of the course.

It shall be the responsibility of the school to make students aware of the dangers and consequences of venereal diseases. The manner, scope and levels at which this information will be presented shall be determined by the Director of Secondary and Adult Instructional Services, in consultation with other instructional supervisors and school principals. Prior to the installation of any such unit of instruction, the proposed program, the materials to be used and other essential information shall be presented to the School Board for approval. Where any information to be used is questionable for showing to mixed groups, there shall be a separation by sexes for presentation of the materials.

Parents have the right to “opt out” of curriculum due to religious beliefs. However, students are required to demonstrate proficiency on all state standards content and are responsible for all areas tested by FL state assessment.

Authority: § 1001.41 Fla. Stat.
Law Implemented: § 1006.28, Fla. Stat.
History: New, June 12, 1989; January 10, 2007; December 9, 2009; December 7, 2010 (Without requirement of meeting); January 15, 2015; May 24, 2016; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

SELECTION OF LIBRARY MEDIA 8.506

The primary objective of the school library media center is to implement, enrich and support the educational program of the school. It is the duty of the library to provide a wide range of materials on the different levels of difficulty, with diversity of appeal, and representing different points of view. The inclusion of any item in a collection does not necessarily mean that the School Board or the school advocates or endorses the contents of that item. In fulfilling this responsibility each school library media center shall:

- Provide a collection of instructional and supplemental materials that will enrich and support the curriculum, taking into account the varied interests, abilities, and maturity levels of the students being served.
- Provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
- Provide a background of information which will enable students to make intelligent judgments in their daily lives.
- Provide materials on opposing sides of controversial issues in order that young citizens may develop, under guidance, the practice of critical analysis of all media.
- Provide materials representative of the many religious, ethnic and cultural groups, and of their contribution to the heritage and culture of America and the world.
- Place principle above personal opinion and reason above prejudice in the selection of materials of high quality in order to assure a comprehensive collection appropriate for the users of the library media center.

Legal Responsibility for Selection. The School Board of Bay County is legally responsible for all matters relating to the operation of the Bay County Schools. The responsibility for the selection of educational materials is delegated to professional administrative and instructional personnel employed by the Board.

Parental Responsibility. Parents shall have the right to review materials in the media center and request that it be noted in the Student's library record that the student not be allowed to check out certain material.

Standards for Selection. The process of evaluating materials for inclusion in collections shall be continuous and systematic. It is preferable to examine materials before purchasing them; however, this is often impractical. In such cases, selection should be based upon bibliographic reference sources, selected lists, and reviews in reputable professional journals and publications.

First consideration shall be given to the needs of the individual school based on knowledge of the curriculum of the existing collections, and of the needs of children and youth. Requests from users of the collection (administrators, faculty, parents, students) shall be given high priority. Materials shall be selected so as to provide a wide range of levels of difficulty.

Materials for purchase shall be considered on the basis of overall purpose, timeliness, importance of the subject matter, quality of writing or production, readability and popular appeal, authoritativeness, reputation of the author, artist publisher or producer, format, and cost.

Consideration shall be given in determining the suitability and value of the material for the following elements: religion, ideologies, sex education, sex, profanity, and science.

Religion. Factual unbiased material which represents all major religions shall be included in the collection.

Ideologies. Factual information on any ideology or philosophy which exerts a strong force in society shall be included in the collection.

Sex Education. Factual information appropriate for the age group or related to the school curriculum may be included in the collection.

Sex. Pornographic, sensational, or titillating materials shall not be included.

Profanity. The fact that limited profanity appears in material shall not automatically disqualify a selection. However, care shall be taken to exclude materials using profanity in a lewd or detrimental manner and not in context with the material.

Science. Factual information about medical and scientific knowledge shall be included in the collection without any biased selection of facts.

Procedures for Selection.

1. When teachers, groups of teachers, or academic departments determine that the need exists for new or additional library media they shall review available items and seek input and assistance.
2. Materials for media centers are selected by the professional media staff with due regard to suggestions from the administration, faculty, parents, and students. Final selection is made by the media specialists of the school in which the center is housed. Professionally recognized reviewing periodicals, standard catalogs, and other selection aids are used by the media specialists and the faculty to guide them in their selections.
3. In determining materials to be purchased, school personnel shall follow these procedures:
    A. Multiple items of outstanding and frequently used materials may be purchased as needed.
    B. Worn and missing basic items shall be replaced periodically.
    C. Out-of-date or no longer useful materials shall be withdrawn from the collection and replaced by new and appropriate materials.
    D. Materials may be purchased in many types of format: digital, ebooks, electronically, soft or hard bound.
    E. Sets of materials and subscription materials shall be examined carefully and shall be purchased to fill a definite need.

Challenged Materials. Library materials deemed by some persons to be objectionable may be considered by others to have sound educational value. Any concerned Bay County resident or employee of the district may request reconsideration of school library media; however, the challenged material shall not be removed from circulation during the reconsideration process. When a complaint is made, the following procedure shall be followed:

1. The library media specialist shall discuss the matter informally with the complainant explaining the selection procedures for library media materials. If the complainant accepts the explanation given by the media specialist, the reconsideration process concludes.
2. If the explanation fails to resolve the objection, the principal will ask the complainant initiating the challenge to file, within two weeks, a formal written objection by completing a “Request for Reconsideration of Library Media” form which must reflect that the complainant has read the material in full. Failure to do so results in the conclusion of the reconsideration process.

3. Upon receipt of the completed form "Request for Reconsideration of Library Media," the principal shall forward copies to the appropriate personnel as outlined in the Routing Information section of the form.
4. The challenged material shall remain available for circulation during the reconsideration process.
5. The Superintendent shall appoint a District Review Committee with the following composition:
   (1) One representative of the Public Library Board;
   (2) One representative of the general public at large; and
   (3) One representative of a school parent organization.
   (4) One principal from the level at which the complaint originated (K-5, 6-8, or 9-12).
   (5) Three school-level instructional staff members including the following:
      (a) One media specialist from the level at which the complaint originated;
      (b) One media specialist from another level; and
      (c) One classroom teacher from the level at which the complaint originated.
   (6) Two district-level instructional staff members including the following:
      (a) One district-level instructional staff member from the level where the material is in question; and
      (b) The Supervisor of Technology and Instructional Media Services.
6. The Review Committee, in carrying out its assigned function, shall:
   A. Read, view or listen to the material in its entirety;
   B. Check general acceptance of the material by reading reviews and consulting recommended lists;
   C. Determine the extent to which the material supports the curriculum;
   D. Complete the "Checklist for Reconsideration of Library Media," judging the material for its strength and value as a whole and not in part; and
   E. Forward, within 30 days, a written recommendation to the Superintendent.
7. The Superintendent's designee will inform the complainant and the school's media specialist of the committee's decision to retain or withdraw the challenged material as recommended by the District Review Committee.
8. If the complainant or the media specialist is dissatisfied with the District Review Committee's decision, a written appeal may be filed with the Superintendent. Failure of the complainant to file a written appeal within 30 days of the District Review Committee's decision will result in a conclusion of the reconsideration process and the decision of the District Review Committee shall be final.
9. The Superintendent shall, within 30 days of receipt of the appeal, send the complainant and the school media specialist a written decision. An appeal to the School Board of the Superintendent's decision must be filed within 30 days after the Superintendent's decision.
10. The School Board shall consider the decision of the District Review Committee and the Superintendent and any other appropriate documentation (i.e. meeting summaries, material reviews, etc.). The decision of the School Board regarding appropriateness of a particular Library Media material item will be considered final. Library Media materials in question, can only be removed from circulation and/or used in the school district through the procedures of this policy.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1006.28, Fla. Stat.
History: New, June 12, 1989
Revised: October 14, 1998; June 24, 2009; December 9, 2009; December 7, 2010 (Without requirement of meeting); November 22, 2011; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

PART SIX
SCHOOL IMPROVEMENT

SCHOOL ADVISORY COUNCILS **8.601**

Each school in Bay County shall establish a School Advisory Council ("Advisory Council"). The Advisory Council at each school in the district shall assist in the preparation and evaluation of the School Improvement Plan which shall provide a system of school improvement and accountability in accordance with Florida law.

Membership and Composition of the School Advisory Council. That majority membership of each Advisory Council shall be members that are not employed by the district. Advisory Councils shall be composed of the principal, an appropriately balanced number of teachers, educational support personnel, parents, and other business and community citizens who are representative of the ethnic, racial and economic community served by the school. Career technical, adult high school, and high school Advisory Councils shall include students. Middle school Advisory Councils may include students. Advisory Council members shall be elected by their respective peer groups at the school in a fair and equitable manner, affording the school flexibility to conduct such elections in the manner of their choosing, as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.
5. Business and other community members shall be selected by the school. Each school shall publish its need for business and community members in school newsletters, or from contacts with the business community, and formalized school business partnerships. Additional parents and community members may be appointed to the Advisory Council as the school year progresses, however, all changes and additions must conform to State law and must be approved by the School Board. Any member of the school or school community may attend Advisory Council meetings, however, only Advisory Council members approved by the School Board can vote on Advisory Council business or motions.

Board Approval of Advisory Councils. The School Board shall review the membership composition of each Advisory Council annually at the regularly scheduled December board meeting. Each School Advisory Council shall prepare a report on the Advisory Council's membership and submit the report to the School Board for review prior to that meeting. The report shall list the names of each member, their peer group title and ethnic, racial or group representation. Should the Board determine that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the Board shall appoint additional members to achieve proper representation.

Duties of the Advisory Council. Each Advisory Council shall assist in the preparation and evaluation of the school improvement plan as part of an ongoing process to provide the parents, School Board and State Board of Education with the goals required by the State for improvement in education. No Advisory Council shall have any of the powers and duties reserved by law to the School Board.

Advisory Council Operating Procedures.

- Each Advisory Council's name shall include the words "School Advisory Council".
- Each Advisory Council shall have a set of bylaws which are in compliance with Florida Statutes and Department of Education rules and annually reviewed by the School Board. A copy of each Advisory Council's bylaws shall be maintained at the school site and at the district office.
- Each Advisory Council member and all Advisory Council meetings shall be subject to Florida's Sunshine Law.
- At the beginning of each school year, the district's Code of Conduct must be presented to the Advisory Council for review.
- Each Advisory Council shall elect a Chairperson and such other positions deemed necessary by the Advisory Council members.
- The Advisory Council shall establish and publish a calendar of School Advisory Council meetings in accordance with Florida's Sunshine Law.
- The Advisory Council shall maintain accurate minutes of the meetings and records of attendance at each meeting.
- All minutes, resource materials, and other documents provided to , and used by, each Advisory Council are public records and shall be maintained in the school's media center, and at the district office and shall be available for public inspection.
- All meetings must be open to the public, with proper notification to all members of the Advisory Council and the general public.
- All expenditures shall be made and appropriately documented in accordance with state law and district policies.

Advisory Council Member Training. The district's Office of School Improvement shall offer resources to the Advisory Council chairperson each school year. The resources shall be designed to include the structure, purpose and role, Florida's Sunshine Law requirements, school and community involvement, how the Council works through the school improvement planning cycles and needs assessment, and how to assist in the development of the school improvement plan.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.452, § 1008.345, Fla. Stat.
History: New, June 12, 1989,
Revised: December 12, 1991, September 9, 1993, June 14, 2000; July 24, 2002; October 22, 2008; December 9, 2009; December 7, 2010 (Without requirement of meeting); April 12, 2016; December 13, 2016; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

SCHOOL IMPROVEMENT PLANS 8.602

Each school improvement plan shall be based on an analysis of student achievement and other school performance data. Following this data analysis, each plan shall establish areas of focus that were revealed during the data analysis as problematic. A rationale shall describe why the areas of focus are worthy of attention and intended outcomes will establish targets necessary to impact the problematic areas. Action steps will be included and will address professional development, monitoring, and any other required information. Where necessary, subgroups will be identified and included. The plan shall also include data driven improvement activities to address State goals and performance standards, definitions of adequate progress, and any requests for waivers.

Approval Process. The evaluation of each school's improvement plan is an on-going process and is the primary responsibility of the Advisory Council. A finalized copy of the school's approved school improvement plan will be submitted to the district office and be available at the school.

Submission of Plan. Each plan shall be submitted via the FDOE CIMS system by the assigned deadline. Schools shall receive feedback on the School Improvement Plan from the Office of School Improvement. Plans shall be submitted in accordance with the state guidelines. The Superintendent will forward the recommended plans to the School Board for approval at the next regularly scheduled School Board meeting.

Appeals Process. In the event the School Board does not approve the plan, the Board must state the elements within the plan that were found to be problematic and submit recommendations for changes to the Advisory Council which would enable the plan to be approved. If the Advisory Council determines that the Board's suggested changes are not consistent with the goals of the Advisory Council and/or do not desire to modify the plan, the following steps shall be taken to resolve the dispute:

1. The School Board shall direct district staff to establish a mutually agreed upon meeting time for the Advisory Council, the Office of School Improvement, and members of the Board;
2. At that meeting, the Advisory Council shall detail specific reasons why the suggested changes are not consistent with the school's goals or why the Council does not agree with the recommended changes;
3. At that same meeting, the Office of School Improvement shall specify their concerns and reasons for making suggested changes;
4. If the revised plan meets with the approval of the Advisory Council and the Office of School Improvement, that school improvement plan shall be resubmitted to the Superintendent for Board approval.
5. If no approval can be reached at the conclusion of meeting(s), the State Board of Education shall be notified of the need for assistance.

Waiver Process. To facilitate innovative practices and to allow for district selection of educational methods, the State Board of Education may waive, at the request of the School Board, requirements of the State Board of Education rules and Florida Statutes that pertain to civil rights, and student health, safety and welfare. If a school's needs assessment process identifies an area requiring attention:

1. The Advisory Council shall recommend a strategy to address the need;
2. The school's principal shall check the Florida Statutes and Department of Education rules to determine if the proposed strategy is in conflict with any of the above;
3. If there is a conflict, the Advisory Council shall complete a Request for Waiver and submit the waiver to the office of the School Board secretary for placement on the agenda of the

next regularly scheduled Board meeting for consideration by the Board. If the Board approves the waiver, the waiver shall be submitted to the State Board of Education. If the waiver is not approved, the Board shall return the waiver to the Advisory Council for further consideration.

Accountability Reporting. Accountability reporting shall be as required by the State Board of Education Rules and other applicable Florida law.

Authority: § 1001.41, Fla. Stat.
Law Implemented: §§ 1001.452, 1008.345, Fla. Stat.
History: New, June 12, 1989,
Revised: December 12, 1991, September 9, 1993, June 14, 2000; July 24, 2002; October 22, 2008; December 9, 2009; December 7, 2010 (Without requirement of meeting); January 15, 2015; April 12, 2016; December 13, 2016; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

PART SEVEN
CHARTER SCHOOLS

CHARTER SCHOOLS **8.701**

Charter schools shall be recognized as public schools. A public school may not use the term “charter” in its name unless it has been approved as a charter school in the manner described herein.

Statute and Policy Exemptions. A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013. However, charter schools shall be in compliance with the following statutes in chapters 1000-1013:

- those statutes specifically applying to charter schools;
- those statutes pertaining to the provision of services to students with disabilities;
- those statutes pertaining to student health, safety, welfare;
- those statutes pertaining to civil rights, including § 1000.05, relating to discrimination;
- those statutes pertaining to the student assessment program and school grading system;
- § 286.011 Fla. Stat., relating to public meetings and records, public inspection, and criminal and civil penalties;
- Chapter 119, relating to public records;
- § 1003.03, Fla. Stat. relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level;
- § 1012.22(1)(c), Fla. Stat. relating to compensation and salary schedules;
- § 1012.33(5), Fla. Stat. relating to workforce reductions; and
- § 1012.335, Fla. Stat. relating to contracts with instructional personnel hired on or after July 1, 2011.

Eligibility to Apply for Charter School Status. The term "charter school" when used hereinafter, shall include a new charter school, a conversion charter school, a charter school-in-the-workplace, a charter school in a development, or a charter school in a municipality. A charter school may not be affiliated with a nonpublic sectarian school or religious institution and shall be nonsectarian in programs, admission policies, employment practices, and operations. Private schools, parochial schools and home education schools are not eligible for charter status. The School Board or School Board employees who have control over personnel actions any of its employees shall not take unlawful reprisal against another district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. “Unlawful Reprisal” is defined in 1002.33(4)(a), Fla. Stat.

1. New School. An application for a new charter school may be submitted to the School Board by an individual, teachers, parents, a group of individuals or any legal entity organized under the laws of the State of Florida.
2. Conversion of an Existing School. The Bay District School Board, principal, teachers, parents and/or the school advisory council of an existing district public school that has been in operation for at least two years may submit an application for the conversion of an existing district public school, including a public school-within-a-school that is designated as a school by the School Board, to a conversion charter school provided that the applicant demonstrates the support of at least 50% of the teachers currently employed at the proposed conversion school and 50% of the parents voting whose children are currently enrolled in the proposed conversion school, provided that a majority

of the parents eligible to vote participate in the ballot process, according to procedures established by rules of State Board of Education.

3. Schools-in-the Workplace. A legally organized business may submit an application for a charter school-in-the-workplace when the business applicant provides the school facility to be used and meets the enrollment provisions required by law.
4. School-in-a Municipality. A municipality possessing a charter may submit an application for a charter school-in-a municipality provided that it meets the enrollment provisions required by law.

Time for Submission of Charter School Applications. The Board will receive and consider applications for a public charter school received on or before close of business on February 1st of each calendar year for charter schools to be opened eighteen (18) months later at the beginning of the School District's next school year, or to be opened at a time agreed to by the applicant and the Board. Applications may be mailed or hand delivered on or before the stated deadline to be considered. The School Board requests letters of intent to apply for application prior to December 1 of each year to allow the School Board to ensure that there is adequate staffing to review applications. Failure to provide a letter of intent will not in any way affect the application procedure or approval/disapproval of the application. Within 15 days of receipt of the application, the School Board shall report to the Department of Education the name of the applicant, the proposed charter school location, and its projected FTE. The School Board shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the School Board and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the School Board shall by a majority vote approve or deny the application. This mutually agreed upon extension shall be in writing and detail the extension date or timeframe.

Elements of the Charter Application. The application is not the legal contract between the School Board and the school's governing body. Applicants must submit an application on FLDOE's Model Florida Charter School Application template and forms. Incomplete applications will not be accepted for final consideration.

Indemnification. The application shall contain an indemnification and hold harmless agreement executed by the applicant and all members of its governing body requiring the applicant and members of its governing body to indemnify, defend with competent legal counsel selected by the charter school with the School Board's approval, and to hold harmless the School Board for any expense, cost, loss, damage, claim, judgment or claims bill incurred or rendered against the School Board, its agents and employees, including attorneys' fees and investigation expenses (pre-suit, suit, trial, appeal, and post appeal proceedings) on account of any intentional or negligent acts or omissions of any officer, director, employee, agent, or servant of either the applicant, the charter school, or the not for profit corporation, arising out of the application, grant of charter, or operation of the charter school.

Management. The application shall clearly describe the management and governance structure of the charter school. Such structure shall provide that the governing body of the non-profit organization to which the charter is granted shall approve all elements of the charter, and all subsequent changes which management of the school may make to such policies, practices, or plans described in the school's charter with the School Board. If the charter school is operated or administered under a management agreement with another entity, it must be disclosed in the application. The management agreement must be negotiated at arms length between independent and unrelated parties who are prohibited from self-dealing. For-profit management or management consulting entities employed by the charter holder shall not be owned or controlled by any member of the non-profit organization or any member of his/her immediate family. No member of the governing body of the charter holding non-profit organization shall have a beneficial interest in any for-profit management or management consulting company employed to operate or administer the charter school.

Application. Applicants will also be required to submit an application on a model application form that is prepared by the FDOE, and the district must evaluate the application using an evaluation instrument developed by the FDOE. The District is permitted to require applicants to provide additional information during the application review process as part of the applicant interview phase of the review process. There shall not be a fee for processing or considering an application, and approval of an application may not be based on promise of future payment of any kind.

Application Review. The District shall evaluate all timely applications as submitted. During the evaluation process: 1) applications cannot be amended and 2) missing documentation and unsolicited information will not be accepted or considered.

Technical Review Committee (TRC) . The TRC may review applications that comply with the School Board's application instructions and make recommendations to **the Application Review Committee** (ARC). Applications that exhibit significant deficiencies will not be reviewed by ARC but will be forwarded directly to the Superintendent with a recommendation for denial.

Before approving or denying any application, the District shall allow the applicant at least seven calendar days after receipt of written notification, to make technical or nonsubstantive corrections and clarifications to the application, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the School Board as cause to deny the application. If the School Board fails to notify the applicant of necessary technical or nonsubstantive corrections and clarifications then these may not be used to deny the application.

The TRC may be comprised of one or more representatives from District departments deemed necessary by the School Board to properly review the applications. At a minimum, TRC may include department representatives that oversee the following areas:

1. Assessment and Accountability
2. Curriculum and Instruction
3. Budget and Finance (including Risk Management)
4. Exceptional student education/ESOL
5. Facilities
6. Human Resources/Teacher Evaluation
7. Student Services: Charter Schools

Application Review Committee (ARC) The purpose of this committee is to identify assets and deficiencies in the written application and/or areas that require clarification to fully evaluate the quality of the application or the capacity of the applicant to properly implement the proposed plan As part of the clarification, the District may solicit additional information during the interview and evaluation of the charter school application such as whether the applicant currently operates charter schools in Florida and if the proposed school will be a replication of an existing school design. This information may be used to evaluate the applicant's ability to operate a charter school. Any substantive changes in the application, prior to approval by the School Board, shall be treated as a new application and will be considered in the next year's application window.

Applicants are notified and requested to attend the review. The applicant shall have at least one (1) governing board member present. The ARC may, at its sole discretion, evaluate the application without any additional input from the applicant if at least one (1) governing board member of the charter school is not available. The ARC shall review applications forwarded by TRC and consider the recommendations of the TRC. By majority vote, the ARC shall make a recommendation to the Superintendent to approve or

deny each application. All applications will be submitted to the School Board by the Superintendent with a recommendation for approval or denial based on the findings.

The ARC shall be comprised of five members appointed by Superintendent's from the Superintendent's staff or their appropriate designees, school principals and other community leaders with the designated areas of expertise and five community members appointed by the School Board:

1. Student Services: Charter Schools: Non-voting chair
2. Curriculum/ Instruction/ Assessment
3. Exceptional Student Education/ESOL
4. Office of Information Technology (MIS)
5. Career and Technical Education
6. Five Community Members as chosen by the School Board

A majority of the voting membership shall constitute a quorum for voting purposes.

Approval/Disapproval. The ARC will use the Florida Charter School Application Evaluation Instrument to evaluate the written application and the interview.

The School Board shall by a majority vote of the full Board approve or deny a formal application no later than 60 calendar days after receiving the completed application during the submission period, unless the School Board and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, upon receiving a recommendation from the Superintendent.

If the application is initially approved by the School Board, the terms and conditions for the operation of the charter school shall be set forth in a written contractual agreement called a charter. The School Board shall not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The School Board shall have 60 days to provide an initial proposed charter contract to the charter school. The applicant and the School Board shall have 75 days thereafter to negotiate and develop the charter contract for final approval by the School Board unless both parties agree to an extension. The Department of Education shall provide mediation services for any dispute subsequent to approval of a charter application, except disputes regarding application denial, and for any dispute related to the approved charter.

If the application is denied, the School Board must, within ten (10) calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter application. If the application is for a conversion charter school, the School Board must, within 30 days provide notice of denial to the applicants in writing, specifying the exact reasons for denial and supporting documentation.

The School Board shall report to the Department of Education the approval or denial of a charter application within 10 calendar days of the approval or denial. If the application is approved, the report must include the final projected FTE for the charter school. After an application is approved and at least thirty (30) calendar days prior to the first day of classes, charter school applicants must participate in training by the Department of Education If the applicant is a management company or a non-profit organization, the charter school principal and the chief financial officer or equivalent shall participate in the training. A high-performing charter school or charter school system applicant is not required to participate in the training more than once.

Appeal. The School Board's denial of a charter school application must be served upon the applicant by certified mail, return receipt requested. The denial of or failure to act upon an application may be appealed to the State Board of Education on or before 30 calendar days from the date of receipt of the School Board's

decision or failure to act. The applicant shall notify the School Board of any appeal. The School Board response shall be submitted to the State Board within 30 calendar days after notification of the appeal. The State Board of Education shall remand the application to the School Board with its written decision that the School Board approve or deny the application. The School Board shall implement the State Board of Education's decision within 30 calendar days after it is received. The decision of the State Board of Education shall constitute a final order subject to judicial review as provided by law.

Prerequisites before entering into a contract:

a. Evidence of a proper legal structure (e.g., articles of incorporation, bylaws, municipal charter). The applicant shall be a not for profit organized pursuant to Fla. Stat. Chapter 617.
b. The actual location and evidence that a facility has been secured for the term of the charter must be received by the School Board for the applicant. Evidence may include, but is not limited to: letter of intent from the landlord or mortgagee indicating property usage and term of occupancy, executed lease or certificate of occupancy, and/or use or occupational license indicating proper use. If the applicant requests an extension of the time for negotiating and notice the charter contract for final approval in order to secure an actual location it shall be granted by the School Board. However, such extension shall not extend the time beyond April 1.
c. If more than one school will operate on the site, the applicant shall identify the grade levels, maximum number of students in each grade and the projected number of students enrolled in each school.
d. The School Board may inspect the facility and solicit additional information from the applicant about the proposed facility.

Request to Extend Negotiations/School Opening

- The applicant and the School Board may mutually agree to extend the statutory timeline to negotiate and consider approval of the charter contract for a period not to exceed one (1) year from the approved opening date in the charter school application. Requests shall be submitted to the Charter School representative, in writing, by an authorized agent of the charter school, detailing the reason for the requested extension.
- If the statutory timeline to negotiate and enter into a charter contract is extended and prior to resuming negotiations, the applicant shall provide an updated budget, application and revisions necessitated by the delay. The term of the contract shall be adjusted to reflect cancellation of one year of the term.
- The application shall be automatically rescinded, without further action by the School Board, if the applicant does not open the school within: (1) the timeframe specified by law, or (2) the date of extension which has been mutually agreed upon in writing by both parties.
- Unless extended pursuant to this policy, an approved applicant shall open its charter school at the beginning of the School Board's next school year following the approval of the charter school application.
- An approved contract shall be automatically revoked, without further action by the School Board, if the applicant does not open the school on: (1) the first day of school of the initial school year indicated in the contract, or (2) the first day of the school year indicated in the approved deferral.

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Elements of the Charter. The charter shall be signed by the entire governing body of the charter school and the School Board, following a public hearing to ensure community input. The following elements must be included the school's charter with the School Board:

- School vision and mission
- Students to be served (ages, grades, current school of zone and projected FEP categories)
- Student criteria for admissions, selection process and dismissal procedures
- Marketing/recruitment plan
- FTE enrollment verification process. Charter schools must bring their financial spending plan to the School Board prior to October FTE. The District is not responsible for FTE repayment of interest penalties.
- Focus of the curriculum
- Instructional methods to be used, including services to Exceptional Student Education, Americans with Disability Act and Limited English Proficiency students
- Identification and acquisition of appropriate technologies needed to improve educational and administrative performance
- Current commercial or generally accepted instrument to determine incoming baseline standard of student academic achievement, outcomes to be achieved and method(s) of measurement; with detailed description of how the baseline student academic achievement levels and prior rates of academic progress will be established, how these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school, and to the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations
- Methods used to identify the educational strengths and needs of students and how well goals are met by the students
- Participation in the statewide required assessment programs including a requirement for compliance with § 1008.24 Fla. Stat. (Test Security), and Fla. Admin. Code R. 6A-10.042 (Maintenance of Test Security)
- Method for determining that a student has met graduation or grade completion
- Code of Student Conduct. Student expulsions shall be heard by the School Board
- Conflict resolution strategies for students, parents and staff
- The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the district, as applicable
- A reasonable demonstration of the professional experience or competence in financial and administrative management of those who shall operate the charter school with responsibilities clearly delineated
- Provisions for annual progress reports to include state required information
- Specific insurance coverages as specified and required by this Policy
- Indemnification and hold harmless agreement
- Length of the charter
- Provision for cancellation of the agreement for insufficient progress
- Facilities to be used and their location and evidence of all codes having been met
- Qualifications of teachers
- Statement that charter will be responsible for any financial penalty relating to non-certified teachers and/or class size penalties.
- Recruitment and staff selection, training and retention strategies
- Professional development plan

- Status as a private or public employer
- Requirement of SACS accreditation within the length of the charter
- Staff status related to certification or subcontracting
- Articles of incorporation and governance structure, including names, addresses, financial disclosure to include the same requirements in Chapter 112, Fla. Stat. as for School Board members, and background checks for governing body
- Implementation timetable
- Alternative arrangements for students, teachers and non-instructional staff at a converting public school who choose not to participate
- Internal financial controls and audit process
- Proposed budget including salary and benefits of staff, and letter of credit or other funds to cover start up costs
- Provisions for renewal and modification of the agreement
- Nature of parental involvement
- Transportation, food service or other plans and agreements with the district or other contractors
- Method for resolving conflict between School Board and governing body of the charter school
- Provisions for program evaluation and reporting plans
- Method of providing for safety of students and employees in case of a health hazard, fire, natural disaster or emergency
- Provision for financial states of emergency as required by the Department of Education.

Charter Contract Amendments

1. There shall be no modification of any contractual provision(s) of the standard charter contract language, unless mutually agreed by both parties in writing or specified by Florida Statutes. All amendments must be negotiated in compliance with the contract negotiation process. Unilateral modification made by the charter school is grounds for termination or non-renewal.
2. Amendments may be considered by the School Board if either party can demonstrate that an amendment is necessary to protect the health, safety, or welfare of the students and/or the school has satisfactory academic performance, fiscal management, and operational compliance.
3. All contract amendment requests shall be submitted in writing to District's Charter School representative by an authorized agent of the charter school.
4. The charter school shall provide evidence of governing board approval for all proposed amendments (e.g., governing board resolution, governing board meeting minutes).
5. At the sole discretion of the School Board, reasonable additional information or documentation may be requested for consideration of any amendment requests.
6. Any charter school seeking an amendment must demonstrate the following:

    a. success of the current academic program as measured in the Charter contract (not required for requests to change the current academic program);
    b. achievement of its goals and objectives, related to accountability standards;
    c. financial viability of the organization and school;
    d. compliance with terms of the charter; and
    e. fiscal impact.

The School Board may deny an amendment request if the charter school fails to demonstrate any of items (a) – (e).

7. Requirements for Amendment Requests

a. Education Program Amendments

Significant changes in the curriculum or changes in grade levels (except for high-performing charter schools) constitute a change in the educational program and shall require an amendment which may include submission of a revised charter school application pursuant to the initial application process. Requests for such amendments shall include the following information and supporting documentation:

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

A charter school designated as high-performing pursuant to state law shall notify the Board in writing by March 1st, of the preceding school year, of its intent to expand the grade levels it serves the following school year. The written notice will specify the grade levels that will be added and redistribution of enrollment. Failure to timely notify the School Board will preclude the school from changing its grade levels under this provision in the law.

b. Location Amendments

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

   If the relocation will be temporary, the request shall include the period of time during which the school will be at the temporary location.
   (b) effective date of the relocation
   (c) evidence that financial implications, feasibility, and student access issues have been addressed
   (d) evidence of parental support for the new facility
   (e) evidence of the school's property interest in the facility (owner or lessee)
   (f) a disclosure affidavit in accordance with Fla. Stat. 286.23, if the school leases the facility

2) The School Board, at its sole discretion, may limit the number of facilities, campuses, and/or locations associated with a charter school’s operations.

3) The school shall not change or add facilities or locations at any time during the term of the charter contract without prior approval of the School Board through the contract amendment process. Violation of this provision constitutes a unilateral amendment or modification of this contract and good cause for termination.

4) If the request for a location amendment involves a facility in which other schools are operating, the names of the school(s), the grade levels, number of classrooms, number of students in each class, and the number of students enrolled in each school shall be included in the request, in addition to the information and documentation described in paragraphs a and b above.

5) No later than thirty (30) days prior to the opening of schools or the initial use of the facility by the school, the school shall have an approved contract and evidence of all necessary permits, licenses, zoning, use approval, facility certification and other approvals required for use of the facility by the local government.

6) The School Board shall not unreasonably deny a request to amend a charter to change the location of the facility or for the addition of locations.

c. Enrollment Capacity Amendments

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

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

A charter school designated as high-performing pursuant to State law shall notify the Board in writing by March 1st, of the preceding school year, of its intent to increase enrollment the following year. The written notice shall specify the number of students by which the enrollment will increase, by grade level. Failure to timely notify the School Board will preclude the school from amending its enrollment under this provision in the law.

d. Management Company Contract Amendments

All proposed amendments to the contract between the school and the management company must be submitted to the School Board prior to execution. Material changes to the original mission of the school's scope of services, or in the Management Company, may require an amendment to this contract.

8. The CRC shall be convened to negotiate any significant amendments or any changes in the contract that significantly deviate from the standard charter contract language.

9. Whenever a contract is amended or renewed, it shall be updated to comply with this policy.

Pre-Opening Requirements

No later than thirty (30) days prior to the initial use of the facility by the school, the school shall have an approved contract and provide evidence of all necessary permits, licensing, zoning, use approval, facility certification and other approvals required for use of the facility by the local government. Failure to comply shall result in automatic rescission of the contract, with no further action by the School Board

Charter School Operational Requirements.

Insurance. Proof of insurance shall be provided on or before 30 days from the approval of the charter school contract. The applicant shall comply with the following insurance requirements:

1. The insurance companies writing coverage must have and maintain a rating of "A" or better and a financial size category of "VII" or better according to A.M. Best Company.

2. General liability: occurrence basis policy, minimum limits of $1,000,000 per occurrence and $2,000,000 aggregate, combined single limit covering bodily injury, property damage, personal injury, premises, operations, products, completed operations, consultants and independent contractors, insured vs. insured, and contractual liability. The School Board of Bay County, Florida/School District of Bay County, Florida shall be named as an additional insured.

3. Property insurance: for special perils (all risk) with limits of no less than 100% of replacement value of the facility and all contents therein which are owned by the district and coverage for business income in no less than the amount of the annual rent, if any, paid to the district. If the charter school is to occupy a facility owned by The School Board of Bay County, Florida, The School Board of Bay County, Florida shall be named as an insured, as its interest appears and as trustee for claims payments under the policy. If the facility is subject to "Certificate of Participation" financing, the entities involved in any such transaction as lessee, assignee and trustee shall be named as an additional insured, as their interests appear.

4. Automobile insurance covering owned, non-owned and hired vehicles with limits of $1,000,000 per occurrence combined single limit and comprehensive and collision coverage with a deductible of not more than $1,000. The coverage must extend to employees, agents and volunteers of the charter school who utilize personal vehicles within the course and scope of their employment. The School Board of Bay County, Florida/School District of Bay County, Florida shall be named as an additional insured.

5. School Leader's Errors and Omissions Liability Insurance having limits of $1,000,000 per occurrence and $2,000,000 aggregate including an employment practices endorsement and coverage for student liability, including corporal punishment and sexual misconduct. The School Board of Bay County, Florida/School District of Bay County, Florida shall be named as an additional insured.

6. Fidelity/Dishonesty/liability coverage, with coverage limits of $1,000,000 insuring The School Board of Bay County, Florida/ School District of Bay County, Florida as against dishonest acts of employees or volunteers of the charter school resulting in loss to the School Board.

7. To the extent that a charter school contracts with the School Board for transportation services, the applicant must comply with the hold harmless requirements of § 1006.261, Fla. Stat.

8. Such professional liability or other professional liability coverage as is dictated by curriculum offerings.

9. Worker's compensation coverage as required by state law.

Required insurance shall be documented by certificates of insurance which provide that the School Board shall be notified at least 30 days in advance of cancellation, nonrenewal or adverse change. New certificates of insurance shall be provided to the School Board at least 15 days prior to the effective date of the coverage thereby documented. Upon request, the applicant will provide a complete copy of any insurance policy. The applicant upon request of the School Board, shall provide a statement as to the amount of claims payments or reserves chargeable to the aggregate amount of policy coverage, as to commercial-general liability coverage. The receipt of certificates of insurance or other documentation of insurance or policies or copies of policies by the School Board, which indicate less coverage than required shall not constitute a waiver of the requirements herein stated.

The School Board reserves the right to amend or waive any requirements herein set forth on the basis that the scope of the charter school, not to include conversion charter schools, is not such as to require the full amount of the coverage, as is herein required, both as to type of insurance and limits of coverage. The failure of the charter school to maintain the required coverages at all times during the term of its charter may establish "good cause" for non-renewal or termination of the charter as provided herein.

Fingerprints. All individual applicants, officers, and employees of the charter school shall submit a complete set of fingerprints taken by an authorized law enforcement agency in Bay County, Florida at the time of employment. Said fingerprints will be processed by the School Board for the same charge and in the same manner as fingerprints of applicants for employment by the School Board are processed.

Fidelity Bond: All officers, directors and employees of the charter school who have authority to receive and expend Full Time Equivalent (FTE) funds on behalf of the charter school, shall be bonded to the same degree as officers and employees of the School Board. All bonds shall show as beneficiaries the charter school, the not for profit corporation, and the School Board of Bay County, Florida.

Tuition Prohibition. A charter school shall not charge tuition or fees, except those fees normally charged by other public schools.

Personnel Options. A charter school shall select its own employees or may contract with the district for services of personnel employed by the district. Credential verification will be required for all employees of the charter school required to hold certification.

Charter school employees may bargain collectively as a separate unit or as part of the existing applicable district collective bargaining unit(s) or elect not to bargain collectively.

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If teachers at a charter school choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own, they shall not be considered public employees.

Teachers employed or under contract to a charter school shall be certified as required by Chapter 1012, Fla. Stat. or if not certified, contracted with according to the provisions defined in Chapter 1012, Fla. Stat. A charter school may not knowingly employ any individual who has resigned a school district in lieu of disciplinary action or been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

The governing body of a charter school may elect to participate in the Florida Retirement System after proper application under § 121.021, Fla. Stat.

Charter School Student Transfer to District Schools. A charter school student shall only be permitted to transfer to a district school under the provisions of School Board Policy 7.102. If a charter is not renewed or is terminated, a student who attended the school may apply to, and shall be enrolled in, another public school. Normal application deadlines shall be disregarded under such circumstances.

Funding and Financial Requirements. Each charter school shall report its student enrollment to the School Board in accordance with Chapter 1011, Fla. Stat. and School Board policy and procedures. The School Board shall include each charter school's enrollment in the district's report of student enrollment.

Funding for student enrollment in each charter school shall be the sum of district operating funds from the Florida Education Finance Program (FEFP), including state and local funds, discretionary lottery funds, and discretionary operating millage funds, divided by total district funded Weighted Full-Time-Equivalent (WFTE) students, multiplied by the weighted full-time-equivalent students of each charter school. If eligible, each charter school shall also receive its proportionate share of categorical program funds included in the FEFP. Each charter school shall provide the School Board with documentation that categorical funds received by the charter school were expended for purposes for which the categoricals were established by the Legislature. Charter schools will be responsible for purchasing ALL textbooks/materials (including advanced academic programs) from their portion of the state allocated textbook funds.

Any eligible student enrolled in a charter school shall be provided federal funds for the same level of service provided other eligible students in schools operated by the School Board. Funding shall be received by the charter school not later than five (5) months after the charter school first opens and within five (5) months after any subsequent expansion of enrollment.

Total funding shall be calculated during the school year to reflect actual WFTE, students reported by each charter school subsequent to each FTE survey period. Additionally, funding for each charter school shall be adjusted as follows. In the event of a state holdback or a proration which reduces district funding, each charter school's funding will be reduced proportionately. In the event the district exceeds the state cap established by the legislature, resulting in unfunded WFTE for the district, then each charter school's funding shall be reduced proportionally.

A charter school shall not levy taxes or issue bonds secured by any tax revenue.

If a charter is not renewed or is terminated, any public unencumbered funds from the school shall revert to the School Board. In that event, all charter school property and improvements, furnishings, and equipment purchased with public funds shall revert automatically to full ownership by the School Board.

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Each charter school shall be responsible for its own debts and shall not pledge the full faith and credit of the School Board in regards to any debt. Payments shall be made to a charter school no later than ten (10) working days after the School Board receives a distribution of state and federal funds. If the warrant for payment to the charter school is not issued within 30 working days after receipt of funding by the district, the district shall pay the charter school interest at a rate of one (1) percent (1%) per month calculated on a daily basis on the unpaid balance from the expiration of the 30 day period until such time as the warrant is issued. The revenue earned by a charter school shall be paid in arrears in twelve (12) monthly installments. Each payment will be based upon the revenue estimate for the projected enrollment adjusted retroactively for the actual FTE count, and adjusted for prior payments and the administrative fee. A worksheet will be provided by the School Board which will provide for the appropriate calculations. The final payment during any year shall be adjusted to reflect the final actual funded WFTE membership.

Any administrative fee charged by the School Board to a charter school shall be no more than 5% of the available revenue as defined above, not including capital outlay funds, federal and state grants, or any other funds unless explicitly provided by law. The 5% will be held back from the available revenue. If the administrative fee is less than the anticipated 5% cost, the balance due to the school will be reimbursed to the charter school within 30 days of determination of final revenue and WFTE membership. Administering the charter includes providing technical assistance, monitoring policy compliance, and processing financial, student and other records or required reports. The performance of other specific services for a charter school by the School Board will be negotiated, with fees determined on an actual cost basis.

Financial records will be maintained by each charter school as provided for in the manual "Financial and Program Cost Accounting and Reporting for Florida Schools." Each charter school must provide an unaudited annual financial statement to the School Board no later than 45 days after the close of a fiscal year and an audited financial statement no later than 75 days after the close of a fiscal year. On or before June 1 of each year the charter school shall notify the Superintendent of the independent Certified Public Accounting firm that has been contracted by the charter school to perform the audit.

Charter schools will post for public review a monthly financial statement to be accessed by the School Board and in a form prescribed by the Department of Education.

Under no circumstances will the School Board advance funds to a charter school. However, the School Board may approve a charter before the applicant has secured space, equipment and personnel, if the applicant indicates approval is necessary in order for working capital to be raised.
Any loss of funds as a result of FTE/Financial or Program Audit is the sole responsibility of the charter school. Amounts determined by the Auditor General will be automatically deducted from the next scheduled payment. The School District reserves the right to inspect the FTE records of the charter school to ensure compliance with state reporting requirements.

The governing board of the charter school shall annually adopt and maintain an operating budget.

Facilities Requirements. A charter school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to § 1013.37-372, Fla. Stat. and State minimum fire protection codes pursuant to § 633.025, Fla. Stat. and Comprehensive Land Use plan as adopted by the authority in whose jurisdiction the facility is located.

Facilities funded by "Certificate of Participation" funding may be available for use by charter schools, subject to approval of bond counsel, the issue insurer, the ground lessee, and the U.S. Internal Revenue Service regarding the tax free status of the issue. Approval of bond counsel, etc. may also be required for those facilities financed by the proceeds from the district's "full faith and credit bond issue." If bond

counsel so advises, the section will be amended accordingly. District owned or leased facilities may be available for use by charter schools, on such criteria as the School Board deems appropriate for the facility to be used, to include but not be limited to provision for maintenance, repair, upkeep, and replacement of non-structural facility components, attributable to charter school use. The proposed charter school facilities must be adequate to accommodate and fulfill the education plan of the charter school.

A non-conversion charter school must submit a copy of its facility lease agreement and evidence that all applicable codes have been met no less than three (3) weeks prior to the first day of the fall semester of the current school year or the school will not be permitted to be open to students.

Length of the School Year. A charter school shall provide instruction for at least 180 days and may provide instruction for additional days. The length of the school day shall be that as defined and required of public schools by Florida law. Reimbursement for additional days of instruction will be subject to the limits of the Florida Education Finance Program, General Appropriations Act and other rules or programs that restrict funding by the district. Additional instructional days will not be funded by district required FTE funds, but will only be funded if the Legislature appropriates specific FTE funding for such purpose. Upon approval of a charter application, the initial startup must commence with the beginning of the school year calendar(s) adopted by the School Board.

Monitoring and Review. The Superintendent or his/her designee, shall have ongoing responsibility for monitoring the health, safety and well being of students, as well as academic progress, and the fiscal responsibility of all approved charter schools. The Superintendent or his/her designee, shall have free and open access to the charter school at all times. Other district officials shall have reasonable access to the charter school during regular business hours of the school. Annually, no later than 45 calendar days following the end of the regular school term, the governing body of the charter school shall submit the following for School Board review:

1. The charter school's progress towards achieving the goals outlined in its charter.
2. The charter school's annual report to parents pursuant to § 1001.11 and § 1008.345, Fla. Stat.
3. An annual financial audit report obtained by the school reflecting generally accepted financial accounting standards.
4. Salary and benefit levels of charter school employees.
5. Any other information provided by the school, the Superintendent or the internal auditor.

The School Board shall, upon receipt and verification of the required annual report, provide the same to the Commissioner of Education. The district shall prepare an analysis and comparison of the overall performance of charter school students including all students whose scores are counted as part of the norm-referenced assessment tests, versus comparable public school students in the district as determined by norm-referenced assessment tests currently administered in the district, and, as appropriate, required state assessments. Any other assessments administered pursuant to §1008.22, Fla. Stat. shall be included in the report from the School Board.

The School Board reserves the right to send proctors into the charter school on testing and assessment days to ensure test security, and to monitor the processes used in test administration to ensure the integrity of the testing and assessment program of the charter school.

Renewal or Modification of Charter. A charter may be renewed every five school years, provided that the criteria above has been successfully accomplished and that none of the grounds for nonrenewal have been documented. Charter schools operating for two years and demonstrating exemplary academic

performance and fiscal management are eligible for a 15-year renewal. A charter may be modified upon the recommendation of the School Board or the governing board, provided both parties agree to the modification(s). Charter renewal documents will be distributed October 1. Charter renewal documents are due to the charter office January 1 for the year prior to charter expiration. Renewal will be presented to the Board in the month of March. Program review of these areas will be considered:

A. the level of success of the current academic program as measured by the charter contract.
B. achievement of the goals and objectives required by state accountability standards and successful accomplishment of the criteria under Fla. Stat. 1002.33(7)(a),
C. the financial viability of the organization,
D. compliance with terms of the charter, and
E. that none of the statutory grounds for non-renewal exist.

Causes for Nonrenewal or Termination. During the term of a charter or at the end of the term of a charter, the School Board may choose to terminate or not to renew the charter for any of the following grounds based upon information provided by the Superintendent to the Board in the required annual report:

1. Failure to meet the requirements for student performance stated in the charter.
2. Failure to meet generally accepted standards of fiscal management.
3. Violation of law; or
4. Other good cause shown.

A charter may be terminated immediately if the School Board determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The School Board shall assume operation of the school under these circumstances. The governing board may, within 14 days after receiving the School Board's decision to terminate the charter, appeal the decision pursuant to procedures established herein.

In the event a charter is not renewed or is terminated, the School District may assume the operation of the school, or the school shall be dissolved and students assigned to other public schools. All unencumbered public funds, as well as property and improvements, furnishings and equipment purchased with public funds, shall automatically revert to full ownership of the School Board.

If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The district shall not assume the debt from any contract for services made between the governing body of the school and a third party.

At least 90 days prior to renewing or terminating a charter, unless a state of emergency exists, the School Board shall notify the governing body of the school of the proposed action in writing, detailing the grounds for the action and stipulating that a request for an informal hearing may be requested within 14 days of receipt of the notice. The School Board shall conduct an informal hearing within 30 days after receiving a written request. The charter school's governing body may, within 14 days after receiving the School Board's decision to terminate or refuse to renew the charter, appeal the decision to the State Board of Education, pursuant to the procedures established above.

Voluntary Termination

The charter school's governing board may also elect not to renew the charter.

1. Upon election of termination/non-renewal by the charter school's governing board, notification, in writing, shall be provided to the School Board indicating the final date of

operation. A board resolution, signed by the charter school's governing board chair and secretary, indicating support of this action, shall accompany the written notification provided to the School Board.

2. Student records and copies of administrative, operational, and financial records of the charter school shall be made available to the School Board immediately.
3. The School Board shall notify the appropriate District offices so appropriate action can be taken regarding: staffing and planning; unencumbered public funds (except for capital outlay funds and program grant funds); furniture, fixtures and equipment purchased with public funds; and student and financial records. Funds provided by a charter school to a management company/education service provider to purchase property and assets for the school are public funds.

Immunity from Suit. For purposes of tort liability, the governing body and employees of a charter school shall be governed by § 768.28, Fla. Stat., as same shall be amended from time to time. Officers, employees and agents of a charter school shall not be deemed to be officers, employees or agents of the School Board of Bay County, Florida. The School Board shall not assume any liability for actions of the governing body of a charter schools or for acts of its employees or agents.

Interpretation

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

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1002.33, § 1013.62, Fla. Stat.
History: New, February 25, 1998
Revised: August 12, 1998, August 17, 1999; August 9, 2000; November 8, 2000; September 12, 2001; July 24, 2002; June 25, 2003; May 28, 2008; December 9, 2009; December 7, 2010 (Without requirement of meeting); September 25, 2012; October 9, 2012; January 15, 2015; January 14, 2020

CHAPTER EIGHT
CURRICULUM AND INSTRUCTION

PART EIGHT
EXTRACURRICULAR ACTIVITIES

ELIGIBILITY FOR PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES 8.801

Interscholastic extracurricular student activities are those organized student activities between or among schools which are carried on outside the curriculum or regular course of study in school. Included are activities which involve competition between or among schools which include, but are not limited to, sports, music festivals, speech, debate, art and drama competitions in which the student may or may not be enrolled in courses in that area. Interscholastic extracurricular activities are important components of our total educational program, however student participation in these events is a privilege, not a right.

Academic Standards. Students in grades 9-12 may participate in interscholastic extracurricular activities sponsored by the school if

1. The student has a cumulative 2.0 grade point average on a 4.0 unweighted scale, or its equivalent, at the conclusion of each semester to be academically eligible during the next semester (§ 1006.15(3)(a)1, Florida Statutes). The grades from all courses required for graduation that a student takes, including those taken by the student before he/she begins high school, must be included in the calculation of the student's cumulative GPA at the conclusion of each semester. This includes the courses listed in §1003.43(1), Florida Statutes.
2. Exception: A first-year high school student, entering the ninth grade for the first time, is academically eligible during his/her first semester of high school attendance.
3. Exception: A student who is academically ineligible during the second semester of ninth grade or during the first semester of tenth grade and does not regain a cumulative 2.0 GPA at the conclusion of the semester of ineligibility may be granted academic eligibility for the next semester if (s.1006.15(3)(a)2, Florida Statutes):
    (a) The student signs an academic performance contract with his/her school upon discovery of the semester of ineligibility; and
    (b) The student sits out the semester of ineligibility; and
    (c) The student attends summer school, or its graded equivalent, as necessary; and
    (d) The student earns a 2.0 GPA on a 4.0 unweighted scale in all courses taken during the semester of ineligibility.
4. No exceptions during the 11th and 12th Grade. Once a student has completed 10th grade he/she must have the cumulative 2.0 GPA for the remainder of his/her high school career (s. 1006.15(3)(a)3, Florida Statutes).
5. Maintains satisfactory conduct and attendance and
6. Meets all applicable requirements of the Florida High School Athletic Association and the State Board of Education.

Recruiting Allegations. A student's eligibility to participate in any interscholastic or intrascholastic extracurricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to s.1006.20(2)(b).

Non-Traditional Students. Students attending a non-member FHSAA private school of no more than 125 students (grades 6-12) may participate at the public school the student would be assigned to attend by the school district based on the student's physical residence in whatever sport(s) their private school does not offer.

Extracurricular activity students attending a District Alternative or Special School which does not offer athletics, i.e., Florida Virtual School, or a District approved Home School may participate at the District school for which they are zoned or the non-capped District school to which they could attend under controlled open enrollment provisions. Students attending a District approved charter school may participate in sports which their school does not offer at the District school for which they are zoned or the non-capped District school to which they could attend under controlled open enrollment provisions. These students must meet the same eligibility requirements as students in other District schools.

Residence and Transfers. Any student who is attending his/her zoned school; a student assigned to a school by the School Board; a student attending a school selected during "Open Enrollment"; a student approved to participate as a non-traditional student, i.e., private, charter, home school; is eligible to participate in athletic programs provided they have not participated in that sport at a previous school during the current school year.

Students who enter a school after the start of a sport season may seek to join a team under the following conditions:

1. They must not have participated in that sport at previous school.
2. They meet all eligibility requirements.
3. The team has not reached its maximum size
4. The coach determines student has the skill and ability for the sport.

Students who transfer schools after playing the sport at a previous school during the current school year may not participate in that sport at the new school unless they meet one of the following exceptions:

1. Children of active duty military whose move resulted from military orders.
2. Children relocated due to foster care placement in a different school zone.
3. Children who move due to a court-ordered change of custody due to separation or divorce, or the serious illness or death of a custodial parent.
4. Authorized for Good Cause in district policy.

Good Cause Exemptions. The following exemptions are granted by district to provide students the opportunity to participate in a sport(s) at a school following a transfer and prior participation in the sport(s) during the same school year.

1. The student experienced a full and complete move to a new residence coinciding with date of transfer. The student moves to a new home address due to a full and complete move by the student and the persons with whom he/she has been living for at least one calendar year that makes it necessary for the student to attend a different school. A student and his/her parents cannot occupy a residence at more than one address, and only the student's current residence may be used for eligibility purposes. Evidence of a full and complete move: The former residence is not occupied for any purpose at any time by the student or any of the persons with whom the student has been living, all personal belongings are moved from the former residence, mail is received at new residence, all utilities are transferred to the new residence and driver's license, voter registration and other forms of legal identification are changed to new residence.
2. Student transfers into a Bay District School from outside of the district.
3. Student transfers from a charter school which has had it charter revoked.
4. Student is reassigned to a different school by the District School Board or Charter School Board as long as reassignment is not for athletic or disciplinary reasons and is not requested by the student or his/her parents.
5. Student transfers from a school whose Good Cause Exemption policy allows students transferring from a Bay District School to participate.

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Citizenship Standards. In order to maintain eligibility, each student is expected to exhibit good citizenship and abide by all State, School Board, School team/club, and FHSAA rules and regulations.

1. To provide minimum citizenship standards among all district schools (includes high and middle schools) for participation in interscholastic extracurricular activities.
2. To encourage the importance of a sense of responsibility as a positive role model.
3. To enhance the growth of good citizenship among participants in interscholastic extracurricular activities.
4. To recognize and assist those students who have demonstrated an inability to comply with guidelines set forth herein.

Application of Standards. These standards apply to all interscholastic extracurricular activities as defined above, whether they are school sanctioned or School Board approved. These standards apply to the participant in any activity for the duration of the activity season, whether it occurs prior to the start of the school year or after the close of the school year, including summer. Students shall also comply with the conduct required by the School Board and the regulations contained in the individual school's Student Handbook.

Students who participate in interscholastic extracurricular activities are expected to abide by the following list of citizenship standards. Sanctions for noncompliance are shown.

1. FHSAA Rules. A student who participates in interscholastic extracurricular activities will not violate any rules or regulations as set forth by the Florida High School Athletic Association (FHSAA).

   Sanction: The student will be penalized according to the rules administered by the FHSAA.

   Student athletes who are charged during a competition with unsportsmanlike conduct, which results in the school being fined by the Florida High School Athletic Association, will be held responsible for reimbursing the school for such fines. Any student who fails to reimburse the school will be ineligible to continue participation in the sport for which the school was fined.

2. Team/Club Rules: A student who participates in interscholastic extracurricular activities will not violate team/club rules as established for participation in an activity. It shall be the responsibility of the coach or sponsor to formulate written rules with appropriate sign-off procedures and distribute them to the parents and students.

   Sanction: The coach or sponsor may suspend the student from participation. This may be for one (1) event or for the duration of the activity season. This shall be at the discretion of the coach or sponsor based upon the severity of the offense and the rules established.

3. School Absence. A student who participates in interscholastic extracurricular activities must be in attendance at least 200 minutes on the day of the event must not have a pattern of nonattendance.

   Sanction: At the discretion of the principal, the student may be able to participate in the event on the day the student is absent from school. Students determined to have established a pattern of nonattendance will be suspended from extracurricular activities until the end of the current grading period or until student fulfills the terms of an attendance agreement (7.105 BDS Policy).

4. In-School Suspensions. A student who participates in interscholastic extracurricular activities and is assigned to in-school suspension will be eligible to participate.

Sanction: The student may participate if he/she meets the requirements of in-school suspension.

5. Out of School Suspension. A student who participates in interscholastic extracurricular activities will not violate school rules that result in out of school suspension.

   Sanction: Under School Board policy, a suspended student is prohibited from participating in, or attending any interscholastic extracurricular activities during the time of the suspension.

6. Expulsion / Alternative Placement in lieu of Expulsion. Students who have been Expelled from Bay District Schools or received an Alternative Placement in lieu of Expulsion may not participate in extracurricular activities. Eligibility to participate in extracurricular activities is restored upon completion of the original terms or length of the alternative placement period or pending the outcome of a rehearing.

7. Criminal Episodes. A criminal episode is defined as one or more felony criminal acts occurring within a 24 hour period by students in grades 6-12. Sanctions imposed will begin when the principal makes a formal determination that a criminal episode has been committed. Formal determination is defined as receiving a copy of the disposition papers that state the charge(s) and the court sanctions imposed on the student. It will be the responsibility of the student to present disposition papers (court documents) to the principal.

   A student who participates in interscholastic extracurricular activities will not commit any felony criminal episodes on or off School Board property. Proof of a felony criminal episode shall include but not be limited to the student's plea of guilty or nolo contendere to a crime or delinquent act which would have been a crime if the student were an adult or the student's participation in a pre-trial intervention program.

   It is the responsibility of the student to inform school officials of any criminal offenses that may be pending or have been processed by the justice system. Students who are juvenile offenders will have the responsibility of providing the necessary court documentation (disposition statements) detailing the legal actions taken by the justice system. Juvenile offenders who have been processed (have disposition statements) by the justice system will not be allowed to participate until the disposition statements have been presented to the principal so that the student's case may be processed by school officials.

   Sanction: If the student participates in a felony criminal episode the student will be suspended from participating in all interscholastic extracurricular activities for one (1) calendar year.

Imposition of Sanctions. Prior to the imposition of any sanctions, the principal shall give the parent(s) or legal guardian(s) and student an opportunity to be heard regarding the alleged violation and the appropriate sanctions to be imposed. The balance of any unfulfilled sanction shall be completed, if necessary, in the following school year.

Appeal Process. The student and the parent(s) or legal guardian(s) shall be notified in writing regarding any sanctions imposed. The student, parent(s) or legal guardian(s) shall have ten (10) days after receiving written notification to file a written appeal with the appropriate authority. All appeals of decisions by the coach or sponsor shall be to the principal. Appeal of the principal's decisions shall be to the Superintendent through the Extracurricular Activities Appeals Council. During any appeal process, the sanctions shall abate pending the outcome of the appeal.

Extracurricular Activities Appeals Council. An Appeals Council shall be appointed annually by the Superintendent and shall consist of the following members:

1. Executive Director of Operational Support Services, Chairman;
2. Community Representative;
3. Middle School Principal;
4. Secondary Teacher; and
5. Supervisor of School Resource Officers.

The Council shall act as a fact finding authority only. It shall make a report to the Deputy Superintendent regarding the student and the violation of the citizenship standard.

Considerations for Appeals Council and Principals. The Extracurricular Activity Appeals Council and the principals shall consider the following factors:

1. The nature of the violation;
2. Whether a weapon was involved;
3. If a crime was charged, whether the court withheld adjudication of guilt;
4. The student's disciplinary record;
5. The student's overall character;
6. Whether the student recognizes the seriousness of the conduct;
7. Whether the student cooperated with law enforcement, and if so, how;
8. The student's present attitude toward the offense;
9. School and community recommendations or reactions.

The Appeals Council shall submit its findings of fact to the Deputy Superintendent within thirty (30) days of the filing of the appeal. The Deputy Superintendent shall within ten (10) days thereafter make a recommendation to the Superintendent. The Superintendent's decision shall be made within fifteen (15) days thereafter and shall be final. The Superintendent has the authority to reduce the sanctions as deemed appropriate. The final action shall state with particularity the reasons for the decision.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1006.15, Fla. Stat.
History: New, June 12, 1989
Revised: July 24, 1997; August 9, 2000; July 11, 2001; December 12, 2001; July 22, 2009; December 9, 2009; December 7, 2010 (Without requirement of meeting); November 22, 2011; September 25, 2012; November 13, 2012; April 9, 2013; January 15, 2015; April 12, 2016; August 23, 2016; March 22, 2022

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PART NINE
OTHER

HOME EDUCATION PROGRAMS **8.901**

Definition. A "home education program" means the sequentially progressive instruction of a student directed by his/her parent in order to satisfy attendance requirements established by Florida law.

Establishing and Maintaining a Home Education Program. Bay District Schools will accept students from a home education program, provided such program meets the criteria identified in State law. If the parent or guardian fails to meet all requirements for establishing and maintaining a home education program, the student will be considered truant and appropriate procedures will be taken as provided by § 1003.26, Fla. Stat. Requirements to establish and maintain a home education program include:

a. Notice of Intent. The parent or guardian shall in writing notify the Superintendent of his/her intent to establish and maintain a home education program within 30 days of the establishment of such program or within 30 days of withdrawing the student from a district school. The notice shall be signed by the parent or guardian and shall include the names, addresses, and birth dates of all children to be enrolled as students in the home education program.

b. Records Portfolio. The parent or guardian shall maintain and preserve for a period of two years a portfolio of records and materials consisting of:

   i. A log of educational activities which is made contemporaneously with the instruction and designated by title and author any reading materials used (including textbooks and supplementary materials); and
   ii. Samples of any writings, worksheets, workbooks, or creative materials used or developed by the student; and
   iii. The parent or guardian shall make available the student's portfolio for a minimum of the previous two years of home education available to the Superintendent or his/her designee within 15 days of the Superintendent's request for such materials.
   iv. The parent or guardian may access Florida Virtual School: Home-school option, independent of Bay District Schools, for access to non-diploma seeking coursework.

Students Exhibiting a Pattern of Nonattendance. If a parent or guardian enrolls their student in a home education program due to a pattern of nonattendance as defined in School Board Policy 7.105, the parent or guardian shall meet the requirements of paragraphs 1 and 2, above. The Superintendent shall provide the parent or guardian with a copy of § 1002.41, Fla. Stat. and these rules and shall refer the parent or guardian to a home education review committee organized in accordance with § 1003.26, who shall review the student's portfolio every 30 days during the regular school term, until such time the committee is satisfied that the home education program is in compliance with this policy. The first review shall occur with 30 calendar days of establishment of the home education program. Adequate progress in 4 core classes in the virtual school curriculum is defined by FLVS and may be used for compliance for attendance/driver's license requirements (portfolio review). Failure to provide a portfolio to the committee shall result in termination of the home education program and shall require enrollment of the student in a district school within three (3) days. Continued non-enrollment shall result in truancy proceedings as outlined in School Board Policy 7.105. If the home education program is terminated under the provisions of this paragraph, parents or guardians shall not be eligible to enroll their student in home education program for a period of 180 school days.

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Evaluation of Student Progress. The parent or guardian shall submit to the Superintendent or his/her designee an annual educational evaluation which documents the student's demonstration of educational progress at a level commensurate with his/her ability. The method of evaluation shall be selected by the parent or guardian from one of the following options:

1. Review of the student's portfolio and discussion with the student by a certified teacher selected by the parent or guardian;
2. Review of the student's virtual school transcript; Adequate progress in the virtual school curriculum is defined by FLVS and will be used for annual evaluation purposes to determine that a student is working "at a level commensurate with his/her ability".
3. Any nationally normed student achievement test administered by a certified teacher;
4. FL state assessment administered by a certified teacher at a location and under testing conditions approved by the district;
5. Evaluation by a validly licensed psychologist; or
6. Evaluation with any other valid measurement tool agreed upon by both the Superintendent and the parent or guardian.

Failure of the parent or guardian to provide the yearly evaluation will indicate non-compliance with this policy and, upon written notification from the district, the parent or guardian will be required to choose another education option. The Superintendent or his/her designee shall review and accept the results of the annual educational evaluation. If the evaluation does not demonstrate educational progress at a level commensurate with the student's ability, the Superintendent shall notify in writing the parent or guardian. The parent or guardian shall have one (1) year from the date of receipt to such letter to provide remedial education, after which time the student shall be re-evaluated as established above. At the conclusion of the one (1) year period, continuation of the home education program shall be contingent upon student demonstration of educational progress commensurate with his/her ability.

Entering a Public School from a Home Education Program. Students will be accepted from a properly established and maintained home education program upon the parent or guardian's written notice of termination of the program, which shall be filed in the Superintendent's office within 30 days of termination. The parent or guardian shall make available the student's portfolio for the previous two years of home education available to the Superintendent or his/her designee within 15 days of the Superintendent's request for such materials. In addition to the items listed above, the student's portfolio shall include work samples commensurate with enrolling grade level expectation or course description for which the student is seeking credit. Elementary writing samples should include appropriate grade level vocabulary, decoding skills and comprehension through samples of expository and narrative writings. Middle and high school writing samples should include well developed essays which include examples of expository, narrative, and persuasive writing. At least one-half of the writing samples in grades K-12 should be in the student's own handwriting, unless the student has a documented disability that would prevent the student from handwriting. Failure to comply with the above requirements will result in a temporary student placement or award of no credit until further assessment can be accomplished.

Grade Placement and Award of Credit. Grades from home education will not be used in the computation of grade point average. Please note that this portfolio of student work samples for grade placement and award of credit is more comprehensive than that required for annual review purposes. The grade placement guidelines for students entering public schools from home education are as follows:

1. Portfolios submitted for K-5 students and those desiring to enter the sixth grade shall be evaluated by the elementary school for which the student is zoned. Portfolios submitted for students in grades 7-9 shall be evaluated by the middle school for which the student is zoned. All other portfolios are evaluated by the student's zoned school. Portfolios are

evaluated by the home zoned school unless the student is re-entering public school into a charter school. If the student has already been granted a lottery slot, the receiving charter school will be responsible for evaluating the incoming student's portfolio.

2. Upon review of the materials provided by the parent, the principal will place the student in the grade deemed most appropriate. The decision for placement shall be based on student achievement as evidenced by the student's portfolio and student age. Principals/designees may administer end of the year assessments/achievement tests if insufficient portfolio evidence exists. A 60% score demonstrates mastery.
3. In addition to the above, middle and high school principals may administer the semester exam for the courses to determine successful academic performance/ achievement. A score of 60 or better must be earned for award of credit. Failure to comply with all requirements will result in award of no credit.
4. Enrolling 9th grade student's portfolios must reflect the successful completion of the class work required for promotion from middle school to high school.
5. Sufficient evidence of course level work must be provided for the school to award middle school units or high school credit.

Alternatively, home education students may earn credit through Bay/Florida Virtual School. These credits can be accessed by guidance personnel and used to assist in determining grade placement.

Students attending home education programs during grades 11 and 12 must meet the guidelines for a Bright Futures Scholarship established in § 1009.53-1009.539, Fla. Stat. and Bay District School Board Policy 8.801.

Students attending home education programs may participate in extracurricular student activities in accordance with § 1006.15, Fla. Stat.

Students attending home education programs may participate in dual enrollment programs in accordance with § 1007.27(4) and § 1007.271(10), Fla. Stat.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1002.01, §1002.41, Fla. Stat.; Fla. Admin. Code R. 6-1.099
History: New, June 12, 1989
Revised: July 24, 1997; August 12, 1998; August 8, 2001; December 12, 2001; July 24, 2002; June 25, 2003; September 13, 2006; December 9, 2009; December 7, 2010; November 22, 2011; November 12, 2013; January 15, 2015

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FLORIDA BRIGHT FUTURES SCHOLARSHIP PROGRAM 8.902

The Florida Bright Futures Scholarship Program awards high school students who merit recognition of high academic achievement, meet the standards required for an award and who enroll in an eligible Florida public or private postsecondary education institution. Students must meet the eligibility requirements listed in § 1009.521, Fla. Stat. Applications for a Florida Bright Futures Scholarship must be completed after December 1st but prior to graduation of the student's last year in high school. Each high school guidance office will have specific qualifications for each component of the Florida Bright Futures Scholarship Program.

Bright Futures Scholarship – Community Service Hours. Students wishing to satisfy the Florida Statute 1009.534 requirements for volunteer hours may choose social issues of interest to them. Students must follow the guidelines below for student volunteer hours and maintain documentation for purposes of meeting Bright Futures requirements.

1. Volunteer service areas may include, but are not limited to:
   - A. Non-profit community service agencies/organizations
   - B. Public schools
   - C. Accredited private schools
   - D. Churches
   - E. Government agencies
   - F. Hospital/Medical Centers
   - G. Convalescent/Nursing Homes
   - H. Licensed Childcare Schools/Agencies
2. No pay or reward will be given in exchange for the volunteer hours.
3. School or college credit will not be awarded.
4. The activity needs to be conducted in a public place.
5. There should be no unreasonable health or safety risk involved.
6. Volunteer hours cannot be for family members.
7. The service hours cannot be political in nature.
8. There can be no solicitations for donations.
9. Documentation should include date(s) of service, description and location of service, number of hours completed, and signature of person supervising.

For graduating seniors, maintain the documentation until at least the onset of the next academic school year. For all other students, keep copies of completed service hours for at least one year after graduation.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1009.53-539, Fla. Stat.; Fla. Admin. Code R. 6A-1.092, 6A-1.09401
History: New, June 12, 1989
Revised: July 24, 1997; August 12, 1998; November 22, 2011; September 25, 2012

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ACADEMIC HONORS/ ENDORSEMENT PROGRAMS 8.903

Each high school will have a day to recognize the outstanding academic achievement of high school seniors who sign a letter of intent to accept an academic scholarship offered to the student by a postsecondary educational institution. Florida Statute 1001.43 (14) has declared the third Tuesday in April each year as "Academic Scholarship Signing Day."

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1009.53-539, Fla. Stat.; Fla. Admin. Code R. 6A-1.092, 6A-1.09401
History: New, June 12, 1989
Revised: July 24, 1997; August 12, 1998; December 7, 2010

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VIRTUAL INSTRUCTION PROGRAM 8.904

A “virtual instruction program” (VIP) is a program that takes place in an interactive learning environment created through technology in which a student and teacher are separated from each other by time, space, or both (FS 1002.37). The purpose of the program is to make instruction available to District students using online and distance education technology in a nontraditional classroom, i.e., primarily outside of public school buildings. Access shall be available to students during or after the normal school day, and may extend through summer school enrollment.

The District provides eligible students within its boundaries three (3) options for participating in a virtual instruction program, including programs contracted by educational providers approved by the Department of Education, programs operated by District staff using licensed curriculum, programs operated by partner districts, and virtual course offerings developed locally. The District operates a franchise of Florida Virtual School that is also used for the Bay Virtual Instruction Program.

Student Eligibility

The student eligibility requirements for these programs are set forth in State law (FS 1002.455). Additional eligibility requirements for each program are provided in the Bay Virtual School (BVS) Handbook.

All courses are provided free of charge to eligible students, which may include home-schooled, charter school, alternative placement, and private school students. The District provides access to enrollment in the VIP programs and makes promotion decisions (for students in grades K-5) and/or awards credit for successful completion of coursework in grades 6-12. Access is available to eligible students during or after the school day.

Enrollment

Enrollment periods for the virtual schools the district contracts with will be advertised on the Bay Virtual school site and announced in print literature each spring. Elementary and middle school students must enroll for a full year schedule. Additional enrollment will be available to high school students only for the second semester. Students who withdraw from the virtual school prior to the end of the school year may not re-enroll within that school year. Any coursework completed prior to withdrawal will be evaluated at the student’s zoned school for final determination of award of credit. It is the parent’s responsibility to provide documentation of all work completed.

The district has final approval rights for enrollment. Students enrolled in a full-time virtual program remain Bay District School students. The district does not provide a physical setting for full-time virtual students. Parents are responsible for providing the site for and supervision of their full-time virtual student.

Student Participation

Each student enrolled in the school district virtual program must:

- Comply with the compulsory attendance requirements of Fla. Stat., § 1003.21. Attendance in virtual courses requires maintaining the required pacing within each course. Student attendance must be verified by the school district.
- Take state assessment tests at the school district in which the student resides, which must provide the student with access to the district’s testing facilities. State assessment testing will take place on regularly scheduled testing days. Parents will be responsible for transportation to and from the testing site. Students are expected to meet the district dress code guidelines and comply with the district code of conduct.
- Follow the course requirements listed in School Board Policy 8.403 to earn a promotion.
- Meet the Bay District School graduation requirements as listed in School Board Policy 8.403 to earn a Bay Virtual Diploma.

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Students attending virtual programs may participate in extracurricular student activities in accordance with Fla. Stat., § 1006.15.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1002.37, Fla. Stat.
History: New, September 23, 2009; December 7, 2010; November 22, 2011; November 12, 2013

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PART TEN
PROFESSIONAL DEVELOPMENT

PROFESSIONAL DEVELOPMENT **8.1001**

Professional Development is an essential element of Bay District's Division of Teaching and Learning. Responsibility for this program lies with the Coordinator of Staff Development and includes:

- the assessment of inservice training needs
- the providing of resources to meet inservice needs
- the evaluation of activities implemented to meet those needs
- the assessment of impact on programs and students
- the collaboration with administrative personnel, managers, instructional personnel, school advisory councils and the representatives from the collective bargaining units to seek input to enable the school community to meet state and local student achievement standards.

The district shall develop a coordinated system of professional development for all employees to meet state and local achievement standards, school improvement as described by Florida law, and keep employees knowledgeable and effective in their jobs.

The goals of this system must:

1. increase the success of district educators in guiding student learning and development so as to implement state and local educational standards, goals, and initiatives;
2. assist the employees in providing activities that encourage and motivate students to achieve at the highest levels and to become active learners; and
3. provide continuous support for all educational professionals who need improvement in knowledge, skills, and performance.

In order to meet the specified goals, the professional development system must meet the requirements in § 1012.98, Fla. Stat. and the following:

1. include a master plan for inservice activities for the entire school community, which may be in the form of workshops, conferences, online learning, special training sessions or similar events;
2. Provide inservice activities coupled with follow-up supports that are appropriate to accomplish district-level and school-level improvement goals and standards:
   - Instructional personnel: activities shall primarily focus on subject content and teaching methods, including technology, as related to state standards, assessment and data analysis, classroom management, and school safety.
   - Administrative personnel: activities shall identify competencies and skills necessary for effective school management and instructional leadership that align with student performance standards and accountability measures.
   - Support personnel: activities shall be job related and focus on support for student achievement and safety.

Bay District New Teacher Induction Program. The Bay District New Teacher Induction Program shall be required of all instructional employees new to teaching, the district, or the State of Florida as a condition of employment within the district, regardless of whether or not a five (5) year certificate has been issued.

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The program shall be completed within the first three years of district employment. The program will provide a competency-based preparation by which members of the district's instructional staff may satisfy the mastery of professional preparation and education Requirements of the program may include:

1. an initial orientation to the school site and environment, procedures, and guidelines;
2. online modules to document and evaluate the educational competencies of the new teacher;
3. data indicators for student progress;
4. a review of the Bay District Schools Teacher Appraisal System and the Charlotte Danielson Framework for Effective Teaching;
5. methodologies, including technology based methodologies, for teaching subject content that supports state standards;
6. techniques and strategies for effective classroom management and assurance of a safe learning environment; and
7. documentation assuring successful completion of the program.

Deliberate Practice: School principals shall be required to establish and maintain a Deliberate Practice for each instructional employee assigned to the school, as required by the Bay District Teacher Appraisal System.

Funding and compensation issues shall be in accordance with § 1011.62, Fla. Stat.

The Superintendent or his/her designee, shall provide inservice training for those administrative staff members with responsibility for assessing the performance of instructional staff.

Every employee is encouraged to avail him/herself of every possible opportunity to attend and participate in inservice activities relative to his/her area of responsibility. Some inservice activities may be mandatory. District inservice programs with required attendance shall be considered a regular work day. It is the employee's responsibility to complete the appropriate inservice forms in order to receive points toward extending his/her teaching certificate or other certifications as required.

Authority: §1001.41, Fla. Stat.
Law Implemented: § 1000.03, § 1011.62, § 1012.98, Fla. Stat.; Fla. Admin Code R 6A-5.071
History: New, June 12, 1989
Revised: August 12, 1998; July 24, 2002; January 25, 2006; December 9, 2009; December 7, 2010 (Without requirement of meeting); November 22, 2011; January 15, 2015; December 13, 2016; January 14, 2020

CHAPTER NINE
SCHOOL-COMMUNITY RELATIONS

THE COMMUNICATIONS PROGRAM 9.101

Public Information Program. The Bay County School Board will inform and interpret to the public the educational programs, needs and objectives of the schools within the District.

Responsibility of the Superintendent. It shall be the responsibility of the Superintendent or his/her designee to disseminate information pertaining to educational programs, needs, objectives, plans, problems and emergencies of the schools, as well as other items designated by the District policy.

Responsibility of the principal. It shall be the responsibility of the principal to release information to the news media concerning all local school activities. Included in these notices are reports of school related meetings, athletic contests, exhibits, productions and other activities at or sponsored by the school.

Authority: 1001.41, Fla. Stat.
Law Implemented: 1001.42, Fla. Stat.
History: New, June 12, 1989
Amended: August 8, 1991

PUBLIC PARTICIPATION 9.102

School visits. The School Board welcomes and encourages parents and all citizens of the community to visit the schools throughout the school year. These visits must be within the conditions set forth in Section 2.116 of these rules, in addition to the following:

(a) Upon arrival at the school, visitors should go directly to the school office, present valid state or federally issued identification, clear a background check and receive a sticker that is to be worn for the duration of their time on campus.
(b) Visits by non-enrolled children unaccompanied by adults are prohibited and should be referred to the principal.

Parent conferences. Parents desiring individual conferences should make an appointment in advance with the principal and/or teacher.

Guest Appearances - Speakers. The appearance of speakers on behalf of any philanthropic, charitable, recreational health or other worthwhile activity shall, prior to the appearance, be cleared with the school principal.

Authority: 1001.41, Fla. Stat.
Law Implemented: 1001.42; Fla. Stat.
History: New, June 12, 1989
Revised: June 28, 2016 (without requirement of meeting – policy reference corrected); July 27, 2021

CHAPTER NINE
SCHOOL-COMMUNITY RELATIONS

COMMUNITY ORGANIZATIONS - SCHOOL RELATED 9.103

Parent-teacher group. It is the responsibility of the principal of each school to encourage and cooperate with the Parent-Teacher Association.

Community or citizen advisory committees. When citizen committees are needed or required to help develop certain programs in the District system or in individual schools, the Superintendent shall recommend lay personnel to the School Board for appointment. Citizen committees, when formed, shall be advisory only and shall be organized for specific tasks and for a designated length of time.

Authority: 1001.41, Fla. Stat.
Law Implemented: 1012.28., Fla. Stat.
History: New, June 12, 1989

RELATIONS WITH PUBLIC AND CIVIC AGENCIES, ASSOCIATIONS, ORGANIZATIONS 9.104

Governmental agencies. The School Board of Bay County will cooperate in every possible manner with the local, county, city, and federal officials and agencies bearing in mind the obligation of the District to its citizens and of its schools and school personnel to their students.

All school personnel must obtain permission, when required, from local, county, or other governmental agencies in circumstances as follows:

1. When using other than school facilities for school purpose.
2. When needed to carry out special projects, i.e., magazine sales, etc.

Authority: 1001.41, Fla. Stat.
Law Implemented: 1001.42, 1012.22, Fla. Stat.
History: New, June 12, 1989

CHAPTER NINE
SCHOOL-COMMUNITY RELATIONS

PARENT AND FAMILY INVOLVEMENT WITH SCHOOLS 9.105

The School Board believes: (1) educational success by all students enrolled in the public schools of Bay County, Florida, is a priority goal of the School Board, the District administrative and school based staff, and parents; (2) there must be a high degree of cooperation and communication between a student's school and a student's parents, and participation by parents in school activities for students to be successful; and (3) the educational success of a child requires a strong link between a student's school and a student's home. It is, therefore, the intent of this policy to identify the characteristics of parent and school cooperation which are necessary for the successful education of students.

Expectations of Parents: Education is a team effort and parents are a critical member of the team. It is important that parents strive to provide a climate in the home that: (1) values and supports education; (2) sets and maintains high expectations for student achievement; and (3) recognizes the important of parental involvement in their child's education.

The positive outcomes of parent involvement:

- Student achievement is enhanced when parents are meaningfully involved in the learning process.
- Students have a positive attitude about education, better attendance, better grades, better test scores, and are better prepared to meet the challenges of the work place or post-secondary education when parents are involved in providing a positive climate for education in a student's home environment.

Expectations of Schools: School personnel, at all levels, should strive, to the greatest extent possible, to engage in regular and meaningful communication with students' parents and to encourage the participation of parents in the educational life of their child and their child's school.

The positive outcome of school involvement:

- When parents are made to feel that they are valuable partners with school personnel in the education of their child, their contribution to the education of their child will be effective and sustained.
- Frequent and effective communication between school and parents will increase the quality and degree of parental involvement in their child's education.
- When parents receive frequent and effective communication from their child's teachers and administrators, they will develop a positive attitude about their child's school.
- School staff morale will be high and problem solving involving students will be easier when school personnel and parents work collaboratively for the benefit of the school and its students.

Mutual Expectations of Parents and School:

- That communication between a student's home and the school will be common, consistent, and meaningful;
- That parents will become active and important participants in decision making involving their child;
- That schools will promote and assist parents in developing strong parenting skills through school provided programs and community based referrals as appropriate;
- That parent volunteers will be welcomed, actively sought, and appreciated;
- That schools will work collaboratively with community resources to enhance student learning;
- That parental involvement will be actively sought in the development, implementation, and evaluation of family involvement programs; and
- That schools and parents will collaboratively work to enhance student learning through the school improvement and the School Advisory Council processes.

Use of Federal Funds to Support Parent Involvement:

The School Board allows use of federal funds for reasonable expenditures for refreshments (food) to facilitate and promote parent involvement, particularly when parent involvement activities extend through mealtime.

Authority: §1001.41, Fla. Stat.
Law Implemented: §1002.23, Fla. Stat.
History: New, December 10, 2003; January 10, 2007
Revised: June 28, 2016 (without requirement of meeting – correct reference to School Advisory Council)

CHAPTER NINE
SCHOOL-COMMUNITY RELATIONS

PARENT-TEACHER CONFERENCES AND OTHER MEETINGS CONCERNING STUDENTS 9.106

1. Parent-teacher conferences and other meetings concerning students are scheduled throughout the school year at the request of a parent/guardian, teacher, principal, or the superintendent. This policy shall apply to all conferences and other meetings, whether held in-person, telephonically, via video conference, or via any other means. When visiting your child's school for these conferences and meetings, the conditions set forth in Section 2.115 of these rules shall also be followed.

2. Participants in meetings concerning a student cannot videotape, audio record, or transcribe these meetings. However, audio recording may be permitted during a meeting if the parent/guardian can demonstrate the need for recording. Examples of such a need include a language barrier that cannot be resolved through the presence of an interpreter or by other means, or a disability as discussed below.

3. The Americans with Disabilities Act ("ADA") provides that no qualified person with a disability shall, by reason of such disability, be excluded from participation in, or denied the benefits of the services, programs or activities of the District. The ADA applies to meetings concerning students. Therefore, the District will provide reasonable accommodations to persons who are disabled within the meaning of the ADA. Recording may constitute such an accommodation, but the District may elect to provide an accommodation other than recording so long as it is reasonable under that law. Persons who require any accommodation to ensure their full participation in meetings concerning students will be required to disclose the need for such accommodation and the specific accommodation requested at least three days prior to the meeting by contacting the Exceptional Student Education Department at 850-767-4164. This disclosure shall be made prior to the meeting to allow proper consideration and discussion of the request.

4. When recording is necessary to comply with the District's obligations under IDEA, Section 504, or the Americans with Disabilities Act, only audio recording will be allowed. Videotaping and court reporting are not permitted. Any audio recording will be made and maintained in accordance with the District's Procedural Safeguards. When a tape recording is made of a meeting by any participant, the District will also tape record and the District's copy of the recording will be maintained and treated as an educational record under Florida and federal law.

5. When recording is necessary in an IEP meeting or Section 504 meeting, the recording will not be a part of, substitute for, amend, expand or limit an IEP, Section 504 Plan, or any other document or record prepared as a part of the IEP or Section 504 process.

6. Florida law requires consent from all participants before recording any conversation. The granting of permission by the District to tape record a meeting will be deemed to be consent by the participants employed by or representing the District, but only to the extent that the recording is used by the taping participant for his or her personal use to facilitate understanding of the meeting. Therefore, the recording and its contents shall not be disseminated to any other person without the consent of all persons whose conversations were recorded.

Authority: § 1001.41, Fla. Stat.
Law Implemented: § 1001.41, Fla. Stat.
History: New, October 13, 2020