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## 1213 - STUDENT SUPERVISION AND WELFARE

Each administrator shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities that include but are not limited to, the following:

- A. An administrator shall report immediately any accident or safety hazard, about which ~~s/he~~ they are is informed or detects to ~~his/her~~ their supervisor as well as to other authorities or Authority staff members as may be required by established policies and procedures.
- B. An administrator shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to the Superintendent and local public safety agencies and/or school officials in accordance with Policy 8406 - *Reports of Suspicious and Potential Threats to Schools*.
- C. An administrator shall require staff under ~~his/her~~ their supervision to provide proper instruction in safety matters as presented in assigned course guides.
- D. An administrator shall not send students on any non-school related errands.
- E. **An administrator shall encourage a student to discuss issues relating to the student's well-being with the student's parent, or shall facilitate the student's discussion of the issue with the parent.**
- F. **An administrator shall notify the parent of a student if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and in the school's ability to provide a safe and supportive learning environment for the student. Notice shall be made as soon as reasonably possible. The administrator shall make a good faith effort to speak with the parent either in person or by telephone, with follow-up written notice by e-mail or U.S. mail.**
- G. **An administrator may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.**
- H. An administrator shall not inappropriately associate with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.
- I. An administrator shall not knowingly distribute to a minor any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format and/or by any manner. An administrator who knowingly distributes any such material to a minor also commits a felony under State law and is subject to disciplinary action up to and including termination.
- J. An administrator shall not disclose personally identifiable information about a student to third persons unless specifically authorized by law or the student's parent(s) to do so.
- K. An administrator who is transporting a student should not do so unless accompanied by another adult.
- L. A student shall not be required to perform work or services that may be detrimental to ~~his/her~~ their health.
- M. Administrators are discouraged from engaging students in social media and online networking media, such as Facebook, Twitter, ~~MySpace,~~ Instagram etc.

N. Administrators are expressly prohibited from posting any video or comment pertaining to any student on social network sites or similar forums, such as YouTube.

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and Governing Board Policy 8462, each administrator shall report to the proper legal authorities immediately any sign of suspected child abuse, abandonment, or neglect.

Revised 5/14/19

F.S. 119.011  
F.S. 847.012  
**F.S. 1001.42**  
F.S. 1001.51  
F.S. 1002.22  
F.S. 1003.32  
F.S. 1006.07  
20 U.S.C. 1232  
34 C.F.R. Part 99

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

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

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

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

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

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

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

**Notwithstanding F.S. 1012.31(3)(a)1, 1012.796(4), and this policy, within twenty-four (24) hours after a law enforcement agency provides the Superintendent with written notification pursuant to F.S. 1012.797 that a District employee has been arrested for a felony or a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance, the Principal shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.**

Materials relating to work performance, discipline, or dismissal must be reduced to writing and signed by an individual competent to know the facts or make the judgment. In cases of separation due to termination or resignation in lieu of termination, the person shall execute and maintain an affidavit of separation, on the form adopted by the Florida Department of Education, setting forth in detail the facts and reasons for such separation. The affidavit must expressly disclose when separation is due to a report of sexual misconduct with a student. The affidavit of separation must be executed under oath and constitutes an official statement within the purview of F.S. 837.06. The affidavit of separation must include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree.

Regardless of the status of an investigation, any legally sufficient complaint will be filed in writing with Florida Department of Education (FLDOE) within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the

District pursuant to F.S. 1012.796(1, d, 1). A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education.

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

- A. by certified mail, return receipt requested, to ~~his/her~~ the employer's address of record; or
- B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

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

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

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

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

The related procedures manual is entitled Personnel File Procedures.

Revised 10/8/19

Revised 12/14/21

F.S. 119.011

F.S. 119.07

F.S. 119.071

F.S. 1012.31

**F.S. 1012.797**

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## 2215 - PROGRAM OF INSTRUCTION

The CCCCSA's program of instruction shall provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education adopted standards in the following subject areas: reading and other language arts, mathematics, science, computer science and technology, social studies, foreign languages, health and physical education, and the arts.

### Development of Program of Instruction

A program of instruction shall be developed and implemented by the Superintendent as follows:

#### A. Elementary School

The primary purpose of the elementary school shall be to serve each individual student by promoting opportunities for optimum learning development. The program of instruction in the elementary school shall promote the language arts, mathematics, social studies, science, health and physical education, music, art, and other disciplines as shall be considered necessary to a well-rounded elementary school program. A procedure shall be established by which schools may recommend for approval courses or programs to meet the unique needs of students. Each subject field shall, insofar as practicable, embrace in the materials used and in the teaching procedures employed, instruction in study and work habits, career awareness, library usage, safety, thrift, conservation, health and hygiene, citizenship, the establishment of purpose, and the development of character and morality. Provision shall be made for the inculcation of ideals of group and individual behavior; to this end, organized play, intramural sports and games, hobby groups, and other organized student activities shall be fostered.

#### B. Middle School

The primary purpose of the middle school shall be to promote an expanded educational experience to meet the needs of the students in the seventh and eighth grades of school. The CCCCSA program of studies and services adopted by the CCCCSA shall determine the specific offerings. An approval process shall be established by which schools may recommend courses or programs to meet the unique needs of students. Activities which offer desirable experience, such as band (or music), dance, visual arts, drama, creative writing, athletics, and student government, etc., shall be promoted.

#### C. Senior High School

The primary purpose of the senior high school shall be to promote education which fits the needs of all students. Courses shall be offered at a level which will challenge students to perform to their capacity. The CCCCSA shall determine the specific offerings. Library and counseling services shall be provided to enable educational objectives to be met. Student government, publications, drama, music, visual arts, a broad program of athletics, and social activities, etc., shall be promoted for the development of well-rounded citizens.

#### D. Instruction in Sexual Orientation/Gender Identity

**Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 3 or in other grades in a manner that is not age-appropriate or developmentally appropriate for students, in accordance with State standards.**

**~~The CCCCSA shall provide a character development program which is secular in nature in kindergarten through grade 12 as per the SDLC guidelines.~~**

## Required Instruction

Instructional staff members, subject to Board policy and State Board of Education rules, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards of professionalism and historic accuracy, following the prescribed courses of study, and employment approved methods of instruction, the following:

- A. The history and content of the Declaration of Independence, including national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and inalienable rights of life, liberty, and property, and how they form the philosophical foundation of our government.
- B. The history, meaning, significance, and effect of the provisions of the Constitution of the United States and amendments thereto, with emphasis on each of the ten (10) amendments that make up the Bill of Rights and how the constitution provides the structure of our government.
- C. The arguments in support of adopting our republican form of government as they are embodied in the most important of the Federalist Papers.
- D. Flag education including proper flag display and flag salute.
- E. The elements of civil government, including the primary functions of and interrelationships between the Federal government, the State, and its counties, municipalities, school districts, and special districts.
- F. The history of the United States, including the period of discovery, early colonies, the war for independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present. American history shall be viewed as factual, not as constructed, shall be viewed as knowable, teachable, and testable, and shall be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence.
- G. The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions, including the policy, definition, and historical and current examples of anti-Semitism, as described in F.S. 1000.05(87), and the prevention of anti-Semitism.

The Superintendent will annually certify and provide evidence to the Florida Department of Education, in a manner prescribed by the Department, that the requirements of this paragraph have been met.

- H. The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the history and contributions of African-Americans of the African diaspora to society. Instructional materials shall include the contributions of African Americans to American society. Students shall develop an understanding of the ramifications of prejudice, racism, and stereotyping on individual freedoms, and examine what it means to be a responsible and respectful person, for the purpose of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions. Instruction shall include the roles and contributions of individuals from all walks of life and their endeavors to learn and thrive throughout history as artists, scientists, educators, businesspeople, influential thinkers, members of the faith community, and political and governmental leaders and the courageous steps they took to fulfill the promise of democracy and unite the nation. Instructional materials shall include the vital contributions of African Americans to build and strengthen American society and celebrate the inspirational stories of African Americans who prospered, even in the most difficult circumstances. Instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, how the individual freedoms of persons have been infringed by slavery, racial oppression, racial segregation, and racial discrimination, as well as topics relating to the enactment and enforcement of laws resulting in racial oppression, racial segregation, and racial discrimination and how recognition of these freedoms has overturned these unjust laws. However, classroom instruction and curriculum may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the principles enumerated in F.S. 1003.42 or the State academic standards.
- I. The elementary principles of agriculture.
- J. The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.
- K. Kindness to animals.
- L. The history of the State.
- M. The conservation of natural resources.
- N. Comprehensive age-appropriate and developmentally appropriate K-12 instruction on:
  - 1. health education that addresses concepts of community health, consumer health, environmental health, and family life, including:

- a. ~~an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; first aid and CPR training;~~
  - b. Internet safety;
  - c. nutrition;
  - d. personal health;
  - e. prevention and control of disease; ~~and~~
  - f. substance use and abuse; ~~and,~~
  - g. prevention of child sexual abuse, exploitation, and human trafficking.
2. ~~For students~~The health education curriculum for students in grades 7 through 12, ~~shall include a~~ teen dating violence and abuse. ~~This~~ component ~~must that include includes~~, but ~~is~~ not ~~be~~ limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.
3. For students in grades 6 through 12, awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy.
4. Life skills that build confidence, support mental and emotional health, and enable students to overcome challenges, including:
- a. self-awareness and self-management;
  - b. responsible decision-making;
  - c. resiliency;
  - d. relationship skills and conflict resolution;
  - e. understanding and respecting other viewpoints and backgrounds; and,
  - f. for grades 9 through 12, developing leadership skills, interpersonal skills, organizational skills, and research skills; creating a resume, including a digital resume; exploring career pathways; using State career planning resources; developing and practicing the skills necessary for employment interviews; workplace ethics and workplace law; managing stress and expectations; and self-motivation.

Health education and life skills instruction and materials will not contradict the principles enumerated in F.S. 1003.42.

The health education curriculum will include basic training in first aid, including at least one (1) hour of cardiopulmonary resuscitation (CPR) instruction for students in grades 9 and 11.

See also Board Policy 2280 and Policy 2417.

O. Personal financial literacy and money management. [Beginning with students entering grade 9 in the 2023-2024 school year]

Each student must earn one-half (1/2) credit. Instruction must include discussion or instruction in all of the following: types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services; balancing a checkbook; basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt; completing a loan application; receiving an inheritance and related implications; basic principles of personal insurance policies; computing Federal income taxes; local tax assessments; computing interest rates by various mechanisms; simple contracts; contesting an incorrect billing statement; types of savings and investments; State and Federal laws concerning finance.

- P. Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the Board in fulfilling the requirements of law.
- Q. The study of Hispanic contributions to the United States.
- R. The study of women contributions to the United States.
- S. The nature and importance of free enterprise to the United States economy.
- T. Civic and character education on the qualities and responsibilities of patriotism and citizenship including, kindness, respect for authority, life, liberty, personal property, honesty, charity, racial, ethnic, and religious

tolerance and cooperation. Additionally, for grades 11 and 12, the education shall include the topic of voting using the uniform primary and general election ballot described in F.S. 101.151. An integrated civic education curricula ~~shall meet~~**that meets** the requirements of F.S. 1003.44(6)(a).

- U. In order to encourage patriotism, the sacrifices that veterans and Medal of Honor recipients have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Medal of Honor Day, Veterans' Day, and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans and Medal of Honor recipients when practicable. ~~[SELECT THIS OPTION IF THE BOARD DID NOT SELECT THE OPTION IN THE CHARACTER DEVELOPMENT PROGRAM SECTION OF THIS POLICY OR IF IT SELECTED THE OPTION IN THE CHARACTER DEVELOPMENT PROGRAM SECTION OF THIS POLICY BUT STILL DESIRES FOR THE INSTRUCTION TO BE PROVIDED]~~

~~[ ] In order to encourage patriotism, the sacrifices that veterans and Medal of Honor Recipients have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Medal of Honor Day, Veterans' Day, and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans and Medal of Honor Recipients when practicable.~~

Efficient and faithful teaching of the required topics must be consistent with the ~~Next Generation Sunshine~~ State academic standards~~Standards~~, and the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards, and the principles stated in F.S. 1003.42. Efficient and faithful teaching further means that any discussion is appropriate for the age and maturity level of the students, and teachers serve as facilitators for student discussion and do not share their personal views or attempt to indoctrinate or persuade students to a particular point of view that is inconsistent with the ~~Next Generation Sunshine~~ State academic standards~~Standards~~ and the B.E.S.T. Standards.

~~Instruction on the required topics must be factual and objective, and may not suppress or distort significant historical events, such as the Holocaust, and may not define American history as something other than the creation of a new nation based largely on universal principles stated in the Declaration of Independence.~~  
~~[END OF OPTION 1]~~

~~Instructional staff members, subject to Governing Board policy and State Board of Education rules, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historic accuracy, following the prescribed courses of study, and employing approved methods of instruction, the topics and subject matter set forth in F.S. 1003.42.~~

~~Efficient and faithful teaching of the required topics must be consistent with the Next Generation Sunshine State Standards and the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards. Efficient and faithful teaching further means that any discussion is appropriate for the age and maturity level of the students, and teachers serve as facilitators for student discussion and do not share their personal views or attempt to indoctrinate or persuade students to a particular point of view that is inconsistent with the Next Generation Sunshine State Standards and the B.E.S.T. Standards.~~

~~Instruction on the required topics must be factual and objective, and may not suppress or distort significant historical events, such as the Holocaust, and may not define American history as something other than the creation of a new nation based largely on universal principles stated in the Declaration of Independence.~~

### Instruction in Operation of Motor Vehicles

See Board Policy 2432.

### Instruction in Health Education

~~See Board Policy 2280 and Policy 2417.~~

~~The health education curriculum will include basic training in first aid, including at least one (1) hour of cardiopulmonary resuscitation (CPR) instruction for students in grades 9 and 11.~~

### Computer Science and Technology Instruction

"Computer science" is the study of computers and algorithmic process, including their principles, hardware, and software designs, applications, and their impact on society, and includes computer coding and computer programming.

The Board shall provide students in grades K-12 opportunities for learning computer science including, but not limited to, computer coding and computer programming. Computer science courses offered in middle and high schools shall include the opportunity to earn industry certifications, when possible. Coding instruction may be provided in elementary and middle schools . Instruction to develop students' computer usage and digital literacy skills may be provided in middle school.

### Exemptions from Certain Instruction

Any student whose parent makes a written request to the Principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted will not be penalized by reason of that exemption.

Legal

[F.S. 1001.51](#)

[F.S. 1003.42](#)

[F.S. 1003.4205](#)

[F.S. 1003.44](#)

[F.S. 1003.48](#)

[F.S. 1007.2616](#)

[F.A.C. 6A-1.094124](#)

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## 2410 - **SCHOOL HEALTH SERVICES**

### **School Health Services**

The CCCCSA shall cooperate with the School District of Lee County and the Lee County Health Department to address all school health matters as required by the School Health Services Act (F.S. 381.0056). The School District of Lee County, including the school health advisory committee, and the Lee County Health Department shall jointly develop a school health services plan approved by The School Board of Lee County and adopted by the CCCCSA (with exceptions).

The "school health services plan" will describe the services to be provided, the responsibility for provision of the services, the anticipated expenditures to provide the services, and evidence of cooperative planning by the CCCCSA and district, including the school health advisory committee, and the Lee County Health Department. Each school health advisory committee must, at a minimum, include members who represent the eight (8) component areas of the Coordinated School Health model as defined by the Centers for Disease Control and Prevention.

The School Board of Lee County's superintendent, in addition to the school health advisory committee, shall develop the school health services plan jointly with the Lee County Health Department and submit it to the Board for approval.

The school health services plan will be completed biennially by The School Board of Lee County and approved and signed by The School Board of Lee County's superintendent, The School Board of Lee County's chairperson, Lee County Health Department medical director or administrator, and the Department of Health's district administrator. The school health services plan shall be reviewed each year for the purpose of updating the plan. Amendments shall be signed by The School Board of Lee County's superintendent and the Lee County Health Department medical director or administrator.

The School Board of Lee County health services plan, adopted by the CCCCSA (with exceptions), is to include, at a minimum, provisions for all of the following:

- A. health appraisal;
- B. records review;
- C. nurse assessment;
- D. nutrition assessment;
- E. a preventive dental program;
- F. vision screening;
- G. hearing screening;
- H. scoliosis screening at the appropriate age;
- I. growth and development screening;
- J. health counseling;

- K. referral and follow-up of suspected or confirmed health problems by the Lee County Health Department;
- L. meeting emergency health needs in each school;
- M. county health department personnel to assist school personnel in health education curriculum development;
- N. referral of students to appropriate health treatment, in cooperation with the private health community whenever possible;
- O. consultation with a student's parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated;
- P. maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs; except, however, that provisions in the plan for maintenance of health records of individual students must be in accordance with F.S. 1002.22;
- Q. health information which will be provided by the school health nurses, when necessary, regarding the placement of students in exceptional student programs and the reevaluation at periodic intervals of students placed in such programs;
- R. notification to the local nonpublic schools of the school health services program and the opportunity for representatives of the local nonpublic schools to participate in the development of the cooperative health services plan;
- S. a reasonable attempt to notify a student's parent, guardian, or caregiver if the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463; including and subject to the requirements and exceptions established under F.S. 1002.20 (3) and F.S. 1002.33 (9), as applicable.

Reasonable attempt to notify means the exercise of reasonable diligence and care by the principal to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the principal must take the following actions:

1. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact including, but not limited to, telephone calls, text messages, e-mails, and voicemail messages following the decision to initiate an involuntary examination of the student;
2. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.

The principal who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with Federal and State law.

- T. budget and staffing information;
- U. number and levels of public and nonpublic schools and number of students served;
- V. communicable disease policies;
- W. immunization policies;
- X. initial school entry health examination policy;
- Y. health services reporting procedure;
- Z. advisory committee activities and membership; and

AA. School District and county public health unit personnel responsible for coordinating health services.

The school health services plan will describe employing or contracting for all health-related staff and the supervision of all school health services personnel regardless of funding source.

Protocols for supervision of school health services personnel shall be described in the school health services plan to assure that such services are provided in accordance with statutory and regulatory requirements and professional standards. These shall be kept on file at The School Board of Lee County and the Lee County Health Department.

Decisions regarding medical protocols or standing orders in the delivery of school health services are the responsibility of the Lee County Health Department medical director in conjunction with the Board, school health advisory committee, the District medical consultant, or the student's private physician.

#### **Notice to Parents**

**At the beginning of the school year, the District will notify parents of each healthcare service offered at their student's school and of the option to withhold consent or decline any specific service.**

#### **COVID-19 Prohibitions**

Neither the Board nor any Board agent or employee may:

- A. impose a COVID-19 vaccination mandate for students; or
- B. prohibit a student from attending school or school-sponsored activities, prohibit a student from being on school property, or subject a student to restrictions or disparate treatment, based on an exposure to COVID-19, so long as the student remains asymptomatic and has not received a positive test for COVID-19.

#### **Involuntary Examinations of Students**

Before a principal contacts a law enforcement officer for possible removal of a student from school for involuntary examination, the principal must verify that the school has used de-escalation strategies and initiated outreach to a mobile response team, unless the principal reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others.

The principal may delay notification for no more than twenty-four (24) hours after a student is removed if the principal deems the delay to be in the student's best interest and (1) if a report has been submitted to the central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect; or (2) the principal reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

The Superintendent is required to annually report to the Florida Department of Education the number of involuntary examinations, as defined in F.S. 394.455, which are initiated at a school, on school transportation, or at a school-sponsored activity.

#### **Contact with Mental Health Professionals During a Student Crisis**

During a student crisis situation, school or law enforcement personnel must make a reasonable attempt to contact a mental health professional who may initiate an involuntary examination pursuant to F.S. 394.463, unless the child poses an imminent danger to themselves or others, before initiating an involuntary examination pursuant to F.S. 394.463. Such contact may be in person or using telehealth as defined in F.S. 456.467. The mental health professional may be available to the District either by contracts or interagency agreements with the managing entity, one or more local community behavioral health providers, or the local mobile response team or be a direct or contracted District employee.

#### **Mental Health Services**

Mental health counseling services, case management services, and human and social services may be provided to students at a school site under mutual agreements with community-based public or private agencies. Each service provided shall be on a case-by-case basis with prior written approval of the student's parent or guardian.

The Superintendent shall work to assist schools in providing information to children and families by providing a directory of referral sources for professional mental health services for children and families in need of such services. All schools should reference the "Referral Sources for Children and Families Manual" for licensed Mental Health Professionals. The following information should be listed in the directory:

- A. the location of a Referral Sources Manual
- B. information on mental health referral
- C. information on substance abuse referrals
- D. phone numbers and addresses of mental health providers
- E. a copy of the District's release letter for obtaining assistance
- F. additional resource for outpatient/inpatient services
- G. inpatient unit services for District children and adolescents

#### H. employee assistance programs and contacts

The Superintendent shall develop and update as needed administrative procedures to implement this policy.

#### Contracts with Mental Health Service Providers

The District may contract for mental health services with a community-based mental health service provider for mental health screening for the identification of mental health concerns. Any such agreement shall provide that students who may be at risk for mental health disorders and are referred to such a provider shall be assessed within fifteen (15) days of referral. Mental health services must be initiated within fifteen (15) days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within thirty (30) days after the school or District makes a referral.

Parents of a student receiving services under such a contract shall be provided information about other behavioral health services available through the student's school or local community-based behavioral health services providers by providing information about and Internet addresses for web-based directories or guides for local behavioral health services.

Individuals living in a household with a student receiving services under such a contract shall be provided information about behavioral health services available through other delivery systems or payors for which such individuals may qualify, if such services appear to be needed or enhancements in those individuals' behavioral health would contribute to the improved well-being of the student.

#### **Water Safety and Swimming Certification**

Beginning with the 2022-2023 school year, each school shall provide information on the important role water safety education courses and swimming lessons play in saving lives to a parent who initially enrolls their child in the school, or the student if the student is eighteen (18) years of age or older. The information will be provided electronically or in hard copy and must include local options for age-appropriate water safety courses and swimming lessons that result in a certificate indicating successful completion, including courses and lessons offered for free or at a reduced price.

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F.S. 39.201

F.S. 381.00319

F.S. 381.0056

F.S. 349.495(7)

F.S. 394.463

**F.S. 1001.42**

F.S. 1002.20

F.S. 1002.22

F.S. 1003.22

F.S. 1003.225

F.S. 1011.62

F.S. 1003.453

~~F.A.C. 64D-3.011~~

F.A.C. 64F-6.002

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[F.S. 39.201](#)

[F.S. 381.0056](#)

[F.S. 394.463](#)

[F.S. 349.495\(7\)](#)

[F.S. 1002.22](#)

[F.S. 1003.22](#)

[F.S. 1003.25](#)

[F.S. 1003.453](#)

[F.S. 1011.62](#)

[F.A.C. 64D-3.011](#)

[F.A.C. 64F-6.002](#)

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Book	Policy Manual
Section	Special Update May 2022 REVISIONS
Title	COMPREHENSIVE HEALTH EDUCATION
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Adopted	April 12, 2016
Last Revised	December 14, 2021

## 2417 - **COMPREHENSIVE HEALTH EDUCATION**

Pursuant to State law, the Governing Board shall provide an evidence-based, medically-accurate comprehensive health education curriculum that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy for one's life, health, and development; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; substance use and abuse; and teen dating violence and abuse.

The Board requires that this curriculum also include an evidence-based, medically-accurate, age and developmentally appropriate, and comprehensive reproductive and sexual health education curriculum. This curriculum shall include information about:

A. abstinence as the only cert

### 2417 - **COMPREHENSIVE HEALTH EDUCATION**

Pursuant to State law, the School Board shall provide an evidence-based, medically-accurate comprehensive instruction on: health education curriculum

B. health education that addresses concepts of community health, consumer health, environmental health, and family life, including:

1. ~~an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy for one's life, health, and development; mental and emotional health;~~ injury prevention and safety;
2. internet safety;
3. nutrition;
4. personal health;
5. prevention and control of disease;
6. substance use and abuse; and
7. prevention of child sexual abuse, exploitation, and human trafficking~~teen dating violence and abuse.~~

C. life skills that build confidence, support mental and emotional health, and enable students to overcome challenges, including:

1. self-awareness and self-management;
2. responsible decision-making;
3. resiliency;

4. relationship skills and conflict resolution;
  5. understanding and respecting other viewpoints and backgrounds;
  6. for students in grades 9 through 12, developing leadership skills, interpersonal skills, organizational skills, and research skills; creating a resume, including a digital resume; exploring career pathways; using State career planning resources; developing and practicing the skills necessary for employment interviews; workplace ethics and workplace law; managing stress and expectations; and self-motivation.
- D. for students in grades 7 through 12, teen dating violence and abuse. This component will include, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.
  - E. for students in grades 6 through 12, an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy.
  - F. teach abstinence from sexual activity outside of marriage as the expected standard for all school-age students while teaching the benefits of monogamous heterosexual marriage;
  - G. emphasize that abstinence from sexual activity is a certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, including acquired immune deficiency syndrome, and other associated health problems;
  - H. teach that each student has the power to control personal behavior and encourage students to base actions on reasoning, self-esteem, and respect for others; and,
  - I. provide instruction and material that is appropriate for the grade and age of the student.
  - J.

~~he Board requires that this curriculum also include an evidence-based, medically-accurate, age and developmentally appropriate, and comprehensive reproductive and sexual health education curriculum. This curriculum shall include information about:~~

- A. ~~abstinence as the only certain way to avoid pregnancy or sexually transmitted infections, including HIV/AIDS (only for students in grades 6 through 12);~~
- B. ~~the consequences of teenage pregnancy (only for students in grades 6 through 12);~~
- C. ~~the health benefits and side effects of contraception and condoms;~~
- D. ~~responsible decision-making, communication, and relationship skills;~~
- E. ~~the importance of family-child communication; and,~~
- F. ~~prevention of child sexual abuse, exploitation, and human trafficking.~~

This instruction curriculum shall be taught beginning in the 7th grade and continue throughout high school ~~and~~ shall enable students to master the standards set forth in the ~~Next Generation Sunshine State~~ academic standards ~~Standards~~.

The health education instruction curriculum will include basic training in first aid, including at least one (1) hour of cardiopulmonary resuscitation (CPR) instruction for students in grades 9 and 11. The CPR training will be based on a nationally recognized program that uses current evidence-based emergency cardiovascular care guidelines. The instruction will allow students to practice the psychomotor skills associated with performing CPR. Students will be provided instruction in the use of automated external defibrillator when available.

~~The Health-education~~ Health education curriculum materials shall, at all times, reflect current theory, knowledge, and practice, and shall be evidence-based and proven effective. The curriculum materials shall be available for review at each school site.

### Parent Opt-Out

Any student who parent makes a written request to the school principal shall be permitted to opt-out from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption and shall be given alternative assignments during this time.

~~The Board shall annually approve all instructional materials used to teach reproductive health or any disease, including HIV/AIDS, in an open, noticed public meeting.~~

~~Personnel providing instruction in human sexuality shall receive training based on Authority approved standards, prior to presenting such instruction.~~

**.] Instruction in CPR/AED**

~~§~~ The Board further requires that the comprehensive health education curriculum include cardiopulmonary resuscitation (CPR) instruction, which includes psychomotor and automated external defibrillator (AED) skills, to all students.

The Board requires that the curriculum content on which this instruction is based be developed by the American Heart Association, American Red Cross or a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines for CPR. This curriculum content shall include at least the following:

- A. Classroom instruction about the appropriate use of an automated external defibrillator (AED), which may be taught digitally (e.g., video, webinar, et cetera) and about the proper use of CPR.
- B. Hands-on practice of the psychomotor skills of CPR to enhance the students’ understanding of the cognitive knowledge presented.

This curriculum shall be taught beginning in grades 6 and 8 and continue throughout high school and successful completion of the high school comprehensive health curriculum, which includes CPR instruction, is required for graduation. Although all students will be afforded the opportunity to earn CPR/AED certification, earning such certification shall not be required to demonstrate successful completion of the program of instruction at either the middle or high school levels.

**[END OF OPTION]**

F.S. 1003.42  
~~F.S. 1003.43~~  
F.S. 1003.453  
F.S. 1003.46

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Book	Policy Manual
Section	Special Update May 2022 REVISIONS
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Adopted	April 12, 2016
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### 3213 - STUDENT SUPERVISION AND WELFARE

Each instructional staff member shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities that include but are not limited to, the following:

- A. An instructional staff member shall report immediately to a building administrator any accident or safety hazard, ~~s/he~~ they detects.
- B. An instructional staff member shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to the Superintendent and local public safety agencies and/or school officials in accordance with Policy 8406 - *Reports of Suspicious Activity and Potential Threats to Schools*.
- C. An instructional staff member shall provide proper instruction in safety matters as presented in assigned course guides.
- D. An instructional staff member shall not send students on any non-school related errands.
- E. An instructional staff member shall encourage a student to discuss issues relating to the student's well-being with the student's parent, or shall facilitate the student's discussion of the issue with the parent.
- F. An instructional staff member shall advise and consult with the principal if there is a change in a student's services or monitoring related to a student's mental, emotional or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The staff member shall assist the principal in notifying the parent of any such change.
- G. An instructional staff member shall not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being
- H. An instructional staff member shall not inappropriately associate with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.
- I. An instructional staff member shall not knowingly distribute to a minor any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format and/or by any manner. An instructional staff member who knowingly distributes any such material to a minor also commits a felony under State law and is subject to disciplinary action up to and including termination.
- J. An instructional staff member shall not transport students in a private vehicle without the approval of the principal.
- K. A student shall not be required to perform work or services that may be detrimental to ~~his/her~~ their health.
- L. Staff members are discouraged from engaging students in social media and online networking media, such as Facebook, Twitter, ~~MySpace~~, Instagram, etc.
- M. Staff members are expressly prohibited from posting any video or comment pertaining to any student on social network sites or similar forums, such as YouTube.

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and Governing Board Policy 8462, each instructional staff member shall report to the proper legal authorities immediately any sign of suspected child abuse, abandonment, or neglect.

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**F.S. 1001.42**  
F.S. 1001.51  
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F.S. 1003.32  
F.S. 1006.07  
20 U.S.C. 1232  
34 C.F.R. Part 99  
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Legal	F.S. 119.011
	F.S. 847.012
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	F.S. 1006.07
	20 U.S.C. 1232
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### 3590 - **PERSONNEL FILE**

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

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

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

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

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

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

**Notwithstanding F.S. 1012.31(3)(a)1, 1012.796(4), and this policy, within twenty-four (24) hours after a law enforcement agency provides the Superintendent with written notification pursuant to F.S. 1012.797 that a District employee has been arrested for a felony or a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance, the Principal shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.**

Materials relating to work performance, discipline, or dismissal must be reduced to writing and signed by an individual competent to know the facts or make the judgment. In cases of separation due to termination or resignation in lieu of termination, the person shall execute and maintain an affidavit of separation, on the form adopted by the Florida Department of Education, setting forth in detail the facts and reasons for such separation. The affidavit must expressly disclose when separation is due to a report of sexual misconduct with a student. The affidavit of separation must be executed under oath and constitutes an official statement within the purview of F.S. 837.06. The affidavit of separation must include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree.

Regardless of the status of an investigation, any legally sufficient complaint will be filed in writing with Florida Department of Education (FLDOE) within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the

District pursuant to F.S. 1012.796(1, d, 1). A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education.

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

- A. by certified mail, return receipt requested, to ~~his/her~~ the employee's address of record; or
- B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

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

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

[x ] ~~The Superintendent~~ The City's Human Resource Department shall develop guidelines as to what should be included in a personnel file. The contents of the personnel files should be consistent from file to file. The District should periodically conduct audits of personnel files to determine whether the contents are consistent with the guidelines. **[END OF OPTION]**

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

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

The related procedures manual is entitled Personnel File Procedures.

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F.S. 119.011

F.S. 119.07

F.S. 119.071

F.S. 1012.31

**F.S. 1012.797**

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	F.S. 1012.31

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#### 4213 - STUDENT SUPERVISION AND WELFARE

Each support staff member shall maintain a standard of care for the supervision, control, and protection of students commensurate with assigned duties and responsibilities that include but are not limited to, the following:

- A. A support staff member shall report immediately to a building administrator any accident or safety hazards ~~he~~ they detects.
- B. A support staff member shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to the Superintendent and local public safety agencies and/or school officials in accordance with Policy 8406 - *Reports of Suspicious Activity and Potential Threats to Schools*.
- C. A support staff member shall not send students on any non-school related errands.
- D. **A support staff member shall encourage a student to discuss issues relating to the student's well-being with the student's parent, or shall facilitate the student's discussion of the issue with the parent.**
- E. **A support staff member shall advise and consult with the principal if there is a change in a student's services or monitoring related to a student's mental, emotional or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The support staff member may assist the principal in notifying the parent of any such change.**
- F. **A support staff member shall not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.**
- G. A support staff member shall not inappropriately associate with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.
- H. A support staff member shall not knowingly distribute to a minor any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format and/or by any manner. A support staff member who knowingly distributes any such material to a minor also commits a felony under State law and is subject to disciplinary action up to and including termination.
- I. A support staff member shall not transport students in a private vehicle without the approval of a building administrator.
- J. A student shall not be required to perform work or services that may be detrimental to ~~his/her~~ their health.
- K. Staff members shall not engage students in social media and online networking media, such as Facebook, Twitter, ~~MySpace~~, Instagram, etc.
- L. Staff members are expressly prohibited from posting any video or comment pertaining to any student on social network sites or similar forums, such as YouTube.

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and Governing Board Policy 8462, each support staff member shall report to the proper legal authorities, immediately, any sign of suspected child abuse, abandonment, or neglect.

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[F.S. 119.011](#)

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[F.S. 1001.42](#)

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[F.S. 1003.32](#)

[F.S. 1006.07](#)

[20 U.S.C. 1232](#)

[34 C.F.R. Part 99](#)

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Legal	F.S. 119.011
	F.S. 847.012
	F.S. 1001.51
	F.S. 1002.22
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#### 4590 - **PERSONNEL FILE**

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

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

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

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

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

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

**Notwithstanding F.S. 1012.31(3)(a)1, 1012.796(4), and this policy, within twenty-four (24) hours after a law enforcement agency provides the Superintendent with written notification pursuant to F.S. 1012.797 that a District employee has been arrested for a felony or a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance, the Principal shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.**

Materials relating to work performance, discipline, or dismissal must be reduced to writing and signed by an individual competent to know the facts or make the judgment. In cases of separation due to termination or resignation in lieu of termination, the person shall execute and maintain an affidavit of separation, on the form adopted by the Florida Department of Education, setting forth in detail the facts and reasons for such separation. The affidavit must expressly disclose when separation is due to a report of sexual misconduct with a student. The affidavit of separation must be executed under oath and constitutes an official statement within the purview of F.S. 837.06. The affidavit of separation must include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree.

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

- A. by certified mail, return receipt requested, to ~~his/her~~ **the employee's** address of record; or

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

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

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

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

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

The employee shall have access to ~~his/her~~ the employee's file upon request.

The related procedures manual is entitled Personnel File Procedures.

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F.S. 119.011

F.S. 119.07

F.S. 119.071

F.S. 1012.31

**F.S. 1012.797**

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	F.S. 119.071
	F.S. 1012.31

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## 5500 - **STUDENT CONDUCT**

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in the schools of this Authority.

The Governing Board has zero tolerance for conduct that poses a threat to school safety. Zero tolerance policies must apply equally to all students and are not intended to be rigorously applied to petty acts of misconduct.

Florida law requires that students found to have committed one of the following offenses:

- A. bringing a firearm or weapon, as defined in F.S. Chapter 790, to school, to any school function, or onto any school-sponsored transportation, or possessing a firearm at school; or
- B. making a threat or false report, as defined by F.S. 790.162 and 790.163, involving school or school personnel's property, school transportation, or a school-sponsored activity;

shall be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year and shall be referred to mental health services identified by the Authority and to the criminal justice or juvenile justice system.

As per the Code of Conduct of the School District of Lee County, the District's Superintendent may consider the one (1) year expulsion requirement on a case-by-case basis and request that the District Board modify the requirement by assigning a student to a disciplinary program or second chance school. The District's~~District's~~ Superintendent's request for modification must be in writing and may only be presented to the Board for consideration if the student and/or the student's parent(s) agree in writing to accept the Superintendent's recommendation. The Board may approve the request if it is determined to be in the best interest of the student and the school system. If a student committing either of the offenses enumerated above is a student who has a disability, the Board shall comply with applicable State Board of Education rules for the discipline of such students.

The Authority shall enter into agreements with local law enforcement specifying procedures so that acts that pose a threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency having jurisdiction.

Those acts that pose a threat to school safety include, but are not limited to,:

- A. possession of firearms or other weapons
- B. placing, discharging, or throwing an explosive item or noxious substance or making threats to do so
- C. arson
- D. felony assault

- E. threats of unsafe and potentially harmful, dangerous, violent, or criminal activities

Petty acts of misconduct that are not a threat to school safety do not require consultation with law enforcement.

The following are typically considered petty acts of misconduct, although each act must be examined on a case-by-case basis to determine whether or not the act constitutes a threat to school safety requiring consultation with law enforcement:

- A. disorderly conduct
- B. disrupting a school function
- C. simple assault or battery
- D. verbal abuse or use of profanity
- E. cheating
- F. theft of less than \$300, trespassing, and vandalism of less than \$1,000
- G. possession or use of tobacco

Notwithstanding any other provision of Board policy, pursuant to F.S. 1006.13(5), any student found to have committed an act of assault or aggravated assault, or battery or aggravated battery, on any elected official of the Authority, teacher, administrator, or other School District personnel, shall be recommended for expulsion or placement in an alternative school setting, as appropriate.

The minimum period of this expulsion or placement in an alternative school setting shall be one (1) year and the student shall be referred to the criminal justice or juvenile justice system.

Further, upon being charged with such offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

The Code of Student Conduct that is adopted annually **By the School District of Lee County Board** shall provide for review of a decision to suspend or expel a student pursuant to this policy and the Code, consistent with F.S. 1006.07.

The Code shall also include the following:

- A. criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest;

All civil citation or similar prearrest diversion programs must comply with F.S. 985.12.

- B. criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention Web.

- C. **Violations of Policy 5511 - Dress and Grooming are subject to the following disciplinary actions:**

1. **For a first offense, a student shall be given a verbal warning and the Principal shall call the student's parent or guardian.**
2. **For a second offense, the student is ineligible to participate in any extra-curricular activity for a period of time not to exceed five (5) days and the Principal shall meet with the student's parent or guardian.**
3. **For a third or subsequent offense, a student shall receive an in-school suspension pursuant to F.S. 1003.01(5) for a period not to exceed three (3) days, the student is ineligible to participate in any extra-curricular activity for a period not to exceed thirty (30) days, and the Principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extra-curricular activities.**

Furthermore, if the Board receives notice from the Department of Juvenile Justice, as required by law, that a student enrolled in the Authority has been adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or *nolo contendere* to, a felony violation as set forth in F.S. 1006.13(6)(a), the **District** Board shall, pursuant to State law and the adopted cooperative agreement with the Department of Juvenile Justice, require that any no contact order entered by a court be enforced and that all of the necessary steps be taken to protect the victim of the offense or a sibling of the victim.

Students may be subject to discipline for violation of the Code of Conduct/Student Discipline Code even if that conduct occurs on property not owned or controlled by the **Board Authority** but that is connected to activities or incidents that have occurred on

property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.

The principal shall notify all school personnel as to their responsibilities regarding incident reporting, that acts which pose a threat to school safety and crimes are properly reported to the principal, and that the disposition of the incident is properly documented.

Student conduct shall be governed by the rules and provisions set forth in the Lee County Code of Student Conduct which is reviewed and adopted annually [by the District](#) in accordance with F.S. Chapter 120 and is incorporated in the policy by reference.

The Code of Student Conduct shall contain provisions for the assignment of violent or disruptive students to an alternative educational program and/or referral of such students to mental health services identified by the Authority.

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Revised 12/14/21

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                                 [F.S. 1006.13](#)  
                                 [F.S. 1012.584](#)

Last Modified by Jacquelin Collins on September 8, 2022

Book	Policy Manual
Section	Special Update May 2022 REVISIONS
Title	DRESS AND GROOMING
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#### 5511 - DRESS AND GROOMING

The Governing Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the schools. The Board authorizes the Superintendent to establish a **reasonable uniform** dress code in order to promote a safe and healthy school setting and enhance the educational environment. The school uniform shall be incorporated into the Student Code of Conduct or Discipline Code.

Accordingly, the Superintendent shall establish such grooming procedures as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such procedures shall prohibit student dress or grooming practices which:

- A. present a hazard to the health or safety of the student or to others in the school, including by way of communicating threats of harm or depictions of harmful conduct directed at others;
- B. interfere with school work, create disorder, or disrupt the educational program, including dress that promotes or depicts illegal activity, such as illegal drug use, underage alcohol consumption, or similar activities;
- C. cause excessive wear or damage to school property;
- D. prevent the student from achieving their own educational objectives because of blocked vision or restricted movement.

Such procedures shall establish the dress requirements for members of the athletic teams, bands, and other school groups when representing the Authority at a public event. Where appropriate, a uniform or specific dress requirement shall be used for students when representing the Authority as described.

The Superintendent shall develop administrative procedures to implement this policy which:

- A. ( **x** ) designate the principal as the arbiter of student dress and grooming in ~~his/her~~ **their** building;
- B. ~~(-) invite the participation of (-) staff (-) parents (-) students in the preparation of a dress code which may specify prescribed dress and grooming practices, but may not amplify the rationale for prohibition established by Board policy;~~
- C. ( **x** ) instruct staff members to demonstrate by example and precept wholesome attitudes toward neatness, cleanliness, propriety, modesty, and good sense in attire and appearance;
- D. ( **x** ) ensure that all rules implementing this policy impose only minimum and necessary restrictions on the exercise of the student's taste and individuality.

The Superintendent shall develop administrative procedures to implement this policy which designate the principal as the arbiter of student dress and grooming in his/her building.

Students who violate the foregoing rules will not be admitted to class and may be suspended from school.

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[F.S. 1001.43](#)

[F.S. 1006.07](#)

[F.S. 1011.78](#)

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Book	Policy Manual
Section	Special Update May 2022 REVISIONS
Title	STUDENT/PARENT RIGHTS
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Status	
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## 5780 - STUDENT/PARENT RIGHTS

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

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

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

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

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

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

### Parental Access at School

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

### Educational Decisions

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

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

### Attendance

#### A. Termination of Enrollment

A student who attains the age of sixteen (16) years during the school year has the right to file a formal declaration of intent

to terminate school enrollment if the declaration is signed by the parent. The parent has the right to be notified by the Authority of its receipt of the student's declaration of intent to terminate school enrollment. (see also Policy 5130 - Withdrawal from School)

#### B. Married or Pregnant

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

#### C. Compulsory Attendance

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

#### D. Absence for Religious Purposes

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

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

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

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

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

### Health Issues

#### A. Notice of Health Care Services

**At the beginning of the school year, the Authority ~~District~~ will provide notice to parents of all health care services offered at their student's school and of the option to withhold consent to or decline any specific service. Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3, the Authority ~~District~~ will provide the questionnaire or form to the parent and obtain the permission of the parent.**

#### A. chool-Entry Health Examinations

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

#### B. Immunizations

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

#### C. Biological Experiments

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

#### D. Reproductive Health and Disease Education

A public school student whose parent makes written request to the school principal shall be exempted from the teaching of

reproductive health or any disease, including HIV/AIDS. (see also Policy 2417 - Comprehensive Health Education)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### L. Involuntary Examinations of Students

Before a Principal contacts a law enforcement officer for possible removal of a student from school for involuntary examination, the Principal must verify that the school has used de-escalation strategies and initiated outreach to a mobile response team, unless the Principal reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others.

The Principal shall make a reasonable attempt to notify a parent of a student before the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463. Reasonable attempt to notify means the exercise of reasonable diligence and care by the Principal to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the Principal must take the following actions:

1. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact including, but not limited to, telephone calls, text messages, e-mails, and voicemail messages following the decision to initiate an involuntary examination of the student;
2. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.

The Principal who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with Federal and State law.

The Principal may delay the required notification for no more than twenty-four (24) hours after a student is removed if:

1. the Principal deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect. (see also Policy 2410 - School Health Services); or
2. the Principal reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

(see also Policy 2410 - School Health Services)

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

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

#### N. Face Covering and Quarantine Mandates in Response to COVID-19

1. require a student to wear a face mask, a face shield, or any other facial covering that fits over the mouth or nose. However, a parent, at the parent's sole discretion, may allow his/her child to wear a face mask, a face shield, or any other facial covering that fits over the mouth or nose;

This prohibition does not apply to safety equipment required as part of a course of study consistent with occupational or laboratory safety requirements. See Policy 8450.01, *Protective Facial Coverings During Pandemic/Epidemic Events*.

2. prohibit a student from attending school or school-sponsored activities, prohibit a student being on school property, or subject a student to restrictions or disparate treatment, based on an exposure to COVID-19, so long as the student remains asymptomatic and has not received a positive test for COVID-19.

## Discipline

### A. Suspension

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

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

### B. Expulsion

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

## Safety

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

## Request to Transfer to In-Field Classroom Teacher

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

## Nondiscrimination

All education programs, activities, and opportunities offered by the Authority are available without discrimination on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), color, ethnicity, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (collectively, "protected classes"). (see also Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability)

## Exceptional Students ~~with Disabilities~~

**Parents may enroll their eligible child in gifted or special education. (See also Policy 2460 - Exceptional Student Education)**

### A. Notice and Due Process

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

### B. Graduation

Students with disabilities are provided the opportunity to meet the graduation requirements for a standard high school diploma. (see also Policy 2623 - Student Assessment)

### C. Meetings with Authority Personnel

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

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

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

### **Blind Students**

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

### **Limited English Proficient Students**

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

### **Students with Reading Deficiencies**

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

### **Pledge of Allegiance**

A student will be excused from reciting the pledge of allegiance, or the Declaration of Independence upon written request by the student's parent, in accordance with State law. See also Policy 8800, Religious/Patriotic Ceremonies and Observances.

### **Student Records**

- A. Each parent has an equal right of access, right to waive access, right to challenge and hearing and right of privacy in the education records of ~~his or her~~ their student who is a minor or a dependent adult pursuant to law, unless the school has received a certified copy of an enforceable court order that provides to the contrary. (see also Policy 8330 - Student Records)
- B. A student is not required to provide ~~his/her~~ their social security number as a condition for enrollment or graduation. (see also Policy 8330 - Student Records)
- C. The school will not collect, obtain or retain information on the political affiliation, voting history, religious affiliation or biometric information of a student, parent or siblings.

### **Student Report Cards**

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

### **Student Progress Reports**

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

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

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

### **High School Athletics**

#### A. Eligibility

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

#### B. Medical Evaluation

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

### **Extra-Curricular Activities**

#### A. Eligibility

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

#### B. Home Education Students

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

#### C. Charter School Students

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

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

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

### **Instructional Materials**

#### A. Core Courses

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

#### B. Curricular Objectives

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

#### C. Sale of Instructional Materials

Upon request of the parent of a student, the Principal will sell to the parent any instructional materials used in the school.

#### D. Dual Enrollment Students

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

#### E. Parents have the ability to access their child's instructional materials and may object to the use of a specific instructional material or contest the adoption of instructional material (See Policy 2520, Selection and Adoption of Instructional Materials).

### **ACCEL Options**

Parents may request student participation in Academically Challenging Curriculum to Enhance Learning (ACCEL) options, including whole-grade promotion, midyear promotion or subject-matter acceleration. If the parent selects one of these ACCEL options and the

student meets eligibility and procedural requirements in the student progression plan, the student will have the opportunity to participate in the ACCEL option.

## **Parental Input and Meetings**

### **A. Meetings with Authority Personnel**

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

### **B. Authority Educational Facilities Program**

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

### **C. Parent-Teacher Associations and Organizations**

Parents have the right to participate in parent-teacher associations and organizations that are sanctioned by the Board or by the Florida Department of Education.

## **Transportation**

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

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

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

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

### **C. Parental Consent**

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

## **Orderly, Disciplined Classrooms**

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

## **Safe Schools**

Parents of CCCSA students will be timely notified pursuant to procedures adopted by the Superintendent of threats and the following unlawful acts or significant emergencies that occur on school grounds, during school transportation, or during school-sponsored activities:

- A. Weapons possession or use when there is intended harm toward another person;
- B. Murder, homicide, or manslaughter;
- C. Sex offenses, including rape, sexual assault or sexual misconduct with a student by school personnel;
- D. Natural emergencies, including hurricanes, tornadoes, and severe storms.
- E. Exposure as a result of a manmade emergency.

Parents of CCCSA students have a right to access school safety and discipline incidents as reported pursuant to F.S. 1006.07 (9).

## **Parental Notification of Arrests of Employees**

**Notwithstanding F.S. 1012.31(3)(a)1 and 1012.796(4), within twenty-four (24) hours after a law enforcement agency provides the Superintendent with written notification pursuant to F.S. 1012.797 that an Authority ~~a-District~~ employee has been arrested for a felony or a misdemeanor involving the abuse of a minor child or the sale or possession of a**

**controlled substance, the Principal shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.**

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Revised 9/14/21  
Revised 6/14/22

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Legal	F.S. 39.201
	F.S. 381.0056
	F.S. 394.463
	F.S. 1000.05
	F.S. 1002.20
	F.S. 1002.22
	F.S. 1002.385
	F.S. 1002.39
	F.S. 1002.395
	F.S. 1002.41
	F.S. 1002.43
	F.S. 1003.01(13)
	F.S. 1003.02
	F.S. 1003.21
	F.S. 1003.22
	F.S. 1003.3101
	F.S. 1003.32
	F.S. 1003.42
	F.S. 1003.44
	F.S. 1003.4505
	F.S. 1003.47
	F.S. 1003.52
	F.S. 1003.53
	F.S. 1003.55
	F.S. 1003.56
	F.S. 1003.57
	F.S. 1003.58
	F.S. 1006.062(7)
	F.S. 1006.07
	F.S. 1006.09
	F.S. 1006.13
	F.S. 1006.15
	F.S. 1006.20
	F.S. 1006.21

F.S. 1006.22

F.S. 1006.23

F.S. 1006.28

F.S. 1006.40

F.S. 1007.271

F.S. 1008.22

F.S. 1008.25

F.S. 1008.386

F.S. 1012.42

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Book	Policy Manual
Section	Special Update May 2022 REVISIONS
Title	MANDATORY REPORTING OF MISCONDUCT BY CERTIFICATED EMPLOYEES
Code	po8141 jc 9/8/22
Status	
Adopted	April 12, 2016
Last Revised	December 14, 2021

## **8141 - MANDATORY REPORTING OF MISCONDUCT BY CERTIFICATED EMPLOYEES**

The Governing Board recognizes its responsibilities to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process.

For purposes of this policy, the term "employee(s)" all employees of the System and school officers as defined in F.S. 1012.01.

### **Reporting Misconduct**

All Authority employees are required to report to the Superintendent alleged misconduct by Authority employees which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student.

If the alleged misconduct to be reported is regarding the Superintendent, the Authority employee shall report the alleged misconduct to the Board attorney. Failure to report such alleged misconduct shall result in appropriate disciplinary action (F.S. 1012.796(d)). The report shall be made in accordance with Policy 9130 - Public Complaints.

The Superintendent shall investigate any allegation of misconduct by Authority employees which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, and shall report the alleged misconduct to the Department of Education as required in F.S. 1012.796, 1001.51(12, b), 1001.42(7, b), and must notify the Florida Department of Education of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated before the conclusion of the investigation.

The Superintendent shall report to law enforcement agencies with jurisdiction any misconduct that would result in disqualification from educator certification or employment as set forth in F.S. 1012.315.

Staff alleged to have committed such misconduct shall be reassigned or put on administrative leave pending the outcome of a misconduct investigation.

### **Parental Notification of Alleged Misconduct**

Within thirty (30) days of the date on which the Authority learns of misconduct by instructional personnel, educational support personnel, and school administrators any employee of the District that affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, lewd conduct with a student, or any conduct that would result in disqualification from educator certification or employment as provided in F.S. 1012.315, the parent of a student who was subjected to or affected by such misconduct shall receive written notification informing the parent of the following:

- A. the alleged misconduct, including which allegations have been substantiated, if any;
- B. whether the Authority reported the misconduct to the FLDOE, if required by F.S. 1012.796;
- C. the sanctions imposed by the Authority against the employee, if any; and
- D. support the Authority will make available to the student subjected to or affected by the misconduct.

Parental notification shall be provided consistent with the provisions set forth in Policy 1590, Policy 3590, and Policy 4590, including the statutory requirement that school administrators, educational support personnel, and instructional staff members be provided

ten (10) days notice before the disclosure of derogatory material.

### **Parental Notification of Arrests of Employees**

**Notwithstanding F.S. 1012.31(3)(a)1 and 1012.796(4), within twenty-four (24) hours after a law enforcement agency provides the Superintendent with written notification pursuant to F.S. 1012.797 that a District employee has been arrested for a felony or a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance, the Principal shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.**

### **Filing a Complaint with the Department of Education**

If it is alleged that an instructional staff member, educational support personnel, or administrator has committed a violation as provided in F.S. 1012.795, and defined by rule of the State Board of Education, the Superintendent shall file with the Department of Education a legally sufficient complaint within thirty (30) days after the date on which the subject matter of the complaint came to the attention of the Superintendent, regardless of whether the subject of the complaint is still an employee of the Authority. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education. The Superintendent shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the Department of Education to investigate complaints, regardless of the Authority's untimely filing, or failure to file, complaints and follow-up reports (F.S. 1012.796[e]).

### **Report of Resignation or Termination**

If the Superintendent determines that a legally sufficient complaint of misconduct by an instructional staff member or an administrator who holds a certificate issued by the Florida Department of Education, or by any educational support personnel that affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated and the Superintendent must immediately report the misconduct to the Department of Education in the format prescribed by the Department even if the instructional staff member, educational support personnel or administrator resigns or is terminated before the conclusion of the Authority's investigation. The Department shall maintain each report of misconduct as a public record in the instructional personnel's certification files (F.S. 1012.796[d]).

### **Transmittal of False or Incorrect Report**

The Superintendent shall not knowingly sign and transmit to any State official a report that the Superintendent knows to be false or incorrect.

The superintendent may not knowingly sign and transmit to any State official a report that the superintendent knows to be false or incorrect or knowingly fail to complete the investigation of any allegation of misconduct, that affects the health, safety, or welfare of a student, that would be a violation of F.S. 800.101 or that would be a disqualifying offense under F.S. 1012.315, or any allegation of sexual misconduct with a student. The superintendent may not knowingly fail to report the alleged misconduct to the Florida Department of Education as required in F.S. 1012.796, or knowingly fail to report misconduct to the law enforcement agencies with jurisdiction over the conduct pursuant to Board policy under F.S. 1001.42.

Pursuant to F.S. 1001.42(7), a Board member may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel, educational support personnel, or school administrators which affects the health, safety, or welfare of a student which the Board member knows to be false or incorrect.

### **Requirement of Disclosure of Employee Misconduct**

The Board, Superintendent, or any other Authority employee, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel, educational support personnel, or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional or educational support personnel, or administrators with employment references or discuss the personnel's performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional or educational support personnel that affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced (F.S. 1001.42(6)).

### **Posting Requirements**

Pursuant to F.S. 1006.061(2), this policy shall be posted in a prominent place at each school site and on each school's internet website, so that the policy and procedures for reporting alleged misconduct by instructional or educational support personnel or

school administrators that affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional or educational support personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional or educational support personnel or school administrators is effectively communicated to all.

### **Liability**

Employees who report misconduct which affects the health, safety, or welfare of a student may be entitled to certain statutory liability protections as set forth in F.S. 39.203 and 768.095.

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Revised 2/9/21

Revised 12/14/21

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Legal	F.S. 1001.42(6)
	F.S. 1001.42(7)(b)
	F.S. 1001.51(12)(b)
	F.S. 1006.061(2)
	F.S. 1012.795
	F.S. 1012.796
	F.S. 1012.796(d)
	F.S. 1012.796(e)

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