CITY OF CAPE CORAL CHARTER SCHOOL AUTHORITY
PUBLIC NOTICE

The City of Cape Coral Charter School Authority will consider the adoption, amendment, or repeal of the proposed NEOLA Policies listed below at a Regular Governing Board Meeting on Tuesday, March 8, 2021 at 5:30p.m., in Cape Coral City Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, Florida 33990.

NEOLA Policies Volume 20, Number 2:

POLICY 1020	Employment of the Appointed Superintendent
POLICY 1030	Superintendent of Schools
POLICY 1040.01	Non-Renewal or Termination of Employment of the Appointed Superintendent
POLICY 1060	Incapacity of the Appointed Superintendent
POLICY 4162	Drug and Alcohol Testing of CDL License Holders and Other Employees Who Perform Safety Sensitive Functions
POLICY 6107V1	Authorization to Accept and Distribute Electronic Records, to Use Electronic Signature, and Make Electronic Fund Transfers
POLICY 1215	Tobacco-Free Environment
POLICY 3215	Tobacco-Free Environment
POLICY 4215	Tobacco-Free Environment
POLICY 5512	Tobacco-Free Environment
POLICY 7434	Tobacco-Free Environment

Any person who is affected by a proposed policy, policy revision, or the repeal of a policy may file a written request with the Governing Board for a hearing on the proposed action at: The City of Cape Coral Charter School Authority, ATTENTION: Mr. Michael Campbell, Chairman, 3519 Oasis Boulevard, Cape Coral, FL 33914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact The City of Cape Coral Charter School Authority Governing Board Secretary at (239) 424-6100, Ext. 404, at least five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Services by dialing 7-1-1 or 1-800-955-8771 (TTY); 1-800-955-8770 (Voice), for aid in contacting the City of Cape Coral Charter School Authority office.

Book	Policy Manual
Section	Vol. 20, No. 2
Title	REVISED POLICY - VOL. 20, NO. 2 - EMPLOYMENT OF THE APPOINTED SUPERINTENDENT
Code	po1020 12/18/20 jc
Status	

REVISED POLICY - VOL. 20, NO. 2

1020 - **EMPLOYMENT OF THE APPOINTED SUPERINTENDENT**

In accordance with State law, the Ssuperintendent is the secretary and executive officer of the School Board. State law further assigns to the Ssuperintendent specific powers, duties, and responsibilities related to the oversight and operation of the District. The appointment of that officer is, therefore, one of the most important functions the Board can perform.

Whenever the position of Ssuperintendent shall be vacant, the Board shall actively seek the best qualified and most capable candidate for the position of District Ssuperintendent.

[x-] The Board may be aided in this task by:

A. (x) a committee of Board members;

B. (x) the services of professional consultants;

C. (x) the counsel of the out-going Ssuperintendent;

D. ~~( ) the participation of members of the community.~~

Recruitment procedures shall be prepared in advance of the search and shall include the following:

A. [x] the preparation of a written job specification for the position of Ssuperintendent

B. [x] preparation of written specifications of qualification in addition to proper State licensing

C. ~~[ ] preparation of informative material describing this District and its educational goals~~

D. [x] where feasible, the opportunity for applicants to visit the schools of this District

E. [x] the requirement that each selected candidate for the position be interviewed by Board members in a format that encourages him/her to express his/her educational philosophy

F. ~~[ ] solicitation of applications from a wide geographical area~~

G. [x] consideration of all applicants fairly without unlawful discrimination, (x) on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, 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"). ~~race, gender, age, religion, ethnic background, disability, or other condition unrelated to the position of superintendent~~

Pursuant to State law, the Ssuperintendent is not subject to the provisions of law, either general or special, relating to tenure of employment or contracts of other school personnel.

The Board shall enter into an employment contract ~~of employment~~ with the Ssuperintendent, which shall require the Ssuperintendent to exercise all powers, duties, and responsibilities set forth in State law, State Board rule, and Board policy. The contract of employment shall also establish a reasonable salary for the position, taking into account the factors set forth in State law. If the contract contains a provision for severance pay, it must include the provisions required by F.S. 215.425. ~~However, the Board may not enter into an employment contract that requires the District to pay a superintendent from State funds an amount in excess of one (1) year of the superintendent's annual salary for termination, buyout, or any other type of contract settlement. The~~

~~contract may, however, include a provision which entitles the superintendent to be paid for earned leave and benefits that were accrued during employment in the District.~~

Notwithstanding any other law, resolution, or rule to the contrary, the Superintendent may not receive more than $225,000 in remuneration annually from state funds. "Remuneration" means salary, bonuses, and cash-equivalent compensation paid to the Superintendent by the Board for work performed, excluding health insurance benefits and retirement benefits. Only compensation, as defined in F.S. 121.021, provided to the Superintendent, may be used in calculating benefits under F.S. Chapter 121.

Any salary adjustments or supplements that would constitute bonuses must be based upon work performance and in accordance with Florida law. The determination of such bonus must include a process that describes performance standards and an evaluation process consistent with Policy 1220.

[x] The contract shall also include:

A. **(x)** the term for which employment is contracted, including beginning and ending dates;

B. **(x)** the benefits to which s/he is entitled;

C. **(x)** such other matters as may be necessary to a full and complete understanding of the employment contract.

~~If the contract includes severance pay as a benefit, such severance pay may not exceed an amount greater than twenty (20) weeks of compensation. Severance pay means the actual or constructive compensation, including salary, benefits, or prerequisites for employment services yet to be rendered which is provided to the superintendent who has recently been or is about to be terminated. The term does not include compensation earned and accrued for sick, annual, compensatory or administrative leave, or any subsidy for the cost of a group insurance plan available to the superintendent upon normal or disability retirement. If the superintendent has been terminated for misconduct, severance pay is prohibited by law.~~

The Ssuperintendent so appointed shall devote himself/herself exclusively to the duties of his/her office and maintain his/her principal residence within the City ~~District~~, unless otherwise approved by the Board.

[x] Any candidate's intentional misstatement of fact material to his/her qualification for employment or the determination of his/her salary shall be considered by this Board to constitute grounds for his/her dismissal.

[x] The person selected for the position of superintendent shall be required to undergo a physical examination reasonably related to the duties s/he will be required to perform, the cost of which shall be borne

(x) by the District.

( ) by the candidate.

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Legal F.S. 215.425
F.S. 1001.50

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Vol. 20, No. 2
Title	REVISED POLICY - VOL. 20, NO. 2 - SUPERINTENDENT OF SCHOOLS
Code	po1030 11/27/20 FSJ jc 12/14/20
Status	
Adopted	April 12, 2016

REVISED POLICY - VOL. 20, NO. 2

1030 - **SUPERINTENDENT OF SCHOOLS**

The Superintendent, as secretary and executive officer of the School Board, shall have the responsibility for the administration and management of the District's schools and for the supervision of instruction in the District.

The Superintendent shall enforce the rules of the State Board of Education, rules of the Florida Department of Education, and the policies of this Board. At all times, the Superintendent shall be responsible for complying with the Standards of Ethical Conduct outlined in Policy 1210 and elsewhere in Florida law.

The Superintendent shall provide educational direction for the instructional staff and supervision for the support staff. The Florida statutes vest in the Superintendent the following powers:

A. exercise general oversight over the District in order to determine problems and needs, and recommend improvements.

B. advise and counsel with the Board on all educational matters and make recommendations to the Board for action regarding such matters as should be acted upon.

C. recommend to the Board such policies as the Superintendent may consider necessary for the District's more efficient operation.

D. prepare and submit to the Board for adoption such policies to supplement those rules adopted by the State Board of Education that, in the Superintendent's judgment, will contribute to the efficient operation of the District, and, upon adoption by the Board, require compliance with these policies.

E. from time-to-time prepare, organize, and submit to the Board for adoption such minimum standards relating to the operation of any phase of the District program as are needed, in the Superintendent's judgment, to supplement standards of the State Board of Education and as will contribute to the efficient operation of the District's program, and, upon adoption by the Board, require that said standards are observed.

F. perform such duties and exercise such responsibilities as are assigned to the Superintendent by law and by rules of the State Board of Education.

The Superintendent shall perform the duties and responsibilities set forth in the Florida statutes, including, but not limited to, the following:

A. require the participation of all instructional staff members and school administrators in training on the District's standards of ethical conduct and the related policies and procedures upon employment and annually thereafter;

B. (x) make recommendations, nominations, proposals, and reports required by law to be acted upon by the Board;

C. (x) keep the Board informed of school operation by preparing Board agendas, providing oral and written communication, scheduling management meetings, and requesting special Board meetings that become necessary to keep the Board properly informed;

D. (x) require that all aspects of District operation comply with State laws and regulations as well as Board contracts and policies;

E. (x) require that all laws, rules of the State Board of Education, and the policies of the Board are properly observed;

F. (x) prepare and submit the annual budget to the Board for adoption and to direct all expenditures within the appropriations adopted by the Board;

G. (x) direct the work of all personnel in accordance with the Florida statutes, Federal law, and the policies of the Board;

H. (x) recommend measures to the Board so that adequate educational facilities are available throughout the District;

I. (x) prepare reports to the Board on the conditions and needs of the schools and to acquaint the public with the said activities and needs;

J. (x) assign staff to their respective teaching duties;

K. (x) work cooperatively with parents and community groups concerned with programs in the schools;

L. (x) participate in such conferences and courses of continuing professional education so that s/he may function more efficiently and effectively;

M. (x) authorize administrators to enter into agreements with consultants;

N. (x) delegate authority to staff in any matters, when it becomes expedient to do so, and assume full responsibility for the execution and satisfactory completion of the delegated activities;

O. (x) recommend to the Board an annual plan for instructional programs.

The Superintendent may authorize changes or exceptions as necessary for implementing the instructional program.

The Superintendent shall further comply with the following:

A. Pursuant to F.S. 1001.42(7), the Superintendent may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the Superintendent knows to be false or incorrect, or knowingly fail to adopt policies that require instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators, if the misconduct affects the health, safety, or welfare of a student. Violation of these provisions will result in the forfeit of the Superintendent's salary for one (1) year.

B. Pursuant to Policy 8141 and Florida law, the Superintendent shall investigate any allegation of misconduct by District employees which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, and shall report the alleged misconduct to the Department of Education as required in F.S. 1012.796, 1001.51(12)(b), 1001.42(7)(b). The Superintendent shall report to law enforcement agencies with jurisdiction any misconduct that would result in disqualification from educator certification or employment as set forth in F.S. 1012.315.

C. Pursuant to Florida~~State~~ law, the Ssuperintendent shall complete four (4) hours of ethics training each calendar year that addresses, at a minimum, the constitutional "Sunshine Law" provisions (Article II, Section 8), the statutory Code of Ethics for Public Officers and Employees (F.S. Chapter 112, Part III), and the public records and public meetings laws. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered. The Superintendent must further receive annual training on the Standards of Ethical Conduct set forth in Policy 1210.

D. ~~Pursuant to the Florida statutes, the Superintendent shall not knowingly sign and transmit to any state official a report that the Superintendent knows to be false or incorrect. Furthermore, the Superintendent shall investigate any allegation of misconduct by instructional staff members or school administrators, as defined in F.S. 1012.01, which affects the health, safety, or welfare of a student, and shall report the alleged misconduct to the Department as required the Florida statutes and Policy 8141 – Reporting Misconduct.~~

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Legal F.S. 1001.49

F.S. 1001.51

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Book	Policy Manual
Section	Vol. 20, No. 2
Title	REVISED POLICY - VOL. 20, NO. 2 - NON-RENEWAL OR TERMINATION OF EMPLOYMENT OF THE APPOINTED SUPERINTENDENT
Code	po1040.01 12/18/20 jc
Status	

REVISED POLICY - VOL. 20, NO. 2

1040.01 - **NON-RENEWAL OR TERMINATION OF EMPLOYMENT OF THE APPOINTED SUPERINTENDENT**

The School Board has an obligation to the citizens of this District to employ the professional leadership best trained and equipped to meet the educational needs of the students. It shall meet that obligation by retaining only the best-qualified person as Superintendent.

If the services of the Superintendent are found to be unsatisfactory to the Board, the Superintendent shall be notified in writing by the Board Chair, as approved by the Board at a publicly noticed meeting ~~by the Board Chairman~~.

~~If services continue to be unsatisfactory, the Superintendent shall be notified in writing by the Board Chairman, as approved by the Board.~~

~~Notification of its intent not to reemploy the Superintendent shall be given in accordance with the Superintendent's employment agreement.~~
Any decision to discontinue the employment of the Superintendent shall be made at a publicly noticed meeting of the Board and in accordance with the Superintendent's employment agreement.

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Legal	F.S. 1001.50
	Art. IX, Fla. Constitution

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Book	Policy Manual
Section	Vol. 20, No. 2
Title	REVISED POLICY - VOL. 20, NO. 2 - INCAPACITY OF THE APPOINTED SUPERINTENDENT
Code	po1060 12/18/20 jc
Status	

REVISED POLICY - VOL. 20, NO. 2

1060 - **INCAPACITY OF THE APPOINTED SUPERINTENDENT**

It is the legal duty of the School Board to appoint a temporary or acting Superintendent by a majority vote of the Board upon determination that the appointed Superintendent is incapacitated in such a manner that s/he is unable to perform the duties of his/her office.

The Board shall fix the compensation of the temporary Superintendent who shall serve until the Superintendent's incapacity is removed or until the expiration of the Superintendent's contract whichever is sooner. S/He shall perform all of the duties and functions of the Superintendent, and may be removed at any time for cause by a two-thirds (2/3's) majority vote of the Board.

The Board shall determine that the Superintendent is incapacitated:

[x] at the request of the Superintendent.

(x) and with medical documentation.

[x] upon certification of a

~~( ) physician selected and compensated by the Board;~~

(x) physician selected and compensated by the Superintendent;

~~( ) panel of three (3) physicians, one (1) selected and compensated by the Board, one (1) selected and compensated by the Superintendent, and the third selected by the two (2) physicians and compensated by the Board.~~

~~[ ] Where a physician selected by the Board disagrees with a physician selected by the Superintendent, the two (2) physicians shall agree in good faith upon a third impartial physician who shall examine the Superintendent. His/Her medical opinion shall be binding on the issue of medical capacity to perform assigned duties. The expenses of the third examination shall be borne by the Board.~~

If the Board determines that the Superintendent is unable to perform his/her duties, s/he may:

A. **[x]** at his/her request, be placed on sick leave, with pay, not to exceed the amount of his/her accumulated but unused sick leave and any advancement of such sick leave which may be authorized by Board policy;

B. ~~[ ] at the request of the Board, be placed on sick leave with such pay to which s/he may be entitled or which may be authorized by Board policy;~~

C. **[x]** at his/her request, be placed on a leave of absence without pay.

The foregoing leave shall not extend beyond the term of the contract.

The Superintendent may, upon request to the Fiscal Officer, and proper certification of recovery, be returned to active duty status, unless the Board denies the request within ten (10) days of receipt of the request.

The Superintendent may request a hearing before the Board or with a referee on any action taken under this policy.

Nothing herein shall interfere with any rights available to the Superintendent under the Family and Medical Leave Act.

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Legal F.S. 1012.23

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS
Code	*po4162 11/28/20 fsj 12/17/20 jc
Status	
Adopted	April 12, 2016

4162 - DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS

The Governing Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with Board-owned and/or operated ("Board-owned") vehicles must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well-being.

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

A. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.

B. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.

C. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.

D. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of Board- owned vehicles.

E. The term *CDL license holder* means all regular and substitute bus drivers, other staff members who may drive students in Board-owned vehicles or inspect, repair, and maintain Board-owned vehicles.

F. The term *while on duty* means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

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

The Superintendent shall establish a drug and alcohol testing program whereby each regular and substitute bus driver, and any other staff member who holds a CDL license, as well as any staff member performing safety sensitive functions, is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:

A. Marijuana

B. Cocaine

C. Opiates

D. Amphetamines

E. Phencyclidine (PCP)

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

A. prior to employment (Controlled Substances Only);

B. for reasonable cause;

C. upon return to duty after any alcohol or drug rehabilitation;

D. postafter ~~any~~ accident;

E. on a random basis, and

F. on a follow-up basis.

The Superintendent shall require that the District query the FMCSA's Drug and Alcohol Clearinghouse for current and prospective CDL drivers' drug and alcohol violations before allowing a driver to operate a District-owned and/or operated vehicle, consistent with Federal regulations, including consent requirements.

Any staff member who is subject to drug tests in accordance with this policy and who tests positive shall be immediately prohibited from driving any school vehicle:

A. using Board-owned equipment;

B. evaluated for assistance resources;

C. subject to discipline, up to and including discharge, in accordance with Authority procedures.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then:

A. the test will be considered positive and the employee shall be prohibited from driving any school vehicle.

B. the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen.

Any staff member who refuses to submit to a test shall immediately be prohibited from performing or continuing to perform his/her safety-sensitive functions (e.g., driving any Board-owned vehicle).

Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested. Nothing herein shall prevent the Board from disciplining a staff member for misconduct associated with his/her alcohol and/or drug use regardless of whether the employee has disclosed that s/he has an alcohol or drug addiction.

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

A. reports for duty or performs work while testing positive for using a prohibited drug, or while being under the influence of a prohibited drug

B. refuses to submit to drug and/or alcohol testing

C. alters or attempts to alter or unduly influence alcohol and/or drug testing results

D. fails to remain readily available for post-accident testing (including notifying his/her supervisor of his/her location, if the staff member leaves the scene of the accident prior to the submission of a post-accident test, unless the staff member's departure is to obtain necessary emergency medical care)

Prior to the beginning of the testing program, the Authority shall provide a drug-free awareness program that will inform each CDL license holder about:

A. the dangers of illegal drug use and controlled substance and alcohol abuse;

B. Board Policy 4124 - Drug-Free Workplace, Policy 4161 - Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;

C. the sanctions that may be imposed for violations of Policy 4124.

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

Alcohol and drug test results shall be protected as confidential medical records as appropriate under the Americans With Disabilities Act (i.e. test results shall be provided on a right to know basis - the employee, the employer, and the substance abuse professional - and the results shall not be presented until analyzed by a Medical Review Officer.

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

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

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

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

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

A. testing of all first and second test urine samples

B. clear and consistent communication with the Authority's Medical Review Officer (MRO)

C. methodology and procedures for conducting random tests for controlled substances and alcohol

D. preparation and submission of all required reports to the Authority, the MRO, and to Federal and State governments

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

Notification

A tested candidate shall be notified of the results of a pre-employment controlled substances test conducted under this part, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

A tested individual shall be notified of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The tested individual shall also be informed which controlled substance or substances were verified as positive.

The Superintendent shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

The Superintendent shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within seventy-two (72) hours.

Individuals holding a CDL license must notify all current employers of any DOT violations (such as testing positive for the presence of alcohol or a controlled substance in violation of this policy). The notification must be made 1) by the end of the business day following the day the individual first receives notice of the violation or 2) prior to performing any safety-sensitive function, whichever comes first. Individuals are not required to notify the employer that administered the test or that documented the circumstances giving rise to the violation.

In the event that an individual is selected for testing, the Superintendent will inform the individual that the test is required by applicable law.

Reporting Test Results

The Superintendent shall report all information required by Federal regulations to the Clearinghouse in a timely manner. The Superintendent shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this policy during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers. Such summaries shall be submitted in a manner and timeline as required by law.

Educational materials explaining the requirements of the Federal regulations and of the Board's policies and procedures to meet the Federal regulations shall be provided to all staff members, including the following:

A. the name of the person designated by the Board to answer questions about the materials

B. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations

C. information concerning what conduct is prohibited

D. the circumstances under which employees are subject to testing

E. the procedures for testing in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee

F. the requirement that staff members must submit to testing as required by the regulations

G. an explanation of what constitutes a refusal to be tested and the attendant consequences

H. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment

I. the consequences for a test indicating an alcohol concentration greater than 0.02, and

J. information concerning the effects of alcohol and drug misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a co-worker's)

K. information indicating that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including alcohol, is prohibited on all school board property and at school-sponsored activities. Individuals are strictly prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance

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

Return-to-Duty (Safety-Sensitive Positions)

Employees who are removed from performing safety-sensitive functions as a result of this policy must take and pass a return-to-duty test before returning to performing safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. The employee will not be permitted to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the return-to-duty test.

Subject to any collective bargaining agreement or other legal requirements, employees who are eligible to return to performing safety-sensitive functions may not do so without the approval of the Superintendent.

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Legal	21 C.F.R. 1308.11-.15
	F.S. 112.0455, 440.102, 1012.45
	21 U.S.C. 812, Schedules I-V of Section 202 of the Controlled Substances Act
	34 C.F.R. Part 40 (DOT)
	49 C.F.R. Parts 382 and 391 (FHWA)
	49 C.F.R. 382.101 et seq.
	Omnibus Transportation Employee Testing Act, Pub. L. 102-143, Title V

Last Modified by Jacquelin Collins on December 17, 2020

Book	Policy Manual
Section	Vol. 20, No. 2
Title	REVISED POLICY - VOL. 20, NO. 2 - (V1) - AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS, TO USE ELECTRONIC SIGNATURE, AND MAKE ELECTRONIC FUND TRANSFERS
Code	po6107 12/18/20 jc
Status	

REVISED POLICY - VOL. 20, NO. 2 - Version #1

6107V1 - **AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS, TO USE ELECTRONIC SIGNATURE, AND MAKE ELECTRONIC FUND TRANSFERS**

Electronic Records and Electronic Signatures

Unless a provision of law ~~enacted after July 1, 2000,~~ specifically prohibits the use of an electronic record for the specified purpose, the School Board hereby authorizes the acceptance and distribution of electronic records and electronic signatures to and from CCCCSA staff and other persons, as well as between CCCCSA staff members. Additionally, the Board further authorizes CCCCSA staff to create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. **The Superintendent shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records to comply with the mandates of State and Federal agencies or programs, including Medicaid.**

All CCCCSA staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all CCCCSA staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

The Superintendent shall consult with the State of Florida's Agency for Enterprise Information Technology (Agency) regarding the CCCCSA's authorized acceptance and distribution of electronic records and electronic signatures. ~~After giving due consideration to security, t~~The Agency may specify the following:

A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.

C. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

D. Any other required attributes for electronic records which are specified for nonelectronic records or reasonably necessary under the circumstances.

~~The Superintendent shall require CCCCSA staff to comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, communicating, storing, process, using, and relying upon electronic records. Further, the Superintendent shall require CCCCSA staff and other persons who use electronic signatures to do so in compliance with State law.~~

Electronic Fund Transfers

The Board authorizes electronic fund transfers (EFTs) for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provision of F.S. Chapter 668. Upon the recommendation of the Superintendent, the Board shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium.

Upon the recommendation of the Superintendent, the Board shall then approve written agreements with financial institutions with whom EFTs will be made.

Such agreements shall set forth internal controls required by State law and State Board Rule that will provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

A. the official title of the bank account(s) subject to the agreement and each type of transaction approved, such as deposits, disbursements or transfers, shall be specified;

B. the manual signatures of the Board Chairman, Superintendent, and the employees authorized to initiate EFTs shall be contained therein;

C. a requirement that the CCCCSA maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;

D. a requirement that, when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the funds;

E. a requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgments, or canceled warrants, shall be provided so that it may be kept in the official files of the School CCCCSA, which shall be maintained in a manner which facilitates easy review and validation of transactions.

F.S. 668.01 et seq.
F.S. 668.50
F.S. 1010.11
F.A.C. 6A-1.0012
15 U.S.C. 7001 et seq.

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F.S. 668.01 et seq.

F.S. 668.50

F.S. 1010.11

F.A.C. 6A-1.0012

15 U.S.C. 7001 et seq.

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	TOBACCO-FREE ENVIRONMENT
Code	*po1215 11/27/2020 fsj jc 12/14/20
Status	
Adopted	April 12, 2016

1215 - **TOBACCO-FREE ENVIRONMENT**

The Governing Board is committed to providing students, staff, and visitors with a tobacco-free environment, including on school grounds and in all facilities owned, leased, or contracted for by the Board (including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas). The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a tobacco-free environment is consistent with the role-modeling responsibilities of teachers and staff for our students.

~~For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, and the possession of papers used to roll cigarettes.~~

~~To protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any indoor facility owned or leased or contracted for by the Board.~~

~~The Board also prohibits the use of electronic, "vapor", or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.~~

~~The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas.~~

For purposes of this policy, "use of tobacco" shall mean:

1. to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco substitutes, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes;
2. to use vapor-generating electronic devices, e-cigarettes (including, but not limited to, "JUULs"), vaping products or supplies, including but not limited to vape pods, liquids or other vaping supplies, and/or;
3. to use other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance

Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, and cars.

Notification

"No Tobacco" signs will be posted through the ~~District~~ System. Students will be provided notice of this policy through student handbooks, and notice that it is illegal under Federal law for any person, student or visitor, not of the age of twenty-one (21), to possess, purchase, or attempt to purchase

(x) tobacco products on school property.

(x) anything defined as "use of tobacco" in this policy.

Law enforcement shall be contacted if any person under the age of eighteen (18) violates this policy.

[ ] District vehicles will display the international "No Smoking" insignia.

[x] Announcements will be made during home athletic events both before the event and during intermission, as well as at all school functions where deemed appropriate.

[ ] School programs will include a written reminder of the tobacco-free policy.

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Legal F.S. 381.84, 386.202, 386.204, 386.209, 386.212
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	TOBACCO-FREE ENVIRONMENT
Code	*po3215 11/27/20 fsj jc 12/14/20
Status	
Adopted	April 12, 2016

3215 - **TOBACCO-FREE ENVIRONMENT**

The Governing Board is committed to providing students, staff, and visitors with a tobacco-free environment , including on school grounds and in all facilities owned, leased, or contracted for by the Board (including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas). The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a tobacco-free environment is consistent with the role-modeling responsibilities of teachers and staff for our students.

For purposes of this policy, "use of tobacco" shall mean:

1. to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco substitutes, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes;

2. to use vapor-generating electronic devices, e-cigarettes (including, but not limited to, "JUULs"), vaping products or supplies, including but not limited to vape pods, liquids or other vaping supplies, and/or;

3. to use other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

~~For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco and the possession of papers used to roll cigarettes.~~

~~To protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any indoor facility owned or leased or contracted for by the Board.~~

~~The Board also prohibits the use of electronic, "vapor", or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.~~

~~The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas.~~

Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, and cars.

Notification

"No Tobacco" signs will be posted throughout the District. Students will be provided notice of this policy through student handbooks, and notice that it is illegal under Federal law for any person, student or visitor, not of the age of twenty-one (21), to possess, purchase, or attempt to purchase

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(x) tobacco products on school property.

(x) anything defined as "use of tobacco" in this policy.

Law enforcement shall be contacted if any person under the age of eighteen (18) violates this policy.

[ ] District vehicles will display the international "No Smoking" insignia.

[x] Announcements will be made during home athletic events both before the event and during intermission, as well as at all school functions where deemed appropriate.

[ ] School programs will include a written reminder of the tobacco-free policy.

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Legal F.S. 381.84, 386.202, 386.204, 386.209, 386.212

20 U.S.C. 6081 et seq., 20 U.S.C. 7182

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	TOBACCO-FREE ENVIRONMENT
Code	*po4215 11/28/20 fsj 12/17/20 jc
Status	
Adopted	April 12, 2016

4215 - **TOBACCO-FREE ENVIRONMENT**

The Governing Board is committed to providing students, staff, and visitors with a tobacco-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a tobacco-free environment is consistent with the role-modeling responsibilities of teachers and staff for our students.

For purposes of this policy, "use of tobacco" shall mean:

1. to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco substitutes, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes;

2. to use vapor-generating electronic devices, e-cigarettes (including, but not limited to, "JUULs"), vaping products or supplies, including but not limited to vape pods, liquids or other vaping supplies, and/or;

3. to use other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance

~~For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, and the possession of paper used to roll cigarettes.~~

~~To protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any indoor facility owned or leased or contracted for by the Board.~~

~~The Board also prohibits the use of electronic, "vapor", or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.~~

~~The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas.~~

Furthermore, the Board prohibits the use of tobacco in all vehicles, owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, and cars.

Notification

"No Tobacco" signs will be posted throughout the District. Students will be provided notice of this policy through student handbooks, and notice that it is illegal under Federal law for any person, student or visitor, not of the age of twenty-one (21), to possess, purchase, or attempt to purchase

- (x) tobacco products on school property.
- (x) anything defined as "use of tobacco" in this policy.

Law enforcement shall be contacted if any person under the age of eighteen (18) violates this policy.

[ ] District vehicles will display the international "No Smoking" insignia.

[x] Announcements will be made during home athletic events both before the event and during intermission, as well as at all school functions where deemed appropriate.

[ ] School programs will include a written reminder of the tobacco-free policy.

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Legal F.S. 381.84, 386.202, 386.204, 386.209, 386.212
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

Last Modified by Jacquelin Collins on December 17, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	TOBACCO-FREE ENVIRONMENT
Code	*po5512 11/28/20//fsj 12/17/20 jc
Status	
Adopted	April 12, 2016

5512 - **TOBACCO-FREE ENVIRONMENT**

The Governing Board is committed to providing students, staff, and visitors with a tobacco-free environment, , including on school grounds and in all facilities owned, leased, or contracted for by the Board (including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas).

The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a tobacco-free environment is consistent with the ~~role-modeling~~ responsibilities of teachers and staff to be positive role models for our students.

For purposes of this policy, "use of tobacco" shall mean:

1. to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco substitutes, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes; all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, and the possession of papers used to roll cigarettes.

2. to use vapor-generating electronic devices, e-cigarettes (including, but not limited to, "JUULs"), vaping products or supplies, including but not limited to vape pods, liquids or other vaping supplies, and/or;

3. to use other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

~~For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, and the possession of papers used to roll cigarettes.~~

~~To protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any facility owned or leased or contracted for by the Board.~~

~~The Board also prohibits the use of electronic, "vapor", or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.~~
~~The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas.~~

Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, and cars.

Notification

"No Tobacco" signs will be posted throughout the District. Students will be provided notice of this policy through student handbooks, and notice that it is illegal under Federal law for any person, student or visitor, not of the age of twenty-one (21), to possess, purchase, or attempt to purchase

__(x) tobacco products on school property.

__(x) anything defined as "use of tobacco" in this policy.

Law enforcement shall be contacted if any person under the age of eighteen (18) violates this policy.

[ ] District vehicles will display the international "No Smoking" insignia.

[x] Announcements will be made during home athletic events both before the event and during intermission, as well as at all school functions where deemed appropriate.

[ ] School programs will include a written reminder of the tobacco-free policy.

Educational Programming

The Board further directs the Superintendent to develop administrative procedures designed to provide evidenced-based curricula regarding health hazards of the use of tobacco products to students as part of in-school and after-school programs and to provide counseling to students regarding smoking cessation.

~~In addition, pursuant to State law, the Superintendent shall develop and update procedures as necessary to include tobacco education and tobacco prevention.~~
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Legal F.S. 381.84, 386.202, 386.204, 386.206, 386.212
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

Last Modified by Jacquelin Collins on December 17, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	TOBACCO-FREE ENVIRONMENT
Code	*po7434 11/29/20 fsj 12/18/20 jc
Status	
Adopted	April 12, 2016

7434 - **TOBACCO-FREE ENVIRONMENT**

The Governing Board is committed to providing students, staff, and visitors with a tobacco-free environment, including on school grounds and in all facilities owned, leased, or contracted for by the Board (including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas) . The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a tobacco-free environment is consistent with the role-modeling responsibilities of teachers and staff for our students.

For purposes of this policy, "use of tobacco" shall mean:

1. to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco substitutes, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes;

2. to use vapor-generating electronic devices, e-cigarettes (including, but not limited to, "JUULs"), vaping products or supplies, including but not limited to vape pods, liquids or other vaping supplies, and/or;

3. to use other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, and the possession of papers used to roll cigarettes.

~~For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, and the possession of papers used to roll cigarettes.~~

~~To protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any indoor facility owned or leased or contracted for by the Board.~~

~~The Board also prohibits the use of electronic, "vapor", or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.~~

~~The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas.~~

Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, and cars.

Notification

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"No Tobacco" signs will be posted throughout the District. Students will be provided notice of this policy through student handbooks, and notice that it is illegal under Federal law for any person, student or visitor, not of the age of twenty-one (21), to possess, purchase, or attempt to purchase

(x) tobacco products on school property.

(x) anything defined as "use of tobacco" in this policy.

Law enforcement shall be contacted if any person under the age of eighteen (18) violates this policy.

[ ] District vehicles will display the international "No Smoking" insignia.

[x] Announcements will be made during home athletic events both before the event and during intermission, as well as at all school functions where deemed appropriate.

[ ] School programs will include a written reminder of the tobacco-free policy.

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Legal F.S. 381.84, 386.202, 386.204, 386.212
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

Last Modified by Jacquelin Collins on December 18, 2020

CITY OF CAPE CORAL CHARTER SCHOOL AUTHORITY
PUBLIC NOTICE

The City of Cape Coral Charter School Authority will consider the adoption, amendment, or repeal of the proposed NEOLA Policies listed below at a Regular Governing Board Meeting on Tuesday, March 8, 2021 at 5:30p.m., in Cape Coral City Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, Florida 33990.

NEOLA Policies Volume 20, Number 1:

POLICY 0100	Copy of Definitions
POLICY 0147.1	Travel and Per Diem
POLICY 1120	Employment of Administrators
POLICY 1122	Nondiscrimination and Equal Employment Opportunity
POLICY 1362	Anti-Harassment
POLICY 2260	Nondiscrimination and Access to Equal Educational Opportunity
POLICY 2271	Articulation and Access to Florida College System Institutions
POLICY 2410	School Health Services
POLICY 2421	Career and Technical Education
POLICY 2450	REJECTED – Adult and Community Education
POLICY 3120	Employment of Instructional Staff
POLICY 3122	Nondiscrimination and Equal Employment Opportunity
POLICY 3362	Anti-Harassment
POLICY 4120	Employment of Support Staff
POLICY 4122	Nondiscrimination and Equal Employment Opportunity
POLICY 4362	Anti-Harassment
POLICY 5112	Entrance Requirements
POLICY 5121	Controlled Open Enrollment
POLICY 5225	Absences for Religious Holidays
POLICY 5320	Immunization and Health Examination
POLICY 5350	Student Suicide Prevention, Awareness, and Screenings
POLICY 5410.01	Promotion, Acceleration, Placement, and Retention
POLICY 5460	Graduation Requirements
POLICY 5516	Student Hazing
POLICY 5517	Anti-Harassment
POLICY 5780	Student/Parent Rights
POLICY 6100	Uniform Records and Accounts
POLICY 6233	Authority Budget
POLICY 6322	Construction Contracting and Bidding
POLICY 6835	Internal Audits Office
POLICY 6840V	Auditor Selection Committee
POLICY 6840V2	Auditor Selection Committee
POLICY 7440.03	Small Unmanned Aircraft Systems
POLICY 7530.01V1	Cell Phone Allowance
POLICY 7530.01	Wireless Communication Allowance and Staff Use of Wireless Communications Devices
POLICY 7530.02	Staff and School Officials Use of Wireless Communication Devices
POLICY 8600.04	Bus Operator Qualifications, Certification, Discipline, and Termination
POLICY 8660	Transporting Students by Private Vehicles
POLICY 9800	REJECTED – Charter Schools Application

Any person who is affected by a proposed policy, policy revision, or the repeal of a policy may file a written request with the Governing Board for a hearing on the proposed action at: The City of Cape Coral Charter School Authority, ATTENTION: Mr. Michael Campbell, Chairman, 3519 Oasis Boulevard, Cape Coral, FL 33914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact The City of Cape Coral Charter School Authority Governing Board Secretary at (239) 424-6100, Ext. 404, at least five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Services by dialing 7-1-1 or 1-800-955-8771 (TTY); 1-800-955-8770 (Voice), for aid in contacting the City of Cape Coral Charter School Authority office.

CITY OF CAPE CORAL CHARTER SCHOOL AUTHORITY
PUBLIC NOTICE

The City of Cape Coral Charter School Authority will consider the adoption, amendment, or repeal of the proposed NEOLA Policies listed below at a Regular Governing Board Meeting on Tuesday, March 8, 2021 at 5:30p.m., in Cape Coral City Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, Florida 33990.

NEOLA Policies Volume 20, Number 2:

POLICY 1020	Employment of the Appointed Superintendent
POLICY 1030	Superintendent of Schools
POLICY 1040.01	Non-Renewal or Termination of Employment of the Appointed Superintendent
POLICY 1060	Incapacity of the Appointed Superintendent
POLICY 4162	Drug and Alcohol Testing of CDL License Holders and Other Employees Who Perform Safety Sensitive Functions
POLICY 6107V1	Authorization to Accept and Distribute Electronic Records, to Use Electronic Signature, and Make Electronic Fund Transfers
POLICY 1215	Tobacco-Free Environment
POLICY 3215	Tobacco-Free Environment
POLICY 4215	Tobacco-Free Environment
POLICY 5512	Tobacco-Free Environment
POLICY 7434	Tobacco-Free Environment

Any person who is affected by a proposed policy, policy revision, or the repeal of a policy may file a written request with the Governing Board for a hearing on the proposed action at: The City of Cape Coral Charter School Authority, ATTENTION: Mr. Michael Campbell, Chairman, 3519 Oasis Boulevard, Cape Coral, FL 33914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact The City of Cape Coral Charter School Authority Governing Board Secretary at (239) 424-6100, Ext. 404, at least five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Services by dialing 7-1-1 or 1-800-955-8771 (TTY); 1-800-955-8770 (Voice), for aid in contacting the City of Cape Coral Charter School Authority office.

CITY OF CAPE CORAL CHARTER SCHOOL AUTHORITY
PUBLIC NOTICE

The City of Cape Coral Charter School Authority will consider the adoption, amendment, or repeal of the proposed NEOLA Policies listed below at a Regular Governing Board Meeting on Tuesday, March 8, 2021 at 5:30p.m., in Cape Coral City Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, Florida 33990.

NEOLA Policies Volume 21, Number 1:

POLICY 0124	Standards of Ethical Conduct
POLICY 0141.2	Conflict of Interest
POLICY 2120	School Improvement
POLICY 2215	Program of Instruction
POLICY 2371	Hope Scholarships
POLICY 2371V2	Hope Scholarships Technical Correction, Vol 21, No 1(V2)
POLICY 2421	Career and Technical Education
POLICY 2410	School Health Services
POLICY 2431	Interscholastic Athletics
POLICY 2431.05	Athletic Injuries Prevention and Treatment Program
POLICY 5112	Entrance Requirements
POLICY 5225	Absences For Religion Holidays
POLICY 5320	Immunization and Health Examination
POLICY 5461	DELETED – Guarantee of Employability Competencies
POLICY 5610	Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students
POLICY 5611	Due Process Rights
POLICY 5611V2	Due Process Rights – Vol 21, No. 1(V2)
POLICY 5780	Student/Parent Rights
POLICY 6107v1	Authorization to Accept and Distribute Electronic Records, to Use Electronic Signature, and Make Electronic Fund Transfers
POLICY 6233	Authority Budget
POLICY 6330	Acquisition of Professional Architectural, Engineering, Landscaping Architectural, or Land Surveying Services
POLICY 7250	Commemoration of School Facilities
POLICY 7320	Acquisition, Removal, Disposal, Sale, or Exchange of Major Tangible Property
POLICY 7430.01	Environmental Health Program
POLICY 8450.01	NEW POLICY - Protective Facial Covering During Pandemic/Epidemic Events

Any person who is affected by a proposed policy, policy revision, or the repeal of a policy may file a written request with the Governing Board for a hearing on the proposed action at: The City of Cape Coral Charter School Authority, ATTENTION: Mr. Michael Campbell, Chairman, 3519 Oasis Boulevard, Cape Coral, FL 33914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact The City of Cape Coral Charter School Authority Governing Board Secretary at (239) 424-6100, Ext. 404, at least five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Services by dialing 7-1-1 or 1-800-955-8771 (TTY); 1-800-955-8770 (Voice), for aid in contacting the City of Cape Coral Charter School Authority office.

CITY OF CAPE CORAL CHARTER SCHOOL AUTHORITY
PUBLIC NOTICE

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NEOLA Policies Volume 20, Number 1:

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POLICY 2410	School Health Services
POLICY 2421	Career and Technical Education
POLICY 2450	REJECTED – Adult and Community Education
POLICY 3120	Employment of Instructional Staff
POLICY 3122	Nondiscrimination and Equal Employment Opportunity
POLICY 3362	Anti-Harassment
POLICY 4120	Employment of Support Staff
POLICY 4122	Nondiscrimination and Equal Employment Opportunity
POLICY 4362	Anti-Harassment
POLICY 5112	Entrance Requirements
POLICY 5121	Controlled Open Enrollment
POLICY 5225	Absences for Religious Holidays
POLICY 5320	Immunization and Health Examination
POLICY 5350	Student Suicide Prevention, Awareness, and Screenings
POLICY 5410.01	Promotion, Acceleration, Placement, and Retention
POLICY 5460	Graduation Requirements
POLICY 5516	Student Hazing
POLICY 5517	Anti-Harassment
POLICY 5780	Student/Parent Rights
POLICY 6100	Uniform Records and Accounts
POLICY 6233	Authority Budget
POLICY 6322	Construction Contracting and Bidding
POLICY 6835	Internal Audits Office
POLICY 6840V	Auditor Selection Committee
POLICY 6840V2	Auditor Selection Committee
POLICY 7440.03	Small Unmanned Aircraft Systems
POLICY 7530.01V1	Cell Phone Allowance
POLICY 7530.01	Wireless Communication Allowance and Staff Use of Wireless Communications Devices
POLICY 7530.02	Staff and School Officials Use of Wireless Communication Devices
POLICY 8600.04	Bus Operator Qualifications, Certification, Discipline, and Termination
POLICY 8660	Transporting Students by Private Vehicles
POLICY 9800	REJECTED – Charter Schools Application

Any person who is affected by a proposed policy, policy revision, or the repeal of a policy may file a written request with the Governing Board for a hearing on the proposed action at: The City of Cape Coral Charter School Authority, ATTENTION: Mr. Michael Campbell, Chairman, 3519 Oasis Boulevard, Cape Coral, FL 33914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact The City of Cape Coral Charter School Authority Governing Board Secretary at (239) 424-6100, Ext. 404, at least five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Services by dialing 7-1-1 or 1-800-955-8771 (TTY); 1-800-955-8770 (Voice), for aid in contacting the City of Cape Coral Charter School Authority office.

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	Copy of DEFINITIONS
Code	*po0100 fsj 11/27/20 jc 12/14/20
Status	
Adopted	April 12, 2016
Last Revised	August 14, 2018

0100 - **DEFINITIONS**

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

Administrative Procedures

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

Anti-Semitism

A certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities. Anti-Semitism is treated identically to discrimination motivated by race. Examples of acts considered anti-Semitism are set forth in F.S. 1000.05.

Apps and Web Services

Apps and web services are software (i.e., computer programs) that support the interaction of wireless communication devices over a network, or client-server applications in which the user interface runs in a web browser. Apps and web services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their students' progress, and allow staff to perform other tasks related to their employment. Apps and web services also are used to facilitate communication to, from, and among and between staff, students, and parents, Board members, and/or other stakeholders and members of the community.

Authority

The City of Cape Coral Charter School Authority. When referring to the Authority, the "Authority" will be capitalized.

Board

The Governing Board of the City of Cape Coral Charter School Authority.

Bylaw

Policy of the Board for its own governance.

Chair

The presiding officer of the Board. (See Bylaw 0163)

Compulsory School Age

All children who have attained the age of six (6) years or who will have attained the age of six (6) years by February 1st of any school year or who are older than six (6) years of age but who have not attained the age of sixteen (16) years, except as otherwise provided in Florida statute, are required to attend school regularly during the entire school term. F.S. 1003.21

Due Process

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

Full Board

Authorized number of voting members entitled to govern the Authority.

Major Tangible Personal School Property

Means any tangible personal property, of a nonconsumable nature, owned by the Board that has a capitalized value equal to or greater than the value defined in Florida statute and a normal life expectancy of one (1) year or more. (F.S. 274)

May

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

Minor Tangible Personal School Property

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

Noninstructional Administrators

Included in this classification are persons with administrative or policymaking duties who have broad authority to the management of policies and general Authority operations related to the noninstructional program. Such personnel often report directly to the Superintendent and supervise other administrative employees. This classification includes directors of major noninstructional areas, such as personnel, construction, facilities, transportation, data processing, and finance. (F.S. 1012.01(3)(b))

Parent

Either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of a parent (F.S. 1000.21). Both parents will be considered to have equal rights unless a court of law decrees otherwise.

Policy

A general, written statement by the Board that defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

Principal

The principal shall be the administrative and supervisory head of the school to which assigned by the Superintendent and shall be responsible for the enforcement of all Board regulations and Florida State statutes that pertain to the office. In policy, capitalization of the "P" in Principal implies authority to delegate responsibilities to appropriate staff members. F.S. 1001.41, 1012.28

Property

All buildings, grounds, and other real or personal school property belonging to, held by, or used by the Board shall be termed to be school property.

Real Property

That portion which is used as a site or school plant for purposes of carrying out the school program. This includes any equipment that is permanently attached to or is an integral part of the building or site.

Relative

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household as defined in Authority Policy 1130, Policy 3130, and Policy 4130.

Rule

A statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of the Authority. As used in this document, the term "rule" and "policy" shall have the same definition.

School Property Custodian

The custodian of school property is the person to whom responsibility for the custody of property under his/her control has been delegated by the Superintendent or the Board. This is not to be confused with the building custodian who is responsible for cleaning and maintaining the building and grounds.

Shall

This word is used when an action by the Board or its designee is required. (The words "will" or "must" also signify a required action.)

Social Media

Social media are online platforms where users engage one another and/or share information and ideas through text, video, or pictures. Social media consist of any form of online publication or presence that allows interactive communication, including, but not limited to, text messaging, instant messaging, websites, web logs ("blogs"), wikis, online forums (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include, but are not limited to, Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Skype, and Facetime. Social media does not include sending or receiving e-mail through the use of District-issued e-mail accounts. Apps and web services shall not be considered social media unless they are listed on the District's website as District-approved social media platforms/sites.

Student

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

Superintendent

The chief executive officer of the Authority. In policy, capitalization of the "S" in Superintendent implies authority to delegate responsibilities to appropriate staff members.

Textbook

This word is used to describe the learning material duly adopted and required as standard work for the study of a particular subject. It may be bound and printed with a hard or soft cover, or it may be electronic, e.g., computer software, interactive videodisc, magnetic media, CD ROM, computer courseware, on-line service, electronic medium, or other means of conveying information.

Vice-Chair

The Vice-Chair of the Board.

Wireless Communication Devices

Wireless communication devices ("WCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type.

Workshop

A meeting called by the Board Chair, Superintendent, or a majority of the Board for the purpose of exploring matters that constitute the business of the Authority.

Statutory and Code of Notations - **A.** Citations to Florida statute are noted as F.S. **B.** Citations to the rules of the State Board of Education are noted as F.A.C. (Florida Administrative Code) **C.** Citations to the Federal Register are noted as F.R. **D.** Citations to the Code of Federal Regulations are noted as C.F.R. **E.** Citations to the United States Code are noted as U.S.C.

Revised 8/14/18

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Legal F.S. 274
F.S. 1000.05
F.S. 1001.41
F.S. 1003.21
F.S. 1012.01(3)(b)
F.S. 1012.28

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Vol. 20, No. 1
Title	REVISED POLICY - VOL. 20, NO. 1 - TRAVEL AND PER DIEM
Code	po0147.1 12/18/20 jc
Status	

REVISED POLICY - VOL. 20, NO. 1

0147.1 - **TRAVEL AND PER DIEM**

Members of the School Board have a duty to promote the best interests of the CCCCSA and are expected to engage in meaningful professional development to enhance their leadership abilities and fulfill their responsibilities. In doing so, members of the Board may need to travel from time-to-time in the county, out of the county, and/or out of the State.

Members of the Board seeking reimbursement for travel must utilize CCCCSA-approved forms.

In-County Travel

Travel on official business performed within Lee County by members of the Board ~~[ ] shall be reimbursed at the maximum rate allowed by F.S. Chapter 112.061; said mileage shall be determined by actual odometer reading, if travel performed by personal automobile~~ **[END OF OPTION]** **[x]** shall not be reimbursed **[END OF OPTION]**.

Reimbursable in-county travel for members of the Board is defined as that travel performed as part of a Board member's duties.

Out-of-County Travel (Within the State of Florida)

Expenditures for travel outside the CCCCSA or for cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method, are not permitted if any of the financial conditions outlined in F.S. 1011.051, and as set forth in Policy 6233, exist.

If such a financial condition does not exist, when approved in advance, expenses for out-of-county travel for members of the Board members shall be paid at the rate allowed by State law. Copies of receipts for lodging, transportation, tolls, registration fees, and parking must be attached to the traveler's request for reimbursement.

Travel outside the county that exceeds $500.00 requires prior approval by the Board to confirm that such travel is for official business of the CCCCSA and complies with rules of the State Board of Education.

~~If prior approval at a Board meeting is not possible in time to attend a meeting, and the total cost of travel will not exceed $500.00, the Chairman may grant approval contingent upon Board approval at the next meeting.~~

Out-of-State Travel

Expenditures for travel outside the State or for cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method, are not permitted if any of the financial conditions outlined in F.S. 1011.051, and as set forth in Policy 6233, exist.

If such a financial condition does not exist, when approved in advance, expenses for out-of-State travel for members of the Board shall be paid at the rate allowed by State law.

Any request by a member of the Board member to travel outside of Florida must include an itemized list detailing all anticipated travel expenses including, but not limited to, the anticipated costs of all means of travel, lodging, and subsistence. The public shall have an opportunity to speak on any member of the Board specific travel agenda item prior to the Board taking action on whether to approve or deny the travel request.

Travel Costs Paid or Reimbursed from Federal Funds

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the CCCCSA's travel policy and administrative guidelines. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the CCCCSA's travel policy.

(x) Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset the transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis. **[END OF OPTION]**

~~( ) Temporary dependent care costs (as dependent is defined in 26 U.S.C. 152) above and beyond regular dependent care that directly results from travel to conferences are allowable provided that (1) the costs are a direct result of the individual's travel for the Federal award; (2) the costs are consistent with the CCCCSA's documented administrative guidelines for all entity travel; and (3) are only temporary during the travel period. Travel costs for dependents are unallowable, except for travel of a duration of six (6) months or more with prior approval of the Federal awarding agency. [END OF OPTION]~~

To the extent that the CCCCSA's policy does not establish the allowability of a particular type of travel cost, the rates, and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances") must apply to travel under Federal awards.

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F.S. 112.061

F.S. 1001.39

F.S. 1011.051

F.A.C. 6A-1.056

2 C.F.R. 200.474

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	EMPLOYMENT OF ADMINISTRATORS
Code	*po1120 fsj 10/19/19 jc 12/14/20
Status	
Adopted	April 12, 2016

1120 - **EMPLOYMENT OF ADMINISTRATORS**

The Governing Board recognizes that it is vital to the successful operation of the Authority that administrative positions created by the Board be filled with highly qualified and competent personnel.

Administrators are individuals who supervise the resources, operations, and management of school(s) and/or department(s) and meet established qualifications.

Any administrative staff member's misstatement of fact material to qualifications for employment or the determination of salary shall be considered to constitute grounds for dismissal.

A candidate shall be disqualified from employment in any administrative position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315.

To be eligible for employment in an administrative position requiring certification, an individual must be of good moral character and hold a valid certificate issued pursuant to Florida law and the rules of the State Board of Education. A copy of the certificate shall be filed with the Authority.

~~In addition, the Board shall allow an individual with a temporary certificate in educational leadership to be eligible for administrative positions for which State certification in educational leadership is required.~~ Pursuant to State law and rules adopted by the State Board of Education, an individual must earn a passing score on the Florida Educational Leadership Examination, document three (3) years of successful teaching experience ~~in an executive management or leadership position, and hold a bachelor's degree or higher from an accredited institution of higher learning to qualify for a temporary certificate in educational leadership. A person who is employed under a temporary certificate in educational leadership must be under the mentorship of a State-certificated school administrator during the term of the temporary certificate.~~

The Superintendent shall also conduct employment history checks of all candidates for administrative positions. The employment history check shall include, but not be limited to, contacting any previous employer and screening the candidate through the use of the screening tools described in State law. If contact with (a) previous employer(s) cannot be made, the Superintendent shall document the efforts made to do so.

F.S. 1012.33 states that "the first ninety-seven (97) days of an initial principal's or supervisor's contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract." This statement means that individuals who are appointed into their initial administrative positions in the State of Florida will have a ninety-seven (97) day probationary period.

All administrators shall become familiar with the policies of the Board and other policies, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the Authority. Any administrator employed by the Board who shall be guilty of any willful violation of the policies of the Board shall be guilty of gross insubordination and shall be subject to dismissal or other lesser penalty as the Board may prescribe.

~~**General Knowledge Examination Assistance**~~

~~**Any employee who does not achieve a passing score on any subtest of the general knowledge examination will be provided information regarding the availability of State-level and District-level supports and instruction to assist him/her in achieving a passing score. Such information will include, but is not limited to, State-level test information guides, School District preparation resources, and preparation courses offered by State universities and Florida college system institutions.**~~

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Legal F.S. 1012.01, 1012.23, 1012.315, 1012.32, 1012.33, 1012.55, 1012.56

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	*po1122 fsj 10/19/19 jc 12/11/20
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

1122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

General Statement

The Governing Board does not discriminate on the basis of race(including anti-Semitism [as defined in Bylaw 0100]), ethnicity, , color, 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") in its programs and activities, including employment opportunities.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

District Compliance Officer(s)

The superintendent shall appoint a compliance officer whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with the law. The Superintendent shall also require that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the Authority's collectively- bargained, negotiated agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

Compliance Officer

~~The following person is designated by the superintendent as the Compliance Officer (CO):~~
(x) The Board designates the following persons to serve ~~a~~are designated as the District's "Compliance Officer(s)" (also known as "Civil Rights Coordinators"; hereinafter referred to as the ("COs"):

~~[ ] The COs shall also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. [END OF OPTION]~~

[NOTE: School districts are advised to appointmay want to consider appointing both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

Leisa Orcutt
Human Resources Manager, Cape Coral Charter School Authority
239-424-6100 X456
3519 Oasis Blvd.
Cape Coral, Florida 33914
leisa.orcutt@capecharterschools.org

1. Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator

The Board designates the following individual(s) to serve as the District's Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator **[END OF OPTION].**

[NOTE: School districts are advised to appoint both a male and a female Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

Lisa Haba
(Name)

ESE Teacher
(School District Title)

239-542-1577

(Telephone Number)
Lisa.Haba@capecharterschools.org

(E-mail Address)

Leisa Orcutt

(Name)

HR Manager
(School District Title)

239-424-6100
(Telephone Number)

Leisa.Orcutt@capecharterschools.org
(E-mail Address)

2. Title IX Coordinator

The Board designates the following individual(s) to serve as the District's Title IX Coordinator.

[NOTE: School districts are advised to appoint both a male and a female Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]
Leisa Orcutt

(Name)

Human Resources Manager
(School District Title)
239-424-6100

(Telephone Number)
Leisa.Orcutt@capecharterschools.org

(E-mail Address)

Donnie Hopper
(Name)

Principal, Oasis Middle School
(School District Title)
239-945-1999

(Telephone Number)

Donnie.Hopper@capecharterschools.org
(E-mail Address)

3. Publication Required

The name(s), title(s), and contact information of this/these individual(s) will be published annually on the Authority's website.

Complaint Procedures

If a employee~~person~~ believes that s/he has been subjected to unlawful discrimination, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter. Nothing contained in this policy is intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Federal and/or State law. In addition, employees will be notified of their right to file a complaint with the OCR, FHCR, or EEOC. ~~U.S. Department of Education's Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission~~.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a compliance officer within the time limits specified below. The compliance officer is available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discriminationthat is prohibited in this policy ~~based upon disability~~. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the OCR, FCHR, or EEOC~~U.S. Department of Education's Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission~~.

A. An employee with a complaint based on alleged discrimination ~~on the basis of disability~~ may first discuss the problem with the compliance officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the compliance officer for good cause.

C. The compliance officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The compliance officer will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The compliance officer shall maintain the Authority's files and records relating to the complaint.

D. The Superintendent will, within ten (10) work days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The Superintendent will render his/her decision within ten (10) work days of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies ~~such as the filing of a complaint with the Office for Civil Rights or the filing of a court case.~~ Use of this internal

complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

Filing a Complaint with OCR/FCHR~~Florida Commission on Human Relations~~/EEOC

At any time, if an employee believes that s/he has been subjected to unlawful discrimination, the individual may file a complaint with the OCR, FCHR, or EEOC~~U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations (FCHR), or the Equal Employment Opportunity Commission ("EEOC")~~.

~~**Appealing to OCR/Florida Commission on Human Relations/EEOC**~~

~~If the complainant is not satisfied with the Superintendent's decision, the complainant will have an additional sixty (60) days to appeal the decision to the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.~~

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practiceprohibited by this policy ~~made unlawful by Section 504, the ADA, the GINA~~ or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Training

The compliance officers will also oversee the training of employees in the Authority so that all employees understand their rights and responsibilities under Federal and State law, and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the compliance officers will be posted throughout the Authority, and published in the Authority's recruitment statements or general information publications as required by Federal and State law and this policy.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel to include;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 10/8/19

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Legal

F.S. 110.1221

F.S. 250.481

F.S. 760.01

F.S. 760.10

F.S. 1000.05

20 U.S.C. 1681 et seq., Title IX

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

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

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

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12112, Americans with Disabilities Act of 1990

29 C.F.R. Part 1635

38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	Copy of ANTI-HARASSMENT
Code	*po1362 11/27/20 fsj jc 12/14/20
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

1362 - **ANTI-HARASSMENT**

General Policy Statement

It is the policy of the Governing Board to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all Authority operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Compliance Officer will vigorously enforce its prohibition against discriminatory harassment on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity,, color, 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") (hereinafter referred to as unlawful harassment), and encourages those within the Authority community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Compliance Officer will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Compliance Officer will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "Authority community" means students, administrators, teachers, staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

Other Violations of the Anti-Harassment Policy

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

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex (including sexual orientation, transgender status, or gender identity), race, color, national origin, religion, or disability (including HIV, AIDS, or sickle cell trait), that is,

characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. This unlawful harassment may include, but not be limited to, the following:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. gaslighting;

H. physical violence;

I. theft;

J. sexual, religious, or racial harassment;

K. public humiliation; or

L. destruction of property.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or

C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

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

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

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

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

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

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Unwanted physical and/or sexual contact.

C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome suggestive or insulting

sounds or whistles; obscene telephone calls and/or texts.

E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature placed in the work or educational environment, which may embarrass or offend individuals.

F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

I. Consensual sexual relationships where such a relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

J. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

K. Inappropriate boundary invasions by an Authority employee or other adult member of the Authority community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based and gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.

Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

Race/Color Harassment (Including Anti-Semitism)

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Pregnancy Harassment

Prohibited pregnancy harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's pregnancy and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's pregnancy and condition of pregnancy.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments, or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the Authority community and third parties, which includes all staff, are encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor, or other Authority official so that the Superintendent may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other Authority official who receives such a complaint shall file it with the Authority's Anti-Harassment Compliance Officer within two (2) business days.

Members of the Authority community or third parties who believe they have been unlawfully harassed by another member of the Authority community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with the knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying and Harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the Policy 1362 investigation and provide him/her with a copy of the resulting written report.

~~**Anti-Harassment**~~ **Compliance Officers**

The Board designates the following individuals to serve as the District's " Compliance Officers" (also known as "Civil Rights Coordinators"; for the District. They are hereinafter referred to as the "COs").

[x **]** The COs shall also serve as the ~~District's~~ System's ~~Section 504 Compliance Officer~~/ADA Coordinator and Title IX Coordinators. **[END OF OPTION]**

[NOTE: School districts are advised to appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COsCompliance Officers may also serve as the District's Section 504 and Title IX Coordinators. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

~~The following individuals serve as "Anti-Harassment Compliance Officers" for the Authority. They are hereinafter referred to as the "Compliance Officers".~~

Human Resources Manager
Leisa Orcutt
3519 Oasis Blvd.
Cape Coral, Florida 33914
239-424-6100 X456
leisa.orcutt@capecharterschools.org

4. 1. ~~Section 504 Compliance Officer~~/ADA Coordinator (x) and Title IX Coordinators

The Board designates the following individuals to serve as the District's Section 504 Compliance Officer/ADA Coordinators **( )** and Title IX Coordinators **[END OF OPTION]**.

[NOTE: School districts are advised to appoint both a male and a female Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

Leisa Orcutt
(Name)

Human Resources Manager
(School District Title)

239-424-6100
(Telephone Number)
3519 Oasis Blvd. Cape Coral, Fl 33914
(Office Address)

Leisa.Orcutt@capechaterschools.org
(E-mail Address)

Donnie Hopper
(Name)

Principal Oasis Middle School
(School District Title)

239-945-1999
(Telephone Number)

3507 Oasis Blvd. Cpae Coral, FL 33914
(Office Address)

Donnie.Hopper@capehchaterschools.org
(E-mail Address)

2. Title IX Coordinators

The Board designates the following individuals to serve as the District's Title IX Coordinators.

[NOTE: School districts are advised to appoint both a male and a female Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.

see above
(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

_____

(E-mail Address)

3. Publication Required

The names, titles, and contact information of these individuals will be published annually on the Authority's website.

~~The names, titles, and/or contact information of the persons presently serving as Compliance Officers may change from time to time, and such changes shall be deemed technical corrections within the meaning of Bylaw 0131.1 and shall be made pursuant to that bylaw.~~

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the Authority community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Compliance Officer's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the Authority community or a visitor to the Authority or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the Authority community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare, after consultation with the Superintendent, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the Authority community must report incidents of unlawful harassment which are reported to them to a Compliance Officer within five (5) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any employee or other member of the Authority community or visitor to the Authority who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment or retaliation was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

Employees, other members of the Authority community, or third parties who believe that they have been unlawfully harassed or retaliated against may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Employees, other members of the Authority community, or third parties who believe that they have been unlawfully harassed or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving an Authority employee, any other adult member of the Authority community, or a third party against a student will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not

be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) to the Superintendent or other Authority-level employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to the Compliance Officer(s) who will either facilitate an informal resolution as described below on his/her own or appoint another individual to facilitate an informal resolution.

The Authority's informal complaint procedure is designed to provide employees, other members of the Authority community, or third parties who believe they are being unlawfully harassed by another individual with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.

B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

C. If both parties agree, the Compliance Officer(s) may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer(s) or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) calendar days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers or designee in accordance with the Board's records retention policy. (See Policy 8310 and Policy 8320)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of an employee, other member of the Authority community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

An individual who believes s/he has been subjected to offensive conduct/harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing with a teacher, principal, or other Authority employee, the Compliance Officer, Superintendent, or other Authority employee. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a complainant informs a teacher, principal, or other Authority employee, the Compliance Officer, Superintendent, or other Authority employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the complainant.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent and/or Board Attorney.

Within five (5) business days of receiving a formal complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subjected to offensive conduct/harassment/retaliation. A Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer shall consult with the Superintendent. A written report shall then be prepared and delivered to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the complainant has been subject to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

The Superintendent reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the Authority community or third party alleging the unlawful harassment pursues the complaint. The superintendent also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the superintendent.

Privacy/Confidentiality

The Authority will employ all reasonable efforts to protect the rights of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Authority community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal and State laws.

Sanctions and Monitoring

The Superintendent shall vigorously enforce the Board's prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Superintendent may consider whether

the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Superintendent becomes aware that a prior remedial action has been taken against a member of the Authority community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited. Actions that could be construed as retaliation may result in disciplinary action, up to and including the discharge of the employee or the suspension/expulsion of a student involved in the retaliatory behavior.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board policy.

If the Compliance Officer has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer(s) may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy 8141 to report alleged misconduct by certificated employees of the Authority that affects the health, safety, or welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy 8141.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the Authority community related to the implementation of this policy and shall provide training for Authority students and staff where appropriate. All training, as well as all information provided regarding this policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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F.S. 110.1221

F.S. 250.481

F.S. 760.01

F.S. 760.10

F.S. 784.049

F.S. 1000.05

F.S. 1006.07

20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as the Individuals with Disabilities Act)

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973

29 C.F.R. Part 1635

29 U.S.C. 6101, The Age Discrimination Act of 1975

28 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act

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

20 U.S.C. 1681 et seq.

42 U.S.C. 1983

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
Code	*po2260 11/27/20 fsj jc 12/14/20
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship, and/or personal sense of self-worth. As such, the Governing Board will not discriminate nor tolerate harassment in its educational programs or activities on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation or transgender identity), disability (including HIV, AIDS, or sickle cell trait), 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").

The Board also does not discriminate on the basis of protected classes in its employment policies and practices as they relate to students.

Equal educational opportunities shall be available to all students, without regard to the protected classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the Authority, or social or economic background, to learn through the curriculum offered in this Authority. Educational programs shall be designed to meet the varying needs of all students.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

In order to achieve the aforesaid goal, the Superintendent shall:

A. **Curriculum Content**

review current and proposed courses of study and textbooks to detect any bias based upon the protected classes; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc., toward the development of human society;

B. **Staff Training**

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the protected classes in all aspects of the program;

C. **Student Access**

1. review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of the protected classes in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;

2. verify that facilities are made available for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group that is officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society, pursuant to Board Policy 7510 - Use of Authority Facilities;

In accordance with Florida statute, the Board may establish and maintain a single-gender nonvocational class, extra-curricular activity, or school for elementary, middle, or high school students.

D. **Authority Support**

verify that like aspects of the Authority's program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. **Student Assessment**

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the protected classes.

Authority Compliance Officer

Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators"); (hereinafter referred to as the "COs").

[x] The COs shall also serve as the District's ~~Section 504 Compliance Officer~~/ADA Coordinator and Title IX Coordinator. **[END OF OPTION]**

[NOTE: School districts are advised to appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

~~The Superintendent designates the following individuals to serve as the Authority's "Compliance Officer" (also known as "Civil Rights Coordinator") (hereinafter referred to as the "CO"). If the superintendent designates another individual as CO, the Board will be notified of the change.~~

Leisa Orcutt
Human Resources Manager
239-424-6100 X456
3519 Oasis Blvd.
Cape Coral, Florida 33914
leisa.orcutt@capecharterschool.org

~~Jacqueline Collins~~
~~Superintendent~~
~~239-424-6100 X447~~
~~3519 Oasis Blvd.~~
~~Cape Coral, Florida 33914~~
~~jacquelin.collins@capecharterschool.org~~

1. **~~Section 504 Compliance Officer~~/ADA Coordinator ( ) and Title IX Coordinator**

The Board designates the following individuals to serve as the ~~District's Section 504 Compliance Officer~~/ADA Coordinator (x) and Title IX Coordinator **[END OF OPTION]**.

[NOTE: School districts are advised to appoint both a male and a female Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

Leisa Orcutt
(Name)

Human Resources Manager
(School District Title)

239-424-6100

(Telephone Number)

Leisa.Orcutt@capecharterschools.org
(E-mail Address)

Donnie Hopper
(Name)

Principal, Oasis Middle School
(School District Title)

239-945-1999
(Telephone Number)

Donnie.Hopper@capecharterschools.org
(E-mail Address)

2. Title IX Coordinator

The Board designates the following individuals to serve as the District's Title IX Coordinator.

[NOTE: School districts are advised to appoint both a male and a female Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

same as above
(Name)

(School District Title)

(Telephone Number)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(E-mail Address)

Publication

The name(s), title(s), and contact information of this/these individual(s) will be published annually on the Authority's website.

Duties and Responsibilities

The CO(s), ~~Section 504 Compliance Officer~~/ADA Coordinator(s), and Title IX Coordinator(s) arer~~is~~ responsible for coordinating the Authority's efforts to comply with applicable Federal and State laws and regulations, including the Authority's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination Act of 1975, the Florida Civil Rights Act of 1992, the Florida Educational Equity Act, and/or their implementing regulations is provided to students, their parents, staff members, and the general public. A copy of each of the acts and regulations on which this notice is based may be found in the CO's office.

Students with Disabilities, Limited English Proficiency, or Other Needing Additional Services

The Superintendent shall annually attempt to identify children with disabilities, ages 3-22, who reside in the Authority but do not receive public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in Authority programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit procedures and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the Authority will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing, on an annual basis (see AP 2260F).

Reports and Complaints of Unlawful Discrimination and Retaliation

Students and all other members of the Authority community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other Authority official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other Authority employee or official who receives such a complaint shall file it with the CO at his/her first convenience.

Members of the Authority community, which includes students or third parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 – Bullying and Harassment, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a protected class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide him/her with a copy of the resulting written report.

The CO will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. CO shall accept complaints of unlawful discrimination/retaliation directly from any member of the Authority community or a visitor to the Authority, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Authority community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the CO within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the student, if age eighteen (18) or older, or the student's parents if the student is under the age eighteen (18), within two (2) school days to advise s/he/them of the Board's intent to investigate the alleged wrongdoing.

Nothing contained in this policy is intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

Investigation and Complaint Procedure

Any student who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the

conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

~~The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Atlanta Office of the OCR can be reached at 61 Forsyth Street, SW. Suite 19T10 Atlanta, GA 30303-8927, Phone (404) 974-9406; Fax: (404) 974-9471; Web: http://www.ed.gov/ocr.~~

Informal Complaint Procedure

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the parties (the alleged target of the discrimination and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving an Authority employee or any other adult member of the Authority community against a student will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The CO are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

A student who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other Authority-level employee; and/or (3) directly to the CO.

All informal complaints must be reported to one of the CO who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Authority's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one (1) or more of the following:

A. Advising the student about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.

B. Distributing a copy of Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

C. If both parties agree, the CO may arrange and facilitate a meeting between the student claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the CO in accordance with the Board's records retention policy and/or student records policy. (See Policy 8310 and Policy 8330)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process shall be implemented.

A student who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "complainant") may file a formal complaint, either orally or in writing, with a teacher, Principal, or other Authority employee at the student's school, the CO, Superintendent, or another Authority employee who works at another school or at the Authority level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a complainant informs a teacher, Principal, or other Authority employee at the student's school, Superintendent, or other Authority employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in; the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the complainant.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the complainant and/or the person alleged to have engaged in the misconduct. In making such a determination, the CO should consult the complainant to assess his/her agreement to the proposed action. If the complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the complainant has been subjected to unlawful discrimination/retaliation. A Principal will not conduct an investigation unless directed to do so by the Superintendent.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "respondent") that a complaint has been received. The respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other information presented by the complainant, respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation,

the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The decision of the Superintendent shall be final.

The complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Authority will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

All records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under Florida's student records law will be maintained in a manner consistent with the provisions of the Federal and State law.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against a member of the Authority community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the Authority community related to the implementation of this policy and shall provide training for Authority students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel to include;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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Legal

F.S. 553.501 et seq., Florida Americans with Disabilities Accessibility Implementation Act

F.S. 553.014

F.S. 760.08

F.S. 760.021

F.S. 1000.05, Florida Educational Equity Act

F.S. 1002.311

F.A.C. 6A-19.001

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

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

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

34 C.F.R. Part 110 (7/27/93)

29 C.F.R. Part 1635

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979

Title III of the No Child Left Behind Act of 2001

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Vol. 20, No. 1
Title	REVISED POLICY - VOL. 20, NO. 1 - ARTICULATION AND ACCESS TO FLORIDA COLLEGE SYSTEM INSTITUTIONS
Code	po2271 b 12/18/20 jc
Status	

REVISED POLICY - VOL. 20, NO. 1 (HB 7071)

2271 - **ARTICULATION AND ACCESS TO FLORIDA COLLEGE SYSTEM INSTITUTIONS**

Postsecondary Enrollment Programs

The School Board recognizes the value to students and to the CCCCSA for students to participate in programs offered by accredited colleges and universities. The Superintendent will annually develop/revise articulation agreements jointly with postsecondary institutions to provide a comprehensive articulated acceleration program including, but not limited to, dual enrollment and early admission programs.

The Board will approve participation by students in grades 10, 11, and 12 who meet the State Board of Education's criteria, to enroll in approved postsecondary programs while in attendance in the CCCCSA . Secondary students may also participate in career dual enrollment that will enable them to earn industry certification. Students will be eligible to receive secondary credit for completing courses contained in any of these programs. Such credit will count toward graduation requirements.

No student may participate without the written consent of parents and the high school principal.

Annually all secondary school students and their parents shall be informed of the options available to the students for dual enrollment as an educational option and mechanism for acceleration.

The postsecondary education institution will assign a letter grade for the student's work in the course, and the CCCCSA will be responsible for posting dual enrollment course grades as assigned by the postsecondary institution to the high school transcript. The Superintendent shall also establish procedures for the proper entry on a student's transcript and other records of his/her participation in a postsecondary program.

The CCCCSA shall deny high school credit for any portion of postsecondary courses which are taken during the period of a student's expulsion. Any Lee County Public School student who is expelled is not eligible for enrollment or continuation in postsecondary courses during the period of expulsion except as determined by mutual agreement between the CCCCSA and the college or university.

Collegiate High School Program

The Board, in conjunction with Florida College System institutions, shall establish one (1) or more collegiate high school programs. When creating a collegiate high school program, the Board shall execute a contract with a local Florida College System institution that contains all the requirements set forth in F.S. 1007.273. The program shall be established a mutually agreeable location. Each contract must be executed by January 1st of each school year for implementation during the next school year.

The Board may execute a contract to establish a collegiate high school program with a State university or an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this State, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Such university or institution must meet the requirements specified under F.S. 1007.273.

Collegiate high school programs in the CCCCSA shall provide an option for participating public school students in grades 11 or 12 for at least one (1) full year to earn Career and Professional Education (CAPE) industry certifications pursuant to F.S. 1008.44 and to successfully complete thirty (30) credit hours through the dual enrollment program under F.S. 1007.271 toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program.

Students participating in a collegiate high school program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the CCCCSA and the applicable Florida College System institution, State university, or other institution participating pursuant to State law. The performance contract shall include the schedule of courses, by semester, and industry certifications to be taken by the student, student attendance requirements, and course grade requirements.

~~[DRAFTING NOTE: Select this option if the CCCCSA operates a career center. The language in this option also appears in Policy 2421.]~~

~~[ ] Career Pathways Agreements Between Career Centers and Florida College System Institutions~~

~~Any career center operated by the Board with a service area that overlaps with another career center operated by a Florida college system institution will enter into a career pathways agreement. The career pathways agreement will:~~

A. ~~outline certificate program completion requirements and any licenses or industry certifications that must be earned before enrolling in an associate degree program;~~

B. ~~specify that articulated college credit will be awarded in accordance with the agreement upon initial enrollment in the associate degree program;~~

C. ~~guarantee college credit toward an aligned associate degree program for students who graduate from a career center with a career or technical certificate and meet specified requirements in accordance with the terms of the agreement;~~

D. ~~specify that regional agreements may not award less credit than the amount guaranteed through existing statewide articulation agreements.~~

~~On or before May 1st of each year, the Board will submit its career pathways agreements to the FLDOE.~~

[END OF OPTION]

F.S. 1007.233
F.S. 1007.27
F.S. 1007.271
F.S. 1007.273
F.S. 1008.44

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Legal	F.S. 1007.233
	F.S. 1007.27
	F.S. 1007.271
	F.S. 1007.273
	F.S. 1008.44
Cross References	ap2271 - POSTSECONDARY ENROLLMENT PROGRAMS

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Vol. 20, No. 1
Title	REVISED POLICY - VOL. 20, NO. 1 - SCHOOL HEALTH SERVICES
Code	po2410 12/18/20 jc
Status	

REVISED POLICY - VOL. 20, NO. 1 (HB 213)

2410 - **SCHOOL HEALTH SERVICES**

School Health Services

The School Board shall cooperate with the Lee County Health Department to address all school health matters as required by the School Health Services Act (F.S. 381.0056). The CCCCSA, including the school health advisory committee, and the Lee County Health Department shall jointly develop a school health services plan approved by the Board. The Student Services Procedures Manual and the Student/Parent Elementary and Secondary Handbook should be referenced.

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, ~~including the school health advisory committee~~, and the Lee County Health Department. The CCCCSA will follow the Lee County School District Health Advisory Committee guidelines. 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 Superintendent, in addition to the school health advisory committee, shall develop the school health services plan jointly with the _____ Health Department and submit it to the Board for approval.~~

~~The school health services plan will be completed biennially and approved and signed by the Superintendent, Board Chairperson, _____ Health Department medical director or administrator, and the Department of Health's CCCCSA administrator.~~ The school health services plan shall be reviewed each year for the purpose of updating the plan. Amendments shall be signed by the Superintendent and the _____ Health Department medical director or administrator.

The school health services plan 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 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. immediate notification to a student's parent, guardian, or caregiver if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463;

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 CCCCSA 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 CCCCSA 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 CCCCSA medical consultant, or the student's private physician.

Notification of Involuntary Examinations of Students

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

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 or designee 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 CCCCSA's release letter for obtaining assistance

F. additional resource for outpatient/inpatient services

G. inpatient unit services for CCCCSA children and adolescents

H. employee assistance programs and contacts

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

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Legal

F.S. 39.201
F.S. 381.0056
F.S. 394.463
F.S. 1002.22
F.S. 1003.22
F.S. 1003.453
F.A.C. 64D-3.011
F.A.C. 64F-6.002

Last Modified by Jacquelin Collins on December 18, 2020

CITY OF CAPE CORAL CHARTER SCHOOL AUTHORITY
PUBLIC NOTICE

The City of Cape Coral Charter School Authority will consider the adoption, amendment, or repeal of the proposed NEOLA Policies listed below at a Regular Governing Board Meeting on Tuesday, March 8, 2021 at 5:30p.m., in Cape Coral City Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, Florida 33990.

NEOLA Policies Volume 20, Number 1:

POLICY 0100	Copy of Definitions
POLICY 0147.1	Travel and Per Diem
POLICY 1120	Employment of Administrators
POLICY 1122	Nondiscrimination and Equal Employment Opportunity
POLICY 1362	Anti-Harassment
POLICY 2260	Nondiscrimination and Access to Equal Educational Opportunity
POLICY 2271	Articulation and Access to Florida College System Institutions
POLICY 2410	School Health Services
POLICY 2421	Career and Technical Education
POLICY 2450	REJECTED – Adult and Community Education
POLICY 3120	Employment of Instructional Staff
POLICY 3122	Nondiscrimination and Equal Employment Opportunity
POLICY 3362	Anti-Harassment
POLICY 4120	Employment of Support Staff
POLICY 4122	Nondiscrimination and Equal Employment Opportunity
POLICY 4362	Anti-Harassment
POLICY 5112	Entrance Requirements
POLICY 5121	Controlled Open Enrollment
POLICY 5225	Absences for Religious Holidays
POLICY 5320	Immunization and Health Examination
POLICY 5350	Student Suicide Prevention, Awareness, and Screenings
POLICY 5410.01	Promotion, Acceleration, Placement, and Retention
POLICY 5460	Graduation Requirements
POLICY 5516	Student Hazing
POLICY 5517	Anti-Harassment
POLICY 5780	Student/Parent Rights
POLICY 6100	Uniform Records and Accounts
POLICY 6233	Authority Budget
POLICY 6322	Construction Contracting and Bidding
POLICY 6835	Internal Audits Office
POLICY 6840V	Auditor Selection Committee
POLICY 6840V2	Auditor Selection Committee
POLICY 7440.03	Small Unmanned Aircraft Systems
POLICY 7530.01V1	Cell Phone Allowance
POLICY 7530.01	Wireless Communication Allowance and Staff Use of Wireless Communications Devices
POLICY 7530.02	Staff and School Officials Use of Wireless Communication Devices
POLICY 8600.04	Bus Operator Qualifications, Certification, Discipline, and Termination
POLICY 8660	Transporting Students by Private Vehicles
POLICY 9800	REJECTED – Charter Schools Application

Any person who is affected by a proposed policy, policy revision, or the repeal of a policy may file a written request with the Governing Board for a hearing on the proposed action at: The City of Cape Coral Charter School Authority, ATTENTION: Mr. Michael Campbell, Chairman, 3519 Oasis Boulevard, Cape Coral, FL 33914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact The City of Cape Coral Charter School Authority Governing Board Secretary at (239) 424-6100, Ext. 404, at least five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Services by dialing 7-1-1 or 1-800-955-8771 (TTY); 1-800-955-8770 (Voice), for aid in contacting the City of Cape Coral Charter School Authority office.

Book	Policy Manual
Section	Vol. 21, No. 1
Title	REVISED POLICY - VOL. 21, NO. 1 - CAREER AND TECHNICAL EDUCATION
Code	po2421 11/27/20 fsj V20N1 (V21n1-reject) jc 12/14/20
Status	
Adopted	April 12, 2016
Last Revised	August 14, 2018

REVISED POLICY - VOL. 21, NO. 1

2421 - **CAREER AND TECHNICAL EDUCATION**

The School Board recognizes that education is a function of both knowledge and the application of knowledge. Education that ties abstract ideas to practical applications also prepares students to use their minds, as well as preparing them to be citizens, parents, and members of a civilized culture. Career and technical education and academic education are complementary, rather than exclusive.

Career and technical education will provide experiences that complement and reinforce academic concepts that are particularly amenable to contextualized learning in a distinct career area and provide occupationally specific skills.

The Board shall provide career and technical education program offerings that include, but are not limited to:

A. job preparatory courses designed to provide students with the competencies necessary for effective entry into an occupation;

B. exploratory courses designed to give students initial exposure to skills and attitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;

C. practical arts courses designed to teach students practical generic skills which, although applicable in some occupations, are not designed to prepare students for entry into an occupation;

D. career education instruction which is designed to strengthen and integrate basic academic skills and career/technical skills and occupational awareness;

E. accelerated career and technical programs such as vocational dual enrollment designed to enable high school students to earn elective credit toward graduation and postsecondary credit toward an A.S. degree or a technical certificate.

Any effort to recruit students to participate in a particular career and technical program shall follow applicable State and Federal laws regarding the provision of information.

Once developed, the Superintendent shall submit the career and technical education curriculum to the Board for approval, and then submit it to the Department of Education. This curriculum shall be updated annually, submitted to the Board for approval, and then re-submitted to the Department of Education.

Career and technical education program offerings are available to middle and high school students without regard to race (including anti-Semitism), color, 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. The Superintendent is to ensure that application forms for cooperative education programs contain a notice of nondiscrimination. The notice of nondiscrimination shall be part of the application forms provided to employers.

Procedures for program operation in accordance with applicable labor laws are incorporated in the Florida Department of Education, Curriculum Frameworks, and Student Performance Standards. Those documents are kept on file in the Superintendent's office.

Career and Professional Academies; Career-Themed Courses

The District shall offer career and professional academies at the middle and high school levels, and at least two (2) career-themed courses. A "career and professional academy" is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state.

A "career-themed course" is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certified Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Students completing a career-themed course will be provided opportunities to earn postsecondary credit if the credit for the career-themed course can be articulated to a postsecondary institution approved to operate in the State.

The Board expects career and professional academies offered in the District's high schools to provide rigorous and relevant career-themed courses that articulate to postsecondary-level coursework and provide students with the opportunity to receive a standard high school diploma, the opportunity to earn industry certification, the opportunity to attain the Florida Gold Seal Vocational Scholars award, and the opportunity to earn postsecondary credit.

The Board further expects that students who successfully complete the curriculum of the Career and Professional Academies that are established at the middle school level will have the opportunity to earn an industry certificate, high school credit, and participate in career planning, job shadowing, and business leadership development activities.

The Board encourages the Superintendent to forge partnerships with local businesses in the development of career and professional academies. These partnerships will help prepare students for the State's workforce needs, as well as help attract, expand, and retain targeted, high-value industry and jobs in the community.

A Florida Ready to Work Credential and portfolio will be awarded to students upon successful completion of the instruction. Each portfolio must delineate the skills demonstrated by the student as evidenced by the student's preparation for employment. A student shall also be awarded a Florida Ready to Work Credential who successfully passes assessments in Reading for Information, Applied Mathematics, and Locating Information or any other assessments of comparable rigor. Each assessment is scored on a scale of three to seven (7) and a student receives a level of credential based on the score they receive. A bronze-level credential requires a minimum score of three (3) or above on each of the assessments, a silver-level credential requires a minimum score of four (4) or above on each of the assessments, and a gold-level credential requires a minimum score of five (5) or above on each of the assessments.

The District's career and professional academies should increase student academic achievement and graduation rates through integrated academic and career curriculum. Each middle school career exploration program, middle and high school career, and professional academies leading to industry certification, and high school graduation requirements shall be aligned.

Each career and professional academy and career-themed course at the high school level must:

A. provide a rigorous standards-based academic curriculum integrated with a career curriculum; consider multiple styles of student learning; promote learning by doing through application and adaptation; maximize the relevance of the subject matter; enhance each student's capacity to excel; and include an emphasis on work habits and work ethics.

B. include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. Such partnerships with postsecondary institutions shall be delineated in articulation agreements and include any career and professional academy courses or career-themed courses that earn postsecondary credit. Such agreements may include articulation between the secondary school and public or private two (2) year and four (4) year postsecondary institutions and technical centers. Such partnerships must provide opportunities for:

    1. instruction from highly skilled professionals who possess industry- certification credentials for courses they are teaching;

    2. internships, externships, and on-the-job training;

    3. a postsecondary degree, diploma, or certificate;

    4. the highest available level of industry certification;

    5. maximum articulation of credits pursuant to F.S. 1007.23 upon program completion.

C. promote and provide opportunities for students enrolled in a career and professional academy or a career-themed course to attain, at a minimum, the Florida Gold Seal Vocational Scholars award pursuant to F.S. 1009.536.

D. provide instruction in careers designated as high-skill, high-wage, and high-demand by the regional workforce development board, the chamber of commerce, economic development agencies, or the Department of Economic Opportunity.

E. deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention required by F.S. 1003.428, with an emphasis on strengthening reading for information skills.

F. offer applied courses that combine academic content with technical skills.

G. provide instruction resulting in competency, certification, or credentials in workplace skills, including, but not limited to, communication skills, interpersonal skills, decision-making skills, the importance of attendance and timeliness in the work environment, and work ethics.

Each career and professional academy at the middle school level must:

A. lead to careers in occupations designated as high-skill, high-wage, and high-demand in the CAPE Industry Certified Funding List approved under rules adopted by the State Board of Education.

B. integrate content from core subject areas.

C. integrate career and professional academy or career-themed course content with intensive reading and mathematics pursuant to F.S. 1003.428.

D. coordinate with high schools to maximize opportunities for middle school students to earn high school credit.

E. provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle school students. The virtual instruction courses must be aligned to State curriculum standards for middle school career and professional academy courses or career-themed courses, with priority given to students who have required course deficits.

F. provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach.

G. offer externships.

H. provide personalized student advisement that includes a parent- participation component.

An adult student who is enrolled in an apprenticeship program that is registered with the Department of Education in accordance with F.S. Chapter 446, Job Training, is exempt from the provisions of F.S. 1004.91 relating to career preparatory instruction.

Industry Certification in Industry-Certified Career Education Programs

Secondary schools offering career-themed courses and career and professional academies shall enable students in such programs to earn industry certification in an industry that is:

A. within an industry that addresses a critical local or Statewide economic need;

B. linked to an occupation that is included in the workforce system's targeted occupation list; or

C. linked to an occupation that is identified as emerging.

To earn industry certification, the student must demonstrate the required proficiency on an assessment evaluated by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies.

Collection of and Accounting for Expenditure of Block Tuition and Other Fees for Career Centers

The standard tuition of $_____ per contact hour for residents and nonresidents and the out-of-state fee shall be $_____ per contact hour. For adult general education programs, block tuition of $45.00 per half year or $30.00 per term shall be assessed.

[NOTE: The Superintendent may recommend and the Board may adopt tuition and/or out-of-state fees that may vary no more than five percent (5%) above or below the tuition of $2.33 per contact hour for residents and non-residents and an out-of-state fee of $6.99 per contact hour.]

All funds received from block tuition shall be used only for adult general education programs.

[NOTE: Insert the procedures established for the collection of and the accounting for the block tuition.]

The determination of resident status for tuition purposes in career centers shall be made in accordance with State law.

Waiver of Tuition and Fees for Certain Individuals

Certain individuals may qualify for a waiver of tuition and/or other fees. The following consist of the Board's tuition and other fee waivers.

A. Tuition shall be waived for undergraduate college credit programs and career certificate programs for each recipient of a Purple Heart or another combat decoration superior in precedent who meets the requirements of State law.

B. Out-of-state fees for career centers for the following:

1. Students who are undocumented for Federal immigration purposes and:

   a. attended a secondary school in Florida for three (3) consecutive years immediately before graduating from a high school in Florida;

   b. apply for enrollment in an institution of higher education within twenty-four (24) months after high school graduation; and

   c. submit an official Florida high school transcript as evidence of attendance and graduation.

2. An honorably discharged veteran of the United States Armed Forces, the United States Reserve Forces, or the National Guard who physically resides in Florida while enrolled in the career center; or entitled to and uses educational assistance provided by the United States Department of Veterans Affairs for a quarter, semester, or term beginning after July 1, 2015, who physically resides in Florida while enrolled in the career center.

3. A person who is an active duty member of the Armed Forces of the United States residing or stationed outside of Florida. Tuition and fees charged to a student who qualifies for this out-of-state wavier may not exceed tuition and fees charged to a resident student.

C. Transcript fees shall be waived for any individual who is an active duty member or an honorably discharged veteran of the United States Armed Forces. Transcript fees shall also be waived for such individual's spouse and dependents.

Career centers shall report to the State Board of Education the number and value of fee waivers granted annually.

[ ] OPTION (SCHOOL DISTRICT SPECIFIC LANGUAGE TO BE INSERTED HERE IF ADDITIONAL FEE WAIVERS DESIRED - SEE DRAFTING NOTE BELOW)

[DRAFTING NOTE: School districts may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the School District may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount may not be reported for State funding purposes. Any school district that waives fees and requests State funding for a student in violation of the provisions of this paragraph shall be penalized at a rate equal to two (2) times the value of the full-time student enrollment reported. If the Board elects to waive other fees for any fee-nonexempt student, it is recommended that the Board consult with legal counsel prior to doing so.]

Any career center operated by the Board shall, within the nonresident student enrollment systemwide, prioritize the enrollment of a veteran who is granted an out-of-state fee waiver pursuant hereinabove over any other student who is granted an out-of-state fee waiver under this policy.

[DRAFTING NOTE: Select the options below if the District operates a career center. However, the language included in the first option below is also included in Policy 2271.]

[ ] Career Pathways Agreements Between Career Centers and Florida College System Institutions

Any career center operated by the Board with a service area that overlaps with another career center operated by a Florida college system institution will enter into a career pathways agreement. The career pathways agreement will:

A. outline certificate program completion requirements and any licenses or industry certifications that must be earned before enrolling in an associate degree program;

B. specify that articulated college credit will be awarded in accordance with the agreement upon initial enrollment in the associate degree program;

C. guarantee college credit toward an aligned associate degree program for students who graduate from a career center with a career or technical certificate and meet specified requirements in accordance with the terms of the agreement;

D. specify that regional agreements may not award less credit than the amount guaranteed through existing statewide articulation agreements.

On or before May 1st of each year, the Board will submit its career pathways agreements to FLDOE.

[END OF OPTION]

[ ] Dual Enrollment Agreements Between District Career Centers and District High Schools

Any career center operated by the Board shall enter into a dual enrollment agreement with each high school in any District it serves. The agreement will:

A. identify the courses and programs that are available to students through career dual enrollment and the clock hour credits that students will earn upon completion of each course and program;

B. delineate the high school credit earned for the completion of each career dual enrollment course;

C. identify any college credit articulation agreements associated with each clock hour program;

D. describe how students and parents will be informed of career dual enrollment opportunities and related workforce demand, how students can apply to participate in a career dual enrollment program and register for courses through his/her high school, and the postsecondary career education expectations for participating students;

E. establish any additional eligibility requirements for participation and a process for determining eligibility and monitoring the progress of participating students;

F. delineate costs incurred by each entity and determine how transportation will be provided for students who are unable to provide their own transportation.

On or before August 1st of each year, the Board will submit its agreements to FLDOE.

[END OF OPTION]

Strategic Plan to Address Local and Regional Workforce Demands

Florida statutes require each Board to develop, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions approved to operate in the state, a strategic three (3) year plan to address and meet local and regional workforce demands. If involvement of a regional workforce board or an economic development agency in the strategic plan development is not feasible, the Board, with the approval of the Department of Economic Opportunity, shall collaborate with the most appropriate regional business leadership board.

[ ] The Board authorizes the Superintendent to collaborate with one (1) or more neighboring counties in the development of the strategic plan, and, upon approval of the plan, to offer career-themed courses, as defined in F.S. 1003.493(1)(b), or a career and professional academy as a joint venture. **[END OF OPTION]**

The strategic plan must describe in detail provisions for the efficient transportation of students, the maximum use of shared resources, access to courses aligned to State curriculum standards through virtual education providers legislatively authorized to provide part-time instruction to middle school students, and an objective review of proposed career and professional academy courses and other career-themed courses to determine if the courses will lead to the attainment of industry certifications included on the CAPE Industry Certified Funding List pursuant to rules adopted by the State Board of Education.

The strategic three (3) year plan shall be constructed and based upon the elements set forth in F.S. 1003.491. Each strategic plan shall be reviewed, updated, and jointly approved every three (3) years by the School District, regional workforce boards, economic development agencies, and State-approved postsecondary institutions.

Maintenance of Records for Workforce Education Programs Funded with State Appropriations

If the District receives state appropriations for workforce education, it will maintain adequate and accurate records including a system to record District workforce education funding and expenditures, to maintain the separation of postsecondary workforce

education expenditures and secondary workforce education expenditures. These records will be submitted to the FLDOE in accordance with rules of the State Board of Education.

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Legal

F.S. 445.004
F.S. 445.006
F.S. 446 et seq.
F.S. 450.081
F.S. 1000.05
F.S. 1001.42
F.S. 1003.01
F.S. 1003.4156
F.S. 1003.4282
F.S. 1003.491
F.S. 1003.492
F.S. 1003.4935
F.S. 1004.096
F.S. 1004.91
F.S. 1004.92
F.S. 1007.271
F.S. 1009.21
F.S. 1009.22
F.S. 1009.26
F.S. 1009.536
F.S. 1011.62
F.S. 1011.80
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29 U.S.C. 216b

29 U.S.C. 217

29 U.S.C. 218

29 U.S.C. 218b

29 U.S.C. 218c

29 U.S.C. 219

Last Modified by Jacquelin Collins on February 10, 2021

Book	Policy Manual
Section	Vol. 20, No. 1
Title	REVISED POLICY - VOL. 20, NO. 1 - ADULT AND COMMUNITY EDUCATION
Code	po2450 12/18/20 jc Rejected - Does not apply to charter schools
Status	

~~REVISED POLICY - VOL. 20, NO. 1~~

~~2450 - ADULT AND COMMUNITY EDUCATION~~

~~With regard to adult/community education, the School Board also shall provide a basic and high school continuation program as an opportunity for anyone over the age of sixteen (16) who is not attending high school in this District.~~

~~The Board shall also maintain an Americanization program of instruction for the benefit of foreign-born residents of the District.~~

~~A person who is not at least eighteen (18) years of age may be permitted to take the General Educational Development (GED) tests upon submission of a statement of justification recommended by the Superintendent's designee. The statement of justification shall be based on at least one of the following circumstances:~~

A. ~~The candidate justifies a need to be employed that would prevent school attendance; or~~

B. ~~The candidate is a parent who does not have access to child care; or~~

C. ~~The candidate justifies health condition(s) that would prevent school attendance.~~

~~The Superintendent shall develop and implement administrative procedures whereby the schools are available to citizens of the District for the above stated purposes.~~

~~[DRAFTING NOTE: Select this option if the District offers programming reimbursable through the GI Bill and Vocational Rehabilitation and Employment Program.]~~

~~[ ] Veterans Benefits and Transition Act~~

~~The Board shall permit for GI Bill and Vocational Rehabilitation and Employment Program beneficiaries to attend a course of education or training for up to ninety (90) days pending payment from the Veterans Administration (VA) for the course. To be eligible, the beneficiary must provide a certificate of eligibility for entitlement to educational assistance (valid/current VAF 28-1905) and a written request to use the entitlement. Documentation must be submitted no later than the first day the course or training commences. The ninety (90) day period starts on the date when the District certifies tuition and fees following receipt of the required documents.~~

~~The District shall not impose a penalty, deny access to classes or facilities, or require the beneficiary to borrow additional funds to cover tuition and fees due to late payments from the VA. The State Approving Agency (SAA) or the VA may act to approve or disapprove certain courses of education, which may be subject to a waiver by the VA.~~

~~[END OF OPTION]~~

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

F.S. 1003.435
F.S. 1004.93
F.S. 1004.94
The Veterans Benefits and Transition Act - 2018 (38 U.S.C. Sections 3679, 3698(c, 1, C), P.L. 115-407, Sections 103-104)

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Legal	F.S. 1003.435
	F.S. 1004.93
	F.S. 1004.94
	The Veterans Benefits and Transition Act - 2018 (38 USC Sections 3679, 3698(c, 1, C), P.L. 115-407, Sections 103-104)
Cross References	ap2450 - COMMUNITY AND ADULT EDUCATION

Last Modified by Jacquelin Collins on February 11, 2021

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	REVISED POLICY - VOL. 20, NO. 1 - EMPLOYMENT OF INSTRUCTIONAL STAFF
Code	*po3120 jc 12/14/20
Status	
Adopted	April 12, 2016

REVISED POLICY - VOL. 20, NO. 1 (HB 7071)

3120 - **EMPLOYMENT OF INSTRUCTIONAL STAFF**

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

The Board may establish reciprocal certification agreements with other Florida school districts whose employment and/or certification requirements are comparable to those of the Lee County School District.

For purposes of this policy, instructional staff includes: classroom teachers, librarians/media specialists, guidance counselors, social workers, career specialists, school psychologists, other instructional staff (such as: primary specialists, learning resource specialists, instructional trainers, and adjunct educators), and additional District defined positions including, registered nurses, audiologists, and speech pathologists.

[Note: This definition is optional here, but it provides a basis of who is considered instructional staff in the District and part of the bargaining unit. Other than those that are statutory, this definition can be modified to meet the needs of the District.]

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

The Superintendent shall also conduct employment history checks of all candidates for instructional staff positions. The employment history check shall include, but not be limited to, contacting any previous employer and screening the candidate through the use of the screening tools described in State law. If contact with (a) previous employer(s) cannot be made, the Superintendent shall document the efforts made to do so.

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

A candidate shall be disqualified from employment in any position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315.

The Board shall approve employment, upon the recommendation of the Superintendent.

Upon Board approval of employment, each instructional staff member shall execute a written contract as required by State law and Policy 3128 - Contracts: Instructional Personnel

INSTRUCTIONAL PERSONNEL

Qualifications of instructional personnel shall be as required by law and Florida Administrative Code. To be eligible for appointment in any position in the District, a person must be of good moral character; must have attained the age of eighteen (18) years; and must, when required by law, hold a certificate or license issued under rules of the state Board of Education or the Department of Children and Family Services, except when employed pursuant to F.S. 1012.55 or under the emergency provisions of F.S. 1012.24. Previous residence in this State shall not be required in any school of the Sstate as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity.

Any employee who does not achieve a passing score on any subtest of the general knowledge examination will be provided information regarding the availability of State-level and District-level supports and instruction to assist him/her in achieving a passing score. Such information will include, but is not limited to, State-level test information guides, School District preparation resources, and preparation courses offered by State universities and Florida college system institutions.

CERTIFICATION

A. State Certification

For purposes of this policy, "primary instructor" refers to any instructional employee of a Florida public school district who provides direct support in the learning process by planning, delivering, and evaluating instruction, including through virtual or blended environments, for all students during the entire class period.

Teachers who teach in classes for which FEFP funds are earned shall be certified teachers as defined in F.S. 1012.56 and the Florida State Board of Education Administrative Rule, F.A.C. 6A-1.0503 and 6A-1.0502.

B. In-Field

To be considered "in-field", a primary instructor must meet one of the following qualifications:

1. the teacher is assigned to a course covering subject matter for which the teacher holds a certificate per F.S. 1012.55; or

2. demonstrates sufficient subject matter expertise as determined by F.A.C. 6A-1.0503~~,~~ (2~~,~~)(a~~)~~(h).

F.S. 1012.42

C. District Certification

It is the intent of the Board that nondegreed vocational instructional personnel possess the credentials, knowledge, and/or expertise necessary to provide quality education in the _____ County School District. The purpose of District certification is to provide evidence of instructional qualifications in order to protect the interest of students, parents, and the public. The requirements for District certification may be found in the _____ County Board Nondegreed Vocational Employment and Certification Procedures.

The Board may revoke a District certificate for cause. The application fee for the District Vocational Certificate shall be the same as a State issued Educator's Certificate.

D. ~~[ ] District Adjunct Teaching Certification~~

~~The District may issue an adjunct teaching certificate for a part-time or full-time teaching position; however, an adjunct teaching certificate issued for a full-time teaching position is valid for no more than three (3) years and is nonrenewable. The District will post requirements on its website for the issuance of an adjunct teaching certificate, including the subject area test through which an applicant demonstrates subject area mastery.~~

~~Annually, the District will report to the FLDOE the number of adjunct teaching certificates issued for part-time and full-time teaching positions pursuant to this provision.~~

NONCERTIFICATED INSTRUCTIONAL PERSONNEL

The Superintendent is hereby authorized to select and recommend noncertificated instructional personnel for appointment, pursuant to State Board of Education Rule F.A.C. 6A-1.0502, in a critical teacher shortage area, as identified by the Board. To be eligible for employment under this provision, such individuals must hold a Bachelor's or higher degree and possess expert skill in or knowledge of a particular subject or talent, but not hold a Florida teaching certificate. Instructional personnel employed under this policy will not be entitled to receive a contract and shall be governed by the criteria found in the Lee County Board Noncertificated Instructional Personnel Procedures.

CERTIFICATED PERSONNEL

Any person employed in a position requiring certification shall possess a valid certificate issued pursuant to Florida law or issued by the Board of Lee County and shall file said certificate with the Superintendent.

ALTERNATIVE CERTIFICATION

The alternative certification program is a competency-based program designed to expand the pool of educators to include non-education majors committed to making a positive impact on student achievement. The procedures for this program may be found in the Lee County Alternative Certification Program.

LICENSED PERSONNEL

Speech pathologists, occupational therapists, physical therapists, and audiologists will receive contracts, salary, and benefits. To be eligible for employment these individuals must hold a license to practice in the State of Florida.

F.S. 1012.01
F.S. 1012.22
F.S. 1012.24
F.S. 1012.27
F.S. 1012.315
F.S. 1012.32
F.S. 1012.33
F.S. 1012.42
F.S. 1012.55
F.S. 1012.56
F.S. 1012.57
F.A.C. 6A-1.0502
F.A.C. 6A-1.0503
20 U.S.C. 6301
20 U.S.C. 7801

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Legal	F.S. 1012.01
	F.S. 1012.22
	F.S. 1012.24
	F.S. 1012.27
	F.S. 1012.315
	F.S. 1012.32
	F.S. 1012.33
	F.S. 1012.42
	F.S. 1012.55
	F.S. 1012.56
	F.S. 1012.57
	F.A.C. 6A-1.0502
	F.A.C. 6A-1.0503
	20 U.S.C. 6301
	20 U.S.C. 7801
Cross References	po3128 - CONTRACTS: INSTRUCTIONAL PERSONNEL

Last Modified by Jacquelin Collins on December 17, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	*po3122 11/27/20 fsj jc 12/14/20
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

3122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

The Governing Board does not discriminate on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, 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") in its programs and activities, including employment opportunities.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

The Superintendent shall appoint a compliance officer whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. The Superintendent shall also require that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the Authority's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

Compliance Officer

The Board designates the following persons to serve as the District's "Compliance Officer(s)" (also known as "Civil Rights Coordinators"; hereinafter referred to as the ("COs"):

[x] The COs shall also serve as the ~~District's Section 504 Compliance Officer~~/ADA Coordinator and Title IX Coordinator. **[END OF OPTION]**

[NOTE: School districts are advised to appoint both a male and a female COcompliance officer in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

The following person is designated as the Compliance Officer (CO):

Leisa Orcutt
Human Resources Manager
239-424-6100 X456
3519 Oasis Blvd.
Cape Coral, Florida 33914
leisa.orcutt@capecharterschools.org

1. ~~Section 504 Compliance Officer~~/ADA Coordinator (x) and Title IX Coordinator

   The Board designates the following individuals to serve as the District's Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator **[END OF OPTION]**.

   [NOTE: School districts are advised to appoint both a male and a female Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

   Leisa Orcutt
   (Name)

   Human Resources Manager
   (School District Title)

   239-424-6100

   (Telephone Number)

   Leisa.Orcutt@capecharterschools.org
   (E-mail Address)

   Donnie Hopper
   (Name)

   Principal, Oasis Middle School
   (School District Title)
   239-945-1999

   (Telephone Number)

   Donnie.Hopper@capecharterschools.org
   (E-mail Address)

2. Title IX Coordinator

   The Board designates the following individuals to serve as the District's Title IX Coordinator.

   [NOTE: School districts are advised to appoint both a male and a female Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

   same as above
   (Name)

   (School District Title)

   (Telephone Number)

   (E-mail Address)

   (Name)

   (School District Title)

(Telephone Number)

(E-mail Address)

Publication Required

The name(s), title(s), and contact information of this/these individual(s) will be published annually on the Authority's website.

Complaint Procedures

If an employee ~~person~~ believes that s/he has been subjected to unlawful discrimination, s/he~~the person~~ may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter. Nothing contained in this policy is intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Federal and/or State law. In addition, employees will be notified of their right to file a complaint with the OCR ~~U.S. Department of Education's Office for Civil Rights~~, FCHR, ~~the Florida Commission on Human Relations,~~ or the EEOC~~Equal Employment Opportunity Commission~~.

Internal complaints must be ~~put~~ in writing and ~~must~~ identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a compliance officer within the time limits specified below. The compliance officer is available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination that is prohibited in this policy ~~based upon disability~~. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the compliance officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the compliance officer for good cause.

C. The compliance officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The compliance officer will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The compliance officer shall maintain the Authority's files and records relating to the complaint.

D. The Superintendent will, within ten (10) work days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render his/her decision within ten (10) work days of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable,

timely, age-appropriate and effective, and tailored to the specific situation.

Filing a Complaint with OCR/FCHR~~Florida Commission on Human Relations~~/EEOC

At any time, if an employee believes that s/he has been subjected to unlawful discrimination, s/he~~the Individual~~ may file a complaint with the OCR< FCHR OR EEOC.~~U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations (FCHR), or the Equal Employment Opportunity Commission ("EEOC")~~.

~~**Appealing to OCR/Florida Commission on Human Relations/EEOC**~~

~~If the complainant is not satisfied with the Superintendent's decision, the complainant will have an additional sixty (60) days to appeal the decision to the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.~~

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practiceprohibited by this policy, ~~made unlawful by Section 504, the ADA, GINA~~ or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Training

The compliance officers will also oversee the training of employees in the Authority so that all employees understand their rights and responsibilities under Federal and State law, and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the compliance officers will be posted throughout the Authority, and published in the Authority's recruitment statements or general information publications as required by Federal and State law and this policy.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel to include;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 10/8/19

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Legal

F.S. 110.1221

F.S. 250.481

F.S. 760.01

F.S. 760.10

F.S. 1000.05

20 U.S.C. 1681 et seq., Title IX

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

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

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

42 U.S.C. 12112, Americans with Disabilities Act of 1990

29 C.F.R. Part 1635

38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	ANTI-HARASSMENT
Code	*po3362 11/27/20 fsj jc 12/14/20
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

3362 - **ANTI-HARASSMENT**

General Policy Statement

It is the policy of the Governing Board to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all Authority operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Superintendent will vigorously enforce its prohibition against discriminatory harassment on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity,, color, national origin, sex (including sexual orientation or transgender identity), disability (including HIV, AIDS, or sickle cell trait), 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") (hereinafter referred to as unlawful harassment), and encourages those within the Authority community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Superintendent will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Superintendent will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "Authority community" means students, administrators, teachers, staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

Other Violations of the Anti-Harassment Policy

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

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race (including Anti-Semitism), color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. This unlawful harassment may include, but not be limited to, the following:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. gaslighting;

H. physical violence;

I. theft;

J. sexual, religious, or racial harassment;

K. public humiliation; or

L. destruction of property.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or

C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

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

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

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

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

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

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Unwanted physical and/or sexual contact.

C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature placed in the work or educational environment, which may embarrass or offend individuals.

F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

I. Consensual sexual relationships where such a relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

J. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

K. Inappropriate boundary invasions by an Authority employee or other adult member of the Authority community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based and gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.

Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

Race/Color Harassment (Including Anti-Semitism)

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments, or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the Authority community and third parties, which includes all staff, are encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor, or other Authority official so that the Superintendent may address the conduct before it

becomes severe, pervasive, or persistent. Any administrator, supervisor, or other Authority official who receives such a complaint shall file it with the Authority's Anti-Harassment Compliance Officer within two (2) business days.

Members of the Authority community or third parties who believe they have been unlawfully harassed by another member of the Authority community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra- curricular programs unless the complaining individual makes the complaint maliciously or with the knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying and Harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the Policy 3362 investigation and provide him/her with a copy of the resulting written report.

~~Anti-Harassment~~ Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers (for the District. They are also known as "Civil Rights Coordinators"; hereinafter referred to as the "COs").

[x] The COs shall also serve as the ~~District's Section 504 Compliance Officer/~~ADA Coordinator and Title IX Coordinators. [END OF OPTION]

[NOTE: School districts are advised to appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504/ADA Coordinator and Title IX Coordinators. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

~~The following individuals serve as "Anti-Harassment Compliance Officers" for the Authority. They are hereinafter referred to as the "Compliance Officers".~~

Human Resources Manager
Leisa Orcutt
3519 Oasis Blvd.
Cape Coral, Florida 33914
239- 424-6100 X456
leisa.orcutt@capecharterschools.org

1. ~~Section 504 Compliance Officer~~/ADA Coordinator ( ) and Title IX Coordinators

   The Board designates the following individuals to serve as **the District's Section 504 Compliance Officer/ADA Coordinators (x) and Title IX Coordinators [END OF OPTION].**

   [NOTE: School districts are advised to appoint both a male and a female Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

   Leisa Orcutt
   (Name)

   Human Resources Manger
   (School District Title)

   239-424-6100
   (Telephone Number)

   3519 Oasis Blvd. Cape Coral, FL 33914
   (Office Address)

   Leisa.Orcutt@capecharterschools.org
   (E-mail Address)

   Donnie Hopper
   (Name)

2. Principal, Oasis Middle School
(School District Title)

239-945-1999
(Telephone Number)

3507 Oasis Blvd. Cape Coral, FL 33914
(Office Address)

Donnie.Hopper@capecharterschools.org
(E-mail Address)

3. Title IX Coordinators

The Board designates the following individuals to serve as **the District's Title IX Coordinators.**

[NOTE: School districts are advised to appoint both a male and a female Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

same as above
(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

Publication Required

The names, titles, and contact information of these individuals will be published annually on the Authority's website.

The names, titles, and/or contact information of the persons presently serving as Compliance Officers may change from time to time, and such changes shall be deemed technical corrections within the meaning of Bylaw 0131.1 and shall be made pursuant to that bylaw.

Duties and Responsibilities

Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the Authority community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Superintendent's intent to investigate the alleged misconduct, including the obligation of the compliance officer or

designee to conduct an investigation following all the procedures outlined for a formal complaint.

Compliance Officer(s) are assigned to accept complaints of unlawful harassment directly from any member of the Authority community or a visitor to the Authority or to receive complaints which are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the Authority community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare, after consultation with the Superintendent, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the Authority community must report incidents of unlawful harassment which are reported to them to a Compliance Officer within five (5) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any employee or other member of the Authority community or visitor to the Authority who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment or retaliation was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, when possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

Employees, other members of the Authority community, or third parties who believe that they have been unlawfully harassed or retaliated against may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Employees, other members of the Authority community, or third parties who believe that they have been unlawfully harassed or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving an Authority employee, any other adult member of the Authority community, or a third party against a student will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer(s) may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) to the Superintendent or other Authority-level employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to the Compliance Officers who will either facilitate an informal resolution as described below on his/her own or appoint another individual to facilitate an informal resolution.

The Authority's informal complaint procedure is designed to provide employees, other members of the Authority community, or third parties who believe they are being unlawfully harassed by another individual with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.

B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

C. If both parties agree, the Compliance Officers may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officers or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) calendar days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers or designee in accordance with the Board's records retention policy. (See Policy 8310 and Policy 8320)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of an employee, other member of the Authority community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

An individual who believes s/he has been subjected to offensive conduct/harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other Authority employee. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a complainant informs a teacher, principal, the Compliance Officer, Superintendent, or other Authority employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the complainant.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent and/or Board Attorney.

Within five (5) business days of receiving a formal complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subjected to offensive conduct/harassment/retaliation. A Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer shall consult with the superintendent. A written report shall then be prepared and delivered to the superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the

evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the superintendent must either issue a final decision regarding the outcome of the investigation or request a continuation of investigation. A copy of the superintendent's final decision will be delivered to both the complainant and the respondent.

If the superintendent requests additional investigation, the superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

The superintendent reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the Authority community or third party alleging the unlawful harassment pursues the complaint. The superintendent also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the superintendent.

Privacy/Confidentiality

The Authority will employ all reasonable efforts to protect the rights of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Authority community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

Sanctions and Monitoring

The Superintendent shall vigorously enforce the Board's prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Superintendent may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Superintendent becomes aware that a prior remedial action has been taken against a member of the Authority community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board policy.

If the Compliance Officer has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officers may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy 8141 to report alleged misconduct by certificated employees of the Authority that affects the health, safety, or welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each

allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy 8141.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the Authority community related to the implementation of this policy and shall provide training for Authority students and staff where appropriate. All training, as well as all information provided regarding this policy and harassment in general, will be age and content appropriate.

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel to include;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 10/8/19

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Legal

F.S. 110.1221

F.S. 250.481

F.S. 760.01

F.S. 760.10

F.S. 784.049

F.S. 1000.05

F.S. 1006.07

20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as the Individuals with Disabilities Act)

20 U.S.C. 1681 et seq.

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973

29 C.F.R. Part 1635

29 U.S.C. 6101, The Age Discrimination Act of 1975

38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act

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

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 1983

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	EMPLOYMENT OF SUPPORT STAFF
Code	*po4120 11/28/2020 fsj jc 12/14/20
Status	
Adopted	April 12, 2016

4120 - **EMPLOYMENT OF SUPPORT STAFF**

Support employees include all those employees who work in nonadministrative, noninstructional, noncontracted roles and serve at the pleasure of the Governing Board.

All support staff are at-will employees and may be dismissed or terminated at any time, with or without cause.

The employment of support staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in Authority operations. Employment shall be recommended to the Board no later than the month following employment.

The Superintendent shall also conduct employment history checks of all candidates for support staff positions. The employment history check shall include, but not be limited to, contacting any previous employer. If contact with (a) previous employer(s) cannot be made, the Superintendent shall document the efforts made to do so.

A candidate shall be disqualified from employment in any position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315.

The Board shall approve employment, upon recommendation of the Superintendent.

Any support staff member's misstatement of fact material to qualifications for employment or the determination of salary shall be considered to constitute grounds for dismissal.

All support personnel shall become familiar with the policies of the Board and other such policies, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the Authority. Any support staff member employed by the Board who shall be guilty of any willful violation of the policies of the Board shall be guilty of gross insubordination and shall be subject to dismissal or such other lesser penalty as the Board may prescribe.

REQUIREMENTS FOR INSTRUCTIONAL PARAPROFESSIONALS

All paraprofessionals employed by the Authority to provide instructional support services in Title I schoolwide programs and instructional paraprofessionals paid with Title I, Part A funds in targeted assistance programs shall be "highly qualified".

The requirements to be considered a "highly qualified" instructional paraprofessional are established by the Florida Department of Education. Accordingly, one of the following requirements must be met:

A. an associate's or higher degree;

B. two (2) years of study at an institution of higher education; or

C. a rigorous State or local assessment of knowledge of and the ability to perform the following duties

1. assist in instruction in reading, writing, and mathematics or reading, writing, and mathematics; or

2. assist in instructing reading readiness, writing readiness, and mathematics readiness, as appropriate.

Instructional paraprofessionals working for a Title I supported program may be assigned to duties as follows:

A. providing one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;

B. assisting with classroom management, such as organizing instructional and other materials;

AUTHORIZED ACTIVITIES FOR NON-INSTRUCTIONAL PARAPROFESSIONALS

The activities to which non-instructional paraprofessional may be assigned include the following:

A. personal care services;

B. parent involvement activities;

C. food service;

D. playground/cafeteria supervision;

E. bus aides/bus attendants;

F. clerical duties

G. non-instructional computer assistance;

H. non-instructional media center/library supervision;

I. translators (not providing instructional support).

~~**General Knowledge Examination Assistance**~~

~~**Any employee who does not achieve a passing score on any subtest of the general knowledge examination will be provided information regarding the availability of State-level and District-level supports and instruction to assist him/her in achieving a passing score. Such information will include, but is not limited to, State-level test information guides, School District preparation resources, and preparation courses offered by State universities and Florida college system institutions.**~~

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Legal F.A.C. 6A-1.0502(11)
20 U.S.C. 6301
F.S. 1012.01, 1012.37, 1012.40, 1012.56

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	*po4122 11/28/2020 fsj 12/16/20 jc
Status	
Adopted	April 12, 2016

4122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

The Governing Board does not discriminate on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation or transgender identity), disability (including HIV, AIDS, or sickle cell trait), 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") in its programs and activities, including employment opportunities.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States

The Superintendent shall appoint compliance officer whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. The Superintendent shall also require that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the Authority's collectively- bargained negotiated agreements dealing with hiring and promotion will contain a statement of nondiscrimination similar to that in the Board's statement above.

Compliance Officer
The Board designates the following persons to serve are designated as the District's "Compliance Officer(s)" (also known as "Civil Rights Coordinators"; hereinafter referred to as the ("COs"):
~~The following person is designated as the Compliance Officer (CO):~~
[x] The COs shall also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. **[END OF OPTION]**

[NOTE: School districts are advised to appoint both a male and a female COcompliance officer in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

~~Name: Keith Graham~~

~~Title: Principal, Oasis Middle School~~

~~Phone: 239-945-1999~~

~~Address: 3519 Oasis Blvd.~~
~~Cape Coral, Florida 33914~~

~~E-mail: keith.graham@capecharterschools.org~~

1. Section 504 Compliance Officer/ADA Coordinator (x) and Title IX Coordinator

The Board designates the following individuals to serve as the District's Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator **[END OF OPTION]**.

[NOTE: School districts are advised to appoint both a male and a female Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

Human Resource Manager
(Name)

(School District Title)

239-424-6100 ext. 456

(Telephone Number)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(E-mail Address)

2. Title IX Coordinator

The Board designates the following individuals to serve as the District's Title IX Coordinator.

[NOTE: School districts are advised to appoint both a male and a female Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

See above

(Name)

(School District Title)

(Telephone Number)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(E-mail Address)

Publication Required

The name(s), title(s), and contact information of this/these individual(s) will be published annually on the Authority's web site.

Complaint Procedures

If an employee ~~person~~ believes that s/he has been subjected to unlawful discrimination, s/he~~the person~~ may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter. Nothing contained in this policy is intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Federal and/or State law. In addition, employees will be notified of their right to file a complaint with the OCR, FCHR, or the EEOC~~U.S. Department of Education's Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission~~.

Internal complaints must be ~~put~~ in writing and ~~must~~ identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a compliance officer within the time limits specified below. The compliance officer is available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination that is prohibited in this policy~~based upon disability~~. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with theOCR, FCHR< or EEOC ~~U.S. Department of Education's Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission~~.

A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the compliance officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the compliance officer for good cause.

C. The compliance officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The compliance officer will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The compliance officer shall maintain the Authority's files and records relating to the complaint.

D. The Superintendent will, within ten (10) work days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render his/her decision within ten (10) work days of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

Filing a Complaint with OCR/FCHR~~Florida Commission on Human Relations~~/EEOC

At any time, if an employee believes that s/he has been subjected to unlawful discrimination, s/hethe ~~individual~~ may file a complaint with the OCR, FCHR, or EEOC~~U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations (FCHR), or the Equal Employment Opportunity Commission ("EEOC")~~.

Appealing to OCR/FCHR~~Florida Commission on Human Relations~~/EEOC

~~If the complainant is not satisfied with the Superintendent's decision, the complainant will have an additional sixty (60) days to appeal the decision to the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.~~

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice prohibited by this policy~~made unlawful by Section 504 or the ADA~~, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Training

The compliance officers will also oversee the training of employees in the Authority so that all employees understand their rights and responsibilities under Federal and State law, and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the compliance officers will be posted throughout the Authority, and published in the Authority's recruitment statements or general information publications as required by Federal and State law and this policy.

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Legal

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

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

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12112, Americans with Disabilities Act of 1990

F.S. 110.1221, 760.01, 760.10, 1000.05

20 U.S.C. 1681 et seq., Title IX

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

29 C.F.R. Part 1635

Last Modified by Frankie St James on December 16, 2020

CITY OF CAPE CORAL CHARTER SCHOOL AUTHORITY
PUBLIC NOTICE

The City of Cape Coral Charter School Authority will consider the adoption, amendment, or repeal of the proposed NEOLA Policies listed below at a Regular Governing Board Meeting on Tuesday, March 8, 2021 at 5:30p.m., in Cape Coral City Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, Florida 33990.

NEOLA Policies Volume 20, Number 1:

POLICY 0100	Copy of Definitions
POLICY 0147.1	Travel and Per Diem
POLICY 1120	Employment of Administrators
POLICY 1122	Nondiscrimination and Equal Employment Opportunity
POLICY 1362	Anti-Harassment
POLICY 2260	Nondiscrimination and Access to Equal Educational Opportunity
POLICY 2271	Articulation and Access to Florida College System Institutions
POLICY 2410	School Health Services
POLICY 2421	Career and Technical Education
POLICY 2450	REJECTED – Adult and Community Education
POLICY 3120	Employment of Instructional Staff
POLICY 3122	Nondiscrimination and Equal Employment Opportunity
POLICY 3362	Anti-Harassment
POLICY 4120	Employment of Support Staff
POLICY 4122	Nondiscrimination and Equal Employment Opportunity
POLICY 4362	Anti-Harassment
POLICY 5112	Entrance Requirements
POLICY 5121	Controlled Open Enrollment
POLICY 5225	Absences for Religious Holidays
POLICY 5320	Immunization and Health Examination
POLICY 5350	Student Suicide Prevention, Awareness, and Screenings
POLICY 5410.01	Promotion, Acceleration, Placement, and Retention
POLICY 5460	Graduation Requirements
POLICY 5516	Student Hazing
POLICY 5517	Anti-Harassment
POLICY 5780	Student/Parent Rights
POLICY 6100	Uniform Records and Accounts
POLICY 6233	Authority Budget
POLICY 6322	Construction Contracting and Bidding
POLICY 6835	Internal Audits Office
POLICY 6840V	Auditor Selection Committee
POLICY 6840V2	Auditor Selection Committee
POLICY 7440.03	Small Unmanned Aircraft Systems
POLICY 7530.01V1	Cell Phone Allowance
POLICY 7530.01	Wireless Communication Allowance and Staff Use of Wireless Communications Devices
POLICY 7530.02	Staff and School Officials Use of Wireless Communication Devices
POLICY 8600.04	Bus Operator Qualifications, Certification, Discipline, and Termination
POLICY 8660	Transporting Students by Private Vehicles
POLICY 9800	REJECTED – Charter Schools Application

Any person who is affected by a proposed policy, policy revision, or the repeal of a policy may file a written request with the Governing Board for a hearing on the proposed action at: The City of Cape Coral Charter School Authority, ATTENTION: Mr. Michael Campbell, Chairman, 3519 Oasis Boulevard, Cape Coral, FL 33914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact The City of Cape Coral Charter School Authority Governing Board Secretary at (239) 424-6100, Ext. 404, at least five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Services by dialing 7-1-1 or 1-800-955-8771 (TTY); 1-800-955-8770 (Voice), for aid in contacting the City of Cape Coral Charter School Authority office.

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	ANTI-HARASSMENT
Code	*po4362 11/28/20 fsj 12/17/20 jc
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

4362 - **ANTI-HARASSMENT**

General Policy Statement

It is the policy of the Governing Board to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all Authority operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property or at another location if such conduct occurs during an activity sponsored by the Board.

The Superintendent will vigorously enforce its prohibition against discriminatory harassment on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation or transgender status or gender identity), disability (including HIV, AIDS, or sickle cell trait), 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") (hereinafter referred to as unlawful harassment), and encourages those within the Authority community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Superintendent will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Superintendent will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "Authority community" means students, administrators, teachers, staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

Other Violations of the Anti-Harassment Policy

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

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical pain or psychological distress on one (1) or more students or employees and that bullying is based upon sex (including sexual orientation, transgender status or gender identity), race (including anti-Semitism), color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. This unlawful harassment may include, but not be limited to, the following:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. gaslighting;

H. physical violence;

I. theft;

J. sexual, religious, or racial harassment;

K. public humiliation; or

L. destruction of property.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or

C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

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

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

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

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

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

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Unwanted physical and/or sexual contact.

C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls and/or texts.

E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals.

F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

I. Consensual sexual relationships where such a relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

J. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

K. Inappropriate boundary invasions by an Authority employee or other adult member of the Authority community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based and gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.

Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

Race/Color Harassment (Including Anti-Semitism)

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments, or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the Authority community and third parties, which includes all staff, are encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor or other Authority official so that the Superintendent may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other Authority official who receives such a complaint shall file it with the Authority's Anti-Harassment Compliance Officer within two (2) business days.

Members of the Authority community or third parties who believe they have been unlawfully harassed by another member of the Authority community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra- curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying and Harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on sex (including sexual orientation or transgender status or gender identity), race (including anti-Semitism), color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the Policy 4362 investigation and provide him/her with a copy of the resulting written report.

~~**Anti-Harassment**~~ **Compliance Officers**

The Board designates the following individuals to serve as the District's " Compliance Officers" (also known as "Civil Rights Coordinators";
hereinafter referred to as the "COs").

[ ] The COs shall also serve as **the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinators. [END OF OPTION]**

[NOTE: School districts are advised to appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504/ADA Coordinator and Title IX Coordinators. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

~~The following individuals serve as "Anti-Harassment Compliance Officers" for the Authority. They are hereinafter referred to as the "Compliance Officers".~~

Human Resources Manager
Leisa Orcutt
2519 Oasis Blvd.
Cape Coral, FL 33914
239-424.6100 X456
leisa.orcutt@capecharterschools.org

1. Section 504 Compliance Officer/ADA Coordinator (x) and Title IX Coordinators

   The Board designates the following individuals to serve as **the District's Section 504 Compliance Officer/ADA Coordinators ( ) and Title IX Coordinators [END OF OPTION].**

   [NOTE: School districts are advised to appoint both a male and a female Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

   Human Resources Manager
   (Name)

   (School District Title)

   239-424-6100 ext. 456
   (Telephone Number)

   3519 Oasis Blvd. Cape Coral, FL 33914
   (Office Address)

   (E-mail Address)

   – Donnie Hopper
   (Name)

   Principal
   (School District Title)

   239-945-1999
   (Telephone Number)

   3507 Oasis Blvd. Cape Coral, Fl 33914
   (Office Address)

   (E-mail Address)

2. Title IX Coordinators

   The Board designates the following individuals to serve as **the District's Title IX Coordinators.**

   [NOTE: School districts are advised to appoint both a male and a female Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

   same as above
   (Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

Publication Required

The names, titles, and contact information of these individuals will be published annually on the Authority's website.

The names, titles, and/or contact information of the persons presently serving as Compliance Officers may change from time to time, and such changes shall be deemed technical corrections within the meaning of Bylaw 0131.1 and shall be made pursuant to that bylaw.

Duties and Responsibilities

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the Authority community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Superintendent's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the Authority community or a visitor to the Authority or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the Authority community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare, after consultation with the Superintendent, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the Authority community must report incidents of unlawful harassment that are reported to them to a Compliance Officer within five (5) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any employee or other member of the Authority community or visitor to the Authority who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of

legally prohibited harassment or retaliation was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

Employees, other members of the Authority community, or third parties who believe that they have been unlawfully harassed or retaliated against may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Employees, other members of the Authority community, or third parties who believe that they have been unlawfully harassed or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving an Authority employee, any other adult member of the Authority community, or a third party against a student will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) to the Superintendent or other Authority-level employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to the Compliance Officers who will either facilitate an informal resolution as described below on his/her own or appoint another individual to facilitate an informal resolution.

The Authority's informal complaint procedure is designed to provide employees, other members of the Authority community, or third parties who believe they are being unlawfully harassed by another individual with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.

B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

C. If both parties agree, the Compliance Officers may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officers or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) calendar days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint

process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers or designee in accordance with the Board's records retention policy. (See Policy 8310 and Policy 8320)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of an employee, other member of the Authority community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

An individual who believes s/he has been subjected to offensive conduct/harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing with a teacher, principal, or other Authority employee, the Compliance Officer, Superintendent, or other Authority employee. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a complainant informs a teacher, principal, the Compliance Officer, Superintendent, or other Authority employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the complainant.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent and/or Board Attorney.

Within five (5) business days of receiving a formal complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subjected to offensive conduct/harassment/retaliation. A Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer shall consult with the superintendent. A written report shall then be prepared and delivered to the superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law r as either substantiating or refuting the complainant has been subject to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the superintendent must either issue a final decision regarding the complaint of harassment that has been substantiated or requests further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

The Superintendent reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the Authority community or third party alleging the unlawful harassment pursues the complaint. The Superintendent also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the superintendent.

Privacy/Confidentiality

The Authority will employ all reasonable efforts to protect the rights of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Authority community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation. Any violations of confidentiality may result in disciplinary action up to and including termination of employment or the suspension/expulsion of a student.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal and State laws.

Sanctions and Monitoring

The Superintendent shall vigorously enforce the Board's prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Superintendent may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Superintendent becomes aware that a prior remedial action has been taken against a member of the Authority community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If,

during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board policy.

If the Compliance Officer has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officers or designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy 8141 to report alleged misconduct by certificated employees of the Authority that affects the health, safety, or welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy 8141.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the Authority community related to the implementation of this policy and shall provide training for Authority students and staff where appropriate. All training, as well as all information provided regarding this policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel;

E. written witness statements;

F. narratives of, notes from, or audio, video or digital recordings of witness statements;

G. all documentary evidence;

H. emails, texts or social media posts pertaining to the investigation;

I. comtemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written discipinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination of harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment and remedy its discriminatory effects.

The information, documents, ESI and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320 and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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Legal

F.S. 110.1221

F.S. 250.481

F.S. 760.01

F.S. 760.10

F.S. 784.049

F.S. 1000.05

F.S. 1006.07

20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as the Individuals with Disabilities Act)

20 U.S.C. 1681 et seq.

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973

29 C.F.R. Part 1635

29 U.S.C. 6101, The Age Discrimination Act of 1975

38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act

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

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 1983

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Last Modified by Jacquelin Collins on December 17, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	ENTRANCE REQUIREMENTS
Code	*po5112 11/28/20 fsj V20N1 V21N2 12/17/20 jc
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

5112 - ENTRANCE REQUIREMENTS

The Governing Board shall establish entrance age requirements for students which are consistent with statute and sound educational practice and which ensure the equitable treatment of all eligible children.

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

Any student and/or his/her parent(s) who enters the District for the first time must disclose the following information at the time of enrollment:

A. prior school expulsions;

B. arrests resulting in a charge;

C. juvenile justice actions; and

D. referrals to mental health services.

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

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

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

A. a parochial, religious, or denominational school;

B. a private school supported in whole or in part by tuition charges or by endowments or gifts;

C. a home education program that meets the requirements of F.S. Chapter 1002; or

D. a private tutoring program that meets the requirements of F.S. Chapter 1002.

Kindergarten

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

First Grade

Children entering first grade in this Authority for the first time must comply with F.S. 1003.21. Any child who has attained the age of six (6) years on or before September 1st of the school year and who has been enrolled in a public school or who has attained the age of six (6) years on or before September 1st and has satisfactorily completed the requirements for kindergarten in a non-public school, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the Authority's student progression plan.

Students transferring to first grade from a kindergarten program other than the one offered by the Authority will need written verification of satisfactory completion of kindergarten from the public or non-public school attended. Home education is not an option. Verification forms are available at each elementary school.

Initial Entry

A. Children entering the Authority for the first time must comply with F.S. 1003.21 and with the Authority's *Student Progression Plan.* Students must have an immunization record on file at the school. Any student who does not have the proper immunization shall be temporarily excluded from attendance until compliance has been documented.

B. Each child who is entitled to admittance to kindergarten or is entitled to any other initial entrance into a school must have a certification of a school-entry health examination performed within one (1) year before enrollment in school. Students transferring into the Authority schools from a school within the State of Florida who have completed physical examination form as part of their school record need not be re-examined. Examinations taken out-of-state may be accepted if performed within one (1) year of entry and include documentation and reported on the official forms of the physician. A student shall have up to thirty (30) school days to present a certification of a school-entry health examination. Children and youths who are experiencing homelessness and children who are known to the Department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days. The school health services plan shall contain provisions to assist students in obtaining health examinations.

C. A child may be exempt from the required health examination and/or immunization upon written request of the parent or guardian of such child stating an objection to examination and/or immunization on religious grounds or for medical reasons certified by a competent medical authority.

D. Any student and/or his/her parent(s) who enters the District for the first time must disclose the following information at the time of enrollment:

1. prior school expulsions;
2. arrests resulting in a charge;
3. juvenile justice actions; and
4. referrals to mental health services.

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

Verification of Residence

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

A student whose parent is transferred or is pending transfer to a military installation within the State while on active military duty pursuant to an official military order shall be considered a resident of the District for purposes of enrollment when the order is submitted to the District.

Notification of in Loco Parentis

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

Revised 5/14/19
Revised 10/8/19

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Legal	F.S. 1003.01, 1103.05
	F.S. 1003.21
	F.S. 1003.22
	F.S. 1006.07
	F.A.C. 6A-1.0985

Last Modified by Jacquelin Collins on December 17, 2020

Book	Policy Manual
Section	Vol. 20, No. 1
Title	REVISED POLICY - VOL. 20, NO. 1 - CONTROLLED OPEN ENROLLMENT
Code	po5121 jc 2/10/21
Status	

REVISED POLICY - VOL. 20, NO. 1 (SB 620)

5121 - **CONTROLLED OPEN ENROLLMENT**

The School Board shall permit a program of controlled open enrollment as set forth herein and in accordance with Florida law. "Controlled open enrollment" means a public education delivery system that allows school CCCCSAs to make student school assignments using parents' indicated preferential educational school choice as a significant factor. The CCCCSA's controlled open enrollment program is in addition to the educational choice options provided by Policy 2271 - Articulation and Access to Florida College System Institutions; Policy 2370 - Educational Options; Policy 2370.01 - Virtual Instruction; Policy 2421 - Career and Technical Education; and Policy 9800 - Charter Schools.

Components of the CCCCSA's Controlled Open Enrollment Program

The CCCCSA's controlled open enrollment program:

A. adheres to Federal desegregation requirements;

B. allows parents to declare school preferences, including placement of siblings within the same school;

C. provides a lottery procedure to determine student assignment and establishes an appeals process for hardship cases if the number of applicants exceeds the individual schools capacity;

D. affords parents of students in multiple session schools preferred access to controlled open enrollment;

E. maintains socioeconomic, demographic, and racial balance;

F. addresses the availability of transportation;

G. maintains existing academic eligibility criteria for public school choice programs pursuant to Florida law;

H. identifies schools that have not reached capacity, as determined by the CCCCSA; and

I. ensures that preferential treatment is provided to individuals as set forth in Florida law.

Eligibility for Participation in the Controlled Open Enrollment Program

In addition to the public school choice programs available under Florida law and provided in the CCCCSA pursuant to the policies listed above, a parent of a student under the age of eighteen (18) or an eligible student who lives in the CCCCSA or in any other school CCCCSA in the State of Florida who is not subject to a current expulsion or suspension may seek to enroll in a public school in the CCCCSA that has not reached capacity, subject to the maximum class size pursuant to F.S. 1003.03 and Section 1, Art. IX of the Florida Constitution.

In determining the capacity of each CCCCSA school, the Board shall incorporate the specifications, plans, elements, and commitments contained in the CCCCSA's educational facilities plan and the long-term work programs required under Florida law.

A CCCCSA school shall be at "capacity"

[OPTION – Choose one of the following]

~~[ ] once the school has reached ____% capacity as set forth in the Florida Inventory of School Houses (FISH)~~

~~( ) for each of the grade levels and/or programs offered in that school.~~

[ ] once the number of enrolled students in a CCCCSA school equals or exceeds the number of

( ) permanent student stations for each of the grade levels and/or programs offered in that school.

(x) seats available for each of the grade levels and/or programs offered in that school.

[ ] _____.

[END OF OPTION]

"Capacity" as defined herein is subject to program-specific enrollment limitations. Programs with enrollment limitations may include, but are not limited to, self-contained Exceptional Student Education (ESE) programs, career-tech programs, magnet programs, international baccalaureate programs, advanced placement courses, and other academic programs that require student-teacher ratios less than the FISH capacity for that space.

The capacity at each public school in the CCCCSA shall be identified on the CCCCSA's website at CapeCharterSchools.org.

[ ] The capacity information provided on the website shall be by grade level and/or specific program offered at each CCCCSA school. **[END OF OPTION]**

Application and Preferential Treatment

Applications to participate in the CCCCSA's controlled open enrollment program shall be accepted beginning on in January (June for Kindergarten enrollment only) and ending on March (October for Kindergarten enrollment only). Applications are available online or in-person at each school and must be submitted no later than to the Enrollment Specialist _____ to _____ [ ] in-person [ ] online.

[OPTION: IF DESIRED, CHOOSE ONE OF THE FOLLOWING TWO OPTIONS]

[ ] Applications received after the deadline will not be considered.

[x] Applications received after the deadline will be placed on a waiting list for each grade level according to the date in which they applied. processed in accordance with the late-filed applications procedures below.

[END OF OPTION]

Computer access is available at each CCCCSA school for parents to complete the application. Applicants will be required to identify their primary school of choice in the application including up to ___ alternate choices ranked in order of preference. Applicants will also be required to identify specific programs, if any, in which they want to enroll at their preferred and alternate school choices.

An applicant's failure to disclose information (e.g., being subject to suspension or expulsion, having a current IEP, being assigned to a Department of Juvenile Justice program, et cetera) that would be relevant to the CCCCSA's determination that the applicant could be served in a program at his/her preferred or alternate schools and therefore would be accepted shall constitute grounds for revocation of approval to enroll under this policy.

After the close of the application period and the determination of capacity at each school, the CCCCSA shall conduct a lottery as described below and then process the applications according to the random numbers assigned.

Applications shall be grouped accordingly:

A. Phase 1

Applicants in this phase shall reside in the CCCCSA and also qualify for preferential treatment in at least one of the following ways:

1. Dependent children of active duty military personnel whose move resulted from military orders.
2. Children who have been relocated due to a foster care placement in a different school zone. Children who have siblings at any of the CCCCSA schools.
3. Children who move due to a court ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.

4. Students in multiple session schools.

5. A student whose parent is transferred or is pending transfer to a military installation within the CCCCSA while on active military duty pursuant to an official military order. The student and/or parent must submit the official military order to the CCCCSA in order to qualify for preferential treatment.

B. Phase 2

Applicants included in this phase reside in the CCCCSA but are entitled to no other preferential treatment.

C. Phase 3

Applicants included in this phase do not reside in the CCCCSA but are entitled to preferential treatment in at least one of the following ways:

1. dependent children of active duty military personnel whose move resulted from military orders;

2. children who have been relocated due to a foster care placement in a different school zone;

3. children who move due to a court ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent;

4. students in multiple session schools.

D. Phase 4

Applicants included in this phase are not entitled to preferential treatment under State law.

Lottery

The lottery will be conducted by

[ ] two (2) or more staff members designated by the Superintendent.

[x] Enrollment Specialists at each school where a lottery is necessary.

The lottery involves the assignment of a random number to each applicant (siblings shall be paired unless requested otherwise). Separate lotteries will be conducted for applicants in Phases 1 through 4. Random numbers will be selected, and the applications in each phase shall be placed in order of their selection.

Review of Applications

Once the application period ends and the lottery has been conducted, the CCCCSA will review all fully completed applications received by the application deadline. Consideration of applications will be based on the current capacity of each public school in the CCCCSA. (See definition of "capacity" above). Only those schools identified in the application will be considered by the CCCCSA.

A. Phase 1: Applicants Residing in the CCCCSA Entitled to Additional Preferential Treatment

The CCCCSA will review the Phase 1 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school. The Superintendent shall then determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the CCCCSA shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student will remain at the current school/program in which s/he is enrolled. If the student is transitioning to a new level of his/her academic program (i.e. from elementary school to middle school or middle school to high school), his/her assignment shall be in accordance with Policy 5120 - Assignment Within CCCCSA.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

Approved applicants will be notified in writing and shall have _____(_) school days to enroll at their chosen school. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the CCCCSA's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within _____(_) days the student shall notify the CCCCSA by submitting documentation related to this change in the student's status. Failure to do so shall constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to enroll by the deadline identified in the written notification shall result in an automatic revocation of the CCCCSA's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the CCCCSA will begin contacting students in order of lottery selection regarding enrollment opportunities. Applicants who have their approval revoked must submit a new application.

[ ] If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 1 applications will be maintained on a waiting list in order of lottery number assigned

( ) until two (2) weeks before the first day of school.

( ) until the first day of school.

( ) until _____(date).

( ) _____.

B. Phase 2: Applicants Residing in the CCCCSA Not Entitled to Additional Preferential Treatment

If capacity is available after Phase 1, the CCCCSA will process applications from applicants residing in the CCCCSA not entitled to additional preferential treatment.

The CCCCSA will review the Phase 2 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school.

The Superintendent shall then determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the CCCCSA shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student will remain at the current school/program in which s/he is enrolled. If the student is transitioning to a new level of his/her academic program (i.e. from elementary school to middle school or middle school to high school), his/her assignment shall be in accordance with Policy 5120 – Assignment Within CCCCSA.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

The approved applicants will be notified in writing and shall have _____(_) calendar days to enroll at the school where s/he has been offered the opportunity to enroll. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the CCCCSA's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within _____(_) days the student shall notify the CCCCSA by submitting documentation related to this change in the student's status. Failure to do so shall

constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to enroll by the deadline identified in the written notification shall result in an automatic revocation of the CCCCSA's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the CCCCSA will begin contacting students in order of lottery selection regarding enrollment opportunities. Applicants who have their approval revoked must submit a new application.

[ ] If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 2 applications will be maintained on a waiting list in order of lottery number assigned

( ) until two (2) weeks before the first day of school.

( ) until the first day of school.

( ) until _____ (date).

( ) _____.

C. Phase 3: Applicants Residing Outside the CCCCSA Entitled to Preferential Treatment

If capacity is available after Phases 1 and 2, the CCCCSA will process applications from applicants residing outside the CCCCSA who are afforded preferential treatment as set forth above.

The CCCCSA will review the Phase 3 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school.

The Superintendent then shall determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the CCCCSA shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student's application will be denied.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

The approved applicants will be notified in writing and shall have _____ ( ) calendar days to enroll at their chosen school. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the CCCCSA's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within _____ ( ) days the student shall notify the CCCCSA by submitting documentation related to this change in the student's status. Failure to do so shall constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to enroll by the deadline identified in the written notification shall result in an automatic revocation of the CCCCSA's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the CCCCSA will begin contacting students in order of lottery selection regarding enrollment opportunities.

Applicants who have their approval revoked must submit a new application.

[ ] If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 3 applications will be maintained on a waiting list in order of lottery number assigned

( ) until two (2) weeks before the first day of school.

( ) until the first day of school.

( ) until _____ (date);

( ) _____.

D. Phase 4: All Remaining Applicants Not Entitled to Preferential Treatment

If capacity is available after Phases 1 through 3, the CCCCSA will process applications from applicants residing outside the CCCCSA not entitled to preferential treatment.

The CCCCSA will review the Phase 4 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school.

The Superintendent then shall determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the CCCCSA shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student's application will be denied.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

The approved applicants will be notified in writing and shall have _____ (__) calendar days to enroll at their chosen school. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the CCCCSA's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within _____ (__) days the student shall notify the CCCCSA by submitting documentation related to this change in the student's status. Failure to do so shall constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to enroll by the deadline identified in the written notification shall result in an automatic revocation of the CCCCSA's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the CCCCSA will begin contacting students in order of lottery selection regarding enrollment opportunities. Applicants who have their approval revoked must submit a new application.

[ ] If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 4 applications will be maintained on a waiting list in order of lottery number assigned

( ) until two (2) weeks before the first day of school.

( ) until the first day of school.

( ) until _____ (date);

( ) _____.

Appeals

Applicants who are not accepted for enrollment may appeal to **[ ] the Superintendent [ ]** _____ within ___ calendar days of receipt of the CCCCSA's notice advising them that their application was denied. If the last day for appeal falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

The appeal must be submitted in writing, must be based on hardship, and must include as much detail as possible regarding the hardship. Appeals will be considered by **[ ] the Superintendent [ ]** _____ and the decision of **[ ] the**

~~**Superintendent [ ]** _____ is final.~~

~~Applicants will be notified in writing of **[ ] the Superintendent's [ ]** _____**'s** decision.~~

~~"Hardship" includes, but is not limited to, the following:~~

A. ~~[ ] medical and/or psychological matters~~

B. ~~[ ] law enforcement matters~~

C. ~~[ ] employment needs~~

D. ~~[ ] any other circumstances demonstrating a hardship~~

E. ~~[ ]~~ _____.

~~**[OPTIONAL SECTION]**~~

~~**[ ] Late-Filed Applications**~~

~~Applications received after the application deadline will be reviewed and considered after processing all applications in Phases 1 through 4, as well as the deadline for appeals. Late filed applications will be approved only if a hardship exists and there is capacity in the school(s) that the student has listed as his/her preference(s) on the application.~~

~~Late filing applicants who are not accepted for enrollment may appeal to _____ within ___ calendar days of receipt of the CCCCSA's notice advising them that their application was denied.~~

~~If the last day for appeal falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.~~

~~The appeal must be submitted in writing, must be based on hardship, and must include as much detail as possible regarding the hardship. Appeals will be considered by **[ ]** and the decision of **[ ] the Superintendent [ ]** _____ is final.~~

~~Applicants will be notified in writing of the _____'s decision.~~

~~No applications will be accepted after _____.~~

~~**[END OF OPTIONAL SECTION]**~~

Students Residing in the CCCCSA

Students residing in the CCCCSA ~~(including charter school students)~~ will not be displaced by a student from another school CCCCSA seeking enrollment under the CCCCSA's controlled open enrollment program.

Completion of Highest Grade Level

A student who enrolls in the CCCCSA through the CCCCSA's controlled open enrollment program may remain within the K - 12 school system ~~at his/her current school~~ until completion of the highest grade at the school without the need to reapply.

~~After completing the highest grade at the school, a student who resides in another school CCCCSA and wants to transition to the next level of the academic program in this CCCCSA must reapply for enrollment through the controlled open enrollment program.~~

~~After completing the highest grade at the school, a student who resides in the CCCCSA and wants to transition to the next level of the academic program at a school other than the one to which s/he would be assigned in accordance with Policy 5120 – Assignment Within the CCCCSA must reapply for enrollment at his/her preferred school, as well as (an) alternate school(s), through the controlled open enrollment program.~~

Maintaining Appropriate Socioeconomic, Demographic, and Racial Balance

Given our diverse society and the importance of preparing students for education, work, and citizenship, the Board is committed to providing students with equal educational opportunities, promoting educational diversity in the CCCCSA, and providing students with the educational benefits of a diverse student body. To that end, should a concern arise regarding socioeconomic, demographic, or racial balance in one or more of the CCCCSA's schools, the Superintendent shall consult with legal counsel to determine the appropriate steps that should be taken, including, but not limited to, any necessary policy revisions and other actions necessary to

comply with Florida and Federal law. The Superintendent shall then make the appropriate recommendations to the Board. ~~(-) It should be noted that as of _____ [insert date policy was adopted/revised] there are no racially isolated buildings within the School CCCCSA.~~

Transportation

[CHOOSE ONE THE FOLLOWING TWO OPTIONS]

~~**[OPTION 1]**~~

~~[ ] The CCCCSA does not provide transportation to students enrolling under this policy unless otherwise required by State or Federal laws.~~

[END OF OPTION 1]

[OPTION 2]

[x] Subject to seating availability and after taking into account the transportation needs of students currently attending CCCCSA schools, the CCCCSA may provide transportation to students under this policy on an established bus route to and from the school to which they have been granted admission unless otherwise required by State or Federal laws.

[END OF OPTION 2]

Interscholastic and Intra-scholastic Extra-curricular Activities

A student who enrolls in the CCCCSA through the CCCCSA's controlled open enrollment program is immediately eligible to participate in interscholastic and intra-scholastic extra-curricular activities; however, a student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets one (1) of the following criteria:

A. Dependent children of active duty military personnel whose move resulted from military orders.

B. Children who have been relocated due to a foster care placement in a different school zone.

C. Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.

D. Authorized for good cause.

"Good cause" is defined in Policy 2431.01 – Participation by Transfer Students.

A student who believes "good cause" exists must submit a written request to the school principal identifying the facts and circumstances the student believes establishes "good cause". The Superintendent will consider the written request and make a recommendation to the Board during a publicly noticed meeting.

Section 1, Art. IX, Florida Constitution
F.S. 1002.20
F.S. 1002.31
F.S. 1003.03
F.S. 1003.05
F.S. 1013.35

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Section 1, Art. IX, Florida Constitution

F.S. 1002.20

F.S. 1002.31

F.S. 1003.03

F.S. 1003.05

F.S. 1013.35

Cross References

po2271 - ARTICULATION AND ACCESS TO FLORIDA COLLEGE SYSTEM INSTITUTIONS

po2370 - EDUCATIONAL OPTIONS

po2370.01 - VIRTUAL INSTRUCTION

po2421 - CAREER AND TECHNICAL EDUCATION

po2431.01 - PARTICIPATION BY TRANSFER STUDENTS

po5120 - ASSIGNMENT WITHIN DISTRICT

po9800 - CHARTER SCHOOLS

Last Modified by Jacquelin Collins on February 10, 2021

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	ABSENCES FOR RELIGIOUS HOLIDAYS
Code	*po5225 11/28/20 fsj Reject V20N1 V21N1 12/17/20 jc
Status	
Adopted	April 12, 2016

5225 - ABSENCES FOR RELIGIOUS HOLIDAYS

It is the policy of the Governing Board that absences from school for observance of a religious holiday or because the tenets of a student's religion forbid secular activity during a school day or portion thereof shall be excused subject to compliance with this policy.

The religious holidays for which student absence will be excused will be determined by the Superintendent.

The Superintendent shall establish procedures and time limits to be observed:

A. by students, teachers, and administrators in making available to each student, so excused, an opportunity to make up any examination, study, or work assignment which has been missed;

B. by a student's parent(s) or guardian when giving prior notice of the student's intended absence; and

C. when giving affected students and parents an opportunity to be heard in connection with the decision not to excuse an absence on a day or portion thereof.

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Legal	F.S. 1003.21
	F.A.C. 6A-1.09514

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	IMMUNIZATION AND HEALTH EXAMINATION
Code	*po5320 11/28/20 fsj 12/17/20 jc
Status	
Adopted	April 12, 2016

5320 - IMMUNIZATION AND HEALTH EXAMINATION

In order to safeguard the school community from the spread of certain communicable diseases, students are required to undergo a health examination and to be immunized against such diseases, as follows.

Health Examination

Each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public school in the District, must have a certification of a school-entry health examination performed within one (1) year before enrollment in school. A student shall have up to thirty (30) school days to present a certification of a school-entry health examination. Children and youths who are experiencing homelessness and children who are known to the department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days. The school health services plan shall contain provisions to assist students in obtaining the health examinations. However, a child shall be exempted from the requirement of a health examination upon written request of the parent of the child stating objections to the examination on religious grounds.

Immunization

Prior to admittance to or attendance in a public school in the District, grades pre-kindergarten through 12, or any other initial entrance into a Florida public school, each child shall present or have on file with the immunization registry~~school~~ a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health, ~~and shall be screened for scoliosis at the proper age~~. Any child who is excluded from participation in the immunization registry pursuant to F.S. 381.003(1, e)2 must present or have on file with the school such certification of immunization. Certification of immunization~~Such certification~~ shall be made on forms approved and provided by the Department of Health or be on file with the immunization registry and shall become a part of each student's permanent record, to be transferred when the student transfers, is promoted, or changes schools. The transfer of such immunization certification shall be accomplished using the Florida Automated System for Transferring Education Records and shall be deemed to satisfy the requirements of this paragraph.

Immunizations shall be required for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, varicella (chicken pox), tetanus, and other communicable diseases as determined by rules of the Department of Health.

The manner and frequency of administration of the immunization or testing shall conform to recognized standards of medical practice. Immunizations required by this policy are available at no cost from the county health department.

The provisions of this policy shall not apply if:

A. the parent of the child objects in writing that the administration of immunizing agents conflicts with his/her religious tenets or practices;

B. a physician licensed under the provisions of F.S. Chapter 458 or Chapter 459 certifies in writing, on a form approved and provided by the Department of Health, that the child should be permanently exempt from the required immunization for medical reasons stated in writing, based upon valid clinical reasoning or evidence, demonstrating the need for the permanent exemption;

C. a physician licensed under the provisions of F.S. Chapter 458, Chapter 459, or Chapter 460 certifies in writing, on a form approved and provided by the Department of Health, that the child has received as many immunizations as are medically indicated at the time and is in the process of completing necessary immunizations;

D. the Department of Health determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous; or

E. the principal issues a temporary exemption, for up to thirty (30) school days, to permit a student who transfers from another district or school system to attend class until his/her records can be obtained. Children and youths who are experiencing homelessness and children who are known to the department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days.

The school nurse is responsible for follow-up of each such student until proper documentation or immunizations are obtained. An exemption for thirty (30) days may be issued for a student who enters a juvenile justice program to permit the student to attend class until his/her records can be obtained or until the immunizations can be obtained. An authorized juvenile justice official is responsible for follow-up of each student who enters a juvenile justice program until proper documentation or immunizations are obtained.

No person licensed by this State as a physician or nurse shall be liable for any injury caused by his/her action or failure to act in the administration of a vaccine or other immunizing agent pursuant to the provisions of this policy if the person acts as a reasonably prudent person with similar professional training would have acted under the same or similar circumstances.

No member of the Board or any of its employees shall be liable for any injury caused by the administration of a vaccine to any student who is required to be so immunized or for a failure to diagnose scoliosis pursuant to the provisions of this policy.

The parents of any child admitted to or in attendance at a public school, grades prekindergarten through 12, are responsible for assuring that the child is in compliance with the provisions of this policy.

Each school, including public kindergarten, shall provide to the county health department director or administrator annual reports of compliance with the provisions of this policy. Reports shall be completed on forms provided by the Department of Health for each kindergarten and other grade as specified, and the reports shall include the status of children who were admitted at the beginning of the school year.

The presence of any of the communicable diseases for which immunization is required by the Department of Health in a school shall permit the county health department director or administrator or the State Health Officer to declare a communicable disease emergency. The declaration of such emergency shall mandate that all students in attendance in the school who are not in compliance with the provisions of this policy be identified by the Board, and the school health and immunization records of such children shall be made available to the county health department director or administrator. Those children identified as not being immunized against the disease for which the emergency has been declared shall be temporarily excluded from school until such time as is specified by the county health department director or administrator.

Any child otherwise entitled to admittance to kindergarten or any other initial entrance into a Florida public or private school who is not in compliance with the requirements of this policy shall be denied admittance until such requirements are satisfied.

The provisions of this policy do not apply to those persons admitted to or attending adult education classes unless the adult students are under twenty-one (21) years of age.

Any immunization program conducted by the Authority requires prior approval of the Board and can only extend to those immunizations provided for by statute and Board policy.

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F.A.C. 64D-3.046, Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

F.S. 1003.22

Last Modified by Jacquelin Collins on December 17, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	STUDENT SUICIDE PREVENTION
Code	*po5350 11/28/20 fsj 12/17/20 jc
Status	
Adopted	April 12, 2016

5350 - **STUDENT SUICIDE PREVENTION, AWARENESS, AND SCREENING**

The Governing Board recognizes that suicide is one of the leading causes of death for Florida's youth. To address the prevalence of student suicide, the Board believes there must be a partnership between families, the community, and schools. It is critical for families and community members to communicate with and provide information to school staff to identify students at risk of suicide.

All school personnel should be alert to signs of suicide ideation and to students who threaten or attempt suicide. Suicide ideation is the process of fantasizing, planning, practicing, and motivating oneself to commit suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness. Families, community members, and students are encouraged to report any such signs to the Principal.

Throughout any intervention, it is essential that Board policies and Authority procedures regarding confidentiality be observed at all times.

[x] Youth Suicide Awareness, and Prevention, and Screening

1. Training

   A two (2) hour continuing education training program of youth suicide awareness,and prevention, and screening training, utilizing training materials from the list approved by the Florida Department of Education (FLDOE), shall be developed. Instruction about how to identify appropriate mental health services and how to refer youth and their families to those services shall be included in the program. If provided at a school, the training shall be included in the existing continuing education or in-service training requirements for instructional personnel.

2. Suicide Prevention Certified Schools

   Any District school that meets the following requirements shall be considered a "Suicide Prevention Certified School" under Florida law:

   1. If aAll instructional personnel at thea District school have participateds in the two (2) hours of youth suicide awareness, prevention, and screening and prevention training; and that school will be considered "Suicide Prevention Certified School".

   2. The school has at least two (2) school-based staff members certified or otherwise deemed competent in the use of a suicide screening instrument approved by the FLDOE and has a policy to use such suicide risk screening instrument to evaluate a student's risk before requesting the initiation of, or initiating, an involuntary examination due to concerns about the student's suicide risk.

The Superintendent will notify the FLDOE of all schools qualifying for this designation. Each school shall also post on its own website whether it is a Suicide Prevention Certified School, and the District shall post on its website a list of the Suicide Prevention Certified Schools in the District.

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Legal F.S. 14.2019, 14.20195, 1001.32(2)

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	PROMOTION, ACCELERATION, PLACEMENT, AND RETENTION
Code	*po5410.01 11/28/20 fsj 12/17/20 jc
Status	
Adopted	April 12, 2016

5410.01 - **PROMOTION, ACCELERATION, PLACEMENT, AND RETENTION**

The Governing Board recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

The Board shall provide for the placement, acceleration, and progression of students through adopted student progression plans. The Authority student progression plan includes the standards for evaluating each student's performance, including how well s/he masters the performance standards approved by the State Board of Education. A student will be promoted to the succeeding grade level when s/he has demonstrated sufficient proficiency to permit him/her to move ahead in the educational program of the next grade.

No student may be assigned to a grade level based solely on age or other factors that constitute social promotion. (F.S. 1008.25(6)(a))

Progress Monitoring Plans and Remediation

Each student must participate in the Statewide, standardized assessment program that is required by F.S. 1008.22. Each student who does not achieve a Level 3 or above on Statewide, standardized English language arts assessment; the Statewide, standardized mathematics assessment; or the Algebra I end-of-course (EOC) assessment must be evaluated to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance.

A student who is not meeting the Authority or State requirements for satisfactory performance in English language arts and mathematics must be covered by one (1) of the following plans:

A. a Federally required student plan such as an individual education plan;

B. a schoolwide system of progress monitoring for all students, except a student who scores Level 4 or above on the English language arts and mathematics assessments may be exempted from participation by the principal; or

C. an individualized progress monitoring plan.

Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be monitored and the intensive instruction must continue until the student demonstrates grade level proficiency in a manner determined by the ~~District~~ CCCCSA, which may include achieving a Level 3 on the Statewide, standardized English language arts assessment.

The parent of any student, who exhibits a substantial deficiency in reading, as described in the above paragraph, must be notified in writing of the following:

A. that his/her child has been identified as having a substantial deficiency in reading;

B. a description of the current services that are provided to the child;

C. a description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency;

D. that if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless s/he is exempt from mandatory retention for good cause;

E. strategies for parents to use in helping their child succeed in reading proficiency;

F. that the Statewide, standardized English language arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the School District in knowing when a child is reading at or above grade level and ready for grade promotion;

G. the Authority's specific criteria and policies for a portfolio as provided in F.S. 1008.22 and the evidence required for a student to demonstrate mastery of Florida's academic standards for English language arts;

A parent of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school immediately begin collecting evidence for a portfolio.

H. the Authority's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

To be promoted to grade 4, a student must score a Level 2 or higher on the Statewide, standardized English language arts assessment required under F.S. 1008.22 for grade 3. If a student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the Statewide, standardized assessment required under F.S. 1008.22 for grade 3, the student must be retained.

A student who has been retained in third grade due to a reading deficiency shall be promoted mid-year if the student has demonstrated mastery of the State-mandated requirements in reading.

A student may be eligible for a waiver of retention criteria for acceptable good cause as outlined in the student progression plan. A student may be retained at the same grade level/course(s) when s/he has not demonstrated satisfactory mastery of the State-mandated requirements in the required subject areas. Parents must be informed in advance of the possibility of retention of a student at a grade level.

Middle Grades Promotion

In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

1. Three (3) middle grades or higher courses in English Language Arts (ELA).

2. Three (3) middle grades or higher courses in mathematics.

    1. Each school that includes middle grades must offer at least one (1) high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or Geometry course is not contingent upon the student's performance on the Statewide standardized end-of-course (EOC) assessment.

    2. To earn high school credit for Algebra I, a middle grades student must take the Statewide standardized Algebra I EOC assessment and pass the course, and in addition, a student's performance on the Algebra I EOC assessment constitutes thirty percent (30%) of the student's final course grade.

    3. To earn high school credit for a Geometry course, a middle grades student must take the Statewide standardized Geometry EOC assessment, which constitutes thirty percent (30%) of the student's final course grade, and earn a passing grade in the course.

3. Three (3) middle grades or higher courses in social studies.

    1. One (1) of these courses must be at least a one (1) semester civics education course that includes the roles and responsibilities of Federal, State, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States.

    2. Each student's performance on the Statewide standardized EOC assessment in civics education required under F.S. 1008.22 constitutes thirty percent (30%) of the student's final course grade.

3. Based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals. The course must result in a completed personalized academic and career plan for the student that may be revised as the student progresses through middle school and high school; must emphasize the importance of entrepreneurship and employability skills; and must include information from the Department of Economic Opportunity's economic security report under F.S. 445.07.

4. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the following:

    1. requirements for earning a high school diploma designation under F.S. 1003.4285;
    2. requirements for each scholarship in the Florida Bright Futures Scholarship Program;
    3. state university and Florida college system institution admission requirements;
    4. available opportunities to earn college credit in high school, including advanced placement courses;
    5. the International Baccalaureate Program;
    6. the Advanced International Certificate of Education Program;
    7. dual enrollment, including career dual enrollment; and
    8. career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certification pursuant to F.S. 1003.492 or 1008.44.

5. The course may be implemented as a stand-alone course or integrated into another course or courses.

Retention of Students with Disabilities

Retention and assignment of a student with disability will be determined by the student's Individual Education Plan (IEP) Team and follow the requirements of Florida law. The assignment of and services to be provided to a student with a disability will be documented on the student's IEP. Extended school year services may be provided for any student who would severely regress in his/her skills and overall functioning as demonstrated by supporting documentation and determined necessary by the student's IEP team.

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Legal F.S. 1003.4156, 1008.22, 1008.25
F.A.C. 6A-1.09422, 6A-1.094221, 6A-1.094222

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	GRADUATION REQUIREMENTS
Code	*po5460 11/28/20 fsj 12/17/20 jc
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

5460 - **GRADUATION REQUIREMENTS**

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

Standards for Graduation

Receipt~~Beginning with students entering grade 9, receipt~~ of a standard high school diploma requires successful completion of twenty-four (24) credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education completion, **or the Career and Technical Education (CTE) pathway.**

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

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

A financial literacy course consisting of at least one-half (1/2) credit as an elective shall be offered.

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

High school students will be provided opportunities to take "computer science" courses and earn technology-related industry certifications to satisfy high school graduation requirements.

Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation will be included in the Course Code Directory.

The required credits may be earned through equivalent, applied, or integrated courses or career education courses as defined in F.S. 1003.01(4), including work-related internships approved by the State Board of Education and identified in the course code directory. However, any must-pass assessment requirements must be met.

An equivalent course is one (1) or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon a review of the Next Generation Sunshine State Standards and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas.

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

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

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

The earning and awarding of high school credits will be in accordance with Florida law including, but not necessarily limited to, the provisions of F.S. 1003.4282 and those identified in the Student Progression Plan.

High School Diploma

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

Early High School Graduation

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

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

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

Credit Acceleration Program (CAP)

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

The Authority shall notify the parent of a student who is eligible to graduate early.

A student who graduates early may continue to participate in school activities and social events and to attend and participate in graduation events with the student's cohort. The student will be included in class ranking, honors, and award determinations for the student's cohort. The student must comply with Board rules and policies regarding access to the school facilities and grounds during normal operating hours.

Career and Technical Education Graduation Pathway Option

A student is eligible to complete an alternative pathway to earning a standard high school diploma through the CTE pathway option. Receipt of a standard high school diploma awarded through the CTE pathway option requires the student's successful completion of at least eighteen (18) credits. A student completing the CTE pathway option must earn at least a cumulative grade point average (GPA) of 2.0 on a 4.0 scale. In order for a student to satisfy the requirements of the CTE pathway option, s/he must meet the GPA requirement and:

1. meet the requirements as set forth in F.S. 1003.4282;

2. complete two (2) credits in career and technical education; and

   The courses must result in a program completion and an industry certification.

3. complete two (2) credits in work-based learning programs. A student may substitute up to two (2) credits of electives, including one-half (1/2) credit in financial literacy, for work-based learning program courses to fulfill this requirement.

The CTE pathway option to graduation will be incorporated into the District's Student Progression Plan.

Certificate of Completion

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

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

Notice to Students and Parents

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

Commencement Exercises

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

Students are permitted to lawfully wear dress uniforms of any of the Armed Forces of the United States or of the State at their graduation ceremony.

Revised 8/14/18
Revised 10/8/19

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Legal

F.S. 1002.3105
F.S. 1003.4281
F.S. 1003.4282
F.S. 1003.4285
F.S. 1003.4286
F.S. 1003.4295
F.S. 1003.433
F.S. 1003.435
F.S. 1003.436
F.S. 1003.437
F.A.C. 6A-1.0995
F.A.C. 6A-1.09961
F.A.C. 6A-1.09963
F.A.C. 6A-6.08573

Last Modified by Jacquelin Collins on December 17, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	STUDENT HAZING
Code	*po5516 11/28/20 fsj 12/17/20 jc
Status	
Adopted	April 12, 2016

5516 - **STUDENT HAZING**

Hazing activities of any type are inconsistent with and disruptive to the educational process and prohibited at any time in school facilities, on school property, and/or off school property if the misconduct is connected to activities or incidents that have occurred on school property. No administrator, faculty member, or other Governing Board employee shall encourage, permit, authorize, condone, or tolerate any hazing activities. No student shall plan, encourage, or engage in any hazing.

Hazing is defined as any action or situation that endangers the mental or physical health or safety of a student at a school for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a school. "Hazing" includes, but is not limited to, pressuring, coercing, or forcing a student into violating State or Federal law, any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements, ~~or~~ forced consumption of any food, liquor, drug, or other substance ,or other forced physical activity that could adversely affect the physical health or safety of the student; or any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. . Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, faculty members, and other employees of the Board shall be alert particularly to possible situations, circumstances, or events that might include hazing. Administrators, staff members, and volunteers shall not intentionally remain ignorant of hazing or potential hazing activities. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the Superintendent in accordance with procedures set forth herein. Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with law.

Procedure for Reporting

The Board designates the principal as the person responsible for receiving all complaints of hazing. Any student or student's parent/guardian who believes s/he has been or is the victim of harassment should immediately report the situation to the school principal. Complaints against the principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board Chair.

All school employees are required to report alleged violations of this policy and alleged acts of hazing to the principal or as described above. School employees must report the alleged violations and acts to the principal within twenty-four (24) hours.

All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the principal or as described above.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Discipline for Hazing

Students found to have engaged in acts of hazing as defined herein shall be subject to disciplinary action in accordance with the Student Code of Conduct.

Reports to Law Enforcement (Grades 9 through 12)

An alleged act of hazing involving any student in grades 9-12 shall be reported to the local law enforcement agency if the alleged act meets the following criteria:

A. a person who commits an act of hazing upon another person who is a member of or an applicant to any type of student organization, if the person knew or should have known the act would result in serious bodily injury or death of such other person and the act results in the serious bodily injury or death of such other person; or

B. a person who commits an act of hazing upon another person who is a member of or applicant to any type of student organization, if the person knew or should have known the act would create a potential risk of physical injury or death to such other person and the act creates a potential risk of physical injury or death of such other person.

Referral of Victims and Perpetrators of Hazing to a Certified School Counselor

Individual(s) who are alleged victims or perpetrators of hazing shall be referred to a certified school counselor whose responsibility it will be to address any counseling needs of the victim or perpetrator deemed necessary by the certified school counselor which may include, but is not limited to, counseling and support to address the needs of the victim and perpetrator, interventions to address the behavior of students who perpetrated the hazing, and interventions which include assistance and support for victims of hazing.

Authority Reporting of Hazing Incidents

Hazing incidents shall be reported in each school's safety and discipline report required under F.S. 1006.09. The report shall include the number of hazing incidents reported, the number of incidents referred to a local law enforcement agency, the number of incidents that result in disciplinary action taken by the school, and the number of incidents that do not result in either referral to a local law enforcement agency or disciplinary action taken by the school.

Notice

The Superintendent shall distribute this policy to all students and Board employees, and shall incorporate it into building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

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Legal F.S. 1001.43, 1006.09, 1006.135

Last Modified by Jacquelin Collins on December 17, 2020

CITY OF CAPE CORAL CHARTER SCHOOL AUTHORITY
PUBLIC NOTICE

The City of Cape Coral Charter School Authority will consider the adoption, amendment, or repeal of the proposed NEOLA Policies listed below at a Regular Governing Board Meeting on Tuesday, March 8, 2021 at 5:30p.m., in Cape Coral City Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, Florida 33990.

NEOLA Policies Volume 20, Number 1:

POLICY 0100	Copy of Definitions
POLICY 0147.1	Travel and Per Diem
POLICY 1120	Employment of Administrators
POLICY 1122	Nondiscrimination and Equal Employment Opportunity
POLICY 1362	Anti-Harassment
POLICY 2260	Nondiscrimination and Access to Equal Educational Opportunity
POLICY 2271	Articulation and Access to Florida College System Institutions
POLICY 2410	School Health Services
POLICY 2421	Career and Technical Education
POLICY 2450	REJECTED – Adult and Community Education
POLICY 3120	Employment of Instructional Staff
POLICY 3122	Nondiscrimination and Equal Employment Opportunity
POLICY 3362	Anti-Harassment
POLICY 4120	Employment of Support Staff
POLICY 4122	Nondiscrimination and Equal Employment Opportunity
POLICY 4362	Anti-Harassment
POLICY 5112	Entrance Requirements
POLICY 5121	Controlled Open Enrollment
POLICY 5225	Absences for Religious Holidays
POLICY 5320	Immunization and Health Examination
POLICY 5350	Student Suicide Prevention, Awareness, and Screenings
POLICY 5410.01	Promotion, Acceleration, Placement, and Retention
POLICY 5460	Graduation Requirements
POLICY 5516	Student Hazing
POLICY 5517	Anti-Harassment
POLICY 5780	Student/Parent Rights
POLICY 6100	Uniform Records and Accounts
POLICY 6233	Authority Budget
POLICY 6322	Construction Contracting and Bidding
POLICY 6835	Internal Audits Office
POLICY 6840V	Auditor Selection Committee
POLICY 6840V2	Auditor Selection Committee
POLICY 7440.03	Small Unmanned Aircraft Systems
POLICY 7530.01V1	Cell Phone Allowance
POLICY 7530.01	Wireless Communication Allowance and Staff Use of Wireless Communications Devices
POLICY 7530.02	Staff and School Officials Use of Wireless Communication Devices
POLICY 8600.04	Bus Operator Qualifications, Certification, Discipline, and Termination
POLICY 8660	Transporting Students by Private Vehicles
POLICY 9800	REJECTED – Charter Schools Application

Any person who is affected by a proposed policy, policy revision, or the repeal of a policy may file a written request with the Governing Board for a hearing on the proposed action at: The City of Cape Coral Charter School Authority, ATTENTION: Mr. Michael Campbell, Chairman, 3519 Oasis Boulevard, Cape Coral, FL 33914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact The City of Cape Coral Charter School Authority Governing Board Secretary at (239) 424-6100, Ext. 404, at least five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Services by dialing 7-1-1 or 1-800-955-8771 (TTY); 1-800-955-8770 (Voice), for aid in contacting the City of Cape Coral Charter School Authority office.

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	ANTI-HARASSMENT
Code	*po5517 11/28/20 12/18/20 jc
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

5517 - **ANTI-HARASSMENT**

General Policy Statement

It is the policy of the Governing Board to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all Authority operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation or 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") (hereinafter referred to as unlawful harassment), and encourages those within the Authority community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action up to and including termination of employment or suspension/expulsion from school.

For purposes of this policy, "Authority community" means students, administrators, teachers, staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

Other Violations of the Anti-Harassment Policy

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

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race (including anti-Semitism [as defined in Bylaw 0100]), color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil

rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. gaslighting;

H. physical violence;

I. theft;

J. sexual, religious, or racial harassment;

K. public humiliation; or

L. destruction of property.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or

C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

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

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

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

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

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

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Physical and/or sexual assault.

C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls and/or text messages.

E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals.

F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

I. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

J. Inappropriate boundary invasions by an Authority employee or other adult member of the Authority community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

NOTE: Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.

Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another persona sexually explicit image of a person that contains or conveys the personal identification information of the depicted person ~~to an Internet website~~ without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

Race/Color Harassment (Including Anti-Semitism)

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate

in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments, or defects/appearances, or the like.

Pregnancy Harassment

Prohibited pregnancy harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's pregnancy and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's pregnancy and condition of pregnancy.

Reports and Complaints of Harassing Conduct

Students and all other members of the Authority community, as well as third parties, are encouraged to promptly report incidents of unlawful harassing conduct to a teacher, administrator, supervisor, or other Authority employee or official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other Authority employee or official who receives such a complaint shall file it with the Authority's Anti-Harassment Compliance Officer at his/her first convenience.

Members of the Authority community, which includes students, or third parties who believe they have been unlawfully harassed are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with the knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying and Harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race (Including Anti-Semitism), color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the Policy 5517 investigation and provide him/her with a copy of the resulting written report.

~~Anti-Harassment~~ Compliance Officers

The Board designates the following individuals to serve as the District's " Compliance Officers" (also known as "Civil Rights Coordinators". They are hereinafter referred to as the "COs").

[ ] The COs shall also serve as **the ~~District's Section 504 Compliance Officer~~/ADA Coordinator and Title IX Coordinators. [END OF OPTION]**

[NOTE: School districts are advised to appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX

Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

~~The following individuals serve as "Anti-Harassment Compliance Officers" for the Authority. They are hereinafter referred to as the "Compliance Officers".~~

Human Resources Manager
Leisa Orcutt
3519 Oasis Blvd.
Cape Coral, FL 33914
239-424-6100 X456
leisa.orcutt@capecoralcharterschool.org

1. ~~Section 504 Compliance Officer~~/ADA Coordinator (x) and Title IX Coordinators

   The Board designates the following individuals to serve as **the District's Section 504 Compliance Officer/ADA Coordinators ( ) and Title IX Coordinators [END OF OPTION].**

   [NOTE: School districts are advised to appoint both a male and a female Section 504 Compliance Officer/ADA Coordinator ( ) and Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

   Human Resources Manager
   (Name)

   (School District Title)

   239-424-6100 ext. 456
   (Telephone Number)

   3519 Oasis Blvd. Cape Coral, FL 33914
   (Office Address)

   (E-mail Address)

   Donnie Hopper
   (Name)

   Prinicipal
   (School District Title)

   239-945-1999
   (Telephone Number)

   3507 Oasis Blvd. Cape Coral, Fl 33914
   (Office Address)

   (E-mail Address)

2. Title IX Coordinators

   The Board designates the following individuals to serve as **the District's Title IX Coordinators.**

   [NOTE: School districts are advised to appoint both a male and a female Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

   same as above
   (Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

Publication Required

The names, titles, and contact information for these individuals will be published annually on the Authority's website.

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the Authority community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct or to intercede informally on behalf of the student.

Duties and Responsibilities

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

The Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the Authority community or a visitor to the Authority or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the Authority community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the Authority community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any student who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students, other members of the Authority community or third parties who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Students, other members of the Authority community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving an Authority employee or any other adult member of the Authority community against a student will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A student who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other Authority employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to the Compliance Officers who will either facilitate an informal resolution as described below on his/her own or appoint another individual to facilitate an informal resolution.

The Authority's informal complaint procedure is designed to provide students, other members of the Authority community and third parties who believe they are being unlawfully harassed by a student with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the student about how to communicate the unwelcome nature of the behavior to the alleged harasser.

B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

C. If both parties agree, the Compliance Officers may arrange and facilitate a meeting between the student claiming harassment and the individual accused of harassment to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officers or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of a student, other member of the Authority community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

A student who believes she/he has been subjected to offensive conduct/harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing with a teacher, principal, or other Authority employee at the student's school, the Compliance Officer, Superintendent, or other Authority employee who works at another school or at the Authority level. Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a complainant informs a teacher, principal, or other Authority employee at the student's school, the Compliance Officer, Superintendent, or other Authority employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or engaging in, offensive conduct/harassment; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses and the resolution sought by the complainant.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of class schedule for the complainant or the alleged harasser, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent and/or Board Attorney.

Within two (2) business days of receiving a formal complaint, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within five (5) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment. A principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and provided with a copy of any relevant administrative procedures, including the Board's anti-harassment policy. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as either substantiating or refuting the complainant has been subject to unlawful harassment. In determining if discrimination occurred, a preponderance of evidence standard will be used. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding the complaint of harassment that has been substantiated or requests further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the Authority community or third party alleging the unlawful harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

Privacy/Confidentiality

The Authority will employ all reasonable efforts to protect the rights of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality cannot be guaranteed, however. All complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Authority community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation. Any violations of confidentiality may result in disciplinary action up to and including termination of employment or the suspension/expulsion of a student.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal and State laws.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Superintendent may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Superintendent becomes aware that a prior remedial action has been taken against a member of the Authority community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board policy.

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officers or designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy 8141 to report alleged misconduct by certificated employees of the Authority that affects the health, safety, or welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy 8141.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the Authority community related to the implementation of this policy shall provide training for Authority students and staff where appropriate. All training, as well as all information provided regarding this policy and harassment, in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports/allegations/complaints/statements;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel;

E. written witness statements;

F. narratives of, notes from, or audio, video, or digital recordings of witness statements;

G. all documentary evidence;

H. e-mails, texts, or social media posts pertaining to the investigation;

I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

K. dated written determinations to the parties;

L. dated written descriptions of verbal notifications to the parties;

M. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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Legal

F.S. 110.1221

F.S. 784.049

F.S. 1000.05

F.S. 1006.07

20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973

29 U.S.C. 6101, The Age Discrimination Act of 1975

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

20 U.S.C. 1681 et seq.

42 U.S.C. 1983

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Book	Policy Manual
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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.

[x] 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. [END OF OPTION]

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. School-Entry Health Examinations

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

B. Immunizations

The parent of any student shall be exempt from the school immunization requirements upon meeting any of the specified exemptions. (see also Policy 5320 - Immunization and Health 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. ~~Notification of~~ **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 ~~or the principal's designee~~ shall immediately notify a parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463. The principal or the principal's designee may delay notification for no more than twenty-four (24) hours after a student is removed if the principal or principal's designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect.

M.

(see also Policy 2410 - School Health Services)

N. **Sun-protective Measures in School**

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

Discipline

A. **Suspension**

A student may be suspended only as provided by policy of the 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.

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) ~~gender~~, 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") ~~sexual orientation, or transgender identity~~. (see also Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability)

Students with Disabilities

A. **Notice and Due Process**

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

B. **Graduation**

Students with disabilities are provided the opportunity to meet the graduation requirements for a standard high school diploma. (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, upon written request by the student's parent, in accordance with State law.

Student Records

A. Each parent has an equal right of access, right to waive access, right to challenge and hearing and right of privacy in the education records of his or her student who is a minor or a dependent adult pursuant to law, unless the school has received a certified copy of an enforceable court order that provides to the contrary. (see also Policy 8330 - Student Records)

B. A student is not required to provide his/her social security number as a condition for enrollment or graduation. (see also Policy 8330 - Student Records)

Student Report Cards

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

Student Progress Reports

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

Student Accountability and School Improvement Rating Reports

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

High School Athletics

A. **Eligibility**

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

B. **Medical Evaluation**

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

Extra-Curricular Activities

A. **Eligibility**

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

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.

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)

Revised 8/14/18

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Legal

F.S. 39.201
F.S. 381.0056
F.S. 394.463
F.S. 1000.05
F.S. 1002.20
F.S. 1002.22
F.S. 1002.385
F.S. 1002.39
F.S. 1002.395
F.S. 1002.41
F.S. 1002.43
F.S. 1003.01(13)
F.S. 1003.02
F.S. 1003.21
F.S. 1003.22
F.S. 1003.3101
F.S. 1003.32

F.S. 1003.42

F.S. 1003.44

F.S. 1003.4505

F.S. 1003.47

F.S. 1003.52

F.S. 1003.53

F.S. 1003.55

F.S. 1003.56

F.S. 1003.57

F.S. 1003.58

F.S. 1006.062(7)

F.S. 1006.09

F.S. 1006.13

F.S. 1006.15

F.S. 1006.20

F.S. 1006.21

F.S. 1006.22

F.S. 1006.23

F.S. 1006.28

F.S. 1006.40

F.S. 1007.271

F.S. 1008.22

F.S. 1008.25

F.S. 1008.386

F.S. 1012.42

Last Modified by Jacquelin Collins on December 17, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	UNIFORM RECORDS AND ACCOUNTS
Code	*po6100 11/29/20 fsj 12/18/20 jc
Status	
Adopted	April 12, 2016

6100 - **UNIFORM RECORDS AND ACCOUNTS**

The Authority and the Superintendent shall provide for keeping or having kept accurate records of all financial transactions and the making of all needed or required reports in the proper form as required by law (Federal and State), Administrative Rules of the State Board, and additional records and reports as approved by the Governing Board. Sound business principles and procedures are to be observed. **Additionally, the Board and Superintendent shall establish and maintain internal controls designed to:**

1. prevent and detect fraud, waste, and abuse as defined in F.S. 11.45(1);
2. promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices;
3. support economical and efficient operations;
4. ensure reliability of financial records and reports; and
5. safeguard assets.

A. **Method of Accounting**

The Authority's system of accounting shall comply with all requirements of the Governmental Accounting Standards Board statements. In accordance with GASB, the Authority will report its General Fund Balance on monthly statements reported to The School Board of Lee County, and in the annual financial statements and independent auditors report to the Auditor General for the State of Florida.

B. **Audits**

General funds shall be audited at least annually by an independent CPA firm. These audits shall be based on generally accepted auditing standards, Federal and State laws and regulations Authority policies, and City of Cape Coral policies.

Further, internal funds shall be audited at least annually by an independent auditor.

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Legal	F.S. 1001.42, 1001.51, 1010.01

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	AUTHORITY BUDGET
Code	*po6233 11/29/20 fsj V20N1 V21 N1 12/18/20 jc
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

6233 - **AUTHORITY BUDGET**

A. **Preparation**

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

B. **Implementation of Budget**

Implementation of the official Authority budget shall give appropriations and reserves therein the force and effect of fixed appropriations and reserves, and the same shall not be altered, amended, or exceeded except as authorized.

C.

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

The Board shall monitor the budget on a ~~quarterly~~monthly quarterly basis.

D. **General Fund Ending Fund Balance**

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

As required by Florida statute, the Board shall maintain a General Fund ending fund balance sufficient to address normal contingencies.

E. (x) School-based Management

The Board encourages individual school centers to be the principal planning unit and to integrate planning and budgeting at the school level.

Revised 10/8/19

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Legal

F.S. 1001.42

F.S. 1001.43

F.S. 1011.01

F.S. 1011.035

F.S. 1011.051

F.S. 1011.62

F.A.C. 6A-1.002

F.A.C. 6A-1.006

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Vol. 20, No. 1
Title	REVISED POLICY - VOL. 20, NO. 1 - CONSTRUCTION CONTRACTING AND BIDDING
Code	po6322 JC 12/15/20
Status	

REVISED POLICY - VOL. 20, NO. 1 (SB 7070)

6322 - **CONSTRUCTION CONTRACTING AND BIDDING**

All school construction bids shall be the responsibility of the Superintendent. Bidding and contracting for construction, remodeling, and renovation shall comply with all applicable provisions of the most recent version of the State Requirements for Educational Facilities (SREF).

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

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

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

A. competitive bids;

B. design-build pursuant to F.S. 287.055;

C. selecting a construction management entity, pursuant to F.S. 255.103 or 287.055, that would be responsible for all scheduling and coordination of both the design and construction phases and would be responsible for the successful, timely, and economical completion of the construction project;

D. selecting a program management entity, pursuant to F.S. 255.103 or 287.055, that would act as the agent of the Board and would be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services;

E. proposals to enter into a public-private partnership with a private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of a qualifying project pursuant to F.S. 255.065;

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

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

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

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

Bonds

A. For Projects Costing Less than $200,000

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

specified in the project documentation and the provisions of subjection B below will apply.

B. For Projects Costing $200,000 or Greater

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

1. Bid security shall be a certified check, cashier's check, Treasurer's check, bank draft, or bid bond acceptable to the Board in a form and manner that is acceptable to the Board.

2. Should the accepted bidder refuse to enter into the contract or fail to furnish performance and materials and payment bonds, the amount of the bid security may be forfeited to the District.

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

Notice and Terms

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

A. date, time, and place relating to submitting of bids;

B. procedures for presenting bids;

C. conditions and terms for receiving bids;

D. procedures to be followed in the opening and presenting bids to the Board; and

E. conditions for awarding contracts based on bids.

These provisions shall be followed for construction bids:

A. The bid time and date shall be established by the Superintendent or designee.

B. Bids by telegram or facsimile shall not be accepted nor shall any other type of bid be accepted which cannot be classified as a sealed bid. Bids received by mail shall be stamped with the time and date received by the District office.

C. Bids shall be opened at the designated time in the invitation to bid. At the designated time, the person presiding shall inquire if all bids have been received; no other bids shall be accepted and no bid may be withdrawn after the deadline. Negligence on the part of the bidder in preparing the bid shall confer no right for withdrawal after the designated time for the opening of bids.

D. All bids shall be opened, read aloud, and recorded.

E. Unless all bids are rejected by the Board for valid reasons, the contract shall be awarded to the lowest responsible bidder meeting all requirements and specifications.

The specifications for construction bids may not be written to limit any purchase of systems or materials to a specific brand or a single course of supply, unless the Board, after consideration of all available alternative materials and systems, determines that the specifications of a sole material or system is justifiable.

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

Competitive Solicitation Requirements for Construction Contracting

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

A. Construction Projects Involving Expenditures of $0.00 - $25,000.00

Contracts for construction projects involving expenditures of $0.00 - $25,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

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

2. Direct Negotiations Authorized

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

B. Construction Projects Involving Expenditures of $25,000.01 - $75,000.00

Contracts for construction projects involving expenditures of $25,000.01 - $75,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

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

2. Three (3) Quotations Required

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

C. Construction Projects, Other Than Electrical Projects, Involving Expenditures of $75,000.01 - $200,000.00

Contracts for construction projects, other than electrical projects, involving expenditures of $75,000.01 - $200,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

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

2. Three (3) Quotations Required

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

D. Electrical Projects Involving Expenditures of $75,000.01 - $200,000.00

Contracts for electrical projects involving expenditures of $75,000.01 - $200,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

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

2. Bid Solicitation Required

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

a. Legal Notice

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

b. Rejection of Bids/Waiver of Technicalities

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any and all bids.

E. Construction Projects Involving Expenditures in Excess of $200,000.00

Contracts for projects involving expenditures in excess of $200,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

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

2. Bid Solicitation Required

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

a. Legal Notice

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

b. Rejection of Bids/Waiver of Technicalities

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any and all bids.

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

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

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

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

Exception to Construction Requirements

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

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

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

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

A. Interior non-load bearing walls by approving the use of fire-rated wood stud walls in new construction or remodeling for interior non-load bearing wall assemblies that will not be exposed to water or located in wet areas.

B. Walkways, roadways, driveways, and parking areas by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.

C. Standards for relocatables used as classroom space by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.

D. Site lighting by approving construction specifications for site lighting that:

1. Do not provide for lighting of gravel or grassed auxiliary or student parking areas.

2. Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through the installation of a timer that is set to provide lighting only during periods when the site is occupied.

3. Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than one (1) foot-candle.

E. Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to F.S. 1002.33(18) so long as the regional planning council determines that there is sufficient shelter capacity within the District as documented in the Statewide Emergency Shelter Plan.

Opening of Competitive Bids

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

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

B. announce the name of each bidder and the price submitted in the bid at that meeting; and

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

Receipt of Less than Two (2) Responsive Proposals for Commodities and Contractual Services

In the event the Board receives less than the two (2) responsive proposals for commodities and contractual services, the Board may negotiate on the best terms and conditions or decide to reject all proposals. The Board shall document the reasons for the decision to negotiate terms and conditions with the sole proposer in lieu of resoliciting proposals.

Contract Execution

Contracts governed by this policy shall be awarded to the lowest responsive and responsible bidder, considering base bid and accepted alternatives; and be executed pursuant to Policy 6320 - Purchasing and Contracting for Goods and Services. Award of bid by the Board shall only represent an identification by the Board that a bid represents the lowest responsible bid received by the District. Award of bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the District until such time as the Board Chair/designee executes a contract in a form satisfactory to the District.

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

A. keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;

B. provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - Public Records;

C. ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;

D. meet all requirements for retaining public record and, upon termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems.

Certified Copy of Recorded Bond

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

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Legal

F.S. 255.05

F.S. 255.0516

F.S. 255.0518

F.S. 255.065

F.S. 255.0991

F.S. 287.055

F.S. 1001.43

F.S. 1010.04

F.S. 1010.07(2)

F.S. 1010.48

F.S. 1013.385

F.S. 1013.45

F.S. 1013.46

F.S. 1013.47

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

Educational Facilities, F.A.C. 6A-2.0010

Cross References

po0164 - NOTICE OF MEETINGS

po0168 - MINUTES

po6320 - PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES

po8310 - PUBLIC RECORDS

Last Modified by Jacquelin Collins on December 18, 2020

CITY OF CAPE CORAL CHARTER SCHOOL AUTHORITY
PUBLIC NOTICE

The City of Cape Coral Charter School Authority will consider the adoption, amendment, or repeal of the proposed NEOLA Policies listed below at a Regular Governing Board Meeting on Tuesday, March 8, 2021 at 5:30p.m., in Cape Coral City Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, Florida 33990.

NEOLA Policies Volume 20, Number 1:

POLICY 0100	Copy of Definitions
POLICY 0147.1	Travel and Per Diem
POLICY 1120	Employment of Administrators
POLICY 1122	Nondiscrimination and Equal Employment Opportunity
POLICY 1362	Anti-Harassment
POLICY 2260	Nondiscrimination and Access to Equal Educational Opportunity
POLICY 2271	Articulation and Access to Florida College System Institutions
POLICY 2410	School Health Services
POLICY 2421	Career and Technical Education
POLICY 2450	REJECTED – Adult and Community Education
POLICY 3120	Employment of Instructional Staff
POLICY 3122	Nondiscrimination and Equal Employment Opportunity
POLICY 3362	Anti-Harassment
POLICY 4120	Employment of Support Staff
POLICY 4122	Nondiscrimination and Equal Employment Opportunity
POLICY 4362	Anti-Harassment
POLICY 5112	Entrance Requirements
POLICY 5121	Controlled Open Enrollment
POLICY 5225	Absences for Religious Holidays
POLICY 5320	Immunization and Health Examination
POLICY 5350	Student Suicide Prevention, Awareness, and Screenings
POLICY 5410.01	Promotion, Acceleration, Placement, and Retention
POLICY 5460	Graduation Requirements
POLICY 5516	Student Hazing
POLICY 5517	Anti-Harassment
POLICY 5780	Student/Parent Rights
POLICY 6100	Uniform Records and Accounts
POLICY 6233	Authority Budget
POLICY 6322	Construction Contracting and Bidding
POLICY 6835	Internal Audits Office
POLICY 6840V	Auditor Selection Committee
POLICY 6840V2	Auditor Selection Committee
POLICY 7440.03	Small Unmanned Aircraft Systems
POLICY 7530.01V1	Cell Phone Allowance
POLICY 7530.01	Wireless Communication Allowance and Staff Use of Wireless Communications Devices
POLICY 7530.02	Staff and School Officials Use of Wireless Communication Devices
POLICY 8600.04	Bus Operator Qualifications, Certification, Discipline, and Termination
POLICY 8660	Transporting Students by Private Vehicles
POLICY 9800	REJECTED – Charter Schools Application

Any person who is affected by a proposed policy, policy revision, or the repeal of a policy may file a written request with the Governing Board for a hearing on the proposed action at: The City of Cape Coral Charter School Authority, ATTENTION: Mr. Michael Campbell, Chairman, 3519 Oasis Boulevard, Cape Coral, FL 33914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact The City of Cape Coral Charter School Authority Governing Board Secretary at (239) 424-6100, Ext. 404, at least five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Services by dialing 7-1-1 or 1-800-955-8771 (TTY); 1-800-955-8770 (Voice), for aid in contacting the City of Cape Coral Charter School Authority office.

5

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	REVISED POLICY - VOL. 20, NO. 1 - INTERNAL AUDITS OFFICE
Code	po6835 12/18/20 jc
Status	

REVISED POLICY - VOL. 20, NO. 1

6835 - **INTERNAL AUDITS OFFICE**

The Chief Auditor shall report functionally to the School Board and administratively to the Superintendent. To enhance the objectivity and effectiveness of the function, reports, audit findings, and recommendations emanating from the Internal Audits Office (hereinafter referred to as the "Office"), are submitted to the Board, ~~the Board's Auditor Selection~~Audit and Finance Committee (the ~~"committee") established under Policy 6840 (*Auditor Selection Committee*),~~ and the Superintendent at the same time.

~~[OPTION - Must select if the District receives annual Federal, State, and local funds in excess of $500 million or if the Board desires to employ an internal auditor.]~~

~~[ ] The District shall employ an internal auditor whose scope of practice shall not be restricted and shall include every functional and program area of the school system. The internal auditor's duties include, but are not limited to, the following:~~

A. ~~Performing ongoing financial verification of the financial records of the District, a comprehensive risk assessment of all areas of the school system every five (5) years, and other audits and reviews as the Board for determining:~~

1. ~~the adequacy of internal controls designed to prevent and detect fraud, waste, and abuse;~~
2. ~~compliance with applicable laws, rules, contracts, grant agreements, Board approved policies, and best practices;~~
3. ~~the efficiency of operations;~~
4. ~~the reliability of financial records and reports;~~
5. ~~the safeguarding of assets;~~
6. ~~financial solvency;~~
7. ~~projected revenues and expenditures;~~
8. ~~the rate of change in the general fund balance.~~

B. ~~The internal auditor shall prepare audit reports of his/her findings and report directly to the Board or its designee.~~

C. ~~Any person responsible for furnishing or producing any book, record, paper, document, data, or sufficient information necessary to conduct a proper audit or examination which the internal auditor is by law authorized to perform is subject to the provisions of F.S. 11.47(3) and (4).~~

~~**[END OF OPTION]**~~

Purpose of the Internal Audits Office

Internal auditing is an independent appraisal activity within the organization for review of the operations as a service to management. The objective of internal auditing is to assist the Superintendent and its administration, the committee, and the Board by reviewing and appraising the activities of the School District, the integrity of its records, and the general effectiveness of its operations.

Internal Audits Office

The Office is responsible for providing the internal audits function [x] at the direction of the City's auditor **[END OF OPTION]**.

A. Objectives

1. Perform examinations of the financial records in accordance with generally accepted auditing standards.
2. Ascertain the reliability and adequacy of accounting and reporting systems and procedures.
3. Perform an independent appraisal of the adequacy and effectiveness of internal controls.
4. Assure compliance with the policies and procedures established by the Board and the administration, and with the State and Federal laws and regulations.
5. Improve the efficiency of the administration of the School District's operations by providing recommendations in audit reports.
6. Ascertain the extent to which the assets of the school system are accounted for and safeguarded from loss through the audit process.

B. Responsibilities

1. Perform examinations of the financial records and supporting information for determining their accuracy and conformity with generally accepted accounting principles.
2. Perform investigative audits by applying various audit techniques and procedures for the purpose of detecting fraud or as a deterrent to fraud.
3. Review and evaluate the existence and effectiveness of adequate controls on existing electronic data processing systems or under development.
4. Undertake comprehensive and constructive examinations of functional units within the School District, including plans and objectives, control methods, and use of human and other resources.
5. Keep the Superintendent, the committee, and the Board informed on audit plans and activities and assist them by providing analysis, pertinent comments, and recommendations concerning the activities reviewed.
6. Coordinate the internal auditing activities through the development of a yearly audit plan to be presented to the committee, the Board, and the Superintendent.
7. Keep abreast of new developments by attending the Board meetings and meetings of school system-wide committees.
8. Act as liaison between the School District and external auditors (Federal, State, or independent), and monitor responses provided to auditing findings and recommendations made by them.
9. Bring to the attention of the Superintendent, the committee, and the Board material items of concern.
10. Participate in continuing professional development to maintain required professional certifications.
11. [x] Perform any other functions at the direction of the City;s ~~internal~~ auditor. **[END OF OPTION]**

C. Policies

1. Authority

   a. The Office shall have full and unrestricted access to all records and personnel in the School District who can provide information on the function under review.

   b. The Office shall have direct communication and free access to the Superintendent and staff, members of the committee, and Board members to discuss audit findings.

   c. The Office shall be accountable as a whole to the Board through its committee to ensure an unrestricted audit coverage and appropriate action in response to audit findings.

d. The Office shall be free of organizational pressures that limit its objectivity in selecting areas to be examined and evaluating those areas.

e. The Office shall have adequate support from School District officials to discharge its duties.

2. Professional Standards

a. The Office staff shall comply with professional and the School District's standards of conduct.

b. Internal auditing activities shall be performed with proficiency and due professional care.

3. Personnel

a. The Office shall be adequately staffed and the staff shall possess adequate technical proficiency and educational background and skills in human relations and communication.

b. The auditors shall maintain their technical competence through continuing education.

c. The committee shall provide recommendations to the Board on the person to fill the position. Any recommendations and reasons to remove or transfer the Chief Auditor shall be brought before the committee, who will then transmit it to the Board.

D. Procedures

The Chief Auditor will submit to the committee, the Superintendent, and the Board for their review and input a comprehensive proposed Audit Plan for the coming fiscal year. The Audit Plan shall identify the scheduled examinations and their overall audit scope, both in financial and nonfinancial areas, as well as available auditing resources. Audit reviews, as requested by the Superintendent, the Board, and the committee, will be included to the degree feasible in the Audit Plan. Said Audit Plan shall be presented to the Board for final approval.

1. Scope of Auditing Activities

The scope of the internal auditing activities encompasses the examination and evaluation of the adequacy and effectiveness of the internal controls, risk management processes, structures for internal controls and the quality of performance in carrying out assigned responsibilities to achieve the District's goals and objectives.

a. The Office shall review the reliability and integrity of financial and operational information and the means used to identify, measure, classify, and report such information.

b. The Office shall review the systems established to ensure compliance with those policies, plans, procedures, laws, and regulations that could have a significant impact on operations and reports, and shall determine whether the School District is in compliance.

c. The Office shall review the means of safeguarding assets and verify the existence of those assets.

d. The Office shall appraise the economy and efficiency with which resources are utilized.

e. The Office shall review business and financial operations and controls to determine whether results are consistent with established objectives and goals and whether the operations or programs are carried out as planned.

f. The Office shall review and evaluate the existence and effectiveness of electronic data processing systems in existence or under development, resources permitting.

g. The Office shall review specific operations at the request of the Board, the Superintendent, or the committee as appropriate.

2. Performance of Auditing Activities and Communication of Results

The Chief Auditor will make an annual report to the committee, the Board, and the Superintendent on the results of auditing activities vs. the approved Audit Plan. Said report shall summarize the audit services for the year and major

variances explained. Periodic reports will be made to the committee. This report shall include the progress made in executing the Audit Plan and any major findings and recommendations not implemented.

The Office will issue an internal audit report at the conclusion of the performance of an audit and review.

a. The audit report shall be objective, clear, concise, constructive, and timely.

b. The audit report will present the purpose, scope, result of the audit, and applicable recommendations.

c. The responses from the School District officials to the audit findings and recommendations will be included in the audit report.

d. Periodic progress reports will be made to determine corrective actions taken to prevent the deficiencies again. The committee may request periodic reports from audited schools, departments, offices, etc., regarding said corrective actions.

Pursuant to F.S. 119.07(3,~~)(y~~), work papers, notes, and preliminary or draft audit reports shall be held confidential and exempt from public records disclosure until the audit is completed and submission of the final draft of the report to the Board.

E. Independence

All internal audit activities shall remain free of influence by any element in the School District, including matters of audit scope, procedures, frequency, timing, or report content.

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Legal F.S. 1001.42(12)(l)

Cross References po6840V1 - AUDIT COMMITTEE
po6840V2 - AUDIT COMMITTEE

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Vol. 20, No. 1
Title	REVISED POLICY - VOL. 20, NO. 1 - V1 - AUDITOR SELECTION COMMITTEE
Code	po6840 - Delete Policy does not apply to CCCCSA jc 2/10/21
Status	

REVISED POLICY - VOL. 20, NO. 1

Version #1

6840V1 - **AUDITOR SELECTION COMMITTEE**

The School Board establishes an audit committee (the "committee") whose primary purposes ~~is~~are to assist the Board in selecting an auditor in accordance with F.S. 218.391 and to conduct~~ing~~ the annual financial audit required in F.S. 218.39. The committee will also secure and review financial and other information about the School District, to ensure that the overall audit coverage of the School District is sufficient and appropriate to protect the citizens of _____ County, ensure that an adequate system of internal control and reporting has been implemented and is effectively followed, and assist and advise the Board and the Superintendent in matters pertaining to fiscal management of the School District.

The committee will also:

A. provide added protection to the Board and Superintendent in discharging its responsibilities;

B. assist in obtaining corrective action and necessary improvement based on audit findings and recommendations received from external and internal audits, reviews, or studies; and

C. provide credibility and support for the audit programs.

Membership

~~The members of the committee are as follows:~~

A. ~~Five (5) voting members from the community not employed by the School District or having any direct or indirect business dealings with the School District. The appointments shall be made (one (1) by each Board member) in open session. In making the appointments the Board members are encouraged to take into consideration representation that reflects the Board commitment to diversity, and select professionals with a background in accounting, finance business, management consulting, or law.~~

B. ~~One (1) voting community member to be appointed by the Superintendent also having no direct or indirect business dealings.~~

C. ~~Two (2) non voting members, the Chief Auditor and the Chief Financial Officer, representing the internal audit and finance functions.~~

~~The Committee shall elect a Chair and Vice Chair from the voting members each fiscal year at its first meeting. A Committee member may not serve more than two (2) consecutive years as either the Chair or Vice Chair.~~

The committee will be composed of:

A. a member of the Board who shall serve as the chair of the committee the Chairman of the Board (ex-officio)

[DRAFTING NOTE: The committee must be comprised of a minimum of three (3) members. A Board member is the only individual specifically identified in F.S. 218.391 that must be a member of the committee. The other two (2) (or more) individuals may not be employees, the Superintendent, or the chief financial officer of the District.]

B. _____

C. _____

D. [ ]_____

The following individuals are not members of the committee but may serve in an advisory capacity:

[DRAFTING NOTE: The committee is not required to have any individuals serving in an advisory capacity. Importantly, however, F.S. 218.391 permits District employees, the Superintendent, and/or the District's chief financial officer to serve in an advisory capacity.]

A. _____

B. _____

C. _____

Term of Service

The term of service for continuity purposes is two (2) fiscal years. ~~The term of service for the two (2) members nominated by the Board Chair and the Superintendent shall be consistent with their respective terms of service. Newly elected or appointed Board members shall have the discretion to retain the former Board member's appointee or to nominate a new committee member.~~ A member's term may be extended beyond the two (2) year term by nomination by any Board member. Voting members may be removed should they miss three (3) consecutive meetings without good cause upon a majority vote of the committee.

Meetings

The committee will meet on a regular basis throughout the fiscal year with the first meeting to be scheduled in early September to review the Annual Financial Report, due to the FLDOE~~State DOE~~ in early September. The committee will meet at least three (3) more times during the fiscal year (in December, March, and June), subject to any unforeseen circumstances such as natural disasters, emergencies, etc. The committee will approve the Proposed Internal Audit Plan at the June meeting. The meetings shall be publicly announced in a similar manner to the regular Board meetings.

When deemed necessary and appropriate, special meetings may be called by the ~~Chief Auditor, the CFO, or the~~ chair of the committee. Such special meetings shall require at least two (2) days of prior public notice.

Two (2)~~Four (4)~~ voting members shall constitute a quorum for the committee to meet and make recommendations.

All committee and subcommittee meetings, if any, are governed by the requirements of Florida's Government in the Sunshine and Public Records Laws, F.S. Chapter 119 and 286.011. Therefore, meetings of the committee will be held in open public sessions and all materials made or received by the committee in connection with official business are open for public inspection.

The Internal Audits Office is entrusted with the responsibility of providing services and support to the committee, including publishing meeting notices, keeping the minutes, establishing each meeting agenda in collaboration with the chair of the committee, and gathering the supporting documentation for distribution and ensuring the smooth operation of the Committee affairs. Administrative support staff assigned to the auditor will conduct the required work.

Scope of Activities

The committee is advisory in nature. Its recommendations regarding audit findings and exceptions will be provided in writing to the Board and the Superintendent. In its advisory nature, the committee is subject to the control and direction of the Board. In accordance with F.S. 119.07(3,~~)~~(y), audit work papers and notes related to such audit report are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until the audit is completed and the audit report becomes final. An audit becomes final when the audit report is presented to the Board.

Duties and Responsibilities

The duties and responsibilities of the committee are to:

A. review audit and financial reports on a selective basis;

B. review the audit findings contained in each audit report;

C. review the Annual Financial Report;

D. review the external audit report by the Auditor General of the State of Florida

   Request that Auditor General staff be available to answer any questions by the committee.

E. review the recommendations contained in the audit reports and responses made by the administration as to how the findings should be corrected; and the time and funding required, if any, to take corrective action;

F. review and request periodic reports on a selective basis regarding corrective action being taken to eliminate audit exceptions or reasons that recommendations are not being implemented;

G. hold discussions with and make recommendations to the Board and the Superintendent on reported items that are not being corrected on a timely or adequate basis;

H. review any amendments to the Board policy governing the Internal Audits Office, and this Board policy, and make recommendations to the Board prior to initial reading, as deemed appropriate;

I. review the annual budget of the Internal Audits Office [ ] and the Finance Division **[END OF OPTION]** and make recommendations to the Board and the Superintendent as to the sufficiency of the budget;

The budget shall make adequate provisions for staffing, including salaries, benefits, equipment, and supplies. Adequate provisions for staff development and peer review shall also be made to conform with the highest professional standards.

J. serve as the committee to recommend the selection of the Chief Auditor and provide said recommendation to the Board;

At the direction of the Board, provides its recommendations on contractual provisions for the position.

K. any recommendation for the removal or transfer of the Chief Auditor, and reasons for such removal or transfer, shall be brought by the committee to the Board;

L. review the services of the Chief Auditor and provide input to the Board in connection with performance evaluations of the Chief Auditor;

Written evaluations will be kept on file pursuant to F.S. 1012.31.

M. review, provide feedback, and approve the Annual Audit Plan presented by the Chief Auditor to determine the progress made in executing the Audit plan;

N. review the operations and projects against the Audit Plan presented by the Chief Auditor to determine the progress made in executing the Audit Plan;

O. in the event that an external auditor or subject matter expert needs to be hired to audit, review, or investigate any fiscal areas of the School District, serve as the committee to select and recommend the hiring to the Board;

Provide feedback on the scope and development of said contract.

P. provide an effective link between the external and internal auditors, the Board, and the Superintendent;

Q. submit annually a report to the Board on the work of the committee;

R. receive citizen input for projects designed to effect corrective action and to provide systems and procedures assistance;

S. perform specific assignments made by the Board or the Superintendent.

F.S. 218.39
F.S. 218.391

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F.S. 218.391

Last Modified by Jacquelin Collins on February 10, 2021

Book	Policy Manual
Section	Vol. 20, No. 1
Title	REVISED POLICY - VOL. 20, NO. 2 - V2 - AUDITOR SELECTION COMMITTEE
Code	po6840 - Delete Policy does not apply to CCCCSA jc 2/10/21
Status	

REVISED POLICY - VOL. 20, NO. 1

Version #2

6840V2 - **AUDITOR SELECTION COMMITTEE**

The City of Cape Coral will select the CCCCSA's auditor. The CCCCSA will approved the adoption of the suggested auditor provided by the City. ~~School Board's auditor selection has created an audit committee (the "committee"), which reports to the Board, and shall direct and monitor the internal audit function. The committee shall be governed by rules and procedures set forth in this section.~~

~~**Purpose, Responsibility, and Organization**~~

~~The primary purposes of the committee is~~are to assist the Board in selecting an auditor in accordance with ~~F.S. 218.391 to conduct~~and conducting the annual financial audit required in ~~F.S. 218.39.~~

~~The committee will be composed of:~~

A. ~~a member of the Board who shall serve at the chair of the committee[the Chairman of the Board (ex-officio)~~

~~[Drating Note: The committee must be comprised of a minimum of three (3) members. A Board member is the only individual specifically identified in F.S. 218.391 that must be a member of the committee. The other two (2) (or more) individuals may not be employees, the Superintendent, or the chief financial officer of the District.]~~

B. ~~_____the Superintendent (ex-officio)~~

C. ~~_____one (1) Area Superintendent (ex-officio)~~

D. ~~_____five (5) community appointees~~

~~The following individuals are not members of the committee but may serve in an advisory capacity:~~

~~[DRAFTING NOTE: The committee is not required to have any individuals serving in an advisory capacity. Importantly, however, F.S. 218.391 permits District employees, the Superintendent, and/or the District's chief financial officer to serve in an advisory capacity.]~~

A. ~~_____~~

B. ~~_____~~

C. ~~_____~~

~~The Chairman of the Board, the Superintendent, and the Area Superintendent shall serve as ex-officio members and shall be non-voting members of the audit committee.~~

~~The five (5) community appointees shall be recommended, one (1) by each member of the Board, and approved by the Board. The terms of the community members approved by the Board shall be four (4) years, concurrent with the terms of their respective Board members. The Superintendent shall appoint the Area Superintendent to the audit committee.~~

The Board will provide adequate support to the ~~committee~~ City to discharge its responsibilities. The Board, with the advice and counsel of the City ~~committee,~~ shall ensure that the auditors have unrestricted reasonable access to District personnel and public documents within legal requirements. The District's management shall cooperate with the ~~committee~~ City in promoting the use of the internal audit as a constructive process. Committee activities shall be reported to the Board on a regular basis.

~~The committee shall elect a chair from the five (5) community members. All committee members serve in a voluntary capacity and shall be residents of the county.~~

~~Meetings~~

~~The committee will meet on a quarterly basis and shall, on an annual basis set its schedule for the year. In the case of special circumstances, the committee chair may call special meetings as required with proper notice. At least once per year, the audit committee will present a public report to the Board regarding its progress and findings. Committee meetings are to be conducted under the *Robert's Rules of Order*, and in addition, all committee and subcommittee meetings are governed by the Sunshine Law as required by Florida law.~~

F.S. 218.39
F.S. 218.391

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	NEW POLICY - VOL. 20, NO. 1 - SMALL UNMANNED AIRCRAFT SYSTEMS
Code	*po7440.03 11/29/20 12/18/20 jc
Status	

NEW POLICY - VOL. 20, NO. 1

7440.03 - **SMALL UNMANNED AIRCRAFT SYSTEMS**

~~[Option 1]~~

~~The School Board prohibits the operation of small unmanned aircraft systems (sUAS) at any time on property owned or leased or contracted for by the Board by any individual, whether the individual is employed by the District or not. Small unmanned aircraft systems are commonly known as drones.~~

~~Pursuant to the Florida High School Athletic Association's (FHSAA) administrative policies, this prohibition also applies to the operation of an sUAS at any FHSAA event that is conducted on property owned or leased or contracted for by the Board and is pursuant to the FHSAA's administrative policies. District officials may deny admission or entry to anyone attempting to use an sUAS until the event has been completed.~~

~~Any individual who violates this policy ( ) may be ( ) shall be referred to local law enforcement and/or subjected to discipline, if an employee or student.~~

~~[End of Option 1]~~

[Option 2]

The School Board prohibits the operation of small unmanned aircraft systems (sUAS) at any time on a property that is owned or leased or contracted for by the Board by any individual who is not authorized to do so by the Superintendent. Small unmanned aircraft systems are commonly known as drones.

Pursuant to the Florida High School Athletic Association's (FHSAA) administrative policies, the Board also prohibits the operation of an sUAS at any FHSAA event conducted on property owned or leased or contracted for by the Board. District officials may deny admission or entry to anyone attempting to use an sUAS until the event has been completed.

To be authorized to operate an sUAS on property owned or leased or contracted for by the Board, a staff member or administrator or other individual (agent) under contract with the Board must have a remote pilot certificate issued by the Federal Aviation Administration (FAA). Further, the sUAS must be registered with the FAA and properly marked in accordance with 14 C.F.R. Part 107.

A staff member, administrator, or agent of the Board who is authorized to operate an sUAS on property owned or leased or contracted for by the Board, must also comply with all rules set forth in 14 C.F.R. Part 107. (See AP 7440.03)

Failure to adhere by all rules set forth in 14 C.F.R. Part 107 and AP 7440.03 may result in loss of authorization to operate an sUAS on property owned or leased or contracted for by the Board, referral to local law enforcement, and/or further disciplinary action, up to and including termination for an employee and expulsion for a student.

[End of Option 2]

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	REVISED POLICY - VOL. 20, NO. 1 - V1 - CELL PHONE ALLOWANCE
Code	po7530.01 jc 2/11/21
Status	
Adopted	April 12, 2016
Last Revised	August 14, 2018

REVISED POLICY - VOL. 20, NO. 1 (HB 107)

Version # 1

7530.01V1 - **CELL PHONE ALLOWANCE**

Eligibility for Cell Phone Allowance

Cellular/Mobile telephones, smartphones ~~( ), and/or telephone paging devices (e.g., beepers and pagers)~~ **[END OF OPTION]** (collectively, "cell phones") enable communication whenever a situation arises necessitating immediate contact, regardless of the person's location at the time. The Superintendent and the administrators who meet one or more of the following criteria are required as a condition of employment to own a cell phone and obtain an appropriate service plan so that the cell phone is available for use for business-related communications:

A. their jobs require them to spend a considerable amount of time outside of their assigned office or work area during regular work hours and have regular access to telephone and/or Internet/data connections while outside their office or assigned work area;

B. their jobs require them to be accessible outside of scheduled or regular work hours or to be contacted and respond in the event of an emergency;

C. their jobs consistently require timely and business critical two (2) way communication for which there is no reasonable alternative technology;

(This is not intended to include occasional, incidental access or purely voluntary access such as checking e-mail from home.)

D. (x) safety requirements indicate having a cell phone is an integral part of meeting the requirements of the employee's job description;

E. ~~( ) more than fifty percent (50%) of the employee's work is conducted outside the employee's assigned office or work area;~~

F. (x) the employee is required to be contacted on a regular basis outside regular work hours;

G. (x) the employee is required to be on-call 24/7.

Administrators who are required to have a personally-owned cell phone as a condition of their employment shall receive a monthly cell phone allowance ("allowance"), up to an amount approved annually by the School Board to reimburse them for the costs associated with acquiring and utilizing the personally-owned cell phone for business purposes. Additionally, other staff members who believe that they meet the above-identified criteria may apply for an allowance.

Amount of the Allowance

[x] The allowance shall consist of the following:

(x) a monthly allowance of up to a specific dollar amount for cellular telephone service;

OR

~~( ) a monthly allowance of up to a specific dollar amount for cellular telephone service and Internet/data connection;~~

~~OR~~

~~( ) a monthly amount (as set forth in either of the two (2) preceding options) plus a prorated amount (i.e. usually spreading the cost of the device over twenty-four (24) months) to cover the cost of the cell phone~~ **~~[Comment: Remember, simple cellular telephones are significantly less expensive than smartphones that include Internet/data connection)~~**~~;~~

~~OR~~

~~( ) a monthly allowance up to a specific dollar amount for cellular telephone service (possibly including Internet/data service) and a one-time stipend to cover the employee's cost of acquiring the cell phone.~~ **~~[Comment: If either of the latter options is selected, include language limiting the equipment allowance to no more than once every two (2) years, or some other reasonable period of time.]~~**

The allowance shall not reimburse the employee's dollar-for-dollar cost for cellular telephone service and shall not exceed the expenses the employee actually incurs in maintaining his/her personally-owned cell phone.

The allowance shall not serve as a substitute for a portion of the staff member's regular wages and does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades or benefits based on a percentage of salary, etc. The Board will pay only the Board-approved allowance even if actual monthly costs exceed the allowance. If the amount of the allowance needs to be changed because of documented business purposes, the employee should notify the Superintendent by submitting a new Cell Phone Allowance Request Form (Form 7530.01 F1).

[NOTE: START OF FIRST SET OF OPTIONS CHOOSE OPTION #1 OR OPTION #2]

[x] Option #1

No allowance will be paid when the employee is on an unpaid leave status or is on an extended paid leave during which timely, business-essential communications are not likely to be necessary.

~~[ ] Option #2~~

~~If an employee is absent for more than _____~~ **~~[insert time-frame – e.g. thirty (30)]~~** ~~days on either a paid or unpaid leave of absence, the allowance will be temporarily discontinued (i.e. it will be prorated during the period of absence) unless~~

~~( ) the employee can demonstrate s/he needs the cell phone for essential business communications during the period of absence, and/or~~

~~( ) the Superintendent approves the continuation of the allowance.~~

[NOTE: END OF FIRST SET OF OPTIONS]

To be eligible to receive the allowance, the employee must maintain the type of cellular telephone coverage **(x)** and wireless Internet/data plan that is reasonably related to his/her job responsibilities. ~~Beginning no later than _____~~ **~~[insert month]~~** ~~annually, each covered administrator and staff member making application for the allowance, must submit to the Superintendent a Cell Phone Allowance Request Form (Form 7530.01 F1), including a copy of his/her most recent monthly invoices for his/her cellular telephone service plan to substantiate the amount of the allowance and a document identifying his/her cell phone number~~ **~~( )~~** ~~(including any pin number associated with a Blackberry device)~~ **~~[END OF OPTION]~~** ~~so that the employee may be contacted as the need arises.~~ **~~( )~~** ~~If the employee receives either a one-time equipment allowance or a part of his/her monthly allowance is attributable to the cost of acquiring the cell phone, the employee must also include documentation of the cost of the cell phone with the form. The employee must maintain an active cellular telephone service contract while the allowance is being provided.~~

[x] The Superintendent should use knowledge of each employee's duties (e.g. the projected number of minutes of monthly business-related calls, and whether the employee requires wireless Internet/data service) and budget considerations to determine the amount of monthly allowance to recommend to the Board for each employee. In determining the amount of the allowance to ~~recommend to the Board,~~ the Superintendent may take into consideration the cost of the basic equipment, whether wireless Internet/data service is needed, and the cost of the employee's monthly cellular telephone service plan.

~~In order to continue to receive the allowance, administrators are required to answer all business-related calls on his/her cell phone and promptly respond to any messages.~~ **~~( ) [Select this optional language if non-exempt employees (for Fair Labor~~**

~~**Standards Act (FLSA) purposes) receive the allowance (see Policy 6700)]** In order to continue to receive the allowance, non-exempt employees are required to answer during their regular work hours all business-related calls on his/her personally-owned cell phone and promptly respond to any messages. Non-exempt employees are not permitted to work remotely via their personally-owned cell phone outside regular work hours without prior authorization from their supervisor. In other words, unless they are directed to provide an immediate response, all e-mails/texts/calls should be responded to only during regular work hours. Non-exempt employees must maintain a written record of all time spent preparing and/or responding to e-mails/texts and placing and/or answering calls outside regular work hours.~~

Allowance is Not Considered Taxable Income

Provided the employee maintains and uses his/her personally-owned cell phone for business purposes as described herein, the employee will receive the monthly allowance as established hereinallowance ~~should not be considered additional income to the employee (i.e. the allowance will be treated as a non-payroll reimbursement of a business expense – similar to mileage reimbursements – and no payroll taxes will be withheld from the employee's paycheck for the amount of the allowance and the amount of the allowance will not be reported as wages on the employee's year-end W-2 statement). Additionally, staff members who receive an allowance are not required to submit a log documenting their business-related use of the cell phone; non-exempt employee, however, must comply with the timekeeping requirements set forth above. For determination of individual taxability, employees should check with their tax advisor~~.

~~**[NOTE: Choose one (1) of the following two (2) options.]**~~

~~**[Option 1]**~~

~~Upon being notified of his/her eligibility to receive the allowance, the employee shall submit a copy of the monthly bill for his/her cellular telephone service (_) and wireless internet/data plan [**END OF OPTION**]. If the amount paid by the employee exceeds the amount of the allowance, the amount of the allowance will be treated as a non-payroll reimbursement of a business expense (that is, similar to mileage reimbursements), no payroll taxed will be withheld from the employee's paycheck for the amount of the allowance, and, under the current U.S. Tax Code, the allowance will not be considered taxable income.~~

[Option 2]

However, upon being notified of his/her eligibility to receive the allowance, the ~~District~~ CCCCSA shall report the annual amount of the employee's allowance as "other income" on the employee's W-2 for each calendar year in which the employee receives this allowance. Under the current U.S. Tax Code, when filing his/her tax return the employee will be a requirement to submit evidence that the amount paid annually exceeds the amount of the allowance received so that the allowance is treated as taxable income.

[END OF OPTIONS]

Additionally, staff members who receive an allowance are not required to submit a log documenting their business-related use of the cell phone; non-exempt employee, however, must comply with the timekeeping requirements set forth above. For a determination of individual taxability, employees should check with their tax advisor.

Employee's Responsibilities

The employee is responsible for choosing his/her cell phone, the voice and/or wireless data plan, and the service provider. Since the cell phone is the employee's personal property, the cell phone may be used for personal calls (see below concerning the making of personal calls during work time) and be combined or enhanced with other personal plans (i.e., the employee may also, at his/her own expense, add extra services or equipment features, as desired). The employee is responsible for paying all monthly service charges in full and on time. The Board does not accept any liability for claims, charges, or disputes between the service provider and the staff member. Because the employee is personally responsible for the cell phone, any replacement for loss or damage will be at the expense of the employee. Such replacement or repair must be completed promptly and the Superintendent must be notified if the employee will not be available by his/her cell phone for a period of time.

Employees should contact the vendor/carrier through which they purchased their cell phone and their cellular telephone service (including wireless Internet/data service, if applicable) for support.

~~**[ ]** Employees may contact the District's IT Department/Support Staff for consultation on the type of equipment to purchase if they are obtaining wireless Internet/data service in order to enable e-mail and calendar support through the District's servers (e.g. through Microsoft Exchange/Office 365, Google Apps, etc.) and to obtain assistance in setting up their device to connect to the District's servers. The District's IT Department/Support Staff will assist employees who have wireless Internet/data service with e-mail and calendar functionality. **[END OF OPTION]**~~

Changing or Ending a Cellular Telephone Service Contract Early

If prior to the end of a cellular telephone and/or wireless Internet/data service contract, a personal decision by the employee results in the need to end or change the contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a cellular telephone and/or wireless Internet/data service contract, the employee's misconduct, or misuse of the cell phone, results in the need to end or change the contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a cellular telephone and/or wireless Internet/data service contract, the Board determines to reduce or cancel (unrelated to employee misconduct) the employee's monthly allowance, the Board will bear the cost of any fees associated with the change or cancellation. For example, if the employee is reassigned and/or his/her duties are changed, and the cell phone is no longer needed for business purposes, if the employee does not want to retain the current contract, changes or cancellation fees will be reimbursed by the Board.

When selecting the duration of his/her cellular telephone and/or wireless Internet/data service contract, the employee should take into consideration the length of his/her Board-approved employment contract and not select a duration of the service contract that exceeds the employment contract. If the employee is nonrenewed or voluntarily resigns while the service contract is still in effect, the Board will not be responsible for any fees associated with the employee's decision to subsequently change or cancel the contract.

Once the allowance is given to the employee to purchase a device, the cell phone remains the employee's personal property. However, upon termination, nonrenewal or resignation, the Board will immediately discontinue the monthly allowance.

Safe and Appropriate Use of Cell Phones

Employee safety is a priority of the Board and responsible use of cell phones includes safe use. (see Policy 7530.02 - Staff Use of Wireless Communication Devices)

Employees may not use a cell phone in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated.

Use of WCDs While Driving

Employees shall comply with Policy 8625 related to WCD use while driving and the prohibitions therein~~In accordance with Policy 8625 and subject to the definitions therein, employees shall not operate a District motor vehicle at any time, or a personal vehicle while driving to/from any location on school business, while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading messages on such a device for the purpose of non-voice interpersonal communication, including, but not limited to communication methods known as texting, e-mailing, instant messaging, and snap chatting~~. A~~Furthermore, a~~n employee who violates this prohibition is subject to disciplinary action, up to and including termination.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and procedures pertaining to the protection of the security, integrity, and availability of the information/data stored on their cell phones. (see Policy 7530.02 - Staff Use of Wireless Communication Devices)

Potential Disciplinary Action/Termination of the Cell Phone Allowance

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a cell phone in any manner contrary to local, State, or Federal laws will constitute misuse and will result in immediate termination of the allowance.

~~**[ ] Reimbursement for Business-Related Calls on a Personally-Owned Cell Phone**~~

~~If a Board employee's job duties do not include frequent need for a cell phone, the employee is not eligible for a cell phone allowance or a Board-provided cell phone. Such employees, however, may request reimbursement for the actual extra expenses of business-related calls that are made/received on their personally-owned cell phones. Reimbursement for per-minute "air-time" charges is limited to the total coverage charge shown on the invoice; expenses for minutes included in the employee's personal plan will not be reimbursed. The employee should make personal payment to the provider, and then submit a request for reimbursement, which details the date/time of the call, to whom the call was placed or from whom the call was received, and a brief description of the purpose of the call. A copy of the employee's cellular telephone service bill must be attached to the request for reimbursement (the employee ( ) may ( ) should redact any personal calls from the bill prior to submitting it). Business-related calls made on school property should be made from traditional land-line phones, when readily accessible, and therefore will not be reimbursed if made on a personally-owned cell phone.~~

[ ] When authorized in writing by the Superintendent the cost of using a personally-owned cell phone for official business may be reimbursed to the employee. Having a personally-owned cell phone is a choice the employee makes, and if the device is used for business purposes, any reimbursement will be for reasonable costs in excess of the base service plan plus any additional charges such as roaming fees or other fees and taxes incurred as a direct result of the business use. In no instances will the employee be reimbursed more than the monthly cost to the employee. To receive the reimbursement, the employee must document the inbound/outbound telephone number, name of person called, texted, or e-mailed or the individual who called, texted or e-mailed the employee, and the date and purpose of the communication along with the original service plan bill.

[OPTIONAL ADDITION]

[ ] Employee Use of Board-Owned WCDs

The Board will provide Board-owned cell phones to certain employees who require specific equipment or similar technology to perform District functions (e.g., school safety, physical plant maintenance, etc.) and expect never to use these devices for personal use. The Superintendent must approve such exceptions. Employees who qualify for this exception must submit to the Treasurer's Office monthly documentation in the form of a copy of their respective cell phone usage logs, verifying business use. The log must note the date/time of the phone call, to whom the call was placed or from whom the call was received, a brief statement of the purpose of the call, ( ) and if the cell phone has wireless Internet/data services, a statement that all use of the wireless Internet/data service were business-related. The employee's immediate supervisor will be required to approve all charges, attesting that all calls were business-related, by initialing the copy of the usage logs. If an employee fails to keep current with this documentation requirement, s/he will be required to return the Board-owned cell phone.

[SELECT ONE OF THE FOLLOWING]

[ ] If a personal call inadvertently occurs, restitution must be made to the District.

[ ] If the employee uses the Board-owned cell phone for personal business, ( ) a prorated portion of that month's bill, which is related to the employee's personal use of the device, will be treated as compensation for the employee.

[ ] The employee will be required to reimburse the District for a prorated portion of that month's bill, which is related to the employee's personal use of the device.

[END OF OPTIONS]

The Board reserves the right to switch an employee to the cell phone allowance program if excessive calls are made or if the required documentation is not submitted in a timely manner.

I.R.S. Notice 2011-72 (effective December 31, 2009)
F.S. 316.305
F.S. 316.306

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Legal	I.R.S. Notice 2011-72 (effective December 31, 2009) F.S. 316.305 F.S. 316.306
Cross References	po6700 - FAIR LABOR STANDARDS ACT (FLSA) po7530.02 - STAFF AND SCHOOL OFFICIALS USE OF WIRELESS COMMUNICATION DEVICES po8625 - BAN ON TEXTING WHILE DRIVING

Last Modified by Jacquelin Collins on February 11, 2021

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	WIRELESS COMMUNICATION ALLOWANCE AND STAFF USE OF WIRELESS COMMUNICATIONS DEVICES
Code	*po7530.01 11/29/20 fsj 12/18/20 jc
Status	
Adopted	April 12, 2016
Last Revised	August 14, 2018

7530.01 - **WIRELESS COMMUNICATION ALLOWANCE AND STAFF USE OF WIRELESS COMMUNICATIONS DEVICES**

Eligibility for Wireless Communication Allowance

Wireless communication devices ("WCDs") (i.e. cellular and wireless telephones, personal digital assistants (PDAs), Blackberries/Smartphones, WiFi-enabled or broadband access devices, etc.) enable communication whenever a situation arises necessitating immediate contact, regardless of the person's location at the time. Therefore, the Superintendent and shall designate appropriate staff members as being required to utilize a WCD as a condition of employment.

Staff members who are required to have a WCD as a condition of their employment shall receive a monthly wireless communication allowance ("allowance"), up to an amount approved annually by the Governing Board to compensate them for the costs associated with acquiring and utilizing a WCD for business purposes.

Amount of the Allowance

The allowance is not intended to compensate the employee's dollar-for-dollar cost for wireless service.

The allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, or benefits based on a percentage of salary, etc.

No allowance will be paid when the employee is on an unpaid leave status, or is on an extended paid leave during which timely, business-essential communications are not likely to be necessary.

Allowance is Considered Taxable Income

Staff members who receive an allowance are not required to submit a log documenting their business-related use of the WCD; however, they will be informed that the allowance is considered additional compensation for income tax purposes (i.e. the allowance will be paid through the Authority's payroll system as taxable income and appropriate payroll taxes on the amount of the allowance will be withheld from the employee's paycheck, and the amount of the allowance paid during the calendar year will be included in the wages line on the staff members' year-end W-2 statements). For determination of individual taxability, employees should check with their tax advisor.

Employee's Responsibilities

The employee is responsible for choosing his/her WCD, the voice, and/or data plan, and the wireless service provider. Since the WCD is the property of the employee, the WCD may be used for personal calls (see below concerning the making of personal calls during work time) and be combined or enhanced with other personal plans (i.e. the employee may also, at his/her own expense, add extra services or equipment features, as desired). The employee is responsible for paying all monthly service charges in full and on time. The Board does not accept any liability for claims, charges, or disputes between the service provider and the staff member. Because the employee is personally responsible for the WCD, any replacement for loss or damage will be at the expense of the employee. Such replacement or repair must be completed promptly and the Superintendent must be notified if the employee will not be available by their WCD for a period of time.

Employees should contact the carrier through which they purchased their WCD and purchase their wireless service for support.

Changing or Ending a Wireless Service Contract Early

If prior to the end of a wireless service contract, a personal decision by the employee results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a wireless service contract, the employee's misconduct, or misuse of the WCD, results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a wireless service contract, the Board determines to reduce or cancel (unrelated to employee misconduct) the employee's monthly allowance, the Board will bear the cost of any fees associated with the change or cancellation. For example, if the employee is reassigned and/or his/her duties are changed, and the WCD is no longer needed for business purposes, if the employee does not want to retain the current contract, changes or cancellation fees will be reimbursed by the Board.

When selecting the duration of his/her wireless service contract, the employee should take into consideration the length of his/her Board-approved employment contract and not select a duration of the wireless service contract that exceeds the employment contract. If the employee is nonrenewed or voluntarily resigns while the wireless service contract is still in effect, the Board will not be responsible for any fees associated with the employee's decision to subsequently change or cancel the contract.

Once the allowance is given to the employee to purchase a device, the WCD remains the employee's property. However, upon termination, nonrenewal, or resignation, the Board will immediately discontinue the monthly allowance.

Safe Use of Wireless Communications Devices

Employee safety is a priority of the Board, and responsible use of WCDs includes safe use.

Employees whose job responsibilities include regular or occasional driving and who use a personal WCD for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving.

Use of WCDs While Driving

~~In accordance with~~Employees shall comply with Policy 8625 related to WCD use while driving and the prohibitions therein. ~~and subject to the definitions therein, employees shall not operate a Authority motor vehicle at any time, or a personal vehicle while driving to/from any location on school business, while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading messages on such a device for the purpose of non-voice interpersonal communication, including, but not limited to communication methods known as texting, e-mailing, instant messaging, and snap chatting. Furthermore, a~~An employee who violates this prohibition is subject to disciplinary action, up to and including termination.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity, and availability of the data stored on their WCDs.

Wireless communications, including calls, text messages, instant messages, and e-mails sent from WCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her personal WCD may constitute public records if the content of the message concerns Authority business, or an education record if the content includes personally identifiable information about a student. Wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Wireless communications that are student records should be maintained pursuant to Policy 8330 – Students Records. Finally, wireless communications and other electronically stored information (ESI) stored on the staff member's personal WCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with Authority requests to produce copies of wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

Except in emergency situations, employees are prohibited from using WCDs to capture, record or transmit the words (i.e. audio) and/or images (i.e. pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal or Superintendent.

Privacy Issues

WCDs, including but not limited to those with cameras, may not be possessed, activated, or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include but are not limited to locker rooms, shower facilities, restrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a WCD is absolutely prohibited.

Personal Use of WCDs While at Work

During work hours personal communications made or received, regardless of whether on a WCD, or a regular telephone or network computer can interfere with employee productivity and distract others. Employees are expected to use discretion in using WCDs while at work for personal business. Employees are asked to limit personal communications to breaks and lunch periods, and to inform friends and family members of the Board's policy in this regard.

At no time may any WCD be utilized by an employee in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated.

Potential Disciplinary Action/Termination of the Allowance

Violation of this policy may result in disciplinary action up to and including termination of employment. Use of a WCD in any manner contrary to local, State or Federal laws will constitute misuse, and will result in immediate termination of the allowance.

Revised 8/14/18

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Legal F.S. 316.205

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	STAFF AND SCHOOL OFFICIALS USE OF WIRELESS COMMUNICATION DEVICES
Code	*po7530.02 11/29/20 fsj 12/18/20 jc
Status	
Adopted	October 8, 2019

7530.02 - STAFF AND SCHOOL OFFICIALS USE OF WIRELESS COMMUNICATION DEVICES

Use of wireless communication devices ("WCD") (as defined in Bylaw 0100) has become pervasive in the workplace. Whether the WCD is Board-owned and assigned to a specific employee or school official or personally-owned by the employee or school official (regardless of whether the Board pays the employee an allowance for his/her use of the device, the Board reimburses the employee or school official on a per use basis for their business-related use of his/her WCD, or the employee or school official receives no remuneration for his/her use of a personally-owned WCD, the employee or school official is responsible for using the device in a safe and appropriate manner and in accordance with this policy and its accompanying procedure, as well as other pertinent Board policies and procedures.

Conducting District Business Using a WCD

Employees and school officials are permitted to use a Board-owned and/or personally-owned WCD to make/receive calls, send/receive e-mails, send/receive texts, or send/receive instant messages that concern Authority business of any kind.

Employees and school officials are responsible for archiving such communication(s) in accordance with the System's requirements.

Safe and Appropriate Use of a WCD

Employees and school officials are responsible for operating Board-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees are prohibited from using a WCD while operating such vehicles or equipment. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving. Pursuant to Policy 8625, use of a WCD in a handheld manner in a designated school crossing, school zone, or work zone area as defined in F.S. 316.003 is prohibited.

All employees and school officials must comply with Policy 8625 – Ban on Texting While Driving.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees and school officials are subject to all applicable policies and procedures pertaining to protection of the security, integrity, and availability of the data stored on a WCD regardless of whether they are Board-owned and assigned to a specific employee or personally-owned by the employee.

WCD communications, including calls, text messages, instant messages, and e-mails sent or received may not be secure. Therefore, employees should use discretion when using a WCD to relay confidential information, particularly as it relates to students.

Additionally, WCD communications, including text messages, instant messages, and e-mails sent and/or received by a public employee or school official using a WCD may constitute public records.

Further, WCD communications about students, including text messages, instant messages, and e-mails sent and/or received by a District employee or school official using his/her WCD may constitute education records if the content includes personally identifiable information about a student.

Communications, including text messages, instant messages, and e-mails sent and/or received by a District employee or school official using his/her WCD, that are public records or student records are subject to retention and disclosure, upon request, in accordance with Policy 8310 - Public Records. Cellular/Wireless communications that are student records should be maintained pursuant to Policy 8330 - Students Records.

It is the responsibility of the District employee or school official who uses a WCD for District business-related use to archive all text messages, instant messages and e-mails sent and/or received using his/her WCD in accordance with the District's requirements.

Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's or school official's WCD may be subject to a litigation hold pursuant to Policy 8315 - Information Management. Staff and school officials are required to comply with District requests to produce copies of cellular/wireless communications in their possession that are either public records or education records or that constitute ESI that is subject to a litigation hold.

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for informing the Superintendent or his/her designee of all public records, student records, and ESI subject to a Litigation Hold that is maintained on the employee's Board-owned WCD. The District's IT department/staff will then transfer the records/ESI to an alternative storage device.

If the employee utilized a personally-owned WCD for District-related communications, and the device contains public records, students records, and/or ESI subject to a litigation hold, the employee must transfer the records/ESI to the District's custody (e.g., server, alternative storage device) prior to the conclusion of his/her employment. The District's IT department/staff is available to assist in this process. Once all public records, student records, and ESI subject to a litigation hold are transferred to the District's custody, the employee is required to delete the records/ESI from his/her personally-owned WCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the District's custody and deleted from his/her personally-owned WCD.

If a WCD is lost, stolen, hacked, or otherwise subjected to unauthorized access, the employee or school official must immediately notify the Superintendent so a determination can be made as to whether any public records, students records, and/or ESI subject to a litigation hold has been compromised and/or lost. Pursuant to Policy 8305 - Information Security and its accompanying procedure, the Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the WCD was encrypted.

The Board prohibits employees and school officials from maintaining the following types of records and/or information on their WCDs:

A. social security numbers

B. driver's license numbers

C. credit and debit card information

D. financial account numbers

E. student personally identifiable information

F. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)

G. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)

It is suggested that employees and school officials lock and password protect their WCDs when not in use.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees and school officials are prohibited from using WCDs to capture, record, and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member, or other person in the school or while attending a school-related activity. Using a WCD to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

WCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where the use of a WCD is absolutely prohibited.

Potential Disciplinary Action

Violation of any provision of this policy may constitute just cause for disciplinary action up to and including termination.

Use of a WCD in any manner contrary to local, State, or Federal laws may also result in disciplinary action up to and including termination.

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Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	Copy of BUS OPERATOR QUALIFICATIONS, CERTIFICATION, DISCIPLINE, AND TERMINATION
Code	*po8600.04 11/29/20 fsj 12/18/20 jc
Status	
Adopted	April 12, 2016

8600.04 - **BUS OPERATOR QUALIFICATIONS, CERTIFICATION, DISCIPLINE, AND TERMINATION**

Purpose

The safety and welfare of Authority students is of paramount importance to the Governing Board and transportation personnel of the Authority are charged with the responsibility of student transportation safety. Thus, it is essential that school buses be operated by properly qualified and licensed drivers who meet all other requirements of State and Federal laws, State Board rules, and Board policies for the transport of students.

Applicants

The Board requires that each applicant for a bus operator's position possess a valid Florida Commercial Driver License Class B with Passenger and S Endorsements, together with an acceptable driving record, a current valid medical examiner's certificate, and such other licenses and endorsements as may be required by applicable law and regulation, and meet all other minimum qualifications as may be required by Federal law, State law, State Board Rule, Board policy, and the Authority's safe driver plan. The driving record of all applicants shall be obtained from the Florida Department of Highway Safety and Motor Vehicles (DHSMV) and reviewed by the Authority as and when required by law to verify an acceptable driving history and compliance with the standards of this policy and applicable law and regulation.

At the time of initial employment, the Board shall require that the operator of a school bus meet the following requirements:

A. has five (5) years of licensed driving experience;

B. has submitted to the Superintendent a written application for employment; and

C. has filed a set of fingerprints for the purpose of the required background check for determining criminal record.

An applicant who is determined by the criminal background check required of all applicants to have been convicted of a crime of moral turpitude shall not be employed as a school bus operator.

Any of the following infractions or offenses will render a candidate unqualified and, therefore, ineligible for employment:

A. driving under the influence

B. falsifying an accident report

C. at-fault accident resulting in a fatality

D. more than twenty (20) points on license

E. passing a stopped school bus

F. reckless driving

G. more than two (2) careless driving infractions within any one (1) year period

H. failing to give notice of a crash to a local police department or county sheriff when such crash results in injury to or death of any persons or damage to any vehicle or other property in an apparent amount of at least $500

I. fleeing or attempting to elude a police officer

J. speeding in a school zone

K. railroad crossing offenses

L. leaving the scene of an accident involving injuries or property damage

M. loss of or suspension of driver's license for traffic related offenses/violations of F.S. Chapter 316, or multiple non-traffic related offenses

N. use of a wireless communication device while operating a motor vehicle for non-voice interpersonal communication, including, but not limited to, texting, e-mailing, instant messaging, and snap chatting which is violation of F.S. 316.305

O. [x] use of a wireless communication in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or work zone area as defined in F.S. 316.003, which is a violation of F.S. 316.306

Employees

Prior to transporting students on a school bus each operator shall meet the following requirements:

A. hold a valid commercial driver license with a passenger endorsement and a school bus endorsement;

B. successfully completion of forty (40) hours of preservice training, which must include certified cardiopulmonary resuscitation (CPR) and first aid training, and must consist of ~~consisting of~~ at least twenty (20) hours of classroom instruction and eight (8) hours of behind-the-wheel training based upon the Department's Basic School Bus Operator Curriculum, Revised 2006;

C. demonstrate the ability to prepare required written reports;

D. be physically capable of operating the vehicle as determined by physical examination, given by a physician designated by the Board, and as determined by a dexterity test administered by the Authority;

E. demonstrate physical and mental capabilities required to carry out all assigned responsibilities as a school bus operator; and

F. meets the qualifications described in 49 C.F.R. Part 391, relating to physical qualifications and examination, which includes the physical standards established by the Federal Motor Carrier Safety Administration pursuant to 49 C.F.R. Sections 391.41 and 391.43

The Authority shall issue a certificate of training to each operator who successfully completes the forty (40) hours of preservice training provided by the Commissioner.

In addition to the requirements set forth above, a bus operator employed by the Board shall at all times during the term of their employment maintain an acceptable driving record, possess a current valid medical examiner's certificate, hold such other licenses and endorsements as may be required by applicable law and regulation, and meet all other minimum qualifications as may be required by Federal law, State law, State Board rule, and Board policy.

It is the intent of this Board to protect its students from drivers whose certification is invalidated under Florida law or the Authority. Any employee who operates a school bus with a license s/he knows, or should have known, is suspended or revoked shall be subject to discipline, up to and including termination.

The driving record of all school bus operators shall be obtained and reviewed prior to each fall semester, and shall be subject to continuous screening by using the Motor Vehicle Operator Tracking and Reporting System (MOTRS) ~~Automated School Bus Driver's License Record Check System~~ though the Florida Department of Motor Vehicles and Highway Safety database.

Any bus operator whose driving record is found to include a plea of guilty, nolo contendere, or adjudication withheld of guilt for any of the following infractions shall be subject to disciplinary action up to and including termination:

A. driving under the influence

B. falsifying an accident report

C. at fault accident resulting in a fatality

D. more than twenty (20) points on license

E. passing a stopped school bus

F. reckless driving

G. more than two (2) careless driving infractions within any one (1) year period

H. failing to give notice of a crash to a local police department or county sheriff when such crash results in injury to or death of any persons or damage to any vehicle or other property in an apparent amount of at least $500

I. fleeing or attempting to elude a police officer

J. speeding in a school zone

K. railroad crossing offenses

L. leaving the scene of an accident involving injuries or property damage

M. loss of or suspension of driver's license for traffic related offenses/violations of F.S. Chapter 316, or multiple non-traffic related offenses

N. use of a wireless communication device in while operating a motor vehicle for non-voice interpersonal communication, including, but not limited to, texting, e-mailing, instant messaging, and snap chatting which is a violation of F.S. 316.305

O. [x] use of a wireless communication in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or work zone area as defined in F.S. 316.003, which is a violation of F.S. 316.306

In addition, a bus operator who violates Board policies regarding the unnecessary idling of school buses or using a wireless communication device while operating a school bus shall be subject to disciplinary action.

All bus operators must conform to the provisions of 49 C.F.R., Part 40 and Part 382, relating to the substance abuse testing and alcohol detection program. A driver testing positive for a controlled substance under the provisions noted above shall be terminated from school bus driving duties.

All bus operators are required to sign a driver's license status statement for each pay period, attesting that bus operator has not received any point violation in the interim. Falsification may result in disciplinary action, up to and including termination.

All bus operators are required to submit to follow-up criminal background checks in accordance with State law.

At least annually, the Superintendent shall require that each operator of a school bus meets the following requirements:

A. successfully complete the requirements prescribed by this policy;

B. successfully complete a minimum of eight (8) hours of inservice training related to the operator's responsibilities for transporting students, which may include training hours from the required certified CPR and first aid training, pursuant to F.A.C. Rule 6A-3.0121;
~~;~~

C. successfully pass a dexterity test administered by the Authority and maintain a valid Medical Examiners Certificate verifying that the operator meets the requirements of 49 C.F.R. Part 391.

At the time of reemployment, the Superintendent shall assure that require school bus operator meets all of the requirements contained herein. If not more than a twelve (12) continuous calendar month break in service has occurred, an operator shall be required to complete eight (8) hours of inservice training related to their responsibilities for transporting students prior to driving a school bus with students. If a period exceeding twelve (12) calendar months has occurred, the operator shall be required to successfully complete all of the requirements of this policy.

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Legal

49 C.F.R., Part 40, Part 382, Part 391

F.S. 316.305, 1012.45, 1012.465

F.S. Chapters 316 and 1006

F.A.C. 6A-3.0121, 6A-3.0141, 6A-3.017

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Vol. 20, No. 1
Title	REVISED POLICY - VOL. 20, NO. 1 - TRANSPORTING STUDENTS BY PRIVATE VEHICLES
Code	po8660 jc 2/10/21
Status	
Adopted	April 12, 2016

REVISED POLICY - VOL. 20, NO. 1 (HB 7071)

8660 - **TRANSPORTING STUDENTS BY PRIVATE VEHICLES**

The School Board shall use school buses, as defined in Florida statutes, for all regular transportation of students, pre-kindergarten through grade 12. School buses are to be used whenever practical.

For purposes of this policy, "regular transportation" or "regular use" means transportation to and from school or school-related activities which are part of a scheduled series or sequence of events to the same location.

Regular transportation of students in motor vehicles other than school buses may occur only under the following conditions:

A. when transportation is for ~~a~~ physically handicapped or isolated students and the Board has elected to provide for the transportation of the student through written [ ] or oral **[END OF OPTION]** contracts or agreements ~~entered into a written agreement for the transportation of the student~~;

[DRAFTING NOTE: Neola recommends that any agreement to regularly transport a physically handicapped or isolated student by means other than a school bus be memorialized in a written agreement]

B. when the transportation is part of a comprehensive contract for a specialized educational program between the Board and a service provider for instruction, transportation, and other services;

C. when the transportation is provided through a public transit system;

D. when the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions but is not customary transportation between a student's residence and such sites; and

E. when the transportation is for trips to and from school sites to allow students to participate in a career education program that is not offered at the high school in which such students are enrolled but is not customary transportation between a student's residence and such sites. ~~when the transportation of students is necessary or practical in a Board-owned or commercially leased passenger car not to exceed seven (7) students in designated seating positions.~~

When the transportation of students is provided, as authorized in this policy, in a vehicle other than a school bus that is owned, operated, rented, contracted, or leased by the District, the following provisions shall apply:

A. The vehicle must be a passenger car or multipurpose passenger vehicle or truck, as defined in 49 C.F.R. Part 571, designed to transport fewer than ten (10) students. Students must be transported in designated seating positions and must use the occupant crash protection system provided by the manufacturer unless the student's physical condition prohibits such use.

B. An authorized vehicle may not be driven by a student on a public right-of-way. An authorized vehicle may be driven by a student on school or private property as part of the student's educational curriculum if no other student is in the vehicle.

C. The driver of an authorized vehicle transporting students must maintain a valid driver license and must comply with the requirements of the School District's locally adopted safe driver plan, which includes a review of driving records for disqualifying violations.

Except as provided above, the transportation of students in private vehicles may be authorized by the principal on a case-by-case basis only under the following conditions:

A. When a student is ill or injured and must be taken home or to a medical treatment facility under non-emergency circumstances and

1. the school has been unable to contact the student's parent or guardian, or such parent, guardian, or responsible adult designated by the parent or guardian is not available to provide the transportation; and

2. proper adult supervision of the student is available at the location to which the student is being transported; and

3. the transportation is approved by the school principal or designee; and

4. if the school had been unable to contact the parent or guardian prior to the transportation, the school continues to attempt to contact the parent or guardian until the school is able to notify the parent or guardian of the transportation and the circumstances.

B. When the transportation is in connection with a school function or event in which the school has undertaken to participate and

1. the function is a single event which is not part of a scheduled series or sequence of events to the same location; such as, but not limited to, a field trip, recreational outing, a competitive or cooperative event, or an event connected to an educational program; and

2. transportation is not available, as a practical matter, using a school bus or Board passenger car; and

3. each student's parent or guardian is notified in writing about the transportation arrangement and gives written consent before a student is transported in a private vehicle.

C. When Board employees are required to use their own vehicle to perform duties of employment and such duties include the occasional transportation of students.

Any private vehicle used to transport students under this policy shall be currently registered in the State of Florida, be insured for personal injury protection and property damage liability in at least the minimum amounts required by law, and be in good working order. A Board employee, parent, or other adult wishing to transport students in a private vehicle will request approval by submitting his/her driver's license, vehicle registration, and insurance ID card along with the completed Form 8660 F1 to the principal in a reasonable amount of time before the planned travel. The principal will follow the established procedure to determine whether approval of the request to transport students in a private vehicle is appropriate.

Student transportation in private vehicles may only be authorized for trips within the State of Florida. ~~When transportation is authorized in a private vehicle, students may only be required to use the occupant crash protection system provided by the vehicle manufacturer.~~ A student who is transported to an activity in a private vehicle approved under this policy shall return from the activity in the same vehicle unless the student is released to his/her parent.

Board employees will be covered by the Board's liability program when they are transporting students as part of their assigned or related duties. Benefits due from private vehicle insurance will be primary, except for workers' compensation, in accordance with State law.

Parents or other adults are not covered by the Board's liability program when they are transporting students and, therefore, must have adequate insurance during the time that the vehicle is being used to transport students.

Notwithstanding any other provision of this policy, in an emergency situation which constitutes an imminent threat to student health or safety, school personnel may take whatever action is necessary under the circumstances to protect students.

Any violation of this policy may subject an employee to discipline up to and including termination from employment.

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Legal F.S. 1006.22

Cross References ap8660 - TRANSPORTING STUDENTS BY PRIVATE VEHICLE

Last Modified by Jacquelin Collins on February 10, 2021

Book	Policy Manual
Section	Vol. 20, No. 1
Title	REVISED POLICY - VOL. 20, NO. 1 - CHARTER SCHOOLS
Code	po9800 jc 2/10/21 REJECT - Does Not Apply to CCCCSA
Status	

REVISED POLICY - VOL. 20, NO. 1 (SB 7070)

9800 - **CHARTER SCHOOLS**

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

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

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

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

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

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

A. fails to participate in the State's education accountability system created in F.S. 1008.31, or fails to meet the requirement for student performance as specified in the charter;

B. fails to meet generally accepted standards of fiscal management;

C. materially violates the law;

D. materially breaches the charter, as described in State law; and/or

E. for other good cause shown.

Application Procedure

[ ] Potential applicants should send letters notifying the Board of their intent to submit an application to open a public charter school not later than July 1st. Such correspondence should be directed to the office of the Superintendent. Failing to send the letter of intent will in no way negatively impact the application.

Final Charter School Application

Final applications for a public charter school that are to be opened at the beginning of the District's next school year, or to be opened at a time agreed to by the application and the District, will be accepted no later than _____ p.m. **[NOTE: This should be the time when the business day typically ends]**, on the submission deadline of August 1st, or before. If the submission deadline falls on a non-business day, the deadline shall be postponed to _____ p.m. **[NOTE: This should be the same time as above.]** on the next business day. Applications may be mailed or hand delivered but receipt by the Board must be on or before the deadline.

CITY OF CAPE CORAL CHARTER SCHOOL AUTHORITY
PUBLIC NOTICE

The City of Cape Coral Charter School Authority will consider the adoption, amendment, or repeal of the proposed NEOLA Policies listed below at a Regular Governing Board Meeting on Tuesday, March 8, 2021 at 5:30p.m., in Cape Coral City Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, Florida 33990.

NEOLA Policies Volume 21, Number 1:

POLICY 0124	Standards of Ethical Conduct
POLICY 0141.2	Conflict of Interest
POLICY 2120	School Improvement
POLICY 2215	Program of Instruction
POLICY 2371	Hope Scholarships
POLICY 2371V2	Hope Scholarships Technical Correction, Vol 21, No 1(V2)
POLICY 2421	Career and Technical Education
POLICY 2410	School Health Services
POLICY 2431	Interscholastic Athletics
POLICY 2431.05	Athletic Injuries Prevention and Treatment Program
POLICY 5112	Entrance Requirements
POLICY 5225	Absences For Religion Holidays
POLICY 5320	Immunization and Health Examination
POLICY 5461	DELETED – Guarantee of Employability Competencies
POLICY 5610	Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students
POLICY 5611	Due Process Rights
POLICY 5611V2	Due Process Rights – Vol 21, No. 1(V2)
POLICY 5780	Student/Parent Rights
POLICY 6107v1	Authorization to Accept and Distribute Electronic Records, to Use Electronic Signature, and Make Electronic Fund Transfers
POLICY 6233	Authority Budget
POLICY 6330	Acquisition of Professional Architectural, Engineering, Landscaping Architectural, or Land Surveying Services
POLICY 7250	Commemoration of School Facilities
POLICY 7320	Acquisition, Removal, Disposal, Sale, or Exchange of Major Tangible Property
POLICY 7430.01	Environmental Health Program
POLICY 8450.01	NEW POLICY - Protective Facial Covering During Pandemic/Epidemic Events

Any person who is affected by a proposed policy, policy revision, or the repeal of a policy may file a written request with the Governing Board for a hearing on the proposed action at: The City of Cape Coral Charter School Authority, ATTENTION: Mr. Michael Campbell, Chairman, 3519 Oasis Boulevard, Cape Coral, FL 33914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact The City of Cape Coral Charter School Authority Governing Board Secretary at (239) 424-6100, Ext. 404, at least five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Services by dialing 7-1-1 or 1-800-955-8771 (TTY); 1-800-955-8770 (Voice), for aid in contacting the City of Cape Coral Charter School Authority office.

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	Copy of STANDARDS OF ETHICAL CONDUCT
Code	*po0124 11/27/20 fsj jc 12/14/20
Status	
Adopted	April 12, 2016

0124 - **STANDARDS OF ETHICAL CONDUCT**

The Governing Board hereby establishes the following as the standards of ethical conduct for all members of the Board:

A. A Board member shall:

1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
2. not unreasonably restrain a student from independent action in pursuit of learning.
3. not unreasonably deny a student access to diverse points of view.
4. not intentionally expose a student to unnecessary embarrassment or disparagement.
5. not intentionally violate or deny a student's legal rights.
6. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination.
7. not exploit a relationship with a student for personal gain or advantage.
8. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
9. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.
10. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
11. not use institutional privileges for personal gain or advantage.
12. accept no gratuity, gift, honoraria, or favor that might influence professional judgment.
13. not directly or indirectly solicit any gift or knowingly accepting, directly or indirectly, a gift valued in excess of $50.00 or an honorarium, from a person, vendor, potential vendor, or other entity doing business with the Board, from a political committee, or from a lobbyist (are related individuals and entities) who lobbies the reporting individual's agency. "Vendor" is defined by F.S. 112.3148 relating to gifts and F.S. 112.3149 relating to honoraria to mean a business entity doing business directly with an agency, such as renting, leasing, or selling realty, goods, or services. The term "gift" has the same meaning as in F.S. 112.312(12). This prohibition applies as well to relatives, as defined in F.S. 112.312(21).
14. offer no gratuity, gift, or favor to obtain special advantages.
15. maintain honesty in all professional dealings.
16. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional

benefits or advantages or participation in any professional organization.

17. not interfere with a colleague's exercise of political or civil rights and responsibilities.

18. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination.

19. not make malicious or intentionally false statements about a colleague.

20. not use coercive means or promise special treatment to influence professional judgments of colleagues.

21. not misrepresent one's own professional qualifications.

22. not submit fraudulent information on any document in connection with professional activities.

23. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

24. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules.

25. self-report within forty-eight (48) hours to appropriate authorities (as determined by the Authority) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, Board members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, the Authority shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and 943.059(4)(c).

26. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).

27. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).

28. comply with all duties and responsibilities set forth in the K-20 Education Code and the Code of Ethics for Public Officers and Employees.

B. All Board members shall adhere to the principles enumerated above. Each Board member must recognize that decisions must be made by the Board as a whole and that when made, these decisions must be supported by the entire Board. Furthermore, pursuant to F.S. 1001.42(7), a Board member may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the Board member knows to be false or incorrect, or knowingly fail to adopt policies that require instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators, if the misconduct affects the health, safety, or welfare of a student. Violation of these provisions will result in the forfeit of the Board member's salary for one (1) year.

All Board members shall complete four (4) hours of ethics training annually that addresses, at a minimum, the constitutional "Sunshine Law" provisions (Article II, Section 8), the statutory **Code of Ethics for Public Officers and Employees** (F.S. Chapter 112, Part III), and the public records and public meetings laws. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

~~Furthermore, pursuant to F.S. 1001.42(7), a Board member may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the Board member knows to be false or incorrect. Violation of this provision will result in the forfeit of the Board member's salary for one (1) year.~~

Appointment or Employment of Relative

Pursuant to F.S. 1012.23(2), Board members may not appoint or employ a relative, as defined in F.S. 112.3135, to work under their direct supervision. This limitation does not apply to employees appointed or employed before the election or appointment of the Board member.

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Legal F.S. 112.313, 112.3142, 112.3148, 112.3149, 1001.42(6)
F.S. 1001.421, 1012.23
F.A.C. 6B-1.001, 6B-1.006

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	CONFLICT OF INTEREST
Code	*po0141.2 11/27/20 fsj jc 12/14/20
Status	
Adopted	April 12, 2016

0141.2 - **CONFLICT OF INTEREST**

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

The following is a summary of the Constitutional and statutory mandates. They are not definitive rules and the statute must be consulted for applicable definitions and for exemptions.

1. Standards of Conduct

    1. Gifts

        No Board member shall accept a gratuity, gift, or favor that might influence professional judgment or obtain special advantages. No Board member may either solicit or accept anything of value - including a gift, loan, reward, promise of future employment, favor, or service - that is based on any understanding that the vote, official action, or judgment of the Board member would be influenced by such gift.

    2. Other Prohibited Gifts

        No Board member may solicit any gift, food, or beverage from a person, vendor, potential vendor, any other entity doing business with the Board, political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (or the partner, firm, employer, or principal of the lobbyist). No Board member or any person on behalf of the Board member may knowingly accept, directly or indirectly, a gift from a person, vendor, potential vendor, any other entity doing business with the Board, political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (and related individuals and entities, including, but not limited to, the partner, firm, employer, or principal of the lobbyist), if the Board member knows or reasonably believes the gift has a value in excess of $50 - unless the gift is accepted on behalf of and transferred promptly to a governmental entity or a charitable organization, or is given to the Board member by a governmental entity for a public purpose. Gifts from relatives and gifts associated primarily with the recipient's employment or business are not prohibited. Food or beverage consumed at a single sitting or event may be accepted.

        "Vendor" is defined as a business entity doing business directly with the Board, such as renting, leasing, or selling realty, goods, or services. (See F.S. 112.3148)

    3. Honoraria

        No Board member may solicit an honorarium related to the member's public office or duties. No Board member may solicit an honorarium from a person, vendor, potential vendor, or other entity doing business with the Board, from a political committee, or from a lobbyist (and related individuals and entities) who lobbies the reporting individuals agency. The term "honorarium" does not include payment for services related to employment held outside the position of Board member which requires disclosure. Acutal and reasonable transportation, lodging, and food and beverage expenses related to the honorarium even for a Board member and spouse may be accepted. (See F.S. 112.3149)

        "Vendor" is defined as a business entity doing business directly with the Board, such as renting, leasing, or selling realty, goods, or services. (See F.S. 112.3148)

    4. Doing Business with One's Agency

        No Board member acting in his/her official capacity may, directly or indirectly, purchase, rent, or lease any realty,

goods, or services from a business entity in which the Board member, his/her spouse, or child is an officer, partner, director, or proprietor, or in which the Board member, his/her spouse, or child (or any combination of them) owns a material interest. Nor may a Board member, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the Board or any of its agencies.

5. Unauthorized Compensation

   No Board member or his/her spouse or minor child may accept any compensation payment, or thing of value which, with the exercise of reasonable care, is known or should be known to influence the vote or official action of such Board member.

6. Disproportionate Benefit

   Board members are prohibited from abusing their position in order to obtain a "disproportionate benefit" for themselves, their spouse, children, employer, or entities with which they have certain business interests. A disproportionate benefit means a benefit, privilege, exemption, or result arising from an act or omission by a public officer that is inconsistent with the proper performance of their public duties.

7. Misuse of Public Position

   No Board member shall corruptly use or attempt to use his/her official position or any property or resource within his/her trust or perform his/her official duties, to secure or obtain a special privilege, benefit, or exemption for the Board member or others.

   It is not the intent of this policy to prevent the District from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his/her interest in the public schools and his/her interest in his/her place of employment may conflict even though such conflict may not exist.

8. Disclosure or Use of Certain Information

   Board members shall not disclose or use information not available to members of the general public and gained by reason of his/her official position for his/her personal gain or benefit of any other person or business entity.

9. Employees Holding Office

   A Board employee shall not be a member of the Board while simultaneously continuing as an employee.

2. Voting Conflicts

   A Board member shall not vote in an official capacity on any matter which would inure to his/her special gain or loss, or to the special gain or loss of a principal by whom s/he is retained, or to the parent organization or subsidiary of a corporate principal by which s/he is retained, or to the special gain or loss of a relative or business associate.

   In the event a Board member is employed by a corporation or business or has a secondary interest in a corporation or business which furnishes goods or services to the School District, the Board member shall declare his/her interest and refrain from debating or voting upon the question of contracting with the company.

   It is not the intent of this policy to prevent the District from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his/her interest in the public schools and his/her interest in his/her place of employment may conflict even though such conflict may not exist.

   The Board member shall make every reasonable effort to disclose the nature of the Board member's interest as a public record in a memorandum filed with the Board's secretary. If it is not possible for the Board member to file a memorandum before the vote, the memorandum must be filed within fifteen (15) days with the Board's secretary.

3. Additional Provisions

   1. Board members shall accept no gifts from any individual, firm, or business entity which the Board member has reason to believe is doing business with or seeking to do business with the District. Meals and admissions to events that relate directly to the school system may be accepted.

2. Board members shall not participate in trips paid by a vendor or potential vendor for the purpose of inspecting products or programs useful to the District. Such trips, if deemed necessary, shall always be made at District expense and approved by the Board at a public meeting.

3. Board members, their spouses, or campaign committees shall not solicit any vendor or any employee of this District to make contributions to any political campaign or testimonial.

4. Board members shall not solicit nor accept personal discounts on merchandise or services from individuals, firms, or business entities that the Board member has reason to believe are doing business with or seeking to do business with this District unless those discounts are available to the general public.

5. No Board member may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the District, unless the recommendation is made at a public meeting of the Board.

6. Board members are prohibited from acting as an agent or attorney for compensation for anyone in connection with any matter in which the District is interested for two (2) years after their Board service terminates.

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Vol. 21, No. 1
Title	REVISED POLICY - VOL. 21, NO. 1 - SCHOOL IMPROVEMENT
Code	po2120 jc 2/11/21
Status	

2120 - **SCHOOL IMPROVEMENT**

The School Board supports the concept of school improvement as established by the State Board of Education and will seek to create and/or maintain effective schools as defined by Florida statute. The Board shall annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the District which has a school grade of "D" or "F" and shall provide funds to schools for developing and implementing school improvement plans.

In addition to adopting a mission statement and educational philosophy for the District, the Board shall create, as needed, policies which support the school improvement process.

The Superintendent shall establish administrative procedures which will provide for:

A. School improvement plans which are developed and implemented by school-based teams, working collaboratively, so that both building level and District level goals for students can be identified and correlated, and then achieved through effective planning, problem-solving, and assessment.

B. A District-wide, school-improvement plan which provides for building-level decision-making regarding program assessment, curriculum review, determination of performance standards, budgetary review, staff development, and the monitoring and assessment of student outcomes.

C. Collaboration at both the building and District levels with parents, relevant institutions and groups, especially those in the community, who can support and facilitate school improvement in the District.

D. A system of school reports and dissemination of information regarding the performance of students and educational programs as required by Florida statute and State Board of Education rule.

In order to enhance school improvement, the Superintendent is authorized to waive any policy that has been enacted in order to comply with the following Federal statutes/regulations and to request waivers from these laws/regulations from the Commissioner of Education~~Superintendent of Public Instruction~~:

Titles I, II, IV, VI, and Part C of Title VII of the ESEA Act of 1965

The Carl Perkins Vocational and Applied Technology Education Act

The General Education Provisions Act

Parts of Education Department General Administrative Regulations

In requesting such waivers, the Superintendent is to abide by the procedures established by the State Department of Education.

Early Warning System

Each school in the District serving students in kindergarten through grade 8 must develop an early warning system in order to identify students who need additional support to improve academic performance and stay engaged in school. The early warning system must include the following early warning indicators:

A. Attendance below ninety percent (90%) regardless of whether the absence is excused or a result of an out-of-school suspension.

B. One (1) or more suspensions whether in school or out of school.

C. Course failure in English Language Arts or mathematics during any grading period.

D. A Level 1 score on the Statewide standardized assessments in English Language Arts or mathematics or, for students in kindergarten through grade 3, a substantial reading deficiency under F.S. 1008.25(5)(a).

[DRAFTING NOTE: The Board may identify additional early warning indicators for use in a school's early warning system. The system must include data on the number of students identified by the system as exhibiting two or more early warning indicators, the number of students by grade level who exhibit each early warning indicator, and a description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system.]

E. STAR Enterprise/Early Learning Progression Reports.

F. _____.

A school-based team responsible for implementing the requirements of this paragraph shall monitor the data from the early warning system. The team may include a school psychologist. When a student exhibits two (2) or more early warning indicators, the team, in consultation with the student's parent, shall determine appropriate intervention strategies for the student unless the student is already being served by an intervention program at the direction of a school-based, multidisciplinary team. Data and information relating to a student's early warning indicators must be used to inform any intervention strategies provided to the student.

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Legal F.S. 1001.42
F.S. 1001.452
F.S. 1003.02
F.S. 1008.345
F.S. 1012.98

Last Modified by Jacquelin Collins on February 11, 2021

Book	Policy Manual
Section	Vol. 21, No. 1
Title	REVISED POLICY - VOL. 21, NO. 1 - PROGRAM OF INSTRUCTION
Code	po2215 jc 2/11/21
Status	

REVISED POLICY - VOL. 21, NO. 1

2215 - **PROGRAM OF INSTRUCTION**

The CCCCSA's ~~School Board's~~~~District'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 ~~District wide~~ program of studies and services adopted by the CCCCSA ~~School Board~~ 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~~District wide studies adopted by the CCCSA Board~~ 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. **Character-Development Program**

The CCCCSA ~~Board~~ shall provide a character-development program which is secular in nature in kindergarten through grade 12 as per the SDLC guidelines. ~~The Superintendent shall develop, and the Board shall adopt, a curriculum for the character-development program that shall be submitted to the Florida State Department of Education (FLDOE) for approval. The character-development curriculum shall stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation. The character development curriculum for grades 9 through 12 shall, at a minimum, include instruction on developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume; developing and~~

practicing the skills necessary for employment interviews; conflict resolution, workplace ethics, and workplace law; managing stress and expectations; and developing skills that enable students to become more resilient and self-motivated.

[ ] The character development program shall incorporate the values of the recipients of the Congressional Medal of Honor and will be offered as part of social studies, English Language Arts, or other schoolwide character building and veteran awareness initiatives.

Required Instruction

[NOTE: Select Option 1 or Option 2]

[OPTION 1]

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(7), 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 contributions of African Americans to society. Instructional materials shall include the contributions of African Americans to American society.

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 health education 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; mental and emotional health; injury prevention and safety; Internet safety; nutrition; personal health;

~~prevention and control of disease; and substance use and abuse. The health education curriculum for students in grades 7 through 12 shall include a teen dating violence and abuse component that includes, 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.~~

O. ~~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.~~

P. ~~The study of Hispanic contributions to the United States.~~

Q. ~~The study of women contributions to the United States.~~

R. ~~The nature and importance of free enterprise to the United States economy.~~

S. ~~**[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.~~

[END OF OPTION 1]

[OPTION 2]

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 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.

[END OF OPTION 2]

Instruction in Operation of Motor Vehicles

See Board Policy 2432.

Instruction in Health Education

See Board Policy 2280 and Policy 2417.

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. **[END OF OPTION]** **x**] Instruction to develop students' computer usage and digital literacy skills may be provided in middle school. **[END OF OPTION]**x

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.

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F.S. 1001.51

F.S. 1003.42

F.S. 1003.4205

F.S. 1003.48

F.S. 1007.2616

Last Modified by Jacquelin Collins on February 11, 2021

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	HOPE SCHOLARSHIPS
Code	*po2371 11/29/20 fsj jc 12/14/20
Status	
Adopted	October 8, 2019

2371 - **HOPE SCHOLARSHIPS**

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

Eligibility

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

A. battery;

B. harassment (see Policy 5517.01 - Bullying and Harassment);

C. hazing (see Policy 5516 - Student Hazing);

D. bullying (see Policy 5517.01 - Bullying and Harassment);

E. kidnapping;

F. physical attack;

G. robbery;

H. sexual offenses (including harassment, assault, or battery) (see Policy2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities ~~5517.02 - Sexual Violence~~);

I. threat or intimidation; or

J. fighting.

Investigation and Parental Notification of Hope Scholarship Program

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

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

Upon conclusion of the investigation and a finding that the student was subjected to any of the incidents set forth herein, the District shall notify the parent of the existence of the Hope Scholarship Program using the Hope Scholarship Notification Form (Form IEPC-HS1) developed by the FLDOE.

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

Parent Notification of Withdrawal to Eligible Private School

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

Statewide Assessments

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

Term of Hope Scholarship

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

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Legal F.S. 1002.40
F.A.C. 6A-6.0951

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Vol. 21, No. 1
Title	TECHNICAL CORRECTION - VOL. 21, NO. 2 - (V2) HOPE SCHOLARSHIPS
Code	po2371 jc 12/15/20
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Adopted	October 8, 2019

TECHNICAL CORRECTION - VOL. 21, NO. 1

[DRAFTING NOTE: This version of The Hope Scholarship policy incorporates FLDOE's interpretation of F.S. 1002.40 as outlined in its March 1, 2019 memorandum.]

2371V2 - **HOPE SCHOLARSHIPS**

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

Eligibility

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

A. battery;

B. harassment (see Policy 5517.01 - Bullying and Harassment);

C. hazing (see Policy 5516 - Student Hazing);

D. bullying (see Policy 5517.01 - Bullying and Harassment);

E. kidnapping;

F. physical attack;

G. robbery;

H. sexual offenses (including harassment, assault, or battery) (see Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities~~5517.02 - Sexual Violence~~);

I. threat or intimidation; or

J. fighting.

Investigation and Parental Notification of Hope Scholarship Program

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

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

Upon conclusion of the investigation or within fifteen (15) days after the incident was reported, whichever occurs first, the District shall notify the parent of the existence of the Hope Scholarship Program using the Hope Scholarship Notification Form (Form IEPC-HS1) developed by the FLDOE and offer the parent an opportunity to enroll the student in another public school that has capacity or

to request and receive, contingent upon available funds, and on a first-come, first-served basis, a scholarship to attend an eligible private school, subject to available funding.

Parent Notification of Withdrawal to Eligible Private School

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

Statewide Assessments

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

Term of Hope Scholarship

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

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Legal F.S. 1002.40
F.A.C. 6A-6.0951

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	CAREER AND TECHNICAL EDUCATION
Code	*po2421 11/27/20 fsj V20N1 (V21n1-reject) jc 12/14/20
Status	
Adopted	April 12, 2016
Last Revised	August 14, 2018

2421 - **CAREER AND TECHNICAL EDUCATION**

The Governing Board recognizes that education is a function of both knowledge and the application of knowledge. Education that ties abstract ideas to practical applications also prepares students to use their minds, as well as preparing them to be citizens, parents, and members of a civilized culture. Career and technical education and academic education are complementary, rather than exclusive.

Career and technical education will provide experiences that complement and reinforce academic concepts that are particularly amenable to contextualized learning in a distinct career area and provide occupationally specific skills.

The Board shall provide career and technical education program offerings that include, but are not limited to:

A. job preparatory courses designed to provide students with the competencies necessary for effective entry into an occupation;

B. exploratory courses designed to give students initial exposure to skills and attitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;

C. practical arts courses designed to teach students practical generic skills which, although applicable in some occupations, are not designed to prepare students for entry into an occupation;

D. career education instruction which is designed to strengthen and integrate basic academic skills and career/technical skills and occupational awareness;

E. accelerated career and technical programs such as vocational dual enrollment designed to enable high school students to earn elective credit toward graduation and postsecondary credit toward an A.S. degree or a technical certificate.

Any effort to recruit students to participate in a particular career and technical program shall follow applicable State and Federal laws regarding provision of information.

Career and technical education program offerings are available to middle and high school students without regard to race (including anti-Semitism), color, national origin, sex(including sexual orientation, transgender status, or gender identity), age, disability(including HIV, AIDS, or sickle cell trait), pregnancy, or martial status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law. The Superintendent is to ensure that application forms for cooperative education programs contain a notice of nondiscrimination. The notice of nondiscrimination shall be part of the application forms provided to employers.

Procedures for program operation in accordance with applicable labor laws are incorporated in the Florida Department of Education, Curriculum Frameworks, and Student Performance Standards. Those documents are kept on file in the Superintendent's office.

Career-Themed Courses

The Authority shall offer at least two (2) career-themed courses at the middle and high school levels.

A "career-themed course" is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Students completing a career-themed course will be provided opportunities to earn

postsecondary credit if the credit for the career-themed course can be articulated to a postsecondary institution approved to operate in the State.

The Board further expects that students who successfully complete the curriculum of the career-themed courses that are established at the middle school level will have the opportunity to earn an industry certificate, high school credit, and participate in career planning, job shadowing, and business leadership development activities.

The Board encourages the Superintendent to forge partnerships with local businesses in the development of career-themed courses. These partnerships will help prepare students for the State's workforce needs, as well as help attract, expand, and retain targeted, high-value industry and jobs in the community.

The Authority's career-themed courses should increase student academic achievement and graduation rates through integrated academic and career curriculum. Each middle school career exploration program, middle, and high school career-themed courses leading to industry certification, and high school graduation requirements shall be aligned.

~~[DRAFTING NOTE: Select the options below if the District operates a career center. However, the language included in the first option below is also included in Policy 2271.]~~

~~**[ ] Career Pathways Agreements Between Career Centers and Florida College System Institutions**~~

~~**Any career center operated by the Board with a service area that overlaps with another career center operated by a Florida college system institution will enter into a career pathways agreement. The career pathways agreement will:**~~

1. ~~**outline certificate program completion requirements and any licenses or industry certifications that must be earned before enrolling in an associate degree program;**~~
2. ~~**specify that articulated college credit will be awarded in accordance with the agreement upon initial enrollment in the associate degree program;**~~
3. ~~**guarantee college credit toward an aligned associate degree program for students who graduate from a career center with a career or technical certificate and meet specified requirements in accordance with the terms of the agreement;**~~
4. ~~**specify that regional agreements may not award less credit than the amount guaranteed through existing statewide articulation agreements.**~~

~~**On or before May 1st of each year, the Board will submit its career pathways agreements to FLDOE.**~~

~~**[END OF OPTION]**~~

~~[ ] Dual Enrollment Agreements Between District Career Centers and District High Schools~~

~~Any career center operated by the Board shall enter into a dual enrollment agreement with each high school in any District it serves. The agreement will:~~

1. ~~identify the courses and programs that are available to students through career dual enrollment and the clock hour credits that students will earn upon completion of each course and program;~~
2. ~~delineate the high school credit earned for the completion of each career dual enrollment course;~~
3. ~~identify any college credit articulation agreements associated with each clock hour program;~~
4. ~~describe how students and parents will be informed of career dual enrollment opportunities and related workforce demand, how students can apply to participate in a career dual enrollment program and register for courses through his/her high school, and the postsecondary career education expectations for participating students;~~
5. ~~establish any additional eligibility requirements for participation and a process for determining eligibility and monitoring the progress of participating students;~~
6. ~~delineate costs incurred by each entity and determine how transportation will be provided for students who are unable to provide their own transportation.~~

~~On or before August 1st of each year, the Board will submit its agreements to FLDOE.~~

~~[END OF OPTION]~~

~~Maintenance of Records for Workforce Education Programs Funded with State Appropriations~~

~~If the District receives state appropriations for workforce education, it will maintain adequate and accurate records including a system to record District workforce education funding and expenditures, to maintain the separation of postsecondary workforce education expenditures and secondary workforce education expenditures. These records will be submitted to the FLDOE in accordance with rules of the State Board of Education.~~

Revised 8/14/18

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F.S. 445.004
F.S. 445.006
F.S. 446 et seq.
F.S. 450.081
F.S. 1000.05
F.S. 1001.42
F.S. 1003.01
F.S. 1003.4156
F.S. 1003.428
F.S. 1003.491
F.S. 1003.492
F.S. 1003.493
F.S. 1003.4935
F.S. 1004.91
F.S. 1004.92
F.S. 1007.271, 1009.21
F.S. 1009.22
F.S. 1009.26
F.S. 1009.536
F.S. 1011.62
F.S. 1011.80
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29 U.S.C. 215

29 U.S.C. 216

29 U.S.C. 216b

29 U.S.C. 217

29 U.S.C. 218

29 U.S.C. 218b

29 U.S.C. 218c

29 U.S.C. 219

Last Modified by Frankie St James on December 16, 2020

Book	Policy Manual
Section	Vol. 21, No. 1
Title	REVISED POLICY - VOL. 21, NO. 1 - SCHOOL HEALTH SERVICES
Code	po2410 jc 2/11/21
Status	

REVISED POLICY - VOL. 21, NO. 1

2410 - **SCHOOL HEALTH SERVICES**

School Health Services

The ~~School Board~~ 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 Lee County School Board and adopted by the CCCCSA (with exceptions).. ~~The Student Services Procedures Manual and the Student/Parent Elementary and Secondary Handbook should be referenced.~~

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 SDLC 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 ~~annually~~ by the School District of Lee County and approved and signed by the SDLC Superintendent, SDLC Board 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 SDLC Superintendent and the Lee County Health Department medical director or administrator.

The School District 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. immediate notification to a student's parent, guardian, or caregiver if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463;

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 SDLC ~~District~~ 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.

~~Notification of~~ 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 ~~or the principal's designee~~ shall immediately notify a parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463.

The principal ~~or the principal's designee~~ may delay notification for no more than twenty-four (24) hours after a student is removed if the principal ~~or principal's designee~~ deems the delay to be in the student's best interest and if a report has been submitted to the

central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect.

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.

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. 1003.453
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. 1003.453

F.A.C. 64D-3.011

F.A.C. 64F-6.002

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Book	Policy Manual
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Status	
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Last Revised	August 14, 2018

REVISED POLICY - VOL. 21, NO. 1

2431 - **INTERSCHOLASTIC ATHLETICS**

The School Board recognizes the value of interscholastic athletics and the positive impact sports have on students. A program of interscholastic athletics for students is an integral part of the total school experience and benefits the community as a whole. The program should foster the growth of school loyalty within the student body as a whole and stimulate community interest in athletics. Participation in the District's interscholastic athletics programs by a student is a privilege, not a right.

The program of interscholastic athletics shall include all activities relating to competitive sport contests, games, events, or sport exhibitions involving individual students or teams of students from high schools in this District with those from a high school in another district.

Competition involving **[x] middle schools (grades 6-8)** ~~**[ ] combination middle school programs (grades 6-8) [ ] junior high schools (grades 7-9)**~~ shall be in accordance with Florida High School Athletic Association's (FHSAA's) bylaws.

Since the primary purpose of the interscholastic athletics program is to enhance the education of participating students as indicated in this policy, the Board places top priority on maximum student participation and the values of good sportsmanship, team play, and fair competition, rather than on winning, particularly at sub-varsity levels. No student shall be excused from a class or supervised study for an extended period of time to participate in interscholastic athletics.

An interscholastic contest is any competition between organized teams or individuals of different schools in a sport recognized by the FHSAA, and therefore shall be subject to all regulations pertaining to such contests. The interscholastic athletics program shall be considered an essential part of the total school program and shall be under the principal's direction and general supervision. The principal shall select the personnel to direct and to act as coaches and advisors.

Interscholastic athletics should provide students the opportunity to exercise and test their athletic abilities in a context greater and more varied than that which can be offered by a school or the District alone. It should also offer an opportunity for career and educational development. The game activities and practice sessions should provide many opportunities to teach the values of competition and good sportsmanship.

Appropriate adult supervision consistent with Florida law shall be provided to all students. All athletic coaches and sponsors of extra-curricular activities involving outdoor practices or events shall complete annual training in exertional heat stroke (EHS) identification, prevention, and response, including effective administration of cooling zones.

Eligibility and Regulation

All middle schools and high schools shall be members of the FHSAA and governed by its rules and regulations. All District students (including transfer students) shall satisfy the eligibility requirements established by the FHSAA, Florida law, Board Policy 2431.01 and Policy 5610.05.

Students enrolled in a private school or educated at home are permitted to participate in a District interscholastic or intrascholastic sport and must fulfill the same academic and nonacademic requirements as any other participant.

The Principal of each ~~District~~ school shall be responsible for determining each participant's eligibility pursuant to State law, the rules of this Board, and the bylaws of the FHSAA. Any school that allows an ineligible student to participate shall be subject to the penalties set forth in Florida law and the bylaws of the FHSAA. (see also Policy 2431.01)

The Superintendent shall develop appropriate administrative procedures for the operation of the interscholastic athletics program. Such regulations should provide for the following safeguards:

A. [x] Prior to enrolling in the sport,

1. [x] each participant shall submit to a thorough physical examination by a District-approved physician;

2. [x] and parents shall report any past or current health problems along with a physician's statement that any such problems have or are being treated and pose no threat to the student's participation. Physicals must be dated June 1st or later of the current school year.

B. [x] Any student who is found to have a health condition which may be life-threatening to self or others shall not be allowed to participate until the situation has been analyzed by a medical review panel that has determined the conditions under which the student may participate. Pursuant to F.S. 1006.20(2)d, the District shall not be liable for any student with a health condition who has been authorized to play by the parent(s) if the parent(s) of the student objects in writing to the student undergoing a medical evaluation because such evaluation is contrary to his/her religious tenets or practices.

C. [x] Any student who incurs an injury requiring a physician's care is to have the written approval of a physician prior to the student's return to participation.

D. [x] In order to minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, athletic trainers, and lay coaches should never dispense, supply, recommend, or permit the use of any drug, medication, or food supplement solely for performance-enhancing purposes.

E. [ ] The Superintendent and ~~District~~ school Principals will require that sportsmanship, ethics, and integrity characterize the manner in which the athletic program is conducted and the actions of students who participate.

In order to support the FHSAA's program to strengthen sportsmanship, ethics, and integrity, the Board commits itself to:

A. [x] adopt policies (upon recommendation of the administration) which reflect the CCCCSA's ~~District's~~ educational objectives and promote the ideals of good sportsmanship, ethics, and integrity;

B. [x] reinforce the concept that participation in athletic activities are a privilege, not a right;

C. [x] attend and enjoy school athletic activities, serving as a positive role model and expecting the same from parents, fans, participants, coaches, and other school personnel;

D. [x] support and recognize participants, coaches, school administrators, and fans who display good sportsmanship; and

E. [x] recognize the value of school athletic activities as a vital part of education.

Recruiting Prohibited/Penalties

The Board recognizes that the recruitment of student athletes is strictly prohibited by F.S. 1006.20. The FHSAA, through its bylaws, has prescribed penalties, sanctions, and an appeals process for athletic recruiting violations. These penalties and sanctions may be applied by the FHSAA against a member school, student athletes, and coaches. In addition to FHSAA penalties and sanctions, District employees found to have engaged in the improper recruitment of a student athlete may be subject to disciplinary action, up to and including termination.

A student may not be declared ineligible based on violation of recruiting rules unless the student or parent has falsified any enrollment or eligibility document or accepted any benefit or any promise of benefit if such benefit is not generally available to the school's students or family members or is based in any way on athletic interest, potential, or performance.

Eligibility Appeals

If the Principal determines that a transfer student is ineligible to participate in interscholastic athletics, a student may submit an appeal in accordance with Florida law and the FHSAA's Bylaws.

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Legal	F.S. 1002.20
	F.S. 1006.15
	F.S. 1006.195
	F.S. 1006.20

Last Modified by Jacquelin Collins on February 11, 2021

Book	Policy Manual
Section	Vol. 21, No. 1
Title	REVISED POLICY - VOL. 21, NO. 1 - ATHLETIC INJURIES PREVENTION AND TREATMENT PROGRAM
Code	po2431.05 jc 2/11/21
Status	

REVISED POLICY - VOL. 21, NO. 1

2431.05 - **ATHLETIC INJURIES PREVENTION AND TREATMENT PROGRAM**

The School Board's athletic injuries prevention and treatment program, to be developed by the superintendent, is designed to prevent and treat physical injuries that may occur to student-athletes participating in a CCCCSA ~~District~~-sponsored athletic activity including, but not limited to, exercises, sports, games, or recreation requiring any of the physical attributes of strength, agility, flexibility, range of motion, speed, and stamina. Central to the program is the employment and availability of persons trained in the prevention and treatment of physical injuries that may occur during athletic activities.

Athletic Trainer Qualifications

To qualify to be employed as an athletic trainer through the program, an individual must, at a minimum, be licensed as required by part XIII of F.S. Chapter 468 and possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to F.S. 1012.35, 1012.56, or 1012.57. All athletic trainers employed shall undergo background screening in accordance with applicable law and Board policy, whether they are employed as a part-time or full-time District employee or a contract employee.

"Athletic training" through the program means service and care provided by an athletic trainer under the direction of a physician as specified in F.S. 468.713. Such service and care must relate to the prevention, recognition, evaluation, management, disposition, treatment, or rehabilitation of a physically active person who sustained an injury, illness, or other condition involving exercise, sport, recreation, or related physical activity. An athletic trainer shall only practice as provided in F.S. 468.705. Athletic trainers may not provide, offer to provide, or represent that they are qualified to provide any care or service that they lack the education, training, or experience to provide or that athletic trainers are probitied by law from providing. For the provision of such care and services, an athletic trainer may use physical modalities, including, but not limited to, heat, light, sound, cold, electricity, and mechanical devices.

Athletic trainers shall practice under the direction of a physician licensed under F.S. Chapter 458, Chapter 459, Chapter 460, or otherwise authorized by Florida law to practice medicine. The physician shall communicate his/her direction through oral or written prescriptions or protocols as deemed appropriate by the physician for the provision of services and care by the athletic trainer. An athletic trainer shall provide service or care in the manner dictated by the physician.

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Legal	F.S. Chapter 468 F.S. 1012.46

Last Modified by Jacquelin Collins on February 11, 2021

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	ENTRANCE REQUIREMENTS
Code	*po5112 11/28/20 fsj V20N1 V21N2 12/17/20 jc
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

5112 - ENTRANCE REQUIREMENTS

The Governing Board shall establish entrance age requirements for students which are consistent with statute and sound educational practice and which ensure the equitable treatment of all eligible children.

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

Any student and/or his/her parent(s) who enters the District for the first time must disclose the following information at the time of enrollment:

A. prior school expulsions;

B. arrests resulting in a charge;

C. juvenile justice actions; and

D. referrals to mental health services.

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

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

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

A. a parochial, religious, or denominational school;

B. a private school supported in whole or in part by tuition charges or by endowments or gifts;

C. a home education program that meets the requirements of F.S. Chapter 1002; or

D. a private tutoring program that meets the requirements of F.S. Chapter 1002.

Kindergarten

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

First Grade

Children entering first grade in this Authority for the first time must comply with F.S. 1003.21. Any child who has attained the age of six (6) years on or before September 1st of the school year and who has been enrolled in a public school or who has attained the age of six (6) years on or before September 1st and has satisfactorily completed the requirements for kindergarten in a non-public school, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the Authority's student progression plan.

Students transferring to first grade from a kindergarten program other than the one offered by the Authority will need written verification of satisfactory completion of kindergarten from the public or non-public school attended. Home education is not an option. Verification forms are available at each elementary school.

Initial Entry

A. Children entering the Authority for the first time must comply with F.S. 1003.21 and with the Authority's *Student Progression Plan.* Students must have an immunization record on file at the school. Any student who does not have the proper immunization shall be temporarily excluded from attendance until compliance has been documented.

B. Each child who is entitled to admittance to kindergarten or is entitled to any other initial entrance into a school must have a certification of a school-entry health examination performed within one (1) year before enrollment in school. Students transferring into the Authority schools from a school within the State of Florida who have completed physical examination form as part of their school record need not be re-examined. Examinations taken out-of-state may be accepted if performed within one (1) year of entry and include documentation and reported on the official forms of the physician. A student shall have up to thirty (30) school days to present a certification of a school-entry health examination. Children and youths who are experiencing homelessness and children who are known to the Department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days. The school health services plan shall contain provisions to assist students in obtaining health examinations.

C. A child may be exempt from the required health examination and/or immunization upon written request of the parent or guardian of such child stating an objection to examination and/or immunization on religious grounds or for medical reasons certified by a competent medical authority.

D. Any student and/or his/her parent(s) who enters the District for the first time must disclose the following information at the time of enrollment:

1. prior school expulsions;
2. arrests resulting in a charge;
3. juvenile justice actions; and
4. referrals to mental health services.

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

Verification of Residence

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

A student whose parent is transferred or is pending transfer to a military installation within the State while on active military duty pursuant to an official military order shall be considered a resident of the District for purposes of enrollment when the order is submitted to the District.

Notification of in Loco Parentis

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

Revised 5/14/19
Revised 10/8/19

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Legal F.S. 1003.01, 1103.05
F.S. 1003.21
F.S. 1003.22
F.S. 1006.07
F.A.C. 6A-1.0985

Last Modified by Jacquelin Collins on December 17, 2020

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	ABSENCES FOR RELIGIOUS HOLIDAYS
Code	*po5225 11/28/20 fsj Reject V20N1 V21N1 12/17/20 jc
Status	
Adopted	April 12, 2016

5225 - ABSENCES FOR RELIGIOUS HOLIDAYS

It is the policy of the Governing Board that absences from school for observance of a religious holiday or because the tenets of a student's religion forbid secular activity during a school day or portion thereof shall be excused subject to compliance with this policy.

The religious holidays for which student absence will be excused will be determined by the Superintendent.

The Superintendent shall establish procedures and time limits to be observed:

A. by students, teachers, and administrators in making available to each student, so excused, an opportunity to make up any examination, study, or work assignment which has been missed;

B. by a student's parent(s) or guardian when giving prior notice of the student's intended absence; and

C. when giving affected students and parents an opportunity to be heard in connection with the decision not to excuse an absence on a day or portion thereof.

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Legal	F.S. 1003.21
	F.A.C. 6A-1.09514

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Vol. 21, No. 1
Title	REVISED POLICY - VOL. 21, NO. 1 - IMMUNIZATION AND HEALTH EXAMINATION
Code	po5320 jc 2/11/21
Status	
Adopted	April 12, 2016

REVISED POLICY - VOL. 21, NO. 1

5320 - **IMMUNIZATION AND HEALTH EXAMINATION**

In order to safeguard the school community from the spread of certain communicable diseases, students are required to undergo a health examination and to be immunized against such diseases, as follows.

Health Examination

Each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public school in the District, must have a certification of a school-entry health examination performed within one (1) year before enrollment in school. [x] A student shall have up to thirty (30) school days to present a certification of a school-entry health examination. [END OF OPTION] Children and youths who are experiencing homelessness and children who are known to the department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days. The school health services plan shall contain provisions to assist students in obtaining the health examinations. However, a child shall be exempted from the requirement of a health examination upon written request of the parent of the child stating objections to the examination on religious grounds.

Immunization

Prior to admittance to or attendance in a public school in the District, grades kindergarten through 12, or any other initial entrance into a Florida public school, each child shall present or have on file with the immunization registry a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health. Any child who is excluded from participation in the immunization registry pursuant to F.S. 381.003(1)(e)2 must present or have on file with the school such certification of immunization. Certification of immunization shall be made on forms approved and provided by the Department of Health or be on file with the immunization registry and shall become a part of each student's permanent record, to be transferred when the student transfers, is promoted or changes schools. The transfer of such immunization certification shall be accomplished using the Florida Automated System for Transferring Education Records and shall be deemed to satisfy the requirements of this paragraph.

Immunizations shall be required for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, varicella (chicken pox), tetanus, and other communicable diseases as determined by rules of the Department of Health.

The manner and frequency of administration of the immunization or testing shall conform to recognized standards of medical practice. Immunizations required by this policy are available at no cost from the county health department.

The provisions of this policy shall not apply if:

A. the parent of the child objects in writing that the administration of immunizing agents conflicts with his/her religious tenets or practices;

B. a physician licensed under the provisions of F.S. Chapter 458 or Chapter 459 certifies in writing, on a form approved and provided by the Department of Health, that the child should be permanently exempt from the required immunization for medical reasons stated in writing, based upon valid clinical reasoning or evidence, demonstrating the need for the permanent exemption;

C. a physician licensed under the provisions of F.S. Chapter 458, Chapter 459, or Chapter 460 certifies in writing, on a form approved and provided by the Department of Health, that the child has received as many immunizations as are medically indicated at the time and is in the process of completing necessary immunizations;

D. the Department of Health determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous; or

E. the principal issues a temporary exemption, for up to thirty (30) school days, to permit a student who transfers from another district or school system to attend class until his/her records can be obtained. Children and youths who are experiencing homelessness and children who are known to the department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days.

The school nurse is responsible for follow-up of each such student until proper documentation or immunizations are obtained. An exemption for thirty (30) days may be issued for a student who enters a juvenile justice program to permit the student to attend class until his/her records can be obtained or until the immunizations can be obtained. An authorized juvenile justice official is responsible for the follow-up of each student who enters a juvenile justice program until proper documentation or immunizations are obtained.

No person licensed by this State as a physician or nurse shall be liable for any injury caused by his/her action or failure to act in the administration of a vaccine or other immunizing agent pursuant to the provisions of this policy if the person acts as a reasonably prudent person with similar professional training would have acted under the same or similar circumstances.

No member of the School Board or any of its employees shall be liable for any injury caused by the administration of a vaccine to any student who is required to be so immunized or for a failure to diagnose scoliosis pursuant to the provisions of this policy.

The parents of any child admitted to or in attendance at a public school, grades prekindergarten through 12, are responsible for assuring that the child is in compliance with the provisions of this policy.

Each public school, including public kindergarten, shall provide to the county health department director or administrator annual reports of compliance with the provisions of this policy. Reports shall be completed on forms provided by the Department of Health for each kindergarten and other grade as specified, and the reports shall include the status of children who were admitted at the beginning of the school year.

The presence of any of the communicable diseases for which immunization is required by the Department of Health in a public school shall permit the county health department director or administrator or the State Health Officer to declare a communicable disease emergency. The declaration of such emergency shall mandate that all students in attendance in the school who are not in compliance with the provisions of this policy be identified by the Board, and the school health and immunization records of such children shall be made available to the county health department director or administrator. Those children identified as not being immunized against the disease for which the emergency has been declared shall be temporarily excluded from school until such time as is specified by the county health department director or administrator.

Any child otherwise entitled to admittance to kindergarten or any other initial entrance into a Florida public or private school who is not in compliance with the requirements of this policy shall be denied admittance until such requirements are satisfied.

The provisions of this policy do not apply to those persons admitted to or attending adult education classes unless the adult students are under twenty-one (21) years of age.

Any immunization program conducted by the District requires prior approval of the Board and can only extend to those immunizations provided for by statute and Board policy.

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Legal F.S. 1003.22

F.A.C. 64D-3.046, Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

Last Modified by Jacquelin Collins on February 11, 2021

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	IMMUNIZATION AND HEALTH EXAMINATION
Code	*po5320 11/28/20 fsj 12/17/20 jc
Status	
Adopted	April 12, 2016

5320 - IMMUNIZATION AND HEALTH EXAMINATION

In order to safeguard the school community from the spread of certain communicable diseases, students are required to undergo a health examination and to be immunized against such diseases, as follows.

Health Examination

Each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public school in the District, must have a certification of a school-entry health examination performed within one (1) year before enrollment in school. A student shall have up to thirty (30) school days to present a certification of a school-entry health examination. Children and youths who are experiencing homelessness and children who are known to the department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days. The school health services plan shall contain provisions to assist students in obtaining the health examinations. However, a child shall be exempted from the requirement of a health examination upon written request of the parent of the child stating objections to the examination on religious grounds.

Immunization

Prior to admittance to or attendance in a public school in the District, grades pre-kindergarten through 12, or any other initial entrance into a Florida public school, each child shall present or have on file with the immunization registry~~school~~ a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health, ~~and shall be screened for scoliosis at the proper age~~. Any child who is excluded from participation in the immunization registry pursuant to F.S. 381.003(1, e)2 must present or have on file with the school such certification of immunization. Certification of immunization~~Such certification~~ shall be made on forms approved and provided by the Department of Health or be on file with the immunization registry and shall become a part of each student's permanent record, to be transferred when the student transfers, is promoted, or changes schools. The transfer of such immunization certification shall be accomplished using the Florida Automated System for Transferring Education Records and shall be deemed to satisfy the requirements of this paragraph.

Immunizations shall be required for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, varicella (chicken pox), tetanus, and other communicable diseases as determined by rules of the Department of Health.

The manner and frequency of administration of the immunization or testing shall conform to recognized standards of medical practice. Immunizations required by this policy are available at no cost from the county health department.

The provisions of this policy shall not apply if:

A. the parent of the child objects in writing that the administration of immunizing agents conflicts with his/her religious tenets or practices;

B. a physician licensed under the provisions of F.S. Chapter 458 or Chapter 459 certifies in writing, on a form approved and provided by the Department of Health, that the child should be permanently exempt from the required immunization for medical reasons stated in writing, based upon valid clinical reasoning or evidence, demonstrating the need for the permanent exemption;

C. a physician licensed under the provisions of F.S. Chapter 458, Chapter 459, or Chapter 460 certifies in writing, on a form approved and provided by the Department of Health, that the child has received as many immunizations as are medically indicated at the time and is in the process of completing necessary immunizations;

D. the Department of Health determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous; or

E. the principal issues a temporary exemption, for up to thirty (30) school days, to permit a student who transfers from another district or school system to attend class until his/her records can be obtained. Children and youths who are experiencing homelessness and children who are known to the department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days.

The school nurse is responsible for follow-up of each such student until proper documentation or immunizations are obtained. An exemption for thirty (30) days may be issued for a student who enters a juvenile justice program to permit the student to attend class until his/her records can be obtained or until the immunizations can be obtained. An authorized juvenile justice official is responsible for follow-up of each student who enters a juvenile justice program until proper documentation or immunizations are obtained.

No person licensed by this State as a physician or nurse shall be liable for any injury caused by his/her action or failure to act in the administration of a vaccine or other immunizing agent pursuant to the provisions of this policy if the person acts as a reasonably prudent person with similar professional training would have acted under the same or similar circumstances.

No member of the Board or any of its employees shall be liable for any injury caused by the administration of a vaccine to any student who is required to be so immunized or for a failure to diagnose scoliosis pursuant to the provisions of this policy.

The parents of any child admitted to or in attendance at a public school, grades prekindergarten through 12, are responsible for assuring that the child is in compliance with the provisions of this policy.

Each school, including public kindergarten, shall provide to the county health department director or administrator annual reports of compliance with the provisions of this policy. Reports shall be completed on forms provided by the Department of Health for each kindergarten and other grade as specified, and the reports shall include the status of children who were admitted at the beginning of the school year.

The presence of any of the communicable diseases for which immunization is required by the Department of Health in a school shall permit the county health department director or administrator or the State Health Officer to declare a communicable disease emergency. The declaration of such emergency shall mandate that all students in attendance in the school who are not in compliance with the provisions of this policy be identified by the Board, and the school health and immunization records of such children shall be made available to the county health department director or administrator. Those children identified as not being immunized against the disease for which the emergency has been declared shall be temporarily excluded from school until such time as is specified by the county health department director or administrator.

Any child otherwise entitled to admittance to kindergarten or any other initial entrance into a Florida public or private school who is not in compliance with the requirements of this policy shall be denied admittance until such requirements are satisfied.

The provisions of this policy do not apply to those persons admitted to or attending adult education classes unless the adult students are under twenty-one (21) years of age.

Any immunization program conducted by the Authority requires prior approval of the Board and can only extend to those immunizations provided for by statute and Board policy.

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Legal F.A.C. 64D-3.046, Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

F.S. 1003.22

Last Modified by Jacquelin Collins on December 17, 2020

Book	Policy Manual
Section	Vol. 21, No. 1
Title	DELETE POLICY - VOL. 21, NO. 1 - GUARANTEE OF EMPLOYABILITY COMPETENCIES
Code	po5461 jc 2/11/21
Status	

DELETE POLICY - VOL. 21, NO. 1

~~5461 - GUARANTEE OF EMPLOYABILITY COMPETENCIES~~

~~It shall be the policy of the School Board to acknowledge each student's successful completion of those elements of the District's instructional program which provide for the knowledge and skills appropriate for entering the world of work and for participating productively in further education and training programs provided by an employer.~~

~~Each graduate from the regular program of the District shall be issued, in addition to a diploma, the _____ School District's Employability Competency Guarantee. These guarantees may be in the form of a Florida Ready to Work Certificate and Portfolio. The student receiving this certificate shall have completed a program which includes identification of workplace skills, a pre-instructional assessment to identify mastery level on the specific workplace skills and a targeted instructional program. The purpose is to assure any potential employer that a graduate from this School District has demonstrated satisfactory performance of the basic knowledge and skills described in the guarantee.~~

~~Should an employer or prospective employer ascertain that a graduate who has been awarded such a guarantee cannot demonstrate one (1) or more of the indicated competencies, the District shall provide, free of charge, an opportunity for additional instruction for the graduate until s/he attains competency to the degree specified in the District's administrative procedures.~~

~~The Superintendent shall prepare administrative procedures for the guarantee including performance standards, its approval, and for any follow-on instruction that may be requested by employers.~~

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Legal	F.S. 1003.491

Last Modified by Jacquelin Collins on February 11, 2021

CITY OF CAPE CORAL CHARTER SCHOOL AUTHORITY
PUBLIC NOTICE

The City of Cape Coral Charter School Authority will consider the adoption, amendment, or repeal of the proposed NEOLA Policies listed below at a Regular Governing Board Meeting on Tuesday, March 8, 2021 at 5:30p.m., in Cape Coral City Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, Florida 33990.

NEOLA Policies Volume 21, Number 1:

POLICY 0124	Standards of Ethical Conduct
POLICY 0141.2	Conflict of Interest
POLICY 2120	School Improvement
POLICY 2215	Program of Instruction
POLICY 2371	Hope Scholarships
POLICY 2371V2	Hope Scholarships Technical Correction, Vol 21, No 1(V2)
POLICY 2421	Career and Technical Education
POLICY 2410	School Health Services
POLICY 2431	Interscholastic Athletics
POLICY 2431.05	Athletic Injuries Prevention and Treatment Program
POLICY 5112	Entrance Requirements
POLICY 5225	Absences For Religion Holidays
POLICY 5320	Immunization and Health Examination
POLICY 5461	DELETED – Guarantee of Employability Competencies
POLICY 5610	Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students
POLICY 5611	Due Process Rights
POLICY 5611V2	Due Process Rights – Vol 21, No. 1(V2)
POLICY 5780	Student/Parent Rights
POLICY 6107v1	Authorization to Accept and Distribute Electronic Records, to Use Electronic Signature, and Make Electronic Fund Transfers
POLICY 6233	Authority Budget
POLICY 6330	Acquisition of Professional Architectural, Engineering, Landscaping Architectural, or Land Surveying Services
POLICY 7250	Commemoration of School Facilities
POLICY 7320	Acquisition, Removal, Disposal, Sale, or Exchange of Major Tangible Property
POLICY 7430.01	Environmental Health Program
POLICY 8450.01	NEW POLICY - Protective Facial Covering During Pandemic/Epidemic Events

Any person who is affected by a proposed policy, policy revision, or the repeal of a policy may file a written request with the Governing Board for a hearing on the proposed action at: The City of Cape Coral Charter School Authority, ATTENTION: Mr. Michael Campbell, Chairman, 3519 Oasis Boulevard, Cape Coral, FL 33914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact The City of Cape Coral Charter School Authority Governing Board Secretary at (239) 424-6100, Ext. 404, at least five (5) days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Services by dialing 7-1-1 or 1-800-955-8771 (TTY); 1-800-955-8770 (Voice), for aid in contacting the City of Cape Coral Charter School Authority office.

2

Book	Policy Manual
Section	Vol. 21, No. 1
Title	REVISED POLICY - VOL. 21, NO. 1 - REMOVAL, OUT-OF-SCHOOL SUSPENSION, DISCIPLINARY PLACEMENT, AND EXPULSION OF STUDENTS
Code	po5610 jc 2/11/21
Status	
Adopted	April 12, 2016
Last Revised	August 14, 2018

REVISED POLICY - VOL. 21, NO. 1

5610 - **REMOVAL, OUT-OF-SCHOOL SUSPENSION, DISCIPLINARY PLACEMENT, AND EXPULSION OF STUDENTS**

The School Board recognizes that exclusion from the educational program of the schools, whether by emergency removal, suspension, disciplinary placement, or expulsion, is the most severe sanction that can be imposed on a student in this District, and one that cannot fairly be imposed without due process.

No student is to be removed, suspended, expelled, or excluded from an activity, program, or a school unless his/her behavior represents misconduct as specified in the student/parent handbook approved by the Board. The handbook shall also specify the procedures to be followed by school officials. In determining whether a student is to be suspended or expelled, CCCCSA/SDLC District administrators shall use a preponderance of evidence standard. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, the procedures set forth in Policy 5605 shall apply to students identified as disabled under the IDEA and/or Section 504 of the Rehabilitation Act of 1973.

For purposes of this policy and the Superintendent's administrative procedures, the following shall apply:

A. "Suspension", also referred to as "out-of-school suspension", means the temporary removal of a student from all classes of instruction on school grounds and all other school-sponsored activities, except as authorized by the principal, for a period not the exceed ten (10) school days and remanding of the student to the custody of the student's parent, with specific homework assignments to complete.

B. "Serious breach of conduct" includes, but is not limited to, willful disobedience, open defiance of the authority of a member of the staff, actual or threatened violence against persons or property, or any other act that substantially disrupts the orderly conduct of the school.

C. "Expulsion" means the removal of the right and obligation of a student to attend a public school for a period of time and under conditions set by the Board not to exceed the remainder of the term or school year and one (1) additional year of attendance.

D. "Disciplinary placement" means the involuntary separation of a student from his/her regular school or traditional education setting and benefits attached to such placement to a separate alternative school or disciplinary setting with continued educational services.

REMOVAL FROM CLASS

A. Referral

A teacher has the authority to refer a disruptive student to the office. In that circumstance, the Principal will provide oral and/or written feedback to the teacher with regard to action taken or proposed to be taken concerning the student's behavior. Disruptive behavior will include, but not be limited to, the following:

1. assault on staff or students,

2. threat(s) or violence,

3. willful disregard of a teacher's directions, interfering with the class or activity,

4. malicious vandalism,

5. possession of weapons of any type,

6. continuing use of profane language or obscene gestures, and

7. instigation of violence or mass disobedience to legitimate directions.

The teacher may request a conference with the Principal and the student's parent(s)/guardian(s) prior to the student being returned to his/her classroom. A disruptive student will not normally be returned to the classroom where he/she exhibited the disruptive behavior before such a conference occurs.

B. Removal

Pursuant to F.S. 1003.32, a teacher may remove from his/her class a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with other students in the class or with the ability of the student's classmates to learn.

The principal may not return a student who has been removed by a teacher to the teacher's class without the teacher's consent unless the Placement Review Committee established herein determines that such placement is the best or only available alternative.

The teacher and the Placement Review Committee must render decisions within five (5) working days of the removal of the student from the classroom.

In accordance with State law, each school shall establish a Placement Review Committee(s) to determine if a student is to be returned to a teacher's class after that student has been removed by the teacher and the teacher has withheld consent for that student to be returned to the teacher's class. Committee membership shall be as set forth in State law. The Placement Review Committee(s) will be selected during preschool planning.

A teacher, who removed a student from his/her class and who has withheld consent for the return of that student to his/her class, shall not serve on the committee when the committee makes its decision regarding the return of the student.

OUT-OF-SCHOOL SUSPENSION FROM SCHOOL OR SUSPENSION FROM RIDING SCHOOL BUS

When a student's actions are so disruptive to himself/herself or to the school as to violate law, Board policies, or school rules, the student may be suspended by the Principal. A student who is suspended shall not be allowed to attend his/her regular classes or school-sponsored activities for a prescribed number of days not to exceed ten (10). The principal or designated representative may refer the student during the period of the suspension to in-school suspension, a center for special counseling or shall remand the student to the custody of his/her parent or guardian.

The principal may suspend a student from school **[OPTION: Select One:] (x)** for a period not to exceed ten (10) school days ~~**OR ( ) for a period not to exceed three (3) school days**~~; with advance approval from the Superintendent, the student may be suspended for more than three (3) days but not to exceed ten (10) days **[END OF OPTION]**. Before suspending a student, except in emergencies or disruptive conditions that require immediate suspension or in the case of a serious breach of conduct, the principal or designee shall make a good faith effort to employ parental assistance or alternative methods of dealing with the student and shall document such efforts.

In no case shall a teacher suspend a student from school or class, nor shall a bus driver suspend a student from riding a school bus. A student may not be suspended for unexcused tardiness, lateness, absence, or truancy.

Prior to a suspension, the Principal will hold an informal hearing to give the student oral and written notice of the charges and an explanation of the evidence against him/her. The student will then have an opportunity to explain his/her side of the story. The hearing will be held on the day of the alleged infraction unless it would be impossible or unreasonably difficult to do so.

The Principal will make a good faith effort to contact the student's parent or guardian by telephone immediately after making the decision to suspend.

The Principal will send formal written notice to the student's parent or guardian by U.S. Mail, informing of the length of the suspension and the reasons for it. The Principal will also report each suspension to the Superintendent in writing within twenty-four (24) hours of the time the student is informed of the suspension.

Except in the event of emergencies, all out-of-school suspensions shall begin at the end of the school day of the infraction, unless the parents or guardians have been notified and are able to pick up the student at school. The school will provide homework assignments for the student to complete.

In cases of extremely disruptive or dangerous behavior, persons or groups involved may be immediately suspended and ejected from the school campus without the necessity of a prior hearing. In such instances, each student shall be afforded an informal hearing before the Principal prior to the expiration of the third day of suspension.

A student shall be given the opportunity to make up schoolwork and course requirements missed while absent due to out-of-school suspension. The student shall have a reasonable amount of time up to five (5) school days following suspension to complete the school work missed and shall do so on his/her own initiative.

When Board action on a recommendation for the expulsion of a student is pending, the superintendent may extend the suspension assigned by the principal beyond ten (10) school days if such suspension expires before the next regular or special meeting of the Board.

In the case of students with disabilities, suspensions shall be pursuant to the procedures outlined in the *Code of Student Conduct*.

[x] APPEAL

[x] The Board designates the Superintendent as it's representative at all hearings regarding the appeal of a suspension.

~~[ ] The notice to the parent will include an explanation of the right of the student or parent to appeal to the ( ) Superintendent ( ) Board, the right to be represented at the appeal, and the right to request the hearing be held in executive session if before the Board.~~

[x] DELAYED ADMISSION

The Board authorizes the superintendent to delay the admission of a student who has been suspended by another public or private school for an act that would have been grounds for suspension according to the Board-adopted *Code of Student Conduct* for a period equal to that of the suspension.

[x] WAIVER OF SUSPENSION

The Superintendent may grant to a principal the approval to waive mandatory suspension policies if the principal has submitted a request for the waiver and has an existing educational alternative program. Students at schools without alternative programs may attend alternative programs at another school with the approval of both principals and area superintendent.

School Work Assigned During Out-of-School Suspension

[x] Credit will be given for work missed due to out-of-school suspension provided the student completes and submits all required assignments upon return to school.

[ ] Credit will not be given for work missed due to out-of-school suspension.

DISCIPLINARY REASSIGNMENT AND EXPULSION

The Board recognizes that disciplinary placement and expulsion from the educational program of the schools are the most severe sanctions for a student in this District and that either one cannot fairly be imposed without due process.

A principal may recommend to the Superintendent the disciplinary placement or expulsion of a student who has committed a serious breach of conduct. A recommendation of disciplinary placement or expulsion will include a detailed report on the student's actions and alternative measures taken before the recommendation.

A student and his/her parent or guardian will be given written notice of the principal's recommendation and the reasons therefore and an opportunity to meet with the Superintendent to answer the charges.

The Superintendent, after reviewing the facts and circumstances of the student's misconduct and the principal's recommendation, may accept, reject, or modify the principal's recommendation. The Board will decide on a recommended expulsion of any student and on a recommended disciplinary placement of any student who has been determined to have brought to, or possessed at, school a firearm or weapon, as defined in F.S. Chapter 790, or to have made a threat or false report, as defined by F.S. 790.162 and 790.163.

When the Superintendent makes a recommendation for disciplinary placement or expulsion to the Board, written notice shall be given to the student and his/her parent or guardian of the recommendation setting forth the charges against the student, with a summary of the factual, legal, and policy grounds for the recommendation, and advising the student and his/her parent or guardian of their right of due process, including the right to a hearing.

When making a determination whether or not a student will be expelled or permanently excluded under this policy, the Superintendent shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

[x] The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

~~[ ] The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.~~

All students who are recommended for disciplinary placement or expulsion shall undergo screening to determine if they may be a student with a disability and due the procedural rights and safeguards afforded such students.

A parent or adult student may make a written request for a hearing within ten (10) days from receipt of the Superintendent's notice.

Disciplinary Placement and Expulsion Hearings

The hearing **( ) will (x) may** be conducted by the entire Board ~~( ) or by an individual appointed by the Board to serve as presiding officer, who may be ( ) a single Board member ( ) a former school administrator ( ) an attorney appointed by the Board who is a member in good standing of the Florida Bar.~~

All parties will be given reasonable notice of the hearing of not less than fourteen (14) days; however, the fourteen (14) day requirements may be waived by the **(x) Board** ~~**( ) presiding officer** without the consent of the parties~~.

Failure to timely request a hearing or failure to appear at a hearing after notice of the date and time of the hearing shall be deemed to be a waiver of any hearing on the matter. However, upon presentation of good and sufficient reasons for non-appearance, the presiding officer may direct that the hearing be re-scheduled.

Hearings will be conducted in accordance with Florida statutes and the Uniform Rules of Procedure. Reasonable flexibility in method or order of presentation shall be permitted. No parent or adult student shall be prohibited from presenting reasonable matters because of insubstantial procedural irregularities. A parent or adult student may be represented at the hearing by an adult, whether as legal counsel or qualified representative. Disciplinary placement and expulsion hearings are exempt from the public meetings law; however, the parent may elect to have the hearing held as a public meeting.

No Disputed Issues(s) of Material Fact

If there is no disputed issue of material fact, the parent or adult student, or their counsel, will have the opportunity at the hearing to present written or oral evidence in opposition to the proposed action or a written statement challenging the propriety of the proposed action.

~~**[NOTE: IF A PRESIDING OFFICER IS USED, SELECT THE FOLLOWING OPTION]**~~

~~[ ] The presiding officer's recommendation for Board action will be served upon the parent or adult student, the student's representative, if any, and the Superintendent.~~

~~**Disputed Issue(s) of Material Fact**~~

~~If there is a disputed issue of material fact, all parties will have an opportunity at the hearing to respond, to present evidence, and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders.~~

~~**[NOTE: If using a presiding officer, select the following option.]**~~

~~( ) , and to file exceptions to the presiding officer's recommended order.~~

~~Findings of fact shall be based on a preponderance of the evidence and shall be based exclusively on the evidence of record and on matters officially recognized.~~

~~All parties may submit proposed findings of fact, conclusions of law, orders, and memoranda on the issues within a time designated by the ( ) Board ( ) presiding officer.~~

~~[IF USING A PRESIDING OFFICER, PLEASE SELECT THE FOLLOWING OPTION]~~

~~[ ] The presiding officer's findings of fact, conclusions of law, and recommendation for Board action will be set forth in a recommended order served upon the parent or adult student, the student's representative, if any, and the superintendent. Each party shall have fifteen (15) days from receipt to submit written exceptions to the recommended order.~~

Board Action

[IF THE HEARING IS BEFORE THE BOARD, PLEASE SELECT THE FOLLOWING OPTION]

~~[~~ x] At the conclusion of the hearing, or at a later time designated by the Board, the Board will consider all the evidence and argument presented and by majority vote will decide whether to uphold the superintendent's recommendation or to impose a different penalty or no penalty.

[IF THE HEARING IS BEFORE A PRESIDING OFFICER, PLEASE SELECT THE FOLLOWING OPTION]

~~[ ] The presiding officer's recommended order will be submitted to the Board for action. The parent, adult student, or representative may appear at the Board meeting and speak to the recommended action. The parent, adult student or representative will be allowed ( ) ten (10) ( ) _____ minutes to address the Board. The Superintendent's attorney will be allowed ( ) ten (10) ( ) _____ minutes to respond. No new evidence will be received at the Board meeting.~~

Final Order

The Board will enter a written final order, including findings of fact and conclusions of law separately stated. The final order will include a ruling on each exception filed, if any, in accordance with Florida statutes.

The final order will be served on all parties.

Appeal

A party may seek judicial review of the final order in accordance with F.S. 120.68.

[x] Application Requirements for Earned Return of Expelled and/or Students Whose Expulsion is Held in Abeyance

Any student who has been expelled for violent behavior (acts of assault, violence, intimidation, or fighting), possession of weapons, or the sale or transfer of alcoholic beverages, narcotics, illegal drugs and/or prohibited substances as defined in Board Policy 5500 (B)(2) shall not be considered eligible for an earned return under this rule.

Students expelled from school and eligible for earned return may apply for re-admission in accordance with this rule. Applicants must provide documentation of the following:

A. The student has made successful progress in a State-approved rehabilitation and/or counseling treatment program.

B. During the expulsion period, the student has demonstrated continued academic progress in the District-approved off-site abeyance alternative program or other Board-approved program.

C. A controlled urine screen immediately prior to application to verify s/he is medically clean of drugs if requested.

The parent(s)/guardian of a student eligible for earned return may complete one or more parenting classes. The classes and the parent/guardian's involvement in the process are to be considered by the principal in making a recommendation.

A student and parent(s) or guardian may apply for return to the regular school program commencing the semester following completion of the requirements for earned return of expelled students. The student shall return to school at the beginning of the semester or summer session following final approval of the application. Application can be made in the same semester or term that the expulsion occurs. The application for earned return shall be submitted to the principal of the school where the student was last enrolled and expelled. It shall be accompanied by a written conduct agreement between the principal/designee, the student and the parent(s)/guardian delineating responsibilities if the student is re-admitted to the regular school program. Such agreement shall outline conditions of the earned return and may include provisions such as, use of periodic controlled urine screening, student responsibility for attendance, school performance, discipline procedures, special services, or other provisions. It shall include a provision stating that if a student does not meet the requirements of this contract, the original expulsion order remains effective. If a final order of expulsion has not been entered by the Board, the student will return to the off-site abeyance program.

The principal and superintendent shall review the application and approve or disapprove.

If a student is expelled for more than twenty (20) school days or for any period of time that extends into the next school year, the superintendent shall provide the student and his/her parents with the names, addresses, and telephone numbers of those public or private agencies in the community that offer programs or services that help to rectify the student's behaviors and attitudes that contributed to the incident(s) that caused the expulsion.

~~[ ] The superintendent is authorized to establish a training program for parents of students who have been suspended or expelled for violations of the *Code of Student Conduct*. Notification of the time, date, and location of the training program is to be provided with the notice of intent to suspend or expel. If a parent fails to attend or complete the training program, the Superintendent shall report the parent to law enforcement authorities for parent education neglect, a fourth-degree misdemeanor if found guilty.~~

Denial of Admission

A student seeking to enroll in a District school who has been expelled by an in-state or out-of-state public district school board, private school, or lab school for an act that would have been grounds for expulsion according to the Board-adopted *Code of Student Conduct* may be denied admission to the District's school for a period equal to that of that expulsion.

Prior to making a recommendation regarding admission or denial thereof, the Superintendent **[ ] shall [x] may** offer the student an opportunity for a hearing to review the circumstances of the expulsion and any other factors the Superintendent determines to be relevant.

The Superintendent may recommend that the Board honor the final order of expulsion from the student's previous district of attendance and deny admission to the student, or that the Board waive the final order of expulsion and admit the student.

Acting upon the recommendation of the Superintendent, the Board may deny the admission of a student who has been expelled by any in-state or out-of-state public district school board or private school for a period equal to that of the expulsion for an act that would have been grounds for expulsion according to the Board-adopted *Code of Student Conduct*. A final order of expulsion shall be recorded in the records of the District, and the student and his/her parents shall be advised of the final order of expulsion.

However, the Board may, with or without the Superintendent's recommendation, waive the expulsion, admit the student, and direct that s/he be placed in an appropriate educational program.

The Superintendent shall develop administrative procedures to implement this policy and ensure compliance with applicable statutes.

A copy of this policy is to be made accessible to students and parents in the District's online policy manual and shall be provided in hard copy to students and parents upon request. Key provisions of this policy should also be included in the *Code of Student Conduct*.

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Legal

F.S. 120.569
F.S. 120.57
F.S. 1002.20
F.S. 1003.02
F.S. 1003.32
F.S. 1006.07
F.S. 1006.08
F.S. 1006.09
F.A.C. Chapter 28-106
18 U.S.C. Section 921

Last Modified by Jacquelin Collins on February 11, 2021

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	DUE PROCESS RIGHTS
Code	*po5611 11/29/20 fsj 12/18/20 jc
Status	
Adopted	November 8, 2016

5611 - **DUE PROCESS RIGHTS**

The Authority recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the Authority's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Authority establishes the following regulations which District administrators shall use when dealing with students::

A. **Students subject to suspension:**

Prior to a suspension, a student will receive oral and written notice of the charges and an explanation of the evidence against him/her. The Principal will hold an informal hearing to give the student an opportunity to explain his/her side of the story. An appeal may be addressed to the principal, whose decision will be final.

B. **Students subject to expulsion:**

A student and his/her parent or guardian will be given written notice of the principal's recommendation and the reasons therefore, and an opportunity to meet with a representative of the Superintendent to answer the charges.

The student and/or his/her parent or guardian shall also be provided a brief description of the student's rights and of the hearing procedure. The School Board of Lee County shall act on any recommendation for an expulsion.

In determining whether disciplinary action set forth in this policy is to be implemented, District administrators shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

[ ] The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

[x] The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

~~The Superintendent shall ensure that all members of the staff use the above regulations when dealing with students. In addition,~~ tThis statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

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Legal	F.S. 1001.51, 1002.20, 1006.07, 1006.09

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Vol. 21, No. 1
Title	REVISED POLICY - VOL. 21, NO. 1 - (V2) - DUE PROCESS RIGHTS
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Adopted	November 8, 2016

REVISED POLICY - VOL. 21, NO. 1 - Version #2

5611V2 - **DUE PROCESS RIGHTS**

The CCCCSA ~~School Board~~ recognizes that students have certain constitutional rights, regarding their education. Accordingly, the Board establishes the following procedures which ~~District~~ CCCCSA administrators shall use when dealing with students:

A. Student subject to suspension:

When a student is being considered for an out-of-school suspension by the Superintendent, principal, or other administrator:

1. The student will receive oral and written notice of the charges and an explanation of the evidence against him/her.
2. The Principal will hold an informal hearing to give the student an opportunity to explain his/her side of the story.
3. The Principal will make a good faith effort to inform a student's parent by telephone of a suspension and the reasons for it.
4. Within twenty-four (24) hours the Principal will send formal written notice to the student's parent or guardian by U.S. Mail informing them of the length of the suspension and the reasons for it. **[x]** The notice will include the right of the student, parent, or guardian to appeal to the **(x) Superintendent ~~( ) Board~~**; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. **[End of Option]** If the offense is one for which the Principal is recommending expulsion, then the notice will contain that information.
5. If a student leaves school property without permission immediately upon violation (or suspected violation) of a provision of the Student Code of Conduct/Student Discipline Code, prior to an administrator conducting an informal hearing as specified above, and the student fails to return to school on the following school day, the principal, assistant principal, Superintendent, or any other administrator, may send the student and his/her parent(s)/guardian(s) notice of the suspension, and offer to provide the student and/or his/her parents an informal hearing upon request to discuss the reasons for the suspension and to allow the student to challenge the reasons and to explain his/her actions, any time prior to the end of the suspension period.

( ) Appeal of Suspension to the Board or its designee

The student who is eighteen (18) or older or the student's parent(s) or guardian(s) may appeal a suspension to the Board or its designee. Notice of appeal must be filed with the Fiscal Officer or the Superintendent within five (5) school days from receipt of the Principal's notice to suspend. The student may be represented in all such appeal proceedings.

A verbatim record will be kept of the hearing.

The procedure to pursue such appeal will be provided in regulations approved by the Superintendent.

B. Students subject to expulsion:

When a student is being considered for expulsion by the Superintendent:

1. The Superintendent will give the student and parent written notice of the intended recommendation, including reasons for it.

2. The student and parent or representative will have the opportunity to meet with the Superintendent or designee to challenge the proposed action or to otherwise explain the student's actions. The written notice will state the time and place to appear, which must not be earlier than three (3) school days nor later than five (5) school days after the notice is given unless the Superintendent grants an extension upon request of the student or parent.

3. Within one (1) school day of the meeting, the Superintendent will notify the parents, guardians, or custodians of the student and Fiscal Officer of the Board whether s/he intends to recommend to the Board that the student be expelled. The notice will include the reasons for the recommendation and the right of the student, parent, guardian, or custodian to appeal to the Board; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board.

Expulsion Hearing

A student who is eighteen (18) or older or a student's parent(s) or guardian(s) may request a hearing on a recommended expulsion before the Board or its designee.

A written request for a hearing must be received by the Board within ten (10) school days from the parent's receipt of notice of the Superintendent's recommendation. The student may be represented in all such appeal proceedings and upon request will be granted a hearing before the Board or its designee.

A verbatim record will be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian.

The procedure to pursue such appeal will be in accordance with regulations approved by the Superintendent.

While a hearing before the Board may occur in executive session, the Board must act in public.

Appeal to the Court

Under State law, the decision of the Board may be further appealed to the District Court of Appeal.

C. Students subject to emergency removal:

Students whose conduct warrants emergency removal shall be subject to the procedures outlined in Policy 5610.01 - Emergency Removal of Students.

D. Students subject to suspension from bus riding/transportation privileges:

Students whose conduct warrants suspension from bus riding and/or transportation services shall be subject to the rights and procedures outlined in Policy 5610.04 - Suspension of Bus Riding/Transportation Privileges.

~~The Superintendent shall ensure that all members of the staff use the above procedures when dealing with students. In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.~~

In determining whether disciplinary action set forth in this policy is to be implemented, ~~District~~ CCCCSA Administrators shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

[x] The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

~~[ ] The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.~~

In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

These procedures shall not apply to in-school disciplinary alternatives including in-school suspensions. An in-school suspension is one served entirely within a school setting. Nor shall these disciplinary alternative procedures apply to students who are prohibited by authorized school personnel from all or part of their participation in co-curricular, interscholastic, and/or noninterscholastic extra-curricular activities.

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Legal	F.S. 120.68
	F.S. 1001.51
	F.S. 1002.20
	F.S. 1006.07
	F.S. 1006.09

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	STUDENT/PARENT RIGHTS
Code	*po5780 11/28/20 fsj 12/17/20 jc
Status	
Adopted	April 12, 2016
Last Revised	August 14, 2018

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.

[x] 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. [END OF OPTION]

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. School-Entry Health Examinations

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

B. Immunizations

The parent of any student shall be exempt from the school immunization requirements upon meeting any of the specified exemptions. (see also Policy 5320 - Immunization and Health 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. ~~Notification of~~ **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 ~~or the principal's designee~~ shall immediately notify a parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463. The principal or the principal's designee may delay notification for no more than twenty-four (24) hours after a student is removed if the principal or principal's designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect.

M.

(see also Policy 2410 - School Health Services)

N. **Sun-protective Measures in School**

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

Discipline

A. **Suspension**

A student may be suspended only as provided by policy of the 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.

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) ~~gender~~, 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") ~~sexual orientation, or transgender identity~~. (see also Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability)

Students with Disabilities

A. **Notice and Due Process**

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

B. **Graduation**

Students with disabilities are provided the opportunity to meet the graduation requirements for a standard high school diploma. (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, upon written request by the student's parent, in accordance with State law.

Student Records

A. Each parent has an equal right of access, right to waive access, right to challenge and hearing and right of privacy in the education records of his or her student who is a minor or a dependent adult pursuant to law, unless the school has received a certified copy of an enforceable court order that provides to the contrary. (see also Policy 8330 - Student Records)

B. A student is not required to provide his/her social security number as a condition for enrollment or graduation. (see also Policy 8330 - Student Records)

Student Report Cards

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

Student Progress Reports

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

Student Accountability and School Improvement Rating Reports

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

High School Athletics

A. Eligibility

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

B. Medical Evaluation

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

Extra-Curricular Activities

A. Eligibility

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

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.

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)

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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. 1006.09

F.S. 1006.13

F.S. 1006.15

F.S. 1006.20

F.S. 1006.21

F.S. 1006.22

F.S. 1006.23

F.S. 1006.28

F.S. 1006.40

F.S. 1007.271

F.S. 1008.22

F.S. 1008.25

F.S. 1008.386

F.S. 1012.42

Last Modified by Jacquelin Collins on February 11, 2021

Book	Policy Manual
Section	Vol. 21, No. 1
Title	REVISED POLICY - VOL. 21, NO. 1 - (V1) - AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS, TO USE ELECTRONIC SIGNATURE, AND MAKE ELECTRONIC FUND TRANSFERS (final)
Code	po6107 jc 2/11/21
Status	

REVISED POLICY - VOL. 21, NO. 1 - Version #1

6107V1 - **AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS, TO USE ELECTRONIC SIGNATURE, AND MAKE ELECTRONIC FUND TRANSFERS**

Electronic Records and Electronic Signatures

Unless a provision of law specifically prohibits the use of an electronic record for the specified purpose, the School Board hereby authorizes the acceptance and distribution of electronic records and electronic signatures to and from CCCCSA staff and other persons, as well as between CCCCSA staff members. Additionally, the Board further authorizes CCCCSA staff to create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. The Superintendent shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records to comply with the mandates of State and Federal agencies or programs, including Medicaid.

All CCCCSA staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all CCCCSA staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

The Superintendent shall consult with the State of Florida's Department of Management Services (Department)~~Agency for Enterprise Information Technology (Agency)~~ regarding the CCCCSA's authorized acceptance and distribution of electronic records and electronic signatures. The Department~~Agency~~ may specify the following:

A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.

C. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

D. Any other required attributes for electronic records which are specified for nonelectronic records or reasonably necessary under the circumstances.

Electronic Fund Transfers

The Board authorizes electronic fund transfers (EFTs) for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provision of F.S. Chapter 668. Upon the recommendation of the Superintendent, the Board shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium.

Upon the recommendation of the Superintendent, the Board shall then approve written agreements with financial institutions with whom EFTs will be made.

Such agreements shall set forth internal controls required by State law and State Board Rule that will provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

A. the official title of the bank account(s) subject to the agreement and each type of transaction approved, such as deposits, disbursements or transfers, shall be specified;

B. the manual signatures of the Board Chairman, Superintendent, and the employees authorized to initiate EFTs shall be contained therein;

C. a requirement that the CCCCSA maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;

D. a requirement that, when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the funds;

E. a requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgments, or canceled warrants, shall be provided so that it may be kept in the official files of the School CCCCSA, which shall be maintained in a manner which facilitates easy review and validation of transactions.

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F.S. 668.01 et seq.

F.S. 668.50

F.S. 1010.11

F.A.C. 6A-1.0012

15 U.S.C. 7001 et seq.

Last Modified by Jacquelin Collins on February 11, 2021

Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	AUTHORITY BUDGET
Code	*po6233 11/29/20 fsj V20N1 V21 N1 12/18/20 jc
Status	
Adopted	April 12, 2016
Last Revised	October 8, 2019

6233 - **AUTHORITY BUDGET**

A. **Preparation**

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

B. **Implementation of Budget**

Implementation of the official Authority budget shall give appropriations and reserves therein the force and effect of fixed appropriations and reserves, and the same shall not be altered, amended, or exceeded except as authorized.

C.

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

The Board shall monitor the budget on a ~~quarterly~~monthly quarterly basis.

D. **General Fund Ending Fund Balance**

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

As required by Florida statute, the Board shall maintain a General Fund ending fund balance sufficient to address normal contingencies.

E. (x) School-based Management

The Board encourages individual school centers to be the principal planning unit and to integrate planning and budgeting at the school level.

Revised 10/8/19

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F.S. 1001.42

F.S. 1001.43

F.S. 1011.01

F.S. 1011.035

F.S. 1011.051

F.S. 1011.62

F.A.C. 6A-1.002

F.A.C. 6A-1.006

Last Modified by Jacquelin Collins on December 18, 2020

Book	Policy Manual
Section	Vol. 21, No. 1
Title	REVISED POLICY - VOL. 21, NO. 1 - ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, OR LAND SURVEYING SERVICES
Code	po6330 jc 2/11/21
Status	

REVISED POLICY - VOL. 21, NO. 1

6330 - **ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, OR LAND SURVEYING SERVICES**

The City of Cape Coral, on behalf of the CCCCSA ~~school Board~~ has the authority to employ procedures to contract for the construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities by licensed professionals pursuant to F.S. 287.055, The Consultants' Competitive Negotiation Act ("CCNA"). Please refer to the City of Cape Coral Procurement Policies and Procedural Manual for all policies and procedures that apply to the Charter School Authority.

A. ~~**Definitions**~~

1. ~~"Professional Services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the State, or those performed by any architect, professional engineer, landscape architect, or registered land surveyor and mapper in connection with his/her professional employment or practice.~~

2. ~~"School Board" means The School Board of _____ County, Florida~~ City of Cape Coral Charter School Authority, ~~and describes an agency as defined in State law.~~

3. ~~"Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or surveying and mapping in the State.~~

4. ~~"Compensation" means the total amount paid by the Board for professional services regardless of whether stated as compensation or stated as hourly rates, overhead rates, or other figures or formulas from which compensation can be calculated.~~

5. ~~"PSAC" shall mean the Professional Service Advisory Committee.~~

6. ~~"Project" means that fixed capital outlay study or planning activity described in the public notice pursuant to Section C herein. The Board shall prescribe, in compliance with State law, procedures for the determination of a project under its jurisdiction. Such procedures may include:~~

    a. ~~determination of a project which constitutes a grouping of minor construction, rehabilitation, or renovation activities.~~

    b. ~~determination of a project which constitutes a grouping of substantially similar construction, rehabilitation, or renovation activities.~~

7. ~~A "Continuing Contract" is a contract for professional services entered into in accordance with all the procedures of the CCNA between the Board and a firm whereby the firm provides professional services to the Board for projects in which the estimated construction cost of each individual project under the contract does not exceed $42 million; for study activity if the fee for such professional services for each individual study under the contract does not exceed $5200,000; or for work of a specified nature as outlined in the contract required by the Board with the contract being for a fixed term or with no time limit except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.~~

8. A "design-build firm" means a partnership, corporation, or other legal entity that:

    a. is certified under F.S. 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or

    b. is certified under F.S. 471.023 to practice or to offer to practice engineering; certified under F.S. 481.219 to practice or to offer to practice architecture, or certified under F.S. 481.319 to practice or to offer to practice landscape architecture.

9. A "design-build contract" means a single contract with a design-build firm for the design and construction of a public construction project.

10. A "design criteria package" means concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information to permit design-build firms to prepare a bid or a response to the Board's request for proposal or to permit an agency to enter into a negotiated design-build contract. The design criteria package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project.

11. A "design criteria professional" means a firm who holds a current certificate of registration under F.S. Chapter 481, to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under F.S. Chapter 471, to practice engineering and who is employed by or under contract to the Board for professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.

12. "Negotiate" or any form of that word means to conduct legitimate, arms-length discussions and conferences to reach an agreement on a term or price. For purposes of this policy, the term does not include presentation of flat fee schedules with no alternatives or discussion.

B. **Professional Service Advisory Committee**

1. The PSAC shall be comprised of one (1) Board member, one (1) designee of the Superintendent, the Director of Facilities or his/her designee, one (1) representative from operation services, one (1) program/staff representative, as well as any additional members deemed appropriate by the Superintendent.

    a. The Board shall annually appoint one (1) of its members to serve on the PSAC and shall also designate one (1) of its members as an alternate, who shall attend PSAC meetings when and if the designated member cannot.

    b. The Superintendent shall appoint his/her designee, the representative of operations services, the program/staff representative.

    c. The Superintendent shall appoint additional members as s/he deems appropriate given a particular project.

2. The Director of Facilities, or his/her designee, shall chair the PSAC.

C. **Public Announcement and Qualification Procedures**

1. The Board shall publicly announce, in a uniform and consistent manner, each occasion when professional services are required to be purchased for a project the basic construction cost of which is estimated by the Board to exceed the maximum amount established in State law for CATEGORY FIVE, which is $325,000, or for planning or study activity when the fee for professional services exceeds the maximum amount established in State law for CATEGORY TWO, which is $35,000, except in cases of valid public emergencies so certified by the Board. The public notice shall include a general description of the project and shall indicate how interested consultants may apply for consideration.

2. Local contractors are encouraged to submit proposals, and contractors are encouraged to offer bidding opportunities to local subcontractors.

3. The Board shall encourage firms engaged in the lawful practice of their professions that desire to provide professional services to the Board to submit annual statements of qualifications and performance data. Failure to submit an RFQ (Request for Qualifications) shall not preclude the Board from purchasing services from any firm engaged in the lawful practice of its profession.

4. Any firm or individual desiring to provide professional services to the Board must first be certified by the Board as qualified pursuant to law and the regulations of the Board. The Board shall make a finding that the firm or individual to be employed is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.

5. The Superintendent shall develop administrative procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985, and such other factors as may be determined by the Board to be applicable to its particular requirements. When securing professional services, the Board shall endeavor to meet the minority business enterprise procurement goal set forth in F.S. 287.09451.

6. The public shall not be excluded from these proceedings.

D. **Competitive Selection**

1. For each proposed project, the PSAC shall evaluate current statements of qualifications and performance data on file, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by, no fewer than three (3) firms, regarding their qualifications, approach to the project, and ability to furnish the required services.

2. The PSAC shall select in order of preference no fewer than three (3) firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the PSAC shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the Board, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The PSAC may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations under section E below.

3. This section does not apply to a professional service contract for a project, the basic construction cost of which is estimated by the Board to be not in excess of $325,000 or for a planning or study activity when the fee for professional services is not in excess of $35,000. These amounts shall increase along with the thresholds defined in F.S. 287.017 for CATEGORY FIVE and/or CATEGORY TWO. However, if, in using another procurement process, the majority of the compensation proposed by firms is in excess of the appropriate threshold amount, the Board shall reject all proposals and reinitiate the procurement pursuant to statute. (F.S. 287.055(4)(c)).

4. The Board shall evaluate qualifications of a minimum of three (3) finalists by considering the written materials submitted by the applicants, performance data on file with the District, materials submitted by other firms or individuals, and the evaluation of the PSAC. Although the Board shall consider the evaluation of the PSAC, such evaluation shall not be binding on the Board. The Board retains the authority to re-rank the three (3) finalists.

5. Nothing in this rule shall be construed to prohibit a continuing contract between a firm and Board.

E. **Competitive Negotiation**

1. A tentative contract shall be negotiated with the most qualified firm for professional services at compensation which the Board's designee(s) determine(s) is fair, competitive, and reasonable. In making such determination, the Board's designee(s) shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For any lump sum or cost plus a fixed fee professional service contract that exceeds the maximum amount established by State law for CATEGORY FOUR, which is $195,000, the Board shall require the firm receiving the award to execute a truth in negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any professional service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or non-current wage rates and other factual unit costs. All such contract adjustments shall be made within (1) year following the end of the contract.

2. Should the Board's designee(s) be unable to negotiate a satisfactory tentative contract with the firm considered to be the most qualified at a price the Board's designee(s) determines to be fair, competitive, and reasonable negotiations with that firm shall be formally terminated. The Board's designee(s) shall then undertake negotiations with the second most qualified firm. Failing tentative accord with the second most qualified firm, the Board's designee(s) shall terminate negotiations. The Board's designee(s) shall then undertake negotiations with the third most qualified firm.

3. Should the Board's designee(s) be unable to negotiate a satisfactory tentative contract with any of the selected firms, the Board's designee(s) shall select additional firms in the order of their competence and qualification and continue negotiations in accordance with this subparagraph until a tentative agreement is reached or shall be readvertised.

4. When the Board's designee(s) successfully negotiates a tentative contract with a firm considered to be fully qualified at a price the Board's designee(s) determines to be fair, competitive, and reasonable, the tentative contract will be presented to the Superintendent for his/her review and recommendation to the Board. The Board shall either approve or disapprove the tentative contract. Upon Board approval, the approved contract shall be duly executed.

F. **Prohibition Against Contingent Fees**

Each contract entered into by the Board for professional services shall contain a prohibition against contingent fees as required by F.S. 287.055(6).

G. **Design-Build Contracts**

The Board will award design-build contracts by the use of a competitive proposal selection process as described in this section, or by the use of a qualifications-based selection process pursuant to sections C, D, and E above, for entering into a contract whereby the selected firm will, subsequent to competitive negotiations, establish a guaranteed maximum price and guaranteed completion date. If the Board elects the option of qualifications-based selection, during the selection of the design-build firm the Board will employ or retain a licensed design professional appropriate to the project to serve as the Board's representative.

Procedures for the use of a competitive proposal selection process must include as a minimum the following:

1. The preparation of a design criteria package for the design and construction of the public construction project.

   The design criteria package must be prepared and sealed by a design criteria professional employed by or retained by the Board. If the Board elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional must be selected and contracted with under the requirements of sections D and E above. A design criteria professional who has been selected to prepare the design criteria package is not eligible to render services under a design-build contract executed pursuant to the design criteria package.

2. The qualification and selection of no fewer than three (3) design-build firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners or members thereof.

3. The criteria, procedures, and standards for the evaluation of design-build contract proposals or bids, based on price, technical, and design aspects of the public construction project, weighted for the project.

4. The solicitation of competitive proposals, pursuant to a design criteria package, from those qualified design-build firms and the evaluation of the responses or bids submitted by those firms based on the evaluation criteria and procedures established prior to the solicitation of competitive proposals.

5. For consultation with the employed or retained design criteria professional concerning the evaluation of the responses or bids submitted by the design-build firms, the supervision or approval by the Board of the detailed working drawings of the project; and for evaluation of the compliance of the project construction with the design criteria package by the design criteria professional.

6. In the case of public emergencies, the Board may declare an emergency and authorize negotiations with the best qualified design-build firm available at that time.

H. **Reuse of Existing Plans**

Notwithstanding any other provisions of this policy, there shall be no public notice requirement or utilization of the selection process as provided in this policy for projects in which the Board is able to reuse existing plans from a prior project. However, public notice for any plans which are intended to be reused at some future time shall contain a statement which provides that

~~the plans are subject to reuse in accordance with the provisions of F.S. 287.055(10).~~

I. **~~Protest Procedure~~**

The protest procedure will be as described in Policy 6326 - Bid Protests.

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Legal F.S. 287.055
F.S. 1001.43
F.S. 1013.46

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	COMMEMORATION OF SCHOOL FACILITIES
Code	*po7250 11/29/20 fsj 12/18/20 jc
Status	
Adopted	April 12, 2016

7250 - **COMMEMORATION OF SCHOOL FACILITIES**

From time-to-time, the Governing Board may wish to commemorate a school or Authority facility by means of a plaque or naming the facility after a person. Such commemoration should be reserved only for those individuals who have made a significant contribution to the enhancement of education generally or the Authority.

The Superintendent shall submit proposed name(s) for school(s) to the Board for final approval. Names for schools shall be considered in accordance with the following procedures:

1. If the school(s) is to be named by its location in the community, the name(s) proposed should be descriptive and of reasonable length.

2. If the school(s) is to be named for an individual, the name(s) proposed should be that of an outstanding civic or educational leader, living or deceased, of local, State, or National prominence and, if living, and also an elected official, shall have left public office for a period of time not less than five (5) years.

3. The name of a new or existing school(s) once adopted by the Board shall be considered permanent. However, should the Board subsequently initiate, or be called upon to consider, a name change of an existing previously named school(s), then in that event the Board shall allow a period of time of not less than eighteen (18) months from said date for community involvement, deliberation, discussion, and debate, prior to its taking action.

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	ACQUISITION, REMOVAL, DISPOSAL, SALE, OR EXCHANGE OF MAJOR TANGIBLE PROPERTY
Code	*po7320 11/29/20 fsj 12/18/20 jc
Status	
Adopted	April 12, 2016

7320 - ACQUISITION, REMOVAL, DISPOSAL, SALE, OR EXCHANGE OF MAJOR TANGIBLE PROPERTY

Acquisition

All property shall be acquired through proper purchasing procedures either through the Authority or internal funds, or through donations from outside sources. All property, however, including vehicular equipment shall be in the name of the Authority and under its full control. All property acquired from sources other than Authority funds, such as PTA donations, shall be reported promptly, in accordance with procedures established for property accountability.

Removal of Property

Property shall not be taken from any school building or premises for private use. Property may be lent to employees, outside agencies, or organizations only with the prior written approval of the principal or supervisor.

Disposal, Sale, or Exchange

The Board believes that the efficient administration of the Authority requires disposition of any major tangible personal-property no longer necessary for the educational programs or the operation of the Authority.

Property that is not suitable for school use shall be disposed of in accordance with State statutes.

School Memorials and Gifts

A. No individual, group, or organization shall be permitted to erect an honor roll, memorial, or structure of any kind upon school grounds except by approval of the Superintendent and Board. Memorials shall be limited to a plaque and/or appropriately displayed portrait in the media center, office, etc. Also, a simple landscape project would be acceptable (i.e. planting of a tree, small flower garden), provided there is little or no maintenance and is consistent with the Board's master plan.

B. Permanent structures shall have utilitarian value in the operation of the school or be erected in memory of a person who has been associated with the school either as a student or employee, or an organization that has made some outstanding contribution to the school or the Authority.

C. The Board shall not accept a gift of art unless the cost of installation, operation, and maintenance is consistent with the value of the gift to the school.

D. Articles of equipment donated to the schools by individuals, groups, or organizations may be accepted if they contribute to the operation of the school program. Donors shall be notified that the title of this gift shall be in the name of the Board.

~~School(s) - Naming and Renaming~~
~~The Superintendent, with the assistance of individuals in the community and/or community organizations, if any, shall submit proposed name(s) for school(s) to the Board for final approval.~~

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Legal F.S. 287.14, 287.16, 1001.42, 1010.04

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	ENVIRONMENTAL HEALTH PROGRAM
Code	*po7430.01 11/29/20 fsj 12/18/20 jc
Status	
Adopted	April 12, 2016
Last Revised	May 14, 2019

7430.01 - **ENVIRONMENTAL HEALTH PROGRAM**

The Superintendent shall direct the development, implementation, and enforcement of an environmental health program, compliant with applicable laws, regulations, and Governing Board policies designed to prevent injury and illness to employees, students, and the general public, and damage to property or the environment arising from the Authority's operations.

Inspections of all buildings including educational facilities, ancillary plants, and auxiliary facilities for casualty safety, and sanitation shall be conducted at least once during each fiscal year by the local fire official (for fire safety). Conditions that may affect environmental health and safety or impair operation of the plant will be reported, with recommendations for corrective action. . If unsafe or unsanitary conditions are reported, the building site administrator will withdraw from use the educational or ancillary plant, or portion thereof, until the conditions are corrected or removed.

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

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

Pursuant to State law, a copy of the fire safety inspection report shall be submitted within ten (10) business days after the date of the inspection to the appropriate authority providing fire protection services to the school facility.

Revised 5/14/19

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Legal	F.S. 1001.41
	F.S. 1001.42
	F.S. 1013.12
	F.A.C. Chapter 69A-58

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Book	Policy Manual
Section	Catch UP V 20N1 through V 21N1, Sp Up Coronavirus Disease
Title	NEW POLICY - VOL. 21, NO. 1 - PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC EVENTS
Code	*po8450.01 12/18/20 jc
Status	

NEW POLICY - VOL. 21, NO. 1

8450.01 - **PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC EVENTS**

During times of elevated communicable disease community spread (pandemic or epidemic), the Superintendent will issue periodic guidance through School Board plans/resolution(s) in alignment with public health officials and/or in accordance with government edicts and including any Pandemic Plan developed by the ~~District~~'s CCCCSA 's Pandemic Response Team.

School settings can be a source of community spread. Wearing face masks/coverings is especially important during these times and can help mitigate the risk of exposure from person to person.

As such, during times of elevated communicable disease community spread, the Superintendent may activate this policy by notifying the school community, requiring all school staff, volunteers and visitors (including vendors) to wear appropriate face masks/coverings on school grounds unless it is unsafe to do so or where doing so would significantly interfere with the ~~Districts~~ CCCCSA's educational or operational processes.

[x] Face masks/shields will be provided by the District to employees. Alternatively, employees may elect to wear their own face coverings if they meet the requirements of this policy as well as any requirements issued by State or local health departments.

In addition, the Board may require that

~~**(x)** students in _all__ grades and higher shall wear a face mask unless they are unable to do so for a health or developmental reason. Efforts will be made to reduce any social stigma for a student who, for medical or developmental reasons, cannot and should not wear a mask.~~

OR

(x) students shall wear a face mask unless they are unable to do so for a health or developmental reason. Efforts will be made to reduce any social stigma for a student who, for medical or developmental reasons, cannot and should not wear a mask.

If face masks/coverings are required, and no exception is applicable, students shall be subject to disciplinary action in accordance with the Student Code of Conduct/Student Discipline Code, and in accordance with policies of the Board

(x) and/or may be reassigned by the Superintendent to an online/virtual learning environment if the Superintendent determines that reassignment is necessary to protect the health and safety of the student or others. **[DRAFTING NOTE: Districts should consult with legal counsel before reassigning a student with a disability to a virtual learning format. This might constitute a change in placement in violation of state and federal law.]**

[x] During times of elevated communicable disease community spread as determined by the Board in consultation with health professionals, all students are required to wear masks while being transported on ~~District~~ CCCCSA school buses or other modes of school transportation.

[DRAFTING NOTE: The majority opinion among medical experts appears to be that children kindergarten through 5th grade can wear masks as long as consideration is given for the age and developmental level of the child and the physical situation the child is in at that moment.]

Use of Mask/Face Covering

Face coverings/masks should:

A. fully cover the mouth, nose, and chin;

B. fit snugly against the side of the face so there are no gaps;

C. not create difficulty breathing while worn; and

D. be held securely through either a tie, elastic, etc. to prevent slipping.

Facial masks/coverings generally should not include surgical masks or respirators unless medically indicated (as those should be reserved for healthcare workers) or masks designed to be worn for costume purposes.

All employee facial masks/coverings shall meet the requirements of the appropriate dress/staff grooming policies (Policy 3216/4216). All student facial masks/coverings shall meet the requirements of the appropriate Student Code of Conduct/Student Discipline Code [ ] and Policy 5511 Dress and Grooming.

Any person may be required to temporarily remove a face mask or covering when instructed to do so for identification or security purposes. Failure to comply with such a request violates this policy and may lead to disciplinary or other action.

Exceptions to the use of masks/face coverings include when:

A. facial masks/coverings in the school setting are prohibited by law or regulation;

B. facial masks/coverings are in violation of documented industry standards;

C. facial masks/coverings are not advisable for health reasons;

D. facial masks/coverings are in violation of the school's documented safety policies;

E. facial masks/coverings are not required when the staff works alone in an assigned work area;

F. there is a functional (practical) reason for a staff member or volunteer not to wear a facial mask/covering in the workplace;

G. settings where face masks/coverings might present a safety hazard (i.e. science labs);

H. for individuals who have difficulty wearing a face mask/covering; or

I. to assist with communication for hearing impaired students.

The Board may be required to provide written justification to the local health officials upon request explaining why a staff member is not required to wear a facial covering in the school. Therefore, if any exceptions are made to the requirement for facial coverings, the request for such exception must be submitted in writing to the individual's supervisor with appropriate documentation provided. A decision on the request will be provided in writing.

Use of Face Shields

Face shields that wrap around the face and extend below the chin may be permitted as an alternative to face masks/coverings with permission of the Superintendent as the Board recognizes that face shields may be useful in some situations, including:

A. when interacting with students, such as those with disabilities, where communication could be impacted;

B. when interacting with English-language learners or when teaching a foreign language;

C. settings where face masks/coverings might present a safety hazard (i.e. science labs); or

D. for individuals who have difficulty wearing a face mask/covering.

If employees receive approval from the District administration after discussing their request not to wear a face mask/covering/shield due to a physical, mental or developmental health condition, and/or if wearing a mask/covering/shield would lead to a medical emergency or would introduce significant safety concerns, the District administration may also discuss other possible accommodations for the staff member. Such discussion shall follow Board policies and guidelines under the ADA.

School nurses or staff who care for individuals with symptoms consistent with those of a communicable disease must use appropriate personal protective equipment (PPE), provided by the school, in accordance with OSHA standards.

When facial masks/coverings are required by the Board, and no exception has been applied, staff members who violate this policy shall be subject to disciplinary action in accordance with policies of the Board.

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