BREVARD CO. PUBLIC SCHOOLS

Administrative Procedures

128 policies

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ap0142

CANDIDATES REQUEST FOR INFORMATION

0142 - **CANDIDATES REQUEST FOR INFORMATION**

Candidates for Board office may request and shall be provided with a complete agenda packet only after they have qualified to run for office. Candidates will be required to pick up the agenda packet from the Board office. If a candidate requests a copy of the agenda packet prior to qualifying, they may purchase it under current procedures.

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ap1040

EVALUATION PROCEDURES

1040 - **EVALUATION PROCEDURES**

The Board and Superintendent will meet at least once during the year to evaluate the Superintendent's progress. This evaluation will also afford the Board an opportunity to amend its goals and performance criteria. The final evaluation will be preceded by the Superintendent's submission of a detailed self-evaluation at the same time that evaluation forms are distributed to the individual members of the Board.

The final evaluation meeting will occur at the end of the annual evaluation cycle and after the Board has submitted these forms to the Chairman. This meeting will be given over entirely to the evaluation and all Board members must attend. At this time, the Board will collectively discuss the forms submitted and will present its final evaluation to the Superintendent. That evaluation should speak to how successfully the Superintendent met the pre-established goals and performance criteria. The assessment should come from the Board as a whole rather than consisting of only comments from individual Board members. The evaluation should note both successes and failures, be moderate in tone, and offer suggestions for improvement. The Board will invite the Superintendent's participation during this evaluation and the Superintendent will provide a written response within three (3) weeks. That response will become part of the final evaluation.

The Board and Superintendent will begin formulating goals and performance criteria for the coming year within one (1) month of the final evaluation.

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BOARD-STAFF COMMUNICATIONS

1112 - **BOARD-STAFF COMMUNICATIONS**

The Board desires to maintain open channels of communication between itself and the administrative staff. The basic line of communication will, however, be through the Superintendent.

Administrative Staff Communications to the Board

A. As directed by the Superintendent, District administrators are encouraged to have open communication with Board members.

B. District administrators shall keep the Superintendent informed of the issue, problem, concern, or action discussed during the communication.

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ap1470

GRIEVANCE PROCEDURE

1470 - **GRIEVANCE PROCEDURE**

Employees whose classifications are not included in a bargaining unit shall have access to the grievance procedure outlined below.

A. A grievance is an allegation by a nonbargaining employee that there has been a violation, misinterpretation, or misapplication of any specific provision of Florida statute, State agency regulation, or Board policy.

B. The term "days" shall means those days on which the Board's business office shall be open.

C. If the grievant fails to meet the time restrictions specified in this procedure, the grievance shall be considered withdrawn.

D. If the appropriate administrator fails to act within the specified time restrictions, the grievant shall have the right to proceed to the next step in the procedure.

E. Time limits may be extended by mutual written agreement provided that whenever illness or other incapacity prohibits either party from attending a grievance meeting, the time limits shall be extended until the affected party(ies) can be present.

F. The appropriate administrator shall schedule grievance meetings at each step.

G. If a grievance meeting is convened by the grievance administrator during an employee's working hours, the employee shall suffer no loss of pay as a result of attending the meeting.

H. An investigation or processing of any grievance shall be conducted so that the instructional program is not affected and with as little disruption as possible of the employee's and/or grievance administrator's work activity.

I. Grievance Steps

1. The grievant shall first informally discuss the grievance with his/her immediate supervisor or the Superintendent's designee.

2. If not satisfied with the resolution of the grievance at Step 1, the grievant may submit a completed grievance form to his/her immediate supervisor no later than thirty (30) days from the date of the event giving rise to the grievance. Within seven (7) days of receipt of the step 2 filing, the immediate supervisor shall meet with the grievant in an effort

to resolve the grievance. The immediate supervisor shall submit his/her written decision to the grievant within seven (7) days of the Step 2 meeting.

3. Within seven (7) days following receipt of the Step 2 decision, the grievant, if not satisfied with the resolution of the grievance at Step 2, may submit the completed grievance form to the Superintendent or designee. Within seven (7) days of receipt of the Step 3 filing the Superintendent or designee shall meet in an effort to resolve the grievance. The Superintendent or designee shall submit his/her written decision to the grievant within seven (7) days of the Step 3 meeting.

4. Within seven (7) days following receipt of the Step 3 decision, the grievant, if not satisfied with the resolution of the grievance at Step 3, may file a summary of any objections to the Step 3 decision with the Superintendent who shall furnish copies to the Board. The Board shall determine at its next regular meeting whether to take up the grievance at a meeting to be set by the Board no later than thirty (30) calendar days following such determination.

Revised 8/03
Revised 11/04

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CURRICULUM DEVELOPMENT

2210A - **CURRICULUM DEVELOPMENT**

The District's curriculum development will be managed through the leadership of the Curriculum and Instruction division.

A. The Curriculum and Instruction Directors and their Content Specialists'

B. responsibilities include:

1. Continually evaluate selected areas of the District's curriculum.

2. Establish priority areas for revision.

3. Establish working committees in the selected areas.

4. Maintain liaison with working committees to determine progress and assist with possible problems.

5. Determine how best to implement a newly developed or revised course of study including faculty orientation.

6. Develop or advise on in-service programs and seminars needed to strengthen and enrich the District's program.

7. Establish procedures for effective evaluation of courses of study.

Supervision of Courses of Study

The primary responsibility for the supervision of instruction rests with the individual building principal in accordance with Board policies and administrative procedures related to the District's curriculum. The support of the Curriculum and Instruction team shall be available at the request of the principal to assist in the proper utilization of courses of study. Principals and other supervisory personnel are to monitor how well each teacher is using the courses of study, help them overcome any difficulties they are encountering, and obtain their suggestions for improvement of the courses. All such suggestions are to be submitted to the Principal Supervisor.

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COMPREHENSIVE EVIDENCE-BASED READING PLAN

2210B - **COMPREHENSIVE EVIDENCE-BASED READING PLAN**

I. **CERP**

A. The District is required to implement a system of comprehensive reading instruction for students enrolled in prekindergarten through grade 12 and certain students who exhibit a substantial deficiency in early literacy. The reading instructional program will be described in a Comprehensive Evidence-Based Reading Plan (CERP) outlines the components of the District's comprehensive system of reading instruction.

B. The CERP will be developed by the working committee and employees specified in AP 2210A - *Curriculum Development*.

II. **Components of the CERP**

A. The CERP will include all required components as described in sub-sections (3) through (8) of F.A.C. 6A-6.053.

B. Components of the plan may include:

1. additional time per day of evidence-based intensive reading instruction for kindergarten through grade 12 students, which may be delivered during or outside of the regular school day;

2. highly qualified reading coaches, who must be endorsed in reading, to support classroom teachers in making instructional decisions based on progress monitoring data;

3. professional development to help instructional employees and certified prekindergarten teachers earn a certification, a credential, an endorsement or an advanced degree in scientifically researched and evidence-based reading instruction;

4. summer reading camps, using only classroom teachers or other employees who are certified or endorsed in reading, for all students in kindergarten through grade 5 exhibiting a reading deficiency as determined by District and state assessments;

5. intensive reading interventions, which must be delivered by instructional employees who possess a micro-credential as defined in F.S. 1003.485 or are certified or endorsed in reading as provided in F.S. 1012.586 and must incorporate evidence-based strategies identified by the Just Read, Florida! office pursuant to F.S. 1001.215;

   Instructional employees who possess a micro-credential as defined in F.S. 1003.485 and are delivering intensive reading interventions must be supervised by an individual certified or endorsed in reading. For purposes of this subparagraph, the term "supervised" means that instructional employees with a micro-credential are able, through telecommunication or in person, to communicate and consult with, and receive direction from, certified or endorsed employees. Incentives for instructional employees and certified prekindergarten teachers funded in the FEFP who possess a reading certification or endorsement as specified in F.S. 1012.586 or micro-credential and provide educational support to improve student literacy.

6. tutoring in reading; and

7. a description of how the District prioritizes the assignment of highly effective teachers, as identified in F.S. 1012.34, from kindergarten to grade 2.

C. The CERP will also include the anticipated school year expenditures for each plan component.

III. **CERP Approval by the Board and Submission to the Florida Department of Education and Annual Evaluation of Implementation**

A. The CERP will be submitted for Board approval annually. After Board approval, the plan (including an approved reading instruction plan for each charter school in the District, unless a charter school elects to submit a plan independently from the District) will be submitted to the Florida Department of Education and Just Read, Florida! via e-mail at JustRead@fldoe.org by August 1st each year.

B. The District will annually evaluate the implementation of its CERP on the State-approved form after conducting a root-cause analysis of student performance data to evaluate the effectiveness of interventions. The State-approved form shall be submitted as required by the Florida Department of Education to Just Read, Florida! via e-mail at JustRead@fldoe.org by June 15th of each year.

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CONTROVERSIAL ISSUES

2240 - **CONTROVERSIAL ISSUES GENERAL INFORMATION**

The Board reserves the right to review all materials which may be considered controversial.

Only issues included in the approved instructional programs and school activities may be discussed without prior review.

Staff shall not present controversial material or issues that is not directly or closely related to the subject area being taught.

The following procedures shall be followed when potential controversial issues are to be addressed in the instructional program and/or school activities.

A. When a controversial issue is not part of a course of study, it must be reviewed and approved by the school principal and appropriate District administrator prior to use in the instructional programs and/or activity.

The principal shall be provided with detailed instructional and support materials for examination that includes the following:

1. a description to the school principal detailing the purpose of the materials,

2. the materials to be used,

3. the grade location,

4. the length of the course, and

5. any credit value.

B. Before introducing a controversial issue to students, staff should consider the:

1. chronological and emotional maturity of the students;

2. appropriateness and timeliness of the issue as it relates to the course and the students;

3. extent to which they can successfully handle the issue from a personal standpoint; and

4. amount of time needed and available to examine the issue fairly.

C. When providing instructions related to a controversial issue, the following guidelines shall be utilized:

1. Staff shall provide adequate information to help the student objectively analyze and evaluate the issues using a critical thinking process to examine different sides of an issue without bias or prejudice and shall permit each student to arrive at his/her own conclusions.

2. Staff should encourage student views on issues, as long as the expression of those views is not derogatory, malicious, or abusive toward other students' views or toward a particular group, nor should they reflect adversely upon persons because of their race, ethnicity, national origin, sex, sexual orientation, gender identity or expression, disability, religion, or any other basis prohibited by law.

3. Staff may not advocate their personal opinion or viewpoint. When necessary, the Superintendent or designee may instruct staff to refrain from sharing personal views in the classroom on controversial topics.

4. Students shall be informed of conduct expected during such instruction and the importance of being courteous and respectful of the opinions of others.

Revised 10/23/18

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ap2262

SCHOOL AGE CHILD CARE

2262 - **SCHOOL AGE CHILD CARE**

The procedures for implementing a school age child care program are:

A. Contact the District child care coordinator to conduct a feasibility study.

B. Conduct a family needs survey. This issue may be included on a school survey.

C. Complete an "Initial Child Care Plan" **Child Care Guidelines: Attachment H**, for approval by the Superintendent, Area Superintendent, and the Director of Adult/Community Education. An approved copy should be submitted to the district child care office for implementation of the program and to human resources for allocation of staff.

D. Refer to Guidelines for School Age Child Care for program operations.

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ap2270

RELIGION IN THE CURRICULUM

2270 - **RELIGION IN THE CURRICULUM**

The Board has adopted a policy supporting the understanding of religions and their effects on civilization by the students. When developing or implementing any course of study which involves religion, the following procedures should be followed:

A. Course content can neither inhibit nor advance any religion.

B. The use of art, literature, and music descriptive of the religion shall not, by itself, bar their use by the District.

C. Curriculum may include, as appropriate to the various ages and attainments of students, instructions about world religions.

D. Students should receive unbiased instruction in the schools.

E. Student absences for religious holidays are excused absences.

F. Student absences excused for religious holidays will require that all educational requirements for the course be met before a passing grade and/or credit is assigned. The student shall have a reasonable amount of time up to ten (10) school days to make up work for the excused absences. Principals may grant extensions to make up time limit for extenuating circumstances.

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ap2340

FIELD TRIP PROCEDURES

2340 - **FIELD TRIP PROCEDURES**

GENERAL INFORMATION

Educational field trips may be developed by each school to provide a variety of experiences and enhance the student's educational opportunities. Although field trips are adjunct to the instructional program, each is a learning activity and bears a direct relationship to the normal school experience.

For optimum student benefit, each field trip must be well planned beforehand and thoroughly evaluated after completion. The teacher or sponsor in charge of the group is responsible for the activity just as if it were conducted at school. All students within the class or school group must be given the opportunity to participate in the field trip.

This procedure has been developed to assist schools in planning and conducting educational field trips and travel to school-oriented activities off campus. The overall objective is to facilitate optimum learning experiences through educational field trips and school-sponsored student travel to approved activities.

FIELD TRIPS AND OTHER STUDENT TRAVEL

The Board recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Properly planned and executed field trips should:

A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;

B. arouse new interests among students;

C. help students relate school experiences to the reality of the world outside of school;

D. bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience;

E. afford students the opportunity to study and explore real situations and processes in their actual environment.

For purposes of this procedure, a field trip shall be defined as any planned journey for one or more students away from District premises, which is under the supervision of an instructional staff member and an integral part of a course of study.

Other student travel shall be defined as any planned, student-travel activity that is approved as part of the District's total educational program.

The Superintendent shall prepare administrative procedures for the operation of both field and other District-sponsored trips, including athletic trips, which shall ensure:

A. the safety and well-being of students;

B. parental permission is sought and obtained before any student leaves the District on a trip;

C. each trip is properly planned, and if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities which enhance its usefulness;

D. the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;

E. each trip is properly monitored and supervised;

F. student behavior while on all field trips complies with the Student Code of Conduct and on all other rules, policies, and procedures set forth by schools;

G. a copy of each student's Emergency Medical Authorization Form is in the possession of the staff member in charge.

An instructional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is imperiled or where changes or substitutions beyond his/her control have frustrated the purpose of the trip.

In any instance in which the itinerary of a trip is altered, the instructional staff member in charge shall notify the administrative superior immediately.

The Board shall approve those field trips and other student travel that are planned to take students out of the State of Florida.

The Area Superintendent shall approve all trips within the State for more than two (2) days.

Regularly enrolled students may be charged a fee for participation in field trips or for other student travel which is not part of a course of study. No student shall be denied participation for financial inability, nor shall they be penalized academically for nonparticipation.

Students on all District-sponsored trips remain under the supervision of this Board and are subject to the District's administrative procedures.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the District who takes students on trips not approved by the Board or Superintendent. No staff member may solicit students of this District for such trips within the facilities or on the school grounds of the District without permission from the Superintendent. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with the District's administrative procedures for extended trips.

TRANSPORTATION FOR FIELD AND OTHER DISTRICT-SPONSORED TRIPS

It shall be the policy of the Board to use regular or special-purpose school vehicles for transportation on field and other District-sponsored trips.

The transportation for all field and other District-sponsored trips shall be regulated by the District Procedures and Criteria for Field Trips.

Authorized trips include athletic trips, band trips, chorus trips, and educational trips.

Except for emergency reasons, there shall be no variation from the scheduled route of the trip.

Transportation may be limited by the availability of vehicles, drivers, and scheduling and will not be available when needed for home to school purposes.

All students are expected to ride the approved vehicle to and from each activity.

District students not affiliated with the trip activity, non-district students, and/or children of preschool age shall not be permitted to ride on the trip vehicle.

The Superintendent shall prepare administrative procedures to ensure that all transportation is in compliance with Board policy on use of District vehicles and/or use of private vehicles.

APPROVAL OF FIELD TRIPS

Sponsors for educational field trips or student travel to approved school activities should first discuss the proposed trip and/or activity with the principal and obtain approval to proceed with plans for the field trip.

A completed Sponsor's Application for Permission to Plan an Off-Campus Field Trip/Activity Form 2340 F1 must be approved by the principal and submitted to the Area Superintendent for review. In the event a trip would require students to be absent from school for more than two (2) days, the field trip must be approved by the Area Superintendent.

NOTE: Field trips are not approved for students to attend motion pictures that have restricted ratings (R, X, etc.)

APPROVAL OF THE SCHOOL BOARD

Educational field trips or student travel to activities/events outside the State of Florida, on school days or non-school days shall be submitted for Board approval.

PARENT PERMISSION AND STUDENT RESPONSIBILITY

Permission for a student to participate in an educational field trip, or travel as a member of a school class or group to approved off-campus activities, must be obtained from the student's parent or guardian.

Three (3) forms are approved as parent permission forms and should be used accordingly. Copies of all forms may be obtained from Printing Services.

A. Parent Permission and Responsibility Statement for Off-Campus Activity (see Form 2340 F2)

To be used by all classes or groups (except bands, choral groups, cheerleaders, and athletic teams), for each individual trip or activity.

B. Student Medical Release Form for Out-of-County or Overnight Travel (see Form 2340 F3)

To be used by members of bands and choral groups when school buses or approved commercial buses are used. Each student must complete one (1) form which remains in effect the entire school year unless canceled in writing by the parent or guardian.

If the band or choral group uses privately owned motor vehicles to transport students, a Parent Permission and Responsibility Statement for Off-Campus Activity form that outlines the transportation arrangement must also be obtained.

C. Parent Permission and Responsibility Statement for Off-Campus Extra-Curricular Athletics (see Form 2340 F4)

In addition to the Florida High School Athletic Association's EL-2 - Participation and Evaluation Form and EL-3 – Consent and Release of Liability Statement, this form is to be used by members of athletic teams and cheerleading squads. Each student must complete one (1) form which remains in effect the entire school year unless canceled in writing by the parent or guardian.

TRANSPORTATION

The mode of transportation for educational field trips and other student travel to school-related activities will be by school buses, commercial carrier, or approved private vehicles. Specific procedures related to the use of school buses and private vehicles are included below.

Use of School Buses

A. The school must complete and submit a Requisition for Special School Bus Transportation signed by the principal. (see Form 2340 F5)

B. The seating capacity on most school buses used for educational field trips for elementary students is sixty-five (65), however, consideration should be given to the size of students and length of the trip when determining the number of buses needed. The seating capacity for secondary students on most school buses is forty-three (43) (two (2) to a seat).

C. School bus loops are the official student loading and unloading area at school.

D. Travel will begin and end at the school. Students will not be picked up or let off at other locations.

E. The school bus driver shall ensure that emergency procedure instructions are discussed prior to departure. (see Form 2340 F5a)

F. Travel is permitted to the places and areas designated on the bus requisition only.

G. Only those students who are official members of the class or group, their sponsors and chaperones are permitted to travel on the school bus.

H. Student responsibilities and conduct on school buses on field trips are the same as traveling to and from school. Sponsors and chaperones are responsible for maintaining proper student conduct.

NOTE: Standards of conduct for riding a school bus are also included in the Elementary Student/Parent Handbook and the Secondary Students Code of Conduct.

I. Costs, such as tolls, admission fees, etc., are to be paid by the sponsor. Also on overnight trips, the driver's meals and lodging expenses are to be paid by the sponsor.

J. Inform the Transportation Department immediately when a scheduled trip is canceled. Schools are charged a two (2) hour minimum when a bus is sent to school and the trip has been canceled.

K. The sponsor will sign the driver's Trip Report (TR-4) at the conclusion of travel verifying the completion of the trip.

Use of Private Vehicles

Private vehicles may be used for educational field trips or as transportation for school-sponsored groups with the approval of the principal. However, prior to using a private vehicle to transport students, should it become necessary, the principal shall:

A. verify that the driver of the vehicle has a valid Florida driver's license;

B. require the owner to show evidence of adequate insurance in force on the vehicle prior to and during the time it is used to transport students;

C. verify and keep on file, the owner's insurance information on the form, Statement of Insurance on Private Vehicles; (see Form 2340 F6)

D. verify the vehicle used is designed to transport ten (10) or fewer passengers and meets all Federal motor safety standards for passenger cars and that the vehicle does not have a rollover sticker;

E. verify that non-student drivers have completed a level II criminal background screen that is in compliance with Board Policy 8475;

F. verify that each parent has been notified in writing regarding the transportation arrangement and has given written permission to transport their child in a privately owned vehicle (Parent Permission and Responsibility Statement for Off-Campus Activity).

The following applies to transportation in a vehicle:

A. When the transportation of students is necessary, or practical, in a motor vehicle owned and/or operated by the Board or designee, other than a school bus, such transportation must be provided in designated seating positions. The appropriate safety restraint device must be used by each passenger.

B. In a passenger car not to exceed eight (8) students; or in a multi-purpose passenger vehicle designed to transport ten (10) or fewer persons, which meets all applicable Federal Motor Vehicle Safety Standards. Any multi-purpose passenger vehicles classified as utility vehicles, with a wheelbase of 110 inches or less, and are required by Federal Motor Vehicle Standards to display a rollover-warning label, may not be used.

C. The District recommends only midsize and large passenger cars be used and the District does not recommend using pickups or compact cars.

D. Additionally, you must contact Risk Management, 633-1000 ext. 620 to obtain approval in regards to the necessary insurance coverage on vehicles used.

USE OF BUSES BY NON-SCHOOL GROUPS

Non-school groups shall not be authorized to use school buses without prior approval of the Board.

Passengers on buses used for educational field trips or any school related trip shall be limited to students who are official members of the school class or group, their sponsors and chaperones.

CHAPERONES

All educational field trips and other school sponsored student travel must be adequately supervised and chaperoned by a faculty member(s) with abilities and interests paralleling the interests and objectives of the class or group. A certificated faculty member will be designated as sponsor, and other staff members or parents designated chaperones as appointed by the principal. The number of chaperones will be based on the number of students participating and the specific needs of the trip. No group or individual shall participate in an educational field trip or school sponsored travel unless properly supervised and chaperoned consistent with the provisions of this manual.

The minimum number of sponsor/chaperones on all field trips or school sponsored student travel shall be one (1) for each ten (10) students.

NOTE: A sponsor or chaperone may not bring his/her own child on a field trip unless the child is an official member of the class or group.

The responsibilities of trip chaperones form will be prepared by the trip leader, signed by the principal, and given to each chaperone. (see Form 2340 F7)

SPONSORED FIELD TRIPS

In some cases community organizations or groups may desire to recognize a school group for special ability or scholarship by inviting the group to make a trip with all expenses paid. Such trips must be approved by the principal and Area Superintendent.

ITINERARY

An itinerary must be filed in the principal's office by the sponsor or sponsoring organization. Two (2) school contact persons, not making the trip, must be identified for parents, with each contact person's phone number in order to respond to calls or questions concerning the trip. Names of the contact persons and their phone numbers are to be listed on the form, Parent Permission and Responsibility Statement for Off-Campus Activity. (see Form 2340 F2)

ACCOMMODATIONS

All arrangements for accommodations while on an educational field trip or school-sponsored student travel must be reviewed and approved by the principal before travel begins. Where applicable, hotel/motel reports are to be submitted by the sponsor at the conclusion of the trip.

COST OF THE TRIP

All arrangements for payment of expenses, including costs of accommodations for individual students, student groups, and chaperones incurred on school-sponsored trips shall be the responsibility of the school. All such arrangements shall have prior approval of the school principal.

Students shall not be charged for school bus transportation in excess of the actual costs to the school. No student shall be denied participation in a field trip for inability to pay any fee or charge imposed.

MEDICAL EMERGENCIES

The following procedures will be followed in the event a student becomes seriously ill or injured while on a field/activity trip.

A. The school will ensure the Medical Authorization Form is complete for each student participating in the field/activity trip.

B. A copy of each student's Emergency Medical Authorization Form is to be in the possession of the staff member in charge for all trips that are not completed prior to the end of the school day.

C. If it becomes necessary to take a student to a hospital for emergency treatment:

1. Contact the nearest hospital or law enforcement agency for assistance getting the student to the hospital. If the trip is to be completed before the end of the school day, contact the school and provide all essential information. The school will contact the parent/guardian and give all necessary information. Ensure the name, location, and telephone of the medical facility receiving the injured student is communicated to the parent/guardian. An adult member assisting with the field/activity trip will remain at the medical facility with the student until a parent or guardian arrives.

2. If the student illness or injury occurs after the close of the regular school day or on a non-school day, get the student medical attention using the procedure noted above. Using the student's Medical Authorization Form, contact the parent/guardian and provide all necessary information. Attempt to contact the principal/assistant principal and provide

all facts. Ensure an adult member assisting with the field/activity trip stays with the ill/injured student until the parent/guardian arrives at the medical facility.

3. Complete a written incident report at school as soon as possible. The student must complete the Risk Management Incident/Accident report as soon as possible after the accident.

INSTRUCTIONAL OBJECTIVE

An educational field trip is an extension of the classroom and regular classroom instruction. A specific instructional objective(s) should be included in planning the activity since approval is based largely on the educational benefit to the students participating in the field trip. Consideration must also be given to students keeping up with instruction in other classes and making up work missed as a result of participation in the field trip.

LOSS OF SCHOOL TIME

A statement of instructional objective(s) must be included for any trip that results in loss of school time. Where possible, trips should be scheduled without loss of school time, i.e. student holidays, spring vacation, or during the summer vacation. In the event a trip would require students to be absent from school for more than two (2) days, the trip must be approved by the principal and Area Superintendent.

All students on educational field trips or travel to school-related activities shall be official members of the class or groups enrolled in the school.

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EDUCATIONAL OPTIONS

2370 - **EDUCATIONAL OPTIONS**

Additional educational options for earning high school graduation credit include:

FLORIDA ONLINE HIGH SCHOOL

A student may enroll in courses offered by Florida Online High School as part of, or in addition to, the regular instructional day. Parent/Guardian and principal approval are required. The principal shall award credit for successful course completion.

CORRESPONDENCE COURSES

A maximum of two (2) credits may be earned through a correspondence study program provided that:

A. the principal of the school to accept the credit approves the program prior to enrollment in the correspondence course(s);

B. the course content is comparable to the District-adopted course;

C. the program is taken through an institution accredited by a State or one (1) of the five (5) regional accrediting agencies.

Exceptions for extenuating circumstances must be approved by the Superintendent or his/her designee.

CREDIT TOWARD GRADUATION

Students normally begin earning credit toward graduation in grade 9 for the twenty-six (26) credits required for graduation. High school courses taken prior to grade 9 may be counted as credit toward graduation provided the following conditions are met:

A. The course is listed in the 9-12 section of the Course Code Directory;

B. The course is part of a program of acceleration APPROVED BY THE PRINCIPAL.

Courses are offered on a semester or yearlong basis and credit is issued based on performance for the marking period. In order to earn course credit toward graduation, a student must demonstrate mastery of the state-adopted student performance standards.

Demonstration of mastery of the student performance standards means that a student has mastered at least sixty percent (60%) of the course performance standards assessed by teacher observations, classroom assignments, examinations, or other commonly accepted methods of assessing student performance.

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PROCEDURES FOR ACCESSING STUDENT MENTAL WELLNESS SUPPORTS

2410 - **PROCEDURES FOR ACCESSING STUDENT MENTAL WELLNESS SUPPORTS**

In compliance with F.S. 1011.62, 1002.20, and 1014.04, Brevard Public Schools utilizes a framework called "Mental Wellness Pathways" outlining the processes and procedures for identifying and connecting children to appropriate mental, behavioral, and emotional supports. This framework outlines processes and procedures for referring students for mental and emotional wellness supports, obtaining parent/guardian consent, monitoring of student progress by collaborative school-based problem-solving teams, and notifying parent/guardian of any change in current services.

Through the lens of fostering a caring, supporting, and nurturing climate in schools, emphasis is placed on overall wellness, building resilience, and increasing protective factors for all students (Tier 1 positive school-wide positive supports). From this Tier 1 foundation, students who need additional supports are identified and provided access to Tier 2 small group and Tier 3 individual counseling supports (school-based or agency partner).

1 – Parental/Family Involvement

Parents have the fundamental right to make decisions regarding the upbringing and control of their children. The following section outlines procedures for notifying parents or guardians of a change in student's services or monitoring related to student's mental, emotional, or physical health or well-being.

For initial services, school counselor/social worker will document parent receipt of notification using the following forms as appropriate:

A. **Initial Services to School-based Tier 2 and Tier 3 Supports.**

1. The school counselor/social worker will:

i. Initiate a Mental Wellness Pathways Assistance Form 5

ii. Document parent notification for Parent Consent for either Individual counseling or small group counseling, as appropriate.

iii. Using the collaborative problem-solving team meeting, design appropriate intervention/supports to be implemented and monitored on a frequent basis.

iv. Monitor student progress in collaborative solving IPST Team meetings.

v. Finalize/Update the Finalize the Mental Wellness Pathway Assistance Form 5 (including who will deliver intervention supports, when, what the supports are, etc.).

vi. Complete data entry into FOCUS using Mental Wellness Pathways FOCUS Input Form 6.

vii. Provide parents, families, and individuals living in household information and resources for community behavioral services, including BPS Referral Sources for Children and Families

viii. Communicate with parent/guardians at least monthly on student progress.

ix. Referrals for school-based Tier 2 or Tier 3 services must be initiated within fifteen (15) days after identification and assessment/need.

B. **Initial Services to Outside Agency Partners in School**

1. The school counselor/social worker will:

i. Obtain (if from SRI or TAT) or generate Mental Wellness Pathways Assistance Form 5

ii. Document parent notification for Parent Consent for either Individual counseling or small group counseling, as appropriate.

iii. Complete Authorization for Exchange and Release of Information (Form 3) and obtain parent permission for release of information.

iv. Complete Mental Wellness Pathways Universal Referral Form (Form 4) and send it via email to the assigned Outside Agency Partner.

v. Communicate and follow-up with Outside Agency Partner to determine when students will receive services.

vi. Provide parents, families, and individuals living in household information and resources for community behavioral services, including BPS Referral Sources for Children and Families

vii. Complete data entry into FOCUS using Mental Wellness Pathways FOCUS Input Form 6.

viii. Facilitate communication between provider and school staff to improve classroom supports to support overall student success.

ix. Monitor student progress in collaborative solving IPST Team meetings.

x. Referrals to Agency Partners must be initiated within thirty (30) days after the identification, referral, and assessment to Agency Partners.

xi. Communicate with parent/guardians at least monthly on student progress.

C. **Change in Services**

1. The school counselor/social worker will:

i. Involve a collaborative problem-solving team meeting to discuss and design appropriate intervention/supports.

ii. Complete the Form 5 – CHA for Change in Service Form.

iii. Notify the parent/guardian of the change in services by using Form 5 – CHA (Change in Services).

iv. Complete data entry in FOCUS for change in services and parent notification of change in services (reference: Mental Wellness Pathways FOCUS Input Form 6).

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ap2411

STUDENT DEVELOPMENT PLAN

2411 - **STUDENT DEVELOPMENT PLAN**

These procedures are designed to insure proper balance between three (3) major areas of student development: 1) academic, 2) career, and 3) personal/social.

The mission of school counseling in the District is to prepare students to become capable, responsible, and contributing citizens. The program is designed to help all students develop their educational, social, emotional, career, and personal strengths. There is a commitment to maximize individual uniqueness and the development of human potential. The school counseling program is an integral part of the school's total educational program that assists students, parents, and educators in an effective progression through each school level and into adulthood.

The goals of the school counseling program are to:

A. ensure that the school counseling program reaches 100% of the student populations;

B. provide proactive and preventative interventions;

C. ensure that counseling services are delivered by certified, professional school counselors;

D. ensure that school administrators and school counselors protect the professional integrity of the counseling program;

E. ensure that services are being delivered to students by following annual accountability procedures.

AREAS OF STUDENT DEVELOPMENT

A. Academic Development

1. Students will acquire the attitudes, knowledge, aptitudes, and skills that contribute to effective learning in school and across the life span.

2. Students will employ strategies to achieve success in school.

3. Students will understand the relationship of academics to the world of work, and to life at home and in the community.

B. Career Development

1. Students will acquire the skills to investigate the world of work in relation to knowledge of self and to make appropriate career decisions.

2. Students will employ strategies to achieve future career success and satisfaction.

3. Students will understand the relationship between personal qualities, education and training, and the world of work.

C. Personal/Social Development

1. Students will acquire the knowledge, attitudes, and interpersonal skills to help them understand and respect self and others.

2. Students will make decisions, set goals, and take action.

3. Students will understand safety and survival skills.

SCHOOL COUNSELOR

As student advocates, school counselors are committed to participate as members of the educational team. The counselor facilitates communication and establishes linkages for the benefit of students, with teaching staff, administration, families, student service personnel, agencies, businesses, and other members of the community.

As student advocates, counselors are responsive to the diversity in the schools and communities. The counseling program and the counselors serve all students and acknowledge that diversity and individual differences are valuable to all.

As student advocates, counselors are mindful of confidentiality in working with students. The professional school counselor:

A. informs all counselees of the purposes, goals, techniques, and rules of procedure under which they may receive counseling at or before the time when the counseling relationship is entered;

B. protects the confidentiality of information received in the counseling relationship as specified by Federal and State laws, written policies, and applicable ethical standards.

Counselors deliver the program through:

A. Counseling

1. Individual (providing students with maximum privacy in which to freely explore ideas, feelings, behaviors)

2. Small-group (five (5) to eight (8) members, generally problem-centered or growth-centered discussions)

B. Consultation

Providing parents, teachers, and the community with information and skills to assist them in working with students.

C. Collaboration

Working with other members of the educational team to facilitate optimum student development.

D. Coordination

Serving as liaison between teachers, parents, support personnel, and community resources to facilitate successful student development.

E. Case Management

Monitoring of individual student's progress in the three (3) areas of student development.

F. Program Evaluation and Development

Continuing assessment of the program making appropriate changes based on the needs of the students.

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ap2411.01

COLLEGE/CAREER READINESS ASSESSMENT

2411.01 - **COLLEGE/CAREER READINESS ASSESSMENT**

Brevard Public School juniors will take a college/career readiness standardized assessment, unless waived by the Individual Education Plan (IEP), to provide an indication of their readiness for postsecondary education and careers. The results will be used by high school counselors to assist students to refine individual aspirations, goals, and needs and develop the Senior Year Plan to complete the program of study.

Effective with the Graduating Class of 2010-2011, the following procedures will be utilized to implement the College/Readiness Assessment and the development of the Senior Plan:

A. High school counselors will meet with each junior and his/her parent to review the results of the college/career readiness assessment.

B. Based on the results of the student, the counselor will develop the Senior Plan the college/career readiness assessment and the postsecondary goals.

C. The Senior Plan will be put in writing and will include specific course selections for the student's schedule during the senior year.

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ap2416

PROCEDURES FOR INSPECTION OF MATERIALS USED IN CONJUNCTION WITH ANY SURVEY, ANALYSIS, OR EVALUATION

2416 - **PROCEDURES FOR INSPECTION OF MATERIALS USED IN CONJUNCTION WITH ANY SURVEY, ANALYSIS, OR EVALUATION**

The following procedures should be used when a parent makes a request to inspect materials used in conjunction with any survey, analysis, or evaluation that the District proposes to administer to his/her child.

Form 2416 F2 should be completed and submitted to the school principal. Upon receipt of Form 2416 F2, the principal will contact the person making the request within seven (7) days to schedule an appointment for the parent to come to the District to review and inspect the material that will be used in conjunction with this survey, analysis, or evaluation. If, upon inspection and review, at his/her discretion, the parent can refuse to have his/her child participate in the survey, analysis, or evaluation.

Furthermore, if, upon inspection and review, a parent would like to file a complaint about the materials used in conjunction with any such survey, analysis, or evaluation, the person shall follow the complaint procedures outlined in AP 2605.

Revised 4/06

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COMPREHENSIVE HEALTH EDUCATION

2417 - **COMPREHENSIVE HEALTH EDUCATION**

The human sexuality curriculum provided by the District is based on F.S. 1003.42, 1003.453, & 1003.46. The procedures are as follows:

A. Curriculum will be appropriate for the grade and age of the student and abstinence-based.

B. All course materials shall be approved by the Florida Department of Education and the Board and shall be available for inspection by parents.

C. Human sexuality will be taught as part of the science or physical education for grades 6th-8th.

D. Human sexuality will be taught as a unit in HOPE, which is a high school graduation requirement.

E. Schools should formulate an overall plan, which addresses the following areas:

1. Who will be responsible for teaching the curriculum?

2. How separate gender classes will be established where needed?

3. Who will be responsible for communicating with parents concerning the curriculum?

4. How parent education will be scheduled and who will be responsible?

5. How requests for exemptions to the curriculum will be processed?

6. Ensure materials used for instruction are those approved by the Florida Department of Education (FLDOE) and the Board and included in the District Sexuality Curriculum Guide.

F. Communication with parents needs to include:

1. a rationale for human sexuality;

2. an explanation of the law;

3. an explanation of the procedures which will be used at the school;

4. an overview of the curriculum;

5. an opportunity to preview the materials.

G. Student exemption from human sexuality curriculum:

Parental option is available. Parental request for student exemption is required in writing to the school principal.

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ap2430

DISTRICT-SPONSORED CLUBS AND ACTIVITIES

2430 - **DISTRICT-SPONSORED CLUBS AND ACTIVITIES**

Since the policy of the Board is to maintain a co-curricular activities program sufficiently varied to meet the wide range of vocational, recreational, social, and cultural needs and interests of the students, all students should be urged to join at least one (1) club or activity.

A. Existing Clubs or Activities

1. Students shall be fully informed of the curricular-related and extra-curricular activities available to them and the eligibility standards for each activity.

2. All eligible students may participate in District-sponsored activities.

B. New Activities

All new activities shall be approved in the following manner:

1. Requests for new activities should be submitted to the school principal.

2. The principal will review each request and either reject or submit each.

3. Upon approval, an activity will be listed as a part of the co-curricular or extra-curricular program and its fiscal account established according to the internal accounts rules and regulations.

C. Fiscal Compliance

1. Both co-curricular and extra-curricular activities need to comply with financial and bookkeeping controls established by the internal accounts rules and regulations.

2. Each activity advisor is to provide the building principal with a periodic update on the fiscal status of the activity.

D. Operating Procedures

Operating procedures for all co-curricular/extra-curricular activities will ensure that:

1. students participate in ways that do not interfere with their academic programs;

2. the safety and welfare of the students is adequately safeguarded;

3. all activities have proper faculty planning, direction, and supervision;

4. faculty members work cooperatively so that some activities do not interfere with the operations of others;

5. faculty members work cooperatively so that some activities do not interfere with the operations of others;

6. faculty members and students are encouraged to attend activities involving student performances;

7. each activity is assessed continuously relative to its stated purpose and goals;

8. building facilities and equipment are being used safely and as intended and being maintained in proper condition.

E. Eligibility Requirements

1. All students who participate in interscholastic athletics shall meet the eligibility requirements described in the Florida High School Athletics Association (FHSAA) handbook.

2. Eligibility requirements for participation in other activities shall be specified in the student handbooks.

3. To be eligible for any interscholastic extra-curricular activity, students must maintain at least a 2.0 cumulative grade point average.

F. Non-School Board Clubs and Activities Administered by Members of the Community

1. All clubs or patriotic youth groups such as the Boy Scouts of America initiated by parents or members of the community shall be given equal access to district facilities after school hours as long as they complete the District's facility use agreement form, submit a certificate of insurance, and pay the hourly fee for this use as outlined in Board Policy 7510 - *Use of District Facilities*.

2. As a receiver of Federal funds, the School Board of Brevard County will not discriminate in the rental of District facilities to outside individuals or organizations on the basis of race, sex, disability, national origin, religion, etc., or in its educational programs and employment practices, including, equal access to the Boy Scouts of America and other designated youth groups per Federal Regulation 34 C.F.R. 108 (Boy Scouts Act).

Any suspected or alleged violations of this discrimination statement should be reported to the Office of Risk Management or the District's Title IX and 504 compliance officer.

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ap2431

INTERSCHOLASTIC ATHLETICS PROCEDURES

2431 - **INTERSCHOLASTIC ATHLETICS PROCEDURES**

To maintain an effective program of interscholastic activities, the following responsibilities will be fulfilled by the appropriate people:

A. The Senior High School Principal shall:

1. be held ultimately responsible in all matters pertaining to interscholastic activities;

2. fulfill all duties and responsibilities as they pertain to interscholastic athletics as prescribed by the Florida High School Athletic Association (FHSAA) and the Board;

3. oversee all ticket sales and the handling of ticket revenue;

4. prepare financial reports of all revenues and expenditures for all athletic contest;

5. keep a record available at all times regarding the latest up-to-date information on the eligibility of the current season sports' squads, including cheerleaders and team managers;

6. handle matters pertaining to insurance and processing of medical claims at the high school.

B. The Senior High School Athletic Director:

1. must be a certified Board employee;

2. direct and coordinate all interscholastic activities and be directly responsible to the principal;

3. approve all athletic contests with the principal before they are contracted;

4. prepare the athletic budget for the school and present it to the principal;

5. ascertain that all rules and regulations of the FHSAA are upheld and enforced;

6. strive to promote good public relations with the general public, news media, opponents' schools, civic organizations, and booster clubs;

7. secure, when possible, a team physician for athletic activities;

8. arrange for the transportation of all school athletic teams;

9. check the readiness of all facilities for teams and spectators prior to game time;

10. coordinate the planning of appropriate athletic events and clear them with the principal;

11. prepare all game contracts, specifying the date, time, and location;

12. co-sign with the principal all contracts and keep them on file at the school;

13. employ and pay all contest officials and personnel involved in operating the contest;

14. oversee the issue of all passes and complimentary tickets;

15. regulate the use of the press box and the public address system;

16. organize with the head coach the flag-raising ceremony and the playing of the National Anthem;

17. reconfirm in a timely manner the athletic contest with the visiting school and game officials;

18. keep schedules available for the athletic trainer;

19. make arrangements for emergency medical care;

20. be responsible for regulations concerning visiting scouts;

21. arrange for the ordering and the presentation of letters and other athletic awards;

22. handle all matters pertaining to radio/media broadcasts;

23. ensure that the appropriate number of school personnel is on board the student athlete buses;

24. verify all athletes have the mandated forms on file for athletic eligibility, including the ECG Consent/Opt-Out Form.

C. The Head Coach shall:

1. be a certified teacher or have received the athletic coaching endorsement from the State of Florida;

2. be responsible for all matters relating to the organization and administration of the assigned team;

3. enforce all rules of the FHSAA related to assigned sport;

4. assign duties to equipment managers and assistant coaches;

5. plan all practice sessions;

6. prepare public information releases regarding their assigned sport;

7. assist in planning special athletic events;

8. maintain an accurate and current squad roster and submit copies to the athletic director;

9. verify that no candidate is issued equipment or allowed to practice until a Parent/Player Form and Pre-participation Physical Evaluation Form is complete;

10. assign at least one (1) coach to be with the squad at all times; this includes locker room supervision until all squad members have left the building;

    A spot check should then be made to see that all windows, doors, and gates are locked in any area that has been used.

11. prepare a detailed equipment and supply request and submit it to the Athletic Director;

12. arrange for the presentation of team awards through the Athletic Director;

13. recommend teams that may be scheduled and officials to be employed;

14. enforce rules and regulations concerning the conditioning of players and their health and safety;

15. report injuries to the principal. Coaches should exercise great care in dealing with all injuries and particularly those that are of a serious nature. In all cases, that coach should assure that the injured athlete is receiving competent medical care. Following injuries of a serious or prolonged nature, the coach should secure the signed approval of the doctor and parent/legal guardian before the athlete is allowed to participate again in athletic activities.

D. The Assistant Coach (includes varsity assistants, reserve, freshman, and middle school coaches) shall:

1. be a certified teacher or have received the athletic coaching endorsement from the State of Florida;

2. support the head coach in the conduct of their assigned sport and the total athletic program;

3. fulfill all responsibilities assigned by the head coach;

4. be prepared to assume the responsibility of the head coach, if and when necessary.

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ap2450

ADULT AND COMMUNITY EDUCATION

2450 - **ADULT AND COMMUNITY EDUCATION**

ADULT EDUCATION ENROLLMENT PROCEDURE

Persons who have reached the age of sixteen (16) and are not enrolled in compulsory education may enroll in adult education programs. Students under the age of sixteen (16) having special needs may enroll with special permission from the Area Superintendent of the center the student wishes to attend. Both a withdrawal card and a transcript from the last school attended are required. Students currently attending the regular high school program may co-enroll in adult education with special permission.

A. APPLICATION FORM

Every student entering adult education for the first time must complete the Adult/Community Demographic Application Form. All appropriate data contained on the form will be entered into the computer as specified in the Data Manual.

B. TESTING

Each adult student must be evaluated using a State-approved entry-level test instrument to determine academic level. This requirement is waived for fee supported classes, GED, and high school credit courses.

C. REGISTRATION

Once the appropriate academic level has been determined, the student will complete a registration form for enrollment into the appropriate program.

D. DRUG ADDENDUM

Each student enrolling in adult education must complete and sign the Drug Addendum Form concerning the use of prohibited substances and weapons.

E. CO-ENROLLED STUDENTS

Students enrolled in the regular high school day program must have special permission to enroll in adult education. A co-enrollee form signed by the host school counselor, principal and the student's parent must be presented at the time of registration.

For more information and sample forms refer to the Adult/Community Education Administrative Policies and Procedures Manual.

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EXCEPTIONAL STUDENT EDUCATION

2460 - **EXCEPTIONAL STUDENT EDUCATION**

A. **MOBILITY DEVICES**

1. Use of Wheelchairs and Manually-Powered Mobility Aids

   a. The Board shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. Reasonable accommodations will be considered on a case by case basis for persons with disabilities who request the use of any other power-driven mobility device to be used on District property.

2. Assessment Factors

   a. In determining whether a particular power-driven mobility device can be allowed on District property as a reasonable accommodation, the Board shall consider:

      i. the type, size, weight, dimensions, and speed of the device;

      ii. the facility's volume of pedestrian traffic (which may vary at different times);

      iii. the facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);

      iv. whether legitimate safety requirements can be established to permit the safe operation of power-driven mobility device in the specific facility; and

      v. whether the use of any power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

3. Inquiry about a Disability

   a. The Board shall not ask an individual using a wheelchair or any power-driven mobility device questions about the nature and extent of the individual's disability.

4. Inquiry Regarding the Use of an Other Power-Driven Mobility Device (Not a Wheelchair)

   a. School personnel may ask a person using a power-driven mobility device to provide credible assurance that the mobility device is required or needed due to the person's disability without specifically asking about the nature/extent of the disability.

   b. Credible assurance can be a valid State-issued proof of disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is in compliance with the State's requirements for disability placards or cards.

c. In lieu of a valid State-issued disability parking placard, card, or other State-issued proof of disability, the Board shall accept, as credible assurance, a verbal statement that is not contradicted by observable fact, that the power-driven mobility device is being used for a mobility disability.

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SURROGATE PARENTS OF DISABLED STUDENTS

2460A - **SURROGATE PARENTS OF DISABLED STUDENTS**

A. Determination of Students in Need of a Surrogate Parent

When communication is not forthcoming from the student's parent or legal guardian (which for the purposes of this section does not include any governmental agency or entity), a written inquiry will be sent to the adult in charge of the student's place of residence, as well as to the parent or legal guardian at the last known address.

B. Criteria for the Selection of Parent Surrogates

The following qualifications will be used in selecting a surrogate parent. The surrogate parent:

1. shall not be the employee of any educational agency responsible for providing education to the disabled student, an agency involved in the care of the child, or a member of the State Department of Education (FLDOE);

2. shall have no interests that conflict with the interests of the student represented;

3. to the maximum extent possible, will match the environmental and linguistic background of the student represented;

4. will be at least eighteen (18) years of age.

C. Terms of Appointment as a Surrogate Parent

Terms of appointment are renewable at the discretion of the Superintendent or designee or shall continue in the appointed role until one (1) of the following occurs:

1. The student is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested.

2. The student achieves permanency through adoption or legal guardianship and is no longer in the custody of the department.

3. The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available.

4. The appointed surrogate no longer wishes to represent the student or is unable to represent the student.

5. The Superintendent or designee of the school district in which the student is attending school, the Department of Education contract designee, or the court that appointed the surrogate determines that the appointed surrogate parent no longer adequately represents the student.

6. The student moves to a geographic location that is not reasonably accessible to the appointed surrogate.

D. Recommended Caseload for Surrogate Parents

A maximum caseload of four (4) students is recommended unless the students are from the same family.

E. Duties and Responsibilities of the Surrogate Parent

The surrogate parent shall successfully complete any training program(s) prescribed by the FLDOE and any District-provided trainings. The surrogate parent shall represent the student in all matters relating to:

1. the identification, evaluation, and educational placement of the student, and

2. the provision of a free appropriate public education to the student.

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NEW WORLDS READING INITIATIVE

2521 – **NEW WORLDS READING INITIATIVE**

The following procedures are for the implementation of the New Worlds Reading Initiative:

A. Upon enrollment and at the beginning of each school year, the District will provide options for specific book topics or genres to maximize student interest in reading.

B. The New World's Reading Initiative District Contact is responsible for coordinating with local nonprofit organizations to raise awareness of the initiative using marketing materials developed by the program administrator, coordinate book delivery, identify students, and notify parents.

Coordination with local nonprofit organizations shall include, at a minimum, information regarding eligibility for the initiative and video training modules through, at least, the following:

1. Partnering with Brevard Public Libraries to host awareness events, which should coincide with other initiatives such as library card drives, family library nights, summer access events, and other family engagement programming.

2. A parent or curriculum night or separate initiative awareness event at each elementary school; and,

3. The student handbook and the read-at-home plan under F.S. 1008.25(5)(c).

C. A student in Prekindergarten through grade 5 must be provided books through the initiative if the student has a substantial reading deficiency (F.S 1008.25) or scored below a 3 on the preceding year's Statewide, standardized English Language Arts Assessment.

1. Within thirty (30) days of identifying a student who is eligible for the initiative, the New World's Reading Initiative District Contact of each school shall provide a parent or guardian with the following:

a. information on the initiative using marketing materials developed by the initiative administrator

b. information on parent training modules and other reading engagement resources available through the initiative administrator; and

c. the enrollment link to register for the initiative.

2. The New World's Reading Initiative District Contact shall coordinate with the initiative administrator to begin book delivery monthly during the school year no later than October and continuing through at least June.

3. A student's eligibility for the initiative continues until promotion to grade 6 or until the parent opts out of the initiative.

D. The New Worlds Reading Initiative District Contact is responsible for serving as the New Worlds Initiative liaison between the District and initiative administrator and between the District and charter schools.

1. The New Worlds Reading Initiative District Contact is responsible for coordinating with each charter school sponsored by the Board for purposes of identifying eligible students, notifying parents, coordinating book delivery, providing the

opportunity to annually select book topics and genres, and raising awareness of the initiative as set forth in F.S. 1003.485.

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COPYRIGHTED MATERIALS

2531 - **COPYRIGHTED MATERIALS**

Introduction

The Library Media Specialist Handbook is a tool to help library media specialists with instruction, curriculum assessment and support, resource management, program administration, and advocacy. An outstanding library media specialist is able to collaborate, build and maintain a collection, and connect to the BEST instructional design. This document is based on the ExC3EL rubric which is the driving force for 21st Century Library Media Programs in Florida's K-12 Schools.

Calendar

Included below are some of the annual tasks common to all media specialist positions. This is by no means an exhaustive list of what takes place each month, but rather helpful reminders of some major events and necessary activities.

August/September

A. Set up Calendar in Destiny [mark closed dates, etc.].

B. Orientation for students.

C. Orientation for adult volunteers (if applicable).

D. Meet with new teachers to share resources and services.

E. Solicit volunteers at Back-to-School night or Registration.

F. Introduction of SSYRA/FTR, expectations for Book Bash & FTR competitions.

G. Send Open Letter to Parents (via newsletter; web page).

H. Update your calendar and web page.

I. Collaboration Meetings with Teachers/Departments (continue throughout the year).

J. Map/Schedule Fall Activities.

K. Initial principal meeting- Budget, Calendar, Fundraisers.

L. Set up Book Fair(s) or other fundraisers for the year.

M. Join FAME (Florida Association for Media in Education) or renew membership.

N. Update databases/accounts, as needed (AR or RC, Destiny, Google Student Accounts, etc.).

September

A. Fall in-service Day/PDD (attend media training set up by Gina Clark).

B. Plan/Schedule Required Cyber safety Lesson (one (1) Required semester) [see Cyber Safety section in Edmodo group for Media Specialists].

C. Banned Books Week and Banned Websites Awareness Day.

October

A. Media Contact Day and First BAME meeting (Brevard Association of Media Educators).

B. State Monies Distributed- Begin creating Purchase Orders.

C. Teen Read Week.

D. Upload student pictures to Destiny (when link available from school photo company).

November

A. FAME (Florida Association for Media in Education) Conference.

B. Picture Book Month.

December

Work with school-based Literacy Team to plan events for Literacy Week (January).

January

A. Caldecott and Newbery Awards announced (see http://www.ala.org/mid-month for winners).

B. FETC (Florida Educational Technology Conference) in Orlando [optional].

C. Celebrate Literacy Week, Florida! http://www.justreadflorida.com/literacyweek.asp.

D. Collaboration Meetings with Teachers (2nd Semester).

E. Map/Schedule 2nd Semester Activities.

F. Meet with Principal (update on calendar, budget, instruction and reading programs).

February/March

A. Schedule/Plan 2nd Required Cyber safety lessons.

B. FTR competition.

C. Complete purchases prior to deadlines (watch for emails from District resource teacher and building bookkeeper for specific dates).

D. Media Contact Day 2.

E. Read Across America (Dr. Seuss' birthday, March 3) www.nea.org/grants/886.htm.

April

A. SSYRA/Book Bash competitions.

B. Florida Reading Association Children's Book Awards voting due (Elementary).

C. SSYRA and FTR voting due.

D. School Library Month and National Library Week.

E. National Poetry Month.

F. Inform teachers and students about final checkout and end-of-year due dates. [Make sure Ceiling date is set in Destiny.]

May

A. Discovering Quality Literature Day (Elementary).

B. Inventory completed.

C. Stop Checkout/Collect books and fines, as appropriate.

D. Send summer reading information to teachers and students; add to website.

Curriculum and Instruction

The library media program enhances student achievement by supporting all facets of the instructional program.

National and State Standards

Common Core (http://www.corestandards.org/)

"As students strive to meet the rigor of the standards, certified school librarians will play an essential part in ensuring that 21st-century information literacy skills, dispositions, responsibilities and assessments are integrated throughout all curriculum areas. With the integration of these standards to the Common Core Standards, students have the opportunity to be well-prepared as life-long learners facing the challenges of college and careers" (AASL Position Statement on CCS http://www.ala.org/ala/mgrps/divs/aasl/aaslissues/positionstatements/collegecareerstandards.cfm).

A. AASL Learning Standards & Common Core State Standards Crosswalk http://www.ala.org/aasl/guidelinesandstandards/commoncorecrosswalk/english. Resource that includes tables on how the AASL ***Standards for the 21st-Century Learner*** and the Common Core State Standards align.

B. Common Core and the School Librarian http://www.google.com/url?q=http%3A%2F%2F%2F www.schoollibrarymonthly.com%2Farticles%2 FKramer2001-v28n1p8html&sa=D&sntz=1&usg= AFQjCNHf79wL8pOpNYm9V d0gcdaUOyxGvg. Q & A on what the implementation of CCS means for school librarians.

C. School Librarians and the Common Core Standards: Resources http://www.google.com/url?q=http%3A%2F%2 Fwww.livebinders.com%2Fplay%2Fplay%2F84777 &sa=D&sntz=1&usg= AFQjCNEZlZAqQHqHkVBh5J bCt1QSiFHVhQ. Helpful resources for the school librarian on CCS.

AASL Standards for 21st Century Learners (http://www.ala.org/aasl/standards-guidelines/learning-standards)

AASL's Standards for the 21st-Century Learner offer vision for teaching and learning to both guide and beckon our profession as education leaders. The four (4) standards will both shape the library program and serve as a tool for library media specialists to use to shape the learning of students in the school.

Learners use skills, resources and tools to:

A. inquire, think critically, and gain knowledge;

B. draw conclusions, make informed decisions, apply knowledge to new situations, and create new knowledge;

C. share knowledge and participate ethically and productively as members of our democratic society;

D. pursue personal and aesthetic growth.

Florida Sunshine State Standards

The documents below refer to Sunshine State Standards. While those standards are out of date, the activities linked to them can still be used to support Common Core State Standards:

A. Connecting Language Arts Standards to Media Center Resources

B. New SSS: Teaching for Rigor with Information Literay http://www.brevard.k12.fl.us/portals/teachers/documents/Connecting Language Arts Standards to Media Center Resources.pdf

C. http://www.floridastandards.org/Standards/FLStandardSearch.aspx

Information Literacy

In an outstanding library media program information literacy skills instruction is systematically embedded into the instructional program. Students use a variety of sources accurately and ethically.

Overview

Information literacy is a set of abilities requiring individuals to "recognize when information is needed and have the ability to locate, evaluate, and use effectively the needed information." (Information Literacy Competency Standards for High Education http://www.ala.org/acrl/standards/informationliteracycompetency. American Library Association. 2006). The library media program enhances student achievement through a systematically, collaboratively planned instructional program.

In teaching information and media literacy, media specialists should always stress students' ethical use of resources. Specific lessons should be taught on copyright, avoiding plagiarism, and correct citation of sources (including images). For additional information refer to the following:

Brevard media specialists should play a key role in the technology literacy of both students and staff at school sites. It is recommended that media specialists serve on school technology committees, work with district technology integrators, and stay current through conferences (FETC, ISTE), trainings (PAINT, District tech trainings, PLT's, and professional forums/journals.

The US Department of Education's plan for technology literacy states: "All learners will have engaging and empowering learning experiences both in and out of school that prepare them to be active, creative, knowledgeable, and ethical participants in our globally networked society."

There are five (5) aspects of the national plan: learning, assessment, teaching, infrastructure, and productivity.

Links for more information:

A. National Education Technology Plan 2010

B. http://floridatechplan.org/

C. http://st2l.flinnovates.org/

Research Process

FINDS Research Model

In order to facilitate the acquisition of information literacy skills, the use of a research process model is essential. FINDS, Florida's model, provides a framework for teaching these skills and can be integrated into content-area instruction. Information and handouts on FINDS can be found at: http://www.fldoe.org/bii/Library_Media/ilflmcc.asp.

Investigate Sources and Credibility

Subscription Databases for Research

Several quality research databases exist, such as Gale Cengage and World Book, which support student research, provide authoritative sources with citations, and help prepare students for higher education. Visit the Brevard K12 Library Media District page for a list of current database subscriptions purchased by the county.

Destiny

Media specialists may need to instruct students on how to use Follett Destiny to locate print and nonprint resources prior to research. The one-search tool may be useful at guiding students to reputable sites. See the Destiny One-Search section in the documents part of this handbooks for directions.

Evaluating Web Pages for Research

A specific area of technology literacy that media specialists should focus upon is evaluating web pages for research. This is a topic in which many teachers, as well as students, are weak. A "Website Evaluation Check sheet" (to assist students while searching) is located in the Documents section of this handbook.

Resources to aid in teaching students to evaluate websites:

A. www.lib.vt.edu/instruct/evaluate/

B. http://www.ithaca.edu/library/training/think.html

C. http://library.duke.edu/services/instruction/libraryguide/evalwebpages.html

D. http://www.schrokguide.net/critical-evaluation.html

E. http://kathyschrock.net/eval/index.htm

F. www.readwritethink.org/classroom-resources/lesson-plans/inquiry-internet-evaluation-pages328.html

G. www.educationworld.com/a_teach/techlp/techlp007.shtml

Great Websites

For some research projects, it may be useful to identify and limit websites for student use. Bookmarking tools, such as Diigo or Delicious, and Bookmarking sites, such as Sitehoover may be useful tools for media specialists to develop and maintain for in-school use. Edline is also useful for linking documents and webpages for in-school research.

A searchable database of sites selected by the Association for Library Service to Children (ALSC) deemed "Great" for Pre-K through Middle School children.

http://gws.ala.org/

Note-taking and Formatting

Note-taking

Students need regular instruction in how to take quality notes from written and digital resources. Media specialists are encouraged to teach students to summarize, paraphrase, take bulleted notes, and use graphic organizers. Some resources on note taking include:

A. Simultaneous access **eBooks** from Follett can be used at any level to provide note-taking modeling and practice, since they include highlighting and note-taking functions within the software.

B. **Citation sites** such as Easybib contain resources on virtual notecards and outlines that may be helpful. http://www.easybib.com/products/notebooktour.

C. **Graphic organizers** can be found at:

1. http://www.schloastic.com/teachers/lesson-plan/graphic-organizers-readingcomprehension
2. http://www.eduplace.com/graphicorganizer/
3. https://sites.google.com/site/ausdthink/word-templates-for-thinking-maps
4. http://popplet.com/
5. Google forms and apps
6. Microsoft Office Shapes and Tables

MLA and APA Resources

http://owl.english.purdue.edu/owl/section/2/1/

Online Citation Generators- Easybib, Bibme, and Citation Machine

Plagiarism

http://www.plagiarism.org/

Product and Presentation Tools

Digital Image Presentation Programs: Stills

A. PhotoStory3 (XP operating system and newer) [free from Microsoft]: http://techtraining.brevardschools.org/hooverj/photostory3.htm

B. Animoto (free, web-based): www.animoto.com

C. Comic Life (Mac) [comics, picture albums, etc.]: http://plasq.com/comiclife

D. Comic Life (Windows): http://plasq.com/comiclife-win

E. Prezi (moving beyond PowerPoint): http://prezi.com/

Digital Image Presentation Programs: Video

A. iMovie (Mac): http://www.apple.com/ilife/imovie

B. Moviemaker (PC) [free from Microsoft]: http://techtraining.brevardschools.org/hooverj/moviemaker.htm

C. Adobe Premiere Elements: (for purchase) http://www.adobe.com/products/premiereel/

D. Podcasting (audio or video): http://techtraining.brevardschools.org/hooverj/podcasting.htm

Web 2.0 Interactives (sampling)

A. Voice Thread (share images and videos, etc.): http://voicethread.com/#home

B. Wikis (About: http://www.commoncraft.com/video-wikis-plain-english)

WikiSpaces

C. Blogs (About: http://commoncraft.com/blogs)

EduBlogs

D. Glogster http://www.edu.glogster.com/ (online Poster creation)

E. Social Bookmarking Sites

1. Delicious: http://delicious.com/

2. Diigo (knowledge-sharing; includes highlighting capabilities): www.diigo.com

F. Our Story (timelines for sharing): http://www.ourstory.com

G. Wordle (word clouds) http://www.wordle.net/

Web Tools 4 U 2 Use

A wiki for school library media specialists to learn about cool new web tools, see how they can be used in school library media programs, and share ideas & success stories.

http://webtools4us2use.wikispaces.com/

Google Apps

Google is currently offering schools a hosted solution for their email, calendar, and chat through Google Apps Education Edition, our integrated communication and collaboration solution. The offer includes Gmail, Google Calendar, Google Talk, Google Sites, and Google Docs and Google Video, all using your own school's domain.

Intro to Google Apps

A. www.google.com/a/help/intl/en/edu/k12.html

B. **Tech Integrators' Google Apps page:**
https://sites.google.com/a/share.brevardschools.org/integratrogoogleresources/home

Score

Rubric Tools

A. Rubistar (http://rubistar.4teachers.org/)

B. Irubric (http://www.rcampus.com/indexrubric.cfm)

Tools for Real-Time Assessment of Information Literacy Skills (TRAILS) www.trails-9.org

TRAILS is a knowledge assessment with multiple-choice questions targeting a variety of information literacy skills based on 3rd, 6th, 9th, and 12th grade standards. This web-based system was developed to provide an easily accessible and flexible tool for library media specialists and teachers to identify strengths and weaknesses in the information-seeking skills of their students.

Media Literacy and Critical Thinking

Media Literacy Resources

Media specialists should take the lead in educating students about the media's influence on their choices. Excellent resources and lesson plans can be located at:

A. http://www.pbs.org/teachers/digital-media-literacy/pbs-resources/

B. http://www.cyberwise.org/

C. www.commonsensemedia.org

D. http://kids.getnetwise.org/kidsites/

E. http://www.netsmartz.org/Parents

Critical Thinking

Critical thinking has been described as "the careful and deliberate determination of whether to accept, reject, or suspend judgment about a claim" (Brooke Noel Moore and Richard Parker, Critical Thinking). More simply, critical thinking is the process of evaluating what other people say or write to determine whether to believe their statements. Critical thinking includes distinguishing fact from opinion and bias from reason; distinguishing between primary and secondary sources, evaluating information sources, and recognizing deceptive arguments.

Some tools to assist you in preparing lessons to incorporate critical thinking skills:

A. http://academic.udayton.edu/legaled/ctskills/CTskills01.htm

B. www.texascollaborative.org/criticalthinking.htm

C. www.cloudnet.com/~edrbass/edcreative.htm

Cyber safety & Cyberbullying

Federal law calls for students to be taught about how to stay safe when using chat rooms, social networking sites, and to understand how to handle cyberbullying. This instruction is reinforced in the Florida State statutes and in the Board policy. BPS requires two (2) cyber safety lessons to be taught to every student within the school year.

Resources for teaching cyber safety/cyberbullying:

A. Check Edmodo for shared lessons

B. Attorney General's presentation- check with your School Resource Officer

C. Invite local police department to speak to the students/parents

D. Netsmartz - http://www.netsmartz.org/Educators

E. National Cyber Security Alliance - http://cybersmart.org/

F. Common Sense Media's Digital Literacy and Citizenship Curricula by grade levels: http://www.commonsensemedia.org/educators/curriculum

G. iKeepSafe - http://www.ikeepsafe.org/educators/

H. Brevard Information Security page: http://www.brevard.12.fl.us/infosec/index.html

I. ISafe EdBrowser - http://edbrowser.com/search.html

J. CyberTipline: http://www.missingkids.com/CyberTipline (good web link for your media center page)

K. Safe Florida - http://www.safeflorida.net/safesurf

L. Learning Lab - http://learninglab.org

Lesson Plan Resources

CPALMS

http://www.cpalms.org/homepage/index.aspx

CPALMS has thousands of standards-aligned lessons that have been vetted by educators and subject area experts.

Sharing the Power, 2nd ed.

Your District colleagues created a document filled with suggestions for making a collaborative connection with classroom teachers and suggested lesson plans that you can use as is or adapt to create your own lessons. This document can be found in the Edmodo BPS Media Specialists' Information Exchange in the "Resources" folder. Although this document is somewhat dated at this point, you may still find it useful to spark your own ideas for lessons.

S.O.S. for Information Literacy

S.O.S. for Information Literacy is a dynamic web-based multimedia resource that includes lesson plans, handouts, presentations, videos and other resources to enhance the teaching of information literacy.

www.informationliteracy.org/

Elementary Curriculum Suggestions

Elementary media specialists are typically on the activity wheel at least part time. During their class time, they should teach basic library, technology and research skills. Below is a list of some suggested topics to teach. This is not an all inclusive list, but a guideline to get you started. The skills are best taught in collaboration with classroom teachers. Consult with them regularly to see how you can integrate lessons to best support the curriculum.

Kindergarten Orientation

A. Introduce purpose of Library Media Center (LMC) staff/facility/public library

B. Introduce LMC etiquette

C. Introduce book check out and return procedures

D. Introduce proper care of books

E. Basic Library Skills

1. Resources for personal reading, listening and viewing (fiction/non-fiction, magazines, newspapers, audio CD's, video/DVD)

2. Location of picture books and nonfiction books

3. Using call numbers to locate books

4. Parts of a book (cover, spine, book jacket, title page, table of contents, call number, etc.)

5. Function of the author, illustrator, publisher, call number, cover, book jacket, spine Locating information using alphabetical order

Literature

A. Develop creative products in a variety of formats (responding by drawing, create an extension to the story, Reader's Theater & Storytelling, Puppetry, Graphic Organizers

B. Introduce book awards- Caldecott and Newbery

C. Research/Research

Explore resources to locate information (part of FINDS- Investigate)

D. Technology

1. Parts of the computer

2. Uses for the computer, including proper use

3. Cyber safety (two (2) lessons per year are required)

4. Technology vocabulary

5. Logging on and off of a computer

6. Opening and closing a program

7. Introduction to the keyboard and keyboarding practice

First Grade Orientation

A. Review purpose of Library Media Center (LMC) staff/facility/public library

B. Review LMC etiquette

C. Review book check out and return procedures

D. Review proper care of books

E. Review location of fiction and nonfiction books in the library

F. Basic Library Skills

1. Fiction vs. Nonfiction

2. Using shelf labels to locate areas in the LMC

3. Resources for personal reading, listening and viewing

4. Using call numbers to locate books

5. Review parts of the book

6. Review function of author, illustrator, publisher, call number, cover, book jacket, and spine Locating information using alphabetical order (to the 2nd or 3rd letter)

G. Literature

1. Identify who is telling the story at various points in the text

2. Describe characters, settings and major events in story using key details

3. Identify vocabulary from stories using context clues

4. Develop creative products in a variety of formats

5. Retell details from story

6. Review book awards- Caldecott and Newbery

H. Reference/Research

1. Review exploring resources to locate information (part of FINDS- Investigate)

2. Introduce age appropriate dictionary

3. Introduce atlas/basic map reading

I. Technology

1. Review parts of the computer

2. Review uses for the computer, including proper use

3. Cybersafety/Cyberbullying (2 lessons per year are required)

4. Review technology vocabulary

5. Beginning keyboarding skills

Second Grade Orientation

A. Review purpose of Library Media Center (LMC) staff/facility/public library

B. Review LMC etiquette

C. Review book check out and return procedures

D. Review proper care of books

E. Review location of fiction and nonfiction books in the library

F. Basic Library Skills

1. Review fiction vs. nonfiction

2. Review using shelf labels to locate areas in the LMC

3. Review resources for personal reading, listening and viewing

4. Review using call numbers to locate books

5. Review parts of the book

6. Review function of author, illustrator, publisher, call number, cover, book jacket, and spine Locating information using alphabetical order (to the 2nd or 3rd letter)

G. Literature

1. Identify vocabulary from stories using context clues Model point of view

2. Reference/Research

H. Review exploring resources to locate information (part of FINDS-Investigate)

I. Review age appropriate dictionary skills

J. Review atlas/basic map reading

K. Introduce age appropriate thesaurus

L. Introduce age appropriate encyclopedia

M. Text features (table of contents, glossary, captions, bold print, italics, photos)

N. Technology

1. Review parts of the computer

2. Review uses for the computer, including proper use

3. Cybersafety/Cyberbullying (two (2) lessons per year are required)

4. Review technology vocabulary

5. Introduce the electronic card catalog (OPAC/Destiny)

6. Search by keyword, title, author and subject Keyboarding skills

Third Grade Orientation

A. Review purpose of Library Media Center (LMC) staff/facility/public library

B. Review LMC etiquette

C. Review book check out and return procedures

D. Review proper care of books

E. Review location of fiction and nonfiction books in the library

F. Review fiction vs. nonfiction (arrangement and definition)

G. Review using shelf labels to locate areas in the LMC

H. Review resources for personal reading, listening and viewing

I. Review using call numbers to locate books

J. Review parts of the book

K. Review function of author, illustrator, publisher, call number, cover, book jacket, spine

L. Basic Library Skills

1. Locating information using alphabetical order (to the 3rd letter) Literature

2. Review developing creative products in a variety of formats

3. Theme

4. Point of View (author & character- distinguishing own point of view for narrator and Characters)

5. Identify vocabulary from stories using context clues

6. Compare and contrast themes, settings and plots by same authors or similar Characters

M. Reference/Research

1. Introduce the concept of copyright using copyright date to determine currency of materials

2. Introduce the concept of copyright and plagiarism

3. Introduce citing of sources (title and author)

4. Introduce skimming techniques (Skim & Scan)

5. Introduce the difference between main and sub-headings

6. Introduce almanacs

7. Review text features (table of contents, glossary, captions, bold print, italics, photos)

8. Introduce text features: index, sidebar, maps, graphs, etc.

9. How to select proper resources

10. Introduce all five (5) steps of the FINDS Research Model

N. Technology

1. Introduce internet searching and online database searching (GaleNet/Kids InfoBits, World Book, etc.)

2. Review OPAC/Destiny, searching by keyword, title, author and subject

3. Review parts of the computer

4. Review uses for the computer, including proper use

5. Cybersafety/Cyberbullying (two (2) lessons per year are required)

6. Review technology vocabulary

7. Keyboarding skills

Fourth- Sixth Grades Orientation

A. Review purpose of Library Media Center (LMC) staff/facility/public library Review LMC etiquette

B. Review book, check out, and return procedures

C. Review proper care of books

D. Review location of fiction and nonfiction books in the library

E. Review fiction vs. Non-fiction (arrangement and definition)

F. Review using shelf labels to locate areas in the LMC

G. Review resources for personal reading, listening and viewing

H. Review using call numbers to locate books

I. Review parts of the book

J. Review function of author, illustrator, publisher, call number, cover, book jacket, spine Review locating information using alphabetical order (to the 3rd letter)

K. Basic Library Skills

1. Principles and rights of Intellectual Freedom

2. Literature

3. Compare and contrast

4. Theme

5. Meaning of words

6. Genre

7. Analyze how visual and multimedia elements contribute to meaning, tone or beauty of text

L. Reference/Research Main and sub-headings

1. Review almanac, atlas, dictionary, encyclopedia, thesaurus

2. Review FINDS

3. Review copyright and plagiarism

4. Bibliography

5. Verifying information from more than one (1) source

6. Evaluating resources

M. Technology

1. Internet searching and online database searching (GaleNet/Kids InfoBits, World Book, etc.)

2. Review OPAC/Destiny, searching by keyword, title, author and subject

3. Review parts of the computer

4. Review uses for the computer, including proper use

5. Cybersafety/Cyberbullying (two (2) lessons per year are required)

6. Review technology vocabulary

7. Keyboarding skills

8. Use of online magazines and newspapers

Secondary Curriculum Suggestions

One of the greatest challenges in assuring the acquisition of information and technology literacy skills by students at the secondary level is the variety of teachers students have in grades 7-12.

Depending on their class schedule, students' exposure to these skills can be extremely inconsistent. Despite these challenges, the media specialist should serve as a leader and facilitator in school-wide planning for information and technology literacy immersion for all students.

It is helpful to work with your departments/grade levels to create an overview of which skills will be addressed in which area. For instance, you may try and address in-text citations through the English department or cybersafety through the Science department.

Use professional judgment according to the protocols and needs at your school site as to when/how these lessons are taught. By graduation students should have the following skills (including, but not limited to):

A. Orientation (for 7th and 9th grade; other grades as needed)

1. Review library policies and procedures

2. Review OPAC/Destiny to find and locate materials

3. Review any Reading Motivation software access and procedures

B. Reference/Research

1. FINDS Research Model

2. Plagiarism

a. definition and consequences

b. practice summarizing

c. practice determining what constitutes plagiarism

C. MLA (or APA) Formatting for Research Papers

1. Works Cited

2. Citing images

3. In-text citations

4. Format of Paper (margins, headings, etc.)

D. Note-taking, paraphrasing and synthesizing

E. Source Evaluation (website, print, and databases) Media Literacy and Critical Thinking

F. Cybersafety/Cyberbullying (two (2) lessons per year are required)

G. Presentation and technology tools

Instructional Support

Progress Monitoring

Ongoing progress monitoring is an assessment system that provides teachers screening, diagnostic, and progress monitoring information that is essential to guiding instruction. At this time Florida Assessments for Instruction in Reading (FAIR) is the tool used to obtain specific information about the student and the classroom. The library media specialist can use this data by collaborating with the classroom teacher to plan instruction on reading and listening comprehension, vocabulary, spelling, phonemic awareness, phonics, and fluency. Becoming an active member of the Reading Leadership Team, being aware of current practices, and taking an active role in staff development are a few ways that the LMS can support instruction.

Other Online Tools to Support Curriculum

A. *Florida Center for Reading Research http://www.fcrr.org/*

B. *Discovery Streaming- access to online curriculum-related videos http://streaming.discoveryeducation.com/*

C. *Teaching Books* - curriculum guides and activities for thousands of books and author/illustrator interviews www.teachingbooks.net

D. *Teacher's Domain* - access to free digital media resources http://www.teachersdomain.org

E. *Library of Congress* - online access to primary documents, lesson plans and activities http://www.loc.ogv/teachers/

F. *Florida Electronic Library* - resources for students and teachers, sponsored by public libraries http://flelibrary.org/

G. *Florida Virtual School* - links to a variety resources http://library.flvs.net/home.htm

Literature Based Instruction

In an outstanding library media program literature appreciation instruction and activities are systematically embedded into the instructional program.

READS

Literature and reading promotion guidelines created by the Florida Department of Education.

READS is an acronym for:

A. **R**ead as a personal activity

B. **E**xplore characteristics, history, and awards of creative works

C. **A**nalyze structure and aesthetic features of creative works

D. **D**evelop a literary-based product

E. **S**core reading progress

Link to READS http://www.fldoe.org/BII/Library_Media/reads.asp

Strategies for Reading Comprehension

Reading comprehension is an important component of reading instruction and can easily be integrated into library media activities. Here are websites to assist you with planning lessons.

A. *Reading Quest http://www.readingquest.org/strat/*

B. *Laura Candler's Literature Circle Activities http://lauracandler.com/strategies/litcircleblacklines.php*

C. *Florida Center for Reading Research (FCRR) Student Center Activities http://www.fcrr.org/curriculum/SCAindex.shtm*

D. *Spelling City (a free website for vocabulary activities) http://www.spellingcity.com/*

Collaboration

In an outstanding library media program there is evidence of collaborative development, implementation and assessment of instructional lessons and units in both the LMC and classrooms.

Media specialists are expected to initiate collaboration meetings with classroom teachers.

Recommendations include:

A. schedule meetings with departments/teams each quarter or semester;

B. use meetings to gather information about research projects, units, & special activities;

C. create a tentative calendar/schedule of when research projects and/or literary activities will occur;

D. schedule individual meetings with teachers to collaboratively plan specific projects;

Note: The collaboration lesson plan template in the Documents section may be helpful.

1. Define time frames

2. Define student outcomes and objectives

3. Identify co-teaching responsibilities

E. create lesson materials and locate resources for students to use;

F. schedule class time in media center for events/activities/lessons;

G. collect assessment data about collaborative lessons.

There are a number of websites that can help you with collaboration:

A. Thinkfinity: http://www.thinkfinity.org/?q=about-us

B. Eduscapes: http://wduscapes.com/sms/overview/collaboration.html

C. Doug Johnson: http://www.doug-johnson.com/dougwri/collaboration-and-reflection.html

Media Specialists have regular opportunities to collaborate with each other and improve their craft throughout the school year. Some of these include:

A. Media PLC meetings

B. Contact Day meetings

C. BAME meetings

D. Mentor days/meetings

Reading Promotion

In an outstanding library media program the importance of reading and literacy is evidenced through LMC publications, promotions and activities.

National Literacy Events

National Award Lists

Literature based instruction can easily be correlated with National Book Awards. Here are some recommended sites for award winning books.

A. *American Library Association Book and Media Awards http://www.ala.org/ala/mgrps/divs/alsc/awardsgrants/bookmedia/index.cfm*

B. *Caldecott Award http://www.ala.org/ala/mgrps/divs/alsc/awardsgrants/bookmedia/caldecottmedal/caldecottmedal.cfm*

C. *Coretta Scott King Award http://www.ala.org/ala.mgrps.rts/emiert/cskbookawards.index.cfm*

D. *Newbery Award*
http://www.ala.org/ala/mgrps/divs/alsc/awardsgrants/bookmedia/newberymedal/newberymedal.cfm

National Children's Book Week

The joy of reading and children's books are celebrated during National Children's Book Week. For ideas and activities go to the website at http://www.bookweekonline.com/

Read Across America Day

This event takes place in early March of each year to celebrate the birthday of Dr. Seuss. Information and updates on the event may be found on the website. www.nea.org/grants/886.htm

Banned Books Week

This event, in September, celebrates the freedom to read. Frequently challenged books and websites are featured. For more information, go to the website: http://www.bannedbooksweek.org/

Teen Read Week

This is an opportunity in October to celebrate teens and reading, sponsored by Young Adult Library Services Association (YALSA). Visit the website at http://teenreadweek.ning.com/

Picture Book Month

November offers a chance to celebrate reading picture books. This event is sponsored by the American Association of School Librarians (AASL). More information is found at: http://picturebookmonth.com/

School Library Month/National Library Week

April is the month to focus on school libraries and the services they offer. Visit the AASL website for more information: http://www.ala.org/aasl/slm or the ALA website for National Library Week: http://www.ala.org/conferencesevents/celebrationweeks/natlibraryweek

National Poetry Month

The Academy of American Poets hosts National Poetry Month each April. Their website is http://www.poets.org/page.php/prmID/41. An Internet search for "national poetry month" will provide resources for any age level.

State and Local Literacy Events

Florida Teens Read (FTR)

Florida Teens Read is a list of fifteen (15) titles that have been chosen by a committee of media specialists specifically to engage high school students (grades 9 through 12). Books are chosen to reflect their interests as well as represent a variety of genres, formats, reading levels, viewpoints, and ethnic and cultural perspectives.

Teens are encouraged to read at least three of the titles on the current list. Brevard Public School students have the opportunity to discuss the books with other students across the county using the FTR blogs. Discussion prompts and a summary of each book is provided on the blog. Easy to follow directions are on the page. Links to the most current blog site can be found on the media Edmodo page or by contacting the District media resource teacher. Brevard also hosts a county-wide FTR book club event (usually at two (2) different sites) where students across the county who have been blogging can meet face-to-face and discuss the books. Each media specialist decides the requirements for their students to attend the celebration.

In the spring each year a link will be available on the FAME web page for students to vote for their favorite book. Membership to FAME is a requirement to access FTR supplemental documents and to submit votes. The winner will be posted on the FAME website (http://www.floridamedia.org) in early May. See the FAME website for the current list of titles.

Sunshine State Young Readers' Award Program (SSYRA)

The Sunshine State Young Readers' Award Program consists of two (2) lists of fifteen (15) titles each that have been chosen by a committee of thirteen media specialists specifically to engage elementary and middle school students (grades 3-5 and grades 6-8) and reflect their interests as well as represent a variety of genres, formats, reading levels, viewpoints, and ethnic and cultural perspectives. This program is co-sponsored by FAME and the School Library Media Services Office of the Department of Education.

The program is designed to encourage students to read for fun and personal satisfaction and to introduce them to some high interest contemporary literature. Students who have read at least three books from the list are eligible to vote for their favorite. Voting results should be submitted online by mid-April and the results are announced in May.

Information about SSYRA is sent to schools at the beginning of each school year. Information can also be found at the FAME website: http://www.floridamedia.org. A celebration of these books is held at the District Book Bash events each spring.

Online resources for SSYRA are password protected and are only available to members of FAME.

Brevard Public School students have the opportunity to discuss the SSYRA books with other students across the county using the SSYRA blogs. Discussion prompts and a summary of each book is provided on the blog. Easy to follow directions are on the page. Links to the most current blog site can be found on the media Edmodo page or by contacting the District media resource teacher. Curriculum ideas for the current books may be found on the Brevard media specialists' Edmodo page or on the FAME website.

Book Bash

Each spring, upper elementary students (3rd-5th) and middle school students (6th-8th) have an opportunity to participate in an inter-school gathering called Book Bash. This is an opportunity for readers to celebrate the Sunshine State Young Reader's Award books through a variety of activities involving comprehension, art, & drama. Year-long promotion of the books at individual schools encourages school-wide reading. Interested schools should contact the District Media Resource Teacher for details. See the Documents section of this handbook for tips and suggestions for participating.

Discovering Quality Literature

Discovering Quality Literature Day is held once a year, in the spring, at the District level for elementary schools. Individual schools may submit two (2) books per grade level to this competition. Two (2) books from Exceptional Education students may also be submitted. Student works are evaluated on type of genre, writing skills, and content. Individual schools may choose to expand on this event by holding a Discovering Quality Literature Day at their school.

Celebrate Literacy Week, Florida!

Brevard participates in the state's reading initiative, *Celebrate Literacy Week, Florida*, each January. Media Specialists, Administrators and Reading Coaches typically collaborate to plan events to occur during that week to promote reading. Each school is required to create and submit a Literacy Plan. Activities sponsored by the state typically include a Public Service Announcement video contest, Million Minute Reading Challenge, as well as other activities. For more information, visit the Just Read, Florida! website: http://www.justreadflorida.com/.

Florida Reading Association Children's Book Award (FRA)

Brevard elementary schools have the opportunity to participate in the annual Children's book award contest sponsored by the Florida Reading Association. Eight (8) titles are selected annually by a state committee to be used as read-alouds for Kindergarten through second grade the following year. Media specialists typically collaborate with classroom teachers to plan when to read each book, to create enrichment activities for both the library and classroom, and to schedule voting. A team of Brevard media specialists creates lessons for each FRA book that include common core standards and 21st century skills. The team shares these lessons during the fall media contact meeting and posts them on the media specialist Edmodo page.

Each student participating in grades K-2 can vote for his/her favorite FRA book. Voting takes place after students have read/heard at least five (5) of the eight (8) titles. Voting results are submitted online by the media specialist in mid-April and the results are announced each May on the FRA website. More information can be found at the FRA website.

Reading Promotional Programs

Many schools use reading promotional programs such as Accelerated Reading and Reading Counts. These programs provide computer-based tests for students to take and assess their understanding of books they have read. Some schools build motivational programs based on quizzes taken and/or points earned. You can find out more about these programs at the following websites:

A. Accelerated Reader: http://www.renlearn.com/ar/

B. Scholastic Reading Counts: http://www.readingcounts.com/

Guidelines for the Use Accelerated Reader and Scholastic Reading Counts Programs

Multiple research studies and scores of local accounts demonstrate that participation in the Accelerated Reader and Reading Counts programs increases students' reading motivation. Involvement of classroom teachers, media specialists and parents helps to guide our students to appropriate reading selections, whether or not the titles are associated with reading tests in these commercial programs. Because we recognize the importance of creating lifelong readers, we encourage adherence to the following research based recommendations related to the use of Accelerated Reader and Reading Counts.

Brevard Public Schools District Library Media Advisory Committee, October, 02

A. Expand the choices of book titles. Allow students to read above and below their assigned/tested reading level.

B. Include non-fiction titles and non-AR/RC fiction books as student options. *Use a different measure of assessment for these books.* (i.e.: art work, a book review, an advertisement for the book-written or oral.)

C. Encourage the reading of all types of books. Teachers and media specialists give book talks for books that are not in the AR/RC testing program.

D. Include the cross-curricular reading component, again using AR and non-AR titles. Use media center books to enhance instruction in all content areas.

E. Develop **individual reading goals**, rather than gauging only the number of points earned. Develop programs that expand the emphasis from simply monitoring the AR test points earned but to critically evaluate the students' comprehension percentage. Also, take in to consideration the number of books/pages read and the number of minutes spent reading. **Stress READING rather than points or reading levels.**

F. When using AR tests, choose the **Literacy Skills Tests** whenever possible.

G. Develop classroom goals, media center goals, and school-wide reading goals. Post room totals, school totals, instead of individual student point totals.

H. Precede all reading assignments with a focus and use a follow up activity beyond the AR/RC test. Help students read for a purpose (i.e.: define the character traits of the protagonist). Follow up with a writing assignment of a brief summary, a play, a poster, or small group discussion activity.

I. Have rewards for reading tied to reading behaviors. Instead of giving food or toys, give a reward that emphasizes the importance of reading. For example, give a pass to the library, give a book, give a gift certificate to the book store, allow students to give a book talk on the morning announcements.

J. Include parents in the process. Give a copy of the open letter to parents addressing media center programs (Access to Resources and Services in the School Library Media Program.) Share the AR/RC lists online.

K. AR/RC student grade. The AR/RC component should count as no more than one (1) major assignment within the total reading grade per nine (9) weeks. These are motivational reading programs that constitute only a minor part of a student's reading program. Use them to evaluate the single independent reading component of a student's reading grade. Another option for credit is to allow extra credit or bonus points for completed AR/RC reading materials.

L. Consider the interest level when establishing reading requirements in these programs.

M. The interest level reflects the **age-appropriateness** of the book.

N. Consult the Libraries and Literacy guide and your District resource teacher for details on developing student literacy.

Summer Reading Programs

Research shows that students lose much of the school year's progress if they do not read over the summer months. There are many opportunities for students to participate in summer reading programs that will help motivate them and keep their brains sharp and ready for the new school year. Information about summer reading should be sent out to students at the end of each school year and added to your media web page(s). You may wish to work with your literacy coach, if your school has one, or the literacy team at your school, to plan a Summer Reading Rewards program. For example, students could read a certain number of pages over the summer to attain particular reward levels.

The following list includes several opportunities offered during the summer.

A. Just Read, Families, a Florida initiative - http://www.justreadfamilies.org/ - Students can register and pledge to read this summer with First Lady Ann Scott. Website also includes information about summer reading loss and a list of suggested reading.

B. Ride the Reading Wave, a BPS District program. See the Parent portal under "Sunny Summer Reads" for more information and suggested reading lists.

C. Scholastic Summer Reading Challenge www.scholastic.com

D. RIF Calendar of Reading activities http://www.rif.org/us/literacy-resources/activities/monthlyactivity-calendars.htm

E. Top Ten Literacy Websites http://reading-sage.blogspot.com/2011/04/top-ten-readingwebsites-for-kids.html

F. Barnes & Noble Summer Reading Program www.bn.com or contact your local store Pizza Hut Summer Reading Program http://www.bookitsummer.com/

G. Chuck E. Cheese http://www.chuckecheese.com/discover/rewards-calendars. Look for the Reading Reward calendar

H. Public Library. Check with your local public library for information about their summer reading incentives and special programs. Help publicize them, if possible, on your web page.

TV Production

Television production programs may be the responsibility of the library media specialist or another designated teacher at your school site. Such programs combine language arts, visual arts, critical thinking, and creativity to produce a real world product. The writing of scripts requires research, the distinguishing of fact from opinion, and the development of expository and persuasive techniques. Computer graphics, animation and teamwork provide an authentic learning experience and teach students to recognize how our society is currently using mass media.

A global e-mail list found on the Microsoft Outlook global list of our county e-mail, TV production staff, is provided for communication among TV production teachers.

Jim Harbin Student Media Festival

FAME sponsors the Jim Harbin Student Media Festival to encourage students of FAME members to communicate through media production and to recognize and reward outstanding presentations. K-12 student presentations are initially submitted and judged within Brevard County. Top productions within Brevard then are submitted to the regional festival. Winners at the regional level progress to the State level, where their producers are honored for their outstanding media productions at an awards ceremony at the FAME Annual Conference. For further details, including rules and procedures, visit http://www.floridamedia.org/displaycommon.cfm?an=1&subarticlenbr=106.

Another helpful site maintained by fellow Florida media specialists is http://www.schooltv.com.

Collection

The library media program provides appropriate, accurate and current resources in all formats to meet the needs of the learning community. In an outstanding library media program there is extensive evidence of current resources (print, non-print, & electronic) that are very responsive to curricular and recreational needs. These resources also reflect the school's cultural diversity.

Acquisition

Objectives of the Selection Process

The responsibility for the selection of instructional materials rests with the certified school library media specialist. The selection of media is a continuous and cooperative process involving administrators, staff, students and parents. The primary objective of instructional materials and equipment shall be to enrich, support, and implement the educational program of the school. As the center of the educational program, the LMC provides materials and services that meet academic, technical, personal, and social needs of the school community.

To this end, the Board subscribes to the principles laid down in the Library Bill of Rights (http://www.ala.org/advocacy/intfreedom/librarybill/) and affirms that it is the responsibility of the school library media center to support these principles.

The objectives for selection are:

A. To make available a wide range of materials on varying levels of difficulty with a diversity of appeal compatible with the different needs, interests, and viewpoints of students and teachers.

B. To provide materials which strengthen and enrich the school's instructional program.

C. To provide materials that will stimulate growth in literary appreciation, aesthetic values, and ethical standards.

D. To provide materials representative of the many religious, ethnic, cultural, and language group, and of their contribution to the heritage and culture of America and the world.

E. To place principle above personal opinion and reason above prejudice in the selection of materials appropriate for the users of the school library media center.

NOTE: The District does not maintain a list of approved books or videos. Rather, the objectives and criteria for selection should guide the certified library media specialist in collection development.

Criteria for Selection

Materials considered for purchase are selected on the basis of the following criteria:

A. Favorable review in a reputable, unbiased, professionally prepared selection aid.

B. Overall purpose and need in relation to the curriculum.

C. Educational significance.

D. Quality of writing and production.

E. Readability and user appeal.

F. Reputation of the publisher/producer, author/artist, etc.

G. Valid, accurate, objective, up-to-date, and appropriate information.

Areas that Require Special Consideration

A. Religion – factual media which represents all major religions.

B. Ideologies – factual information or philosophy which exerts a strong force in society.

C. Sex Education – factual information appropriate for the age group or related to the school curriculum. (Reference F.S. 1006.34(2)(b) Standards for Selection)

D. Science – factual information about medical and scientific knowledge.

E. Profanity – use of profanity does not automatically disqualify a selection. Effort is made to exclude media using profanity in a lewd or detrimental manner.

F. Sex – pornographic, sensational, or titillating material is not included, but the evidence of sexual incidents appearing in the media does not automatically disqualify its use. (Reference F.S. 1006.34(2)(b) Standards for Selection)

Effort should be made to keep the media current, comprehensive, and include media that reflects rapidly developing instructional technologies.

Selection Aids

Selection aids are available on the web and through the Media Resource Teacher. They include, but are not limited to:

A. Follett's Titlewave (www.titlewave.com/), Mackin (http://www.mackin.com/) or other jobbers

B. Booklist (http://www.booklistonline.com/default.aspx?AspxAutoDetectCookieSupport=1)

C. Bulletin of the Center for Children's Books (http://bccb.lis.illinois.edu/)

D. School Library Journal (http://www.librarymediaconnection.com/)

E. Library Media Connection (http://www.librarymediaconnection.com/)

For further information on selection: www.eduscaps.com/sms/access/selectiontools.html - 2

Processing

A. Check shipment against invoice and/or packing slip and requisition. Missing materials may be back -ordered, temporarily out of stock, canceled, etc. Check materials for completeness and condition. When the order is complete, notify the school bookkeeper, according to his/her preference (email, initially packing slip, or...)

B. Typically, materials are ordered completely processed by vendors to include bar codes, spine labels, mylar jackets or laminate, and MARC data, received either by electronic download or on CD. When a vendor-processed order is received, the local media center should write the bar code number (or affix secondary barcode label), in the back cover of the book, along with stamping the book on the title page, and a few other strategic locations, with the library name.

C. If local cataloging and processing is required, materials, print and non-print, are assigned a Dewey classification number or letter and a bar code number. The designation for media should follow the ALA guidelines.

D. Processing supply companies, such as Vernon, Demco, and Brodart are listed in the acquisition section of Resource Management.

Inventory

The State Department of Education requires each school to conduct an annual inventory (F.S. Chapter 274.02), which provides a detailed account of the total numbers of print, non-print and instructional equipment in a school. This can be done at whatever time is most convenient, without having to shut down the library media center.

Schools that have a handheld scanner find it is very helpful with inventory. Schools that have not yet acquired a scanner (the Dolphin 7100 or corded 5100 or the Panther) may arrange to borrow one from the District media resource teacher. Do this well in advance, since the scanner is shared with many schools. When the inventory has been finalized, hard copies are filed for later reference. Materials are examined for repair or replacement in the inventory process. Often, major weeding takes place at this time. Generally, ordering new materials follows inventory.

Inventory functions within Destiny are found under the **Back Office** tab. If you've never completed an inventory, see your Brevard mentor and/or attend an after-school District workshop. Additionally, the "How Do I?" Link on each Destiny screen, as well as the instructional videos accessed via the "Help" menu, provide step-by-step instructions.

Best Practices for Inventory

A. Create a schedule (who, when, what part of the collection).

B. Prepare the collection (return items to proper place, set aside items that have been inventoried, and do not catalog new items in a section currently being inventoried).

C. Prepare your equipment.

D. General Information on the Inventory process http://www.eduscapes.com/sms/program/inventory.html

Collection Analysis

Several "Jobbers" (companies which sell books and other resources from a large number of publishers, along with providing special ordering services) offer free collection analysis. Two examples are **Follett's Titlewise** and **Mackin's Collection Analysis Plus Solutions** (www.mackin.com). Titlewise analysis is built into the Destiny software program. Under Catalog, select **Titlewave** * from the left nav. See *To upload your collection for analysis click here.* Your report will appear in the Job Manager within Back Office, and you will also receive an email concerning your analysis. Collection analysis programs examine your collection's age and percentages by section. They also have links to suggested replacement titles in **Titlewave** for updating your collection.

Weeding

In an outstanding library media program there is a planned, deliberate weeding program along with a systematic analysis of the LMC's holdings. Weeding should be an ongoing process and a commitment to keep an up-to-date collection a priority for the LMS. It is a professional responsibility and a way to learn about your collection. Weeding is selection in reverse or "deselection" and as important to a good collection as purchasing. Weeding is best done:

A. continuously throughout the year, although some choose to weed while doing inventory, to take advantage of 'hands-on' time;

B. in small numbers at a time;

C. in targeted small sections of the collection;

D. with support of the principal and library advisory committee.

Criteria for Determining What to Weed

A. Items which have not circulated in a given time period (five (5) years for most books, ten (10) years for history books).

B. Items which contain dated, misleading, or superseded information.

C. Items which no longer support the curriculum.

D. Damaged items which cannot be economically repaired.

E. AV items which are in such poor condition that they are no longer useful.

Dewey Classifications/Suggested Ages for Weeding

000 Generalities	2-10 years	500 Sciences/Math	5-10 years
100 Philosophy	10 years	600 Technology	5-10 years
200 Religion	2-10 years	700 Arts	5-15 years
300 Social Science	5-10 years	800 Literature	Flexible
400 Language	10 years	900 History	15 years
Biographies	Flexible	Encyclopedia	5-7 years
Fiction	10 years	Reference	evaluate on individual basis
Periodicals	5 years	Almanacs	3 - 6 years

Discarding Materials (DCR)

When print and non-print materials are weeded from the collection the following steps must be followed:

A. Stamp or write "discard" in a prominent place on the material.

B. Delete from computer records.

C. Mark through identifying bar code labels with a permanent marker.

D. Offer any items that are in good condition to teachers to use in classroom libraries or to your students.

E. Any leftover materials need to be packed in small, easy to lift boxes and sealed securely if sending to the county facility.

F. Complete a DCR-1 form (available from bookkeeper, head secretary or designated personnel) listing the number of cartons. Identify cartons as containing library books only or AV materials. Do not mix library books and materials with textbooks on the same form. Submit to principal for signature.

G. Equipment may not be combined with print or non-print library/media materials on a DCR-1 form. Separate forms must be used. Reference the Brevard County School District website on Acquisition and Disposition of Property at AP 7310.

Do not DCR anything that has a property control tag without contacting the point of contact at your school.

Challenge Procedures

Below are grievance procedures concerning instructional materials; including textbooks, library media materials, and supplemental classroom materials.

A. These procedures were developed to ensure timely and objective review of materials.

B. Only parents/guardians of students, or adult students, currently enrolled in and attending classes in Brevard Public Schools, may file a complaint concerning the use of particular materials.

C. Materials will be judged as a whole, not in part. Non-textbook materials must be read by complainant in their entirety before a formal complaint can be filed.

D. Challenged materials may be removed from use in the school where the complaint was initiated, only after the formal complaint and committee decision procedures have been completed.

How to Handle a Challenge

Before entering into the formal complaint process, attempt to resolve the parent/guardian concern informally at the school level.

School Level: Informal Complaint

If school material is challenged, school personnel should:

A. be positive, professional and calm, recognizing the sincerity of the complaint;

B. attempt to resolve the complaint informally at the time it is received;

Listen with empathy.

C. meet with the complainant to explain the materials selection procedures, criteria for selection, and role the material has in the library or classroom;

D. do not remove disputed media when a complaint is made;

E. verify that the child is currently enrolled and attending your school;

If so, proceed to the next step. If not, direct the complainant to the appropriate school. (If you have questions, contact your District library media or appropriate subject area resource teacher.)

F. when a complaint cannot be informally resolved, explain the established complaint procedure and supply the request form, located in your library media handbook, advise the complainant that the entirety of the work should be given careful personal review prior to form submission;

G. implement the established school level formal complaint procedures as soon as a written request for review is filed;

H. follow the established procedures throughout the entire process;

I. maintain completed written records of all communication about the complaint;

J. adhere strictly to the established procedures;

K. notify the District library media and appropriate subject area resource teacher on the day the complaint is made.

School Level: Formal Complaint

Follow this procedure only when attempts to resolve the complaint informally were unsuccessful.

A. The complainant completes the **"Request for Reconsideration of Materials"** form (found in district media handbook). Only parents or guardians of a minor currently enrolled in and attending a District school may file a complaint with that school concerning the use of particular curriculum materials, textbooks and ancillary items, library books, and non-print media. A complaint may be filed only at the school in which the minor is currently enrolled and attending and which contains the material in question.

B. The process **timeline begins** the day on which the principal receives the completed form.

C. On the day the written form is received, the principal **notifies the Associate Superintendent** for Curriculum & Instruction (or designee), the district library media resource teacher, and the appropriate subject area resource teacher that such a review is being done.

D. The **principal appoints a committee** to review the challenged materials. The committee shall include, but not be limited to, the school librarian, principal (or designee), teachers(s), District representative, parent(s) (excluding complainant), and a student from the appropriate grade level or one (1) who is accomplished in the specific subject area (middle and senior high school only). Members of an existing library media advisory committee often fulfill these roles. Each member of the committee receives a copy of the completed reconsideration form and any other information about the material that the committee may want to see.

E. The **entire work** (poem, individual book, section of textbook, video, etc.) shall be reviewed by each member of the committee.

F. The committee shall meet in the sunshine to review the work **within fifteen (15) working days** of receipt of the written Reconsideration Form. A **quorum** of half plus one (1) members must be present at the meeting in order for the committee to make a recommendation. Notification of this meeting will be posted at the individual school and on the school web site.

G. The complainant and the classroom teacher may make an oral presentation (five (5) minutes maximum) to the committee, if desired by the review committee or the complainant. The complainant and classroom teacher may be present but may not enter the discussion or vote.

H. The committee's recommendation, which is valid for seven (7) years, affects **only the participating school**. The principal shall state the committee's recommendation(s) to the complainant in a letter with copies to the committee members, the Associate Superintendent for Curriculum & Instruction and the Area Superintendent. This letter will be written **within five (5) working days** after the committee makes its recommendation(s).

I. If the complainant requests an appeal, this appeal will be made within **ten (10) working days** after notification of the committee's decision to the standing District level review committee.

District Level: Formal Appeal

Follow this procedure only when an appeal of a formal school level decision has been requested.

A. An established standing committee exists to address concerns not settled at the school level. Committee members include the Area Superintendent, a principal and a parent representing the school grade level, the elementary or secondary programs director, the library media resource teacher and other resource teachers, as appropriate. (Committee member numbers are subject to change.) The objection is recorded on the "Request for Reconsideration of Materials" form. ***NOTE: Form is located in the documents section of the handbook.**

B. The principal receives the completed form with an appeal request.

C. **On the day** the written form and appeal request are received, the principal notifies the Associate Superintendent for Curriculum & Instruction (or designee), the Area Superintendent, and the District library media resource teacher (committee chair), that such a review is being requested.

D. The **principal appoints representatives from the school** to join the standing District-level committee to review the challenged materials. The committee shall include, but not be limited to the school media specialist, principal (or designee), teachers(s), District media or other appropriate resource teacher, parent(s) (excluding complainant). Each member of the committee will be supplied with the reconsideration form and any other information about the material that the committee may want to see.

E. The **entire work** (poem, individual book, section of textbook, video, etc.) shall be thoroughly reviewed by each member of the committee.

F. The District committee shall meet in the sunshine to review the work **within twenty (20) working days** of receipt of the written Reconsideration Form. A quorum of half plus one (1) members must be present at the meeting in order for the committee to make a recommendation. Notification of this meeting will be posted at the individual school and on the District web site.

G. Complainant and classroom teacher may make an oral presentation (five (5) minutes maximum) to the committee if desired by the review committee or the complainant. The complainant and classroom teacher may be present but may not enter the discussion or vote.

H. The committee's recommendation, which is valid for seven (7) years, affects only the participating school. The principal shall state the committee's recommendation(s) to the complainant in a letter with copies to the committee members and the Associate Superintendent for Curriculum & Instruction. This letter will be written **within five (5) working days** after the committee makes its recommendation(s).

I. The District level reconsideration committee shall review and recommend a particular item only once, unless the grade levels served by the school differ. Should a different school request a school review that proceeds to the District level, the previous committee recommendation will stand for seven (7) years, so long as the grade levels of students served is the same.

Follett Destiny Library Software

Follett Destiny is the online union catalog software we use in Brevard County Schools. Each school's holdings are uniquely coded for ownership within the program, and patrons can search within your school, only, or within the entire District, depending on the patron permissions assigned. The catalog has two (2) 'faces': one in more traditional catalog form and another (Destiny Quest) providing a more up-to-date interactive interface which tends to appeal to today's students.

Support

Workshops in Destiny are offered periodically for Brevard media specialists, usually through afterschool PLCs (professional learning communities). Media mentors can also provide assistance in this area. Additionally, there are links within each section of Destiny called **"How Do I?"**[upper right] as well as **'How-To'** videos which are linked via the actual "Help" button [far upper right]. Other information related to Destiny Library Manager can also be found at http://www.follettsoftware.com/library-automation-software. You will need your school's customer number to access these videos or to contact the Destiny Help Desk for personal assistance. (See attached list of school numbers.) The Follett Destiny Tech Support: number is 1-800-323-3397. As an alternative, you can use their interactive webpage to email questions or to search their support database. Finally, if you wish, you can also subscribe to Destiny Listservs, Blogs, and RSS feeds.

Logging In

If Brevard Destiny does not appear automatically on your computer's desktop (tech hasn't pushed the URL out to all your school's users), go to: http://Brevard.follettdestiny.com/ and select your school from the list. The Login button is in the upper right-hand corner. Log-ins have various access levels assigned to them. Access levels are set under the Admin log-in. Contact Gina Clark for your admin log-in information. You only need to log in at that level to assign yourself the site admin access level. You will do this by searching for yourself in patrons, once you have logged in as Admin. There is a circulation desk access level which you can assign to your assistant (if you have one). Or you log in at the circulation desk as **site admin** (under your name and the personal password you have chosen).

Students log in under their ID numbers (in both user name and password boxes). Staff members log in under their normal District log-in (lastname.firstname), with their employee ID numbers as their passwords.

Beginning of the Year Setup

Each new school year, your Destiny calendar needs to be set up, noting closed days, etc. You will also want to check your library policies (per patron type) and see how these policies are currently set. If you are a new media specialist, you will probably not want to change any policies until you have a chance to see how and why things are currently set up as they are. After you have had some experience in the school (and have spoken with your Brevard mentor, if you're a new media specialist) you may then want to make adjustments. Make sure your policies encourage, rather than discourage reading. As a general practice, elementary schools do not charge library fines. Additionally, some secondary schools offer a "Can the Fines' program in which students have the option of bringing in a canned good for the Sharing Center or similar program, as an alternative to paying a book fine. The **Back Office** tab is where much of your 'behind the scenes' policies and configurations are set, along with various patron functions (including uploading student pictures), as well as Inventory and Job Manager.

A. To get to the **Calendar** setup, click the **Back Office** tab and then select **Calendar/Hours** from the left menu

B. To view your **Library Policies**, stay on the **Back Office** tab and select the menu item of that name. The first set of library policies and permissions are set according to the Patron Type (Students, Faculty, etc.) To edit, click the icon of the pencil and paper. (This is true for many of the edit functions within Destiny.) The second tab (upper right in white) is where you set the policies for various Circulation Types (Regular, Reference, etc.) New Patron and Circulation Types can be added, if necessary, by clicking the Patron Type and Circulation Type buttons just under the white tabs (upper right).

C. **Setting a Ceiling Date** for the end of the year: You may wish to set an end-of-the-year due date for students (a ceiling date) right from the beginning so that you don't forget to do so during second semester. This is the date when all student books will be due (no later than), regardless of when they are checked out (for example, May 10). You can always alter this date later, as desired. To set a Ceiling date: **Back Office Library Policies Patron Types Students click Edit icon (pencil and paper) add Ceiling date in box Save**

Patrons

Both students and staff are updated regularly (usually daily) by the District, to reflect any changes in the student or personnel database. Media specialists should not add patrons on their own at the school level… The only exception would be the addition of local parents or community volunteers, as needed. At the elementary level, students' homeroom teachers are imported automatically by the District. At the secondary level, students' 'homeroom' designation is actually their language arts/English teacher. Intensive reading teachers are used when no language arts or English teacher is assigned to that student.

Cataloging

A. To add a book (or other resource) to your collection, for which you don't already own a copy, search Brevard County for the title (either by ISBN or title, etc.). If you find a match in the District (red schoolhouse symbol represents items existing in Brevard), just click Add Copy and complete the necessary information*. For equipment, be sure to include the serial number and Property Number (if applicable) to the Note area. ***If you've never cataloged before, be sure to attend a workshop on this subject or see your Brevard mentor. Also, it is recommended that you take a cataloging class from a university of your choice.***

B. If no matching title exists in the Brevard collection, select a matching Alliance Plus (Follett) record, represented by the blue A+ symbol. Then Add Copy (as above).

C. If no matching title exists in either the Brevard (red schoolhouse) or Alliance+ database, refer your cataloging need to one of the District catalogers: Pam Collver, Coquina; Trish Ely, Titusville High; Gina Long; Johnson Middle; Julie Wales, McNair

D. *FYI When searching for MARC records for equipment, look for the generic form of equipment, with the Artifact (Arrowhead) material type, with the brand and model following. You may see some assorted types of records related to equipment (with the brand first, for example), due to confusion about formatting these records. Once again, the District catalogers can assist you.

Circulation

Basic check-in, checkout, and renewal functions are found under the circulation tab. Pull up a patron by name or patron barcode (ID number) and scan the items being checked out. Watch the screen to make sure the barcodes scan properly. Materials can be renewed without pulling up a patron's name beforehand. Just click **Renew** and scan the item. Click **Reset** between patrons. **Patron Status** allows you to see all fines and view checkout history. **Copy Status** allows you to view every aspect of a book or other material, including current and recent checkouts. You can place a **Hold** for a patron by clicking Holds/ILL and searching within your own collection to reserve a book. When the item is returned, Destiny will prompt you that the material is on hold for a particular patron. Patrons cannot place their own holds unless the policies are set accordingly in Back Office. Library Policies. Most schools do not allow students to place their own holds. For ILL (Inter-Library Loans), see below.

Inter-Library Loan (ILL)

ILL Guidelines

A. **All ILL requests must be done via Destiny** (instructions in the following section) and not through the media specialists' email distribution list.

B. Each school will use their discretion (with regard to demand, time constraints, school needs, etc.) regarding whether to approve/decline the loan request. (Be aware that titles in high demand will probably not be loaned.)

C. All media specialists participating in ILL should check their "Processing Needed" requests in Destiny daily and respond accordingly.

D. Materials should be returned in a timely manner.

E. No booksets will be loaned unless media specialists make individual arrangements directly with a neighboring school. Requests should not be sent through the media specialists' email distribution list.

How to place an ILL

A. Go to Circulation; click Holds/ILL

B. Find the patron who wants the item and Add Hold

C. Type the title and search All Participating Libraries; click go

D. Choose the record with the most copies available off-site; click "Hold It" next to the Record

E. Check your request settings; click Save

F. Choose a school

G. Use Delivery Method pull-down menu to choose "Ship It"

H. Click Save

I. Step-by-step instructions, with screenshots, can be found on the Brevard Media Edmodo page

Processing Daily Holds

A. Look for the little red flag in the top right corner **(Processing Needed).** Here you see requests you have made as well as requests made of your school. You will also see your students' holds from within your own collection.

B. For requests made of you, choose either **Ship It** or **Decline.** (FYI: There are many reasons media specialists may choose to decline a request, so don't take offense if your request is declined. Just find another school to ask.) Put any item(s) you have agreed to share into a courier envelope and place it in the courier ASAP.

C. If a book you've requested is being sent by another school (school has clicked the Ship It button at their end), it will say **En Route**. [Until the school clicks Decline or Ship It, the hold will say "pending".]

D. When item you've requested arrives in the courier, pull up the patron (teacher or student who requested the ILL). Click holds. On the far right there will be a **green check mark/ILL.** Click the green check mark to **check the book out to the student.**

E. When an item you have loaned to another school has been returned to you, click **"Receive."**

F. At any point, you can view all ILL requests and also see which students have books checked out from other schools. To see all Hold Requests (from within and outside your school) when the Processing Needed flag and link are not visible, go to **Circulation Holds View Requests** (button upper right)

G. Some media specialists have chosen to keep a paper and pencil or Word document for backup of ILLs until both they and the District have had more experience with ILL in Destiny.

Reports

Various "library" and "patron" reports are available in Destiny. Look through the list to see which will be the most valuable to you. To save time, you can save the formatting of your reports for future use. Explore this section well at the beginning of the year, so that you know what's available to you before the need arises. All reports are sent to the **Job Manager**, which can be found under the **Back Office** tab.

Enriched Content Searches

One Search is a function of both 'faces' of Destiny (standard interface and Destiny Quest) in which patrons can search multiple websites and online databases from within the online catalog. They can also create personalized Resource Lists by clicking and dragging hits. Settings for what websites and databases visible in these searches are found under the Catalog tab Search Setup. See the instruction sheet in the **Documents** section.

Standards Search

An optional subscription which can be purchased from Follett is the Standards Search. This link then appears in Destiny for teachers and media specialists to search both the media center's collection and One Search by Florida/Common Core standards (currently in progress). See the instruction sheet in the **Documents** section.

Follett ebooks

Media specialists have the option of purchasing ebooks as part of their library collection. Ebooks purchased via Follett have many interactive features, including highlighting, note taking, and built-in dictionary functions. Follett ebooks are searchable via Destiny.

> "More than just pages on a screen – Follett eBooks are dynamic teaching tools that enhance learning, both in the library and the classroom. Follett eBooks can be used in two ways: You and your students can access them online from anywhere and make use of the built-in dictionary and integrated search tools. Or, they can download and view eBooks offline, which reserves the eBook for a set circulation period, and allows use of the search, highlighting, note-taking and copy/paste/print features as permitted by the
> publisher."

See the instruction sheet in the **Documents** section.

Follett Shelf

Follett Shelf provides direct web access to your eResources, as well as access via the Destiny catalog. See the instruction sheet in the **Documents** section.

Destiny Quest

In Destiny Quest, students and staff can see the most popular books (top ten (10)) and create **personalized lists**. They can also see their checkouts and holds under **My Info**. Personalization is only available when patrons are logged in. Otherwise, they may use the catalog as guests. Settings and permissions for Destiny Quest can be found in two places: **Back Office >Site Configuration** (Destiny Quest Options and Search Settings, Top Ten Titles, etc.) as well as the Access **Levels** for Patrons. Access levels can only be changed when you are logged into your school's site as an administrator. For help logging in as admin, contact Gina Clark or your Brevard mentor.

The Destiny Quest hyperlink for your school can be **attached to your media center web page**. Students and staff find this 'face' for our catalog very appealing and interactive. Simply go to your catalog and, without logging in, click the Destiny Quest link from the left sidebar. Copy/paste the URL.

Program Administration

Staff

Job Descriptions

A. Media Specialist: http://benefits.brevard.k12.fl.us/HR/comp/jds/FY05/bft/Spec-Media.htm

B. Media Assistant: http://benefits.brevard.k12.fl.us/HR/comp/jds/FY05/1010/MediaAsst.htm

Volunteers

The varied responsibilities and budget cuts have put an increasing demand on school library media specialists and their time. The school volunteer enables the media specialist to be more responsive to the needs of students and teachers.

Volunteers may be utilized in the library/media center in accordance with school board policy. Volunteers must follow the BPS policy before they can assist in the media center. There are two (2) classifications of volunteers: registered and listed. Registered volunteers have been fingerprinted and can have "unsupervised access to students"; listed volunteers must be under the guidance of a BPS and can only "assist." Information on current policy may be obtained from the Office of Public Safety at: http://security.brevard.k12.fl.us/volunteers.html.

The Brevard Public Schools Guide to Volunteering can be found at: http://www.neola.com/brevardcofl/pdfmanuals/vm.pdf.

Interested volunteers should fill out an online VIPS application in your school's front office.

Suggested Activities:

Assist with library activities/celebrations	Assist with Book Bash
Assist with student book selection	Prepare bulletin boards and displays
Check in/out materials	Help with book fairs
Read/Listen to small groups	Assist with inventory
Copy and laminate materials	Pull, checkout, deliver books for teachers
Sort/Deliver overdue notices	Straighten/shelve materials
Prepare book displays	Repair books

Library Media Advisory Committee

As you strive to develop and maintain collaborative relationships with your faculty, consider establishing a Library Media Advisory Committee. This group can serve as your ears and eyes and give you feedback about how your program procedures and policies are working to serve your patrons. Also, this is a group that can assist you should you meet a materials challenge. As people who know you and your program, they often provide a knowledgeable support base when the media program is being scrutinized. Consider

using this group for providing input into keeping your program visible and positive. Typically, the members of this committee include the media specialist, a couple of classroom teachers (representing different grade level groups), a parent, an administrator and, if appropriate, a student.

Budget and Purchasing

In an outstanding library media program the LMC annual budget is based both the school's and LMC's mission, as well as short and long term goals, and is developed with teacher and student input. The LMC staff proactively meets with the administration to explain and justify requests. The budget is adequate to meet needs; state and local funds are represented proportionally; monies from fund-raisers are used to supplement, not supplant, the LMC budget.

The library media specialist should maintain a current record of all budget accounts. The Brevard School District is governed by Florida State statutes, administrative rules and Board policies for the procurement of equipment, goods and services. The policies of the District are set forth in Board Policy 6320 and Policy 6610 (D). Contact your bookkeeper for current procedures and policy for purchases.

Before purchasing new equipment and materials, library media specialists must contact the schools bookkeeper to assure the vendor is approved. Once the vendor is approved, the media specialist needs to complete a purchase request form and give it to the school bookkeeper. (Please know the school bookkeeper needs three (3) to four (4) days to submit P.O. in order to receive approval.)

The bookkeeper will secure a purchase order number and submit the order to the vendor. When equipment costing more than $1000 is received, property control issues a District number which must be attached. When such purchases are made from internal accounts the bookkeeper/secretary must request a property control number. If you have any questions or concerns about media funds, vendors, fundraisers, etc., please speak with your school bookkeeper.

School Board of Brevard County Property Records Guidelines

F.S. Chapter 274, and the Rules of the School Board of Brevard County, FL, Chapter 6Gx5.601, provide the authority under which we must maintain our inventory records system. Nonconsumable items with a cost of $1000 or more must be placed on our property records inventory. **State law also requires that this property be inventoried annually.**

A. **Major Tangible Personal School Property** is any tangible property of a non-consumable nature owned by the Board, which has a value of $1000 or more and a normal life expectancy of one year or more.

B. **Minor Tangible Personal Property** is any item that is tangible, of a non-consumable nature, with a life expectancy of one (1) year or more and a value between $5.00 and $999.99. When items are purchased with a cost of $1000.00 or more using a School District Requisition, the purchase will be flagged for a property tag. That tag will be sent to your school or department to be placed on the items as directed. Please provide the correct object code when making any purchase. The object codes that will trigger the system to provide a property tag number will be 621, 641, 643 and 691.

Object Code Description

A. 511 Supplies

B. 530 Media Periodicals (function 6200)

C. 611 Library Books (new library)

D. 612 Library Books (existing)

E. 621 AV Materials – over $1000

F. 622 AV Materials- under $1000

G. 641 Furniture, fixtures & equipment - equal to or over $1000

H. 642 Furniture, fixtures & equipment - under $1000

I. 643 Computer hardware - equal to or over $1000

J. 644 Computer hardware - under $1000

K. 691 Computer software -equal to or over $1000

L. 692 Computer software - under $1000

Current updates are available through your bookkeeper.

Theft and Property Damage

Theft and property damage should be handled in accordance with the Vandalism Property Damage and Theft section of the School Security Manual. Property control personnel will then list these items as stolen on your property inventory.

Gifts and Donations http://www.neola.com/brevardco-fl/

The school library/media center welcomes gifts of books and other materials provided:

A. They meet the same standards of selection as those applied to purchases.

B. They can be integrated into the general library collection and do not need special housing. The school library media center staff may dispose of the gift at its discretion.

The library/media specialist will acknowledge the receipt of the material but does not have the responsibility of assigning a value to it.

Furniture

Media center furniture should include comfortable seating for leisure reading, as well as furniture for individuals, small groups, and large group instruction. Although decisions and funding related to your main media center furniture will be under the purview of the District, there are smaller items that can be purchased via library supply companies, such as Demco (www.demco.com) and Brodart (www.brodart.com) and Scholastic Resource Center from Scholastic Book Fairs (http://www.scholastic.com/bookfairs/contact/jobs/warehouse.asp). These companies offer smaller furniture items. Be sure, however, that anything you purchase meets the safety standards for use in schools. Environmental Health & Safety's Fire Safety division can be reached at 617-7792.

Book Fairs

Book fairs may be held in the school or at a bookstore. Volunteers are frequently utilized in the school book fair. Monies collected should be deposited in the school internal accounts and earmarked for the benefit of the media center program. Only Board employee should sign the monies collected form. Some book fairs that are frequently used are:

A. Scholastic Book Fairs http://www.scholastic.com/bookfairs/

B. Scholastic Consultant KWoolsey@ScholasticBookfairs.com

C. Barnes and Noble www.bn.com or contact your local store

D. Reading Warehouse http://www.threadingwarehouse.com/bargainbookfairs.php

Fines

Adherence to these policies indicates the need to continue to allow students access to the library media collection, while still teaching them responsibility.

The library media center staff is charged with encouraging responsible patron behavior by establishing appropriate due dates for return of borrowed materials.
In addition, media center policies should be in keeping with Board policies regarding the safeguarding of library media materials.

Students shall be held responsible for the cost of replacing any materials or property which are lost or damaged through their negligence. (Board Policy 2520)

The Board authorizes the imposition of fines for the loss, damage or destruction of school equipment, apparatus, musical instruments, library material, textbooks, and for damage to school buildings. (Board Policy 5513)

When school property, equipment, or supplies are damaged, lost, or taken by a student, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

The late return of borrowed books or materials from the school libraries may be subject to appropriate fines. (Board Policy 6152) Please note that overdue fines at the elementary level are not recommendedby the media guidelines.

These Board policies emphasize the authorization and responsibility of the school officials to attempt to compensate for the loss, damage or late return of library media materials. However, it is important to recognize the restrictions associated with collecting these fines.

No student shall be denied any educational opportunity because of his/her inability to pay any fee or charge imposed. (Board Policy 6152)

While all reasonable efforts shall be made to collect for damaged or lost library books or textbooks, under no conditions shall the transfer of a student's cumulative record be delayed or denied for failure to pay any fine or fee assessed by the school. Progress reports to parents (report cards) may not be withheld for failure to pay any fine, fee, or an assessment for lost or damaged books. (Board Policy 8330)

Alternatives to Fines

Students work in the media center. Students can do jobs, based on ability level, to pay off the fine owed. Some examples of jobs are: shelving books, wiping down shelves and tables, pushing in chairs, processing new books, shelf reading.

A. Students are put on a payment plan. If the student has snack money, book fair money, etc., they give a portion of that money as payment of the fine.

B. Reduce the fine to an amount that is reasonable for the student’s ability to pay.

C. Replace the book with a book from home.

D. Arrange for student to read to or mentor another student.

E. Offer a "Can the Fines" program in which students bring a canned good for a food bank, as an alternative to paying a fine.

Access

An outstanding library media center program provides access to the library media center both before and after school hours, and throughout the school day through the use of flexible scheduling.

Media Center Hours and Scheduling

Media centers should be available for student and teacher use before and after school and through lunch periods. Access to the media center includes availability to the media center and its resources, student check-out when books are overdue or missing, and proper use of computers.

Flexible class scheduling is ideal for the media center. Having open access to the media center through the day is key to ensuring that students have the books and resources they need. With flexible scheduling, the media specialist can teach classes and collaborate with teachers more easily.

Acceptable Use Policy

The Board's AUP policy for students and staff can be found at Policy 7540.04.

Library Media Center Website

In an outstanding library media program the LMC website is linked to the school's homepage, is well organized and easy to use, reflects the mission of the program, and provides access to online databases from school and home.

Every library media center should have a website, which the media specialist is responsible for creating and maintaining.

Criteria for an outstanding LMS website include:

A. The LMC website is linked from the school homepage and is evident on the school homepage.

B. The LMC website is organized to provide access to information to meet student and faculty needs.

C. The LMC website reflects the mission of the program and primary program elements: reading, information literacy, and technology.

D. The LMC website provides access to online databases from school and home.

If your media center does not currently have a web page, consult with your technology specialist, your Brevard media mentor, or your tech integrator. Also, refer to the District web page specifications at Policy 7540.02.

Additionally, there are websites that will help you design *your* website:

A. www.learnnc.org/lp/pages/969

B. http://schoollibrarywebsites.wikispaces.com/

C. www.sldirectory.com/libsf/resf/wpages.html

At a minimum, the library media specialist can utilize Edline for the media center website. Collaborate with your technology specialist to create a website using Edline. One of the many useful features in Edline is the Email alert, which notify parents, students and teachers of critical new information available at your website. Below are some resources about utilizing Edline:

A. http://techtraining.brevard.k12.fl.us/gradequick/edline.htm

B. http://techtraining.brevard.k12.fl.us/gradequick/formsTeacher.htm

Technology

The library media specialist is responsible for modeling innovative technologies and use of technologies. Some resources to assist you in this responsibility are below.

General Assistance

Technology Integrators' Website (PAINT):

Everything you ever wanted to know about every aspect of technology at your school. The training resources link, in particular is a virtual goldmine. Visiting this website is an absolute MUST. http://techtraining.brevard.k12.fl.us/index.html

ALA Best Websites (Technology Integration) http://www.ala.org/aasl/standards-guidelines/best-websites

Technology Tutorials (Eduscapes) http://www.eduscapes.com/tap/topic76.htm

RM EasiTeach (interactive digital tools and curricular content packs)
http://techtraining.brevardschools.org/hooverj/RM_easiteach.htm

eInstruction CPS ("clickers") http://wwweinstruction.com/Solutions/k12

Qomo Interactive Tablet http://www.qomo.com/Product.aspx?ProductID=10

Property Loans

Equipment and other items borrowed by employees should be properly documented by a signed form. A sample form is located in the Documents section of this handbook. Laptop checkout, in particular, if circulated through Destiny, should *also* be documented by your tech specialist.

Equipment Repair

When items are out for repair, all schools and departments should keep written documentation of date released for repair and to whom, along with the description and property number of the item. To request equipment repairs contact the Help Desk at: http://tac.brevard.k12.fl.us/helpdesk/onlinrequestforms/Forms/technology_services_work_order_request_form.aspx.

All items to be picked up for repair should be placed in the school's designated location.

School Improvement Plan

In an outstanding library media program the LMS actively serves as a member of the School Advisory Council and the library media program is integrated into the School Improvement Plan.

The library media specialist should regularly attend School Advisory Council meetings. The library media program should be integrated into the School Improvement Plan and is an integral part of the school curriculum. Examine the current year's SIP and highlight all references to the library media program. Create a timeline and regularly check for implementation of related strategies from the plan. If your school has not been included in the SIP in the past, find out who your SIP coordinator is and become involved in any subsequent planning.

Program Evaluation

In an outstanding library media program data and input from a variety of sources is used for making strategic decisions for future library media programming.

ExC³EL Rubrics

(Expectations for Collaboration, Collections, and Connections to Enhance Learning) Here are ExC³EL rubrics to assist you in evaluating your program.

A. http://www.fldoe.org/bii/Library_Media/pdf/evaluationrubric1.pdf

B. http://www.fldoe.org/bii/Library_Media/pdf/lm-scoring-rubric.pdf

C. http://wwwfldoe.org/bii/Library_Media/pdf/improvement-plan.pdf

Why do you need to evaluate your Library Media Program?

Evaluation will help you determine if your program is meeting the needs of your school community.
http://www.eduscapes.com/sms/program/evaluation.html

It is recommended that you submit a circulation report to the school administration at the end of each semester. Meeting with the administrator face to face, discussing the circulation statistics and the effect on instruction will make your program more valid

This information can then be used for making strategic programming decisions.

Student/Teacher Feedback Survey

It is important to assess the needs of the students and teachers in your school. This can be done through surveys or questionnaires.

Survey Monkey (http://www.surveymonkey.com/) and Zoomerang (http://www.zoomerang.com/) are online sites that can be used to create surveys to suit your needs. Google Drive also has a Forms tool that can be used to create a survey. Additionally, Outlook contains a survey tool.

Evaluation Rubric

Media Program Evaluation Rubric

	Standard	**At-Risk** (None/Rarely)	**Qualified** (Some/Sometimes)	**Exemplary** (Often/In-Depth)
Instruction	Collaborates with teachers			
	Correlates lessons to instructional program			
	Written policies, goals, objectives			
	Data and standards driven			
Curriculum/ Assessment Support	Reading promotions, activities, programs			
	Collaborates with literacy/curriculum team			
	Provides professional development			

	Provides production opportunities			
	SAC involvement/SIP Integration			
Resource Management	Collection reflects school community needs, input, population			
	Collection newer than District average			
	Dewey Decimal System			
	Appealing signage			
	Systematic collection development and weeding			
Program Administration	Adequately staffed (District allocations)			
	Adequately funded (Funds from State, school, and fundraisers)			
	Open beyond regular school hours			
	Has flexible scheduling			
	Webpage linked to main school page			
	Adequate # of student workstations			
	Working and innovative equipment			
	Supports ILL requests			
	Data driven program decisions			
Environment	Various types of spaces			
	Engaging/relevant displays			
	Actively used			
	Exciting and conducive to learning			
	ADA compliant			
Advocacy	Meets regularly with administration (program and reports)			
	Produces promotional materials			

	Involves community/public library			
	Involvement in professional organizations			
Notes:				

Advocacy

In-School

In an outstanding library media program statistical reports are shared with the administration on a regular basis. Teacher/Student policies and procedures are put in written form and distributed. In-house reminders and announcements are distributed on a regular basis. The LMC website is aligned with the curricular and recreational needs of students, and the informational needs of faculty, staff and parents.

Suggested advocacy methods include:

A. Statistical reports to administrators (whole group instruction; small group instruction; circulation statistics; classroom teacher assistance; individual student usage, etc.)

B. Communication with faculty through newsletters, emails, library media calendar, school news

C. Media Center Website links tailored for staff as well as students

D. Faculty assistance and support (tech assistance, curriculum-related resources, website suggestions, Web 2.0 awareness/training; small group and individual staff training in info and tech literacy)

E. Media Center as arena for school-wide events

F. Staff surveys (http://www.surveymonkey.com)

G. Use of Promotional Items, such as bookmarks, flyers, banners, posters, etc.

H. Imprint USA: http://www.4imprint.com/group/182/Library-Outreach-Resources

Parents/Community

An outstanding library media program collaboratively plans parent involvement activities with teachers and administrators. The library media program also works collaboratively with the local public library to provide resources and services to students, teachers, and parents.

Suggested advocacy methods include:

A. SAC involvement

B. Library Advisory Committee

C. Public Library connections (www.brev.org)

D. Parent Involvement Activities (speakers, volunteers, tutors, Family Night reading promotion events, etc.)

E. Parent/Student book clubs

F. Media center articles for parents in school newsletters (including online databases, website links, etc.)

G. Parent surveys Websites, for example: https://exchange.brevardschools.org/exchweb/bin/redir.asp?URL=http://www.eduscapes.com/sms/advocacy/promotion.html

Florida Power Library School Award

The Florida Power Library School Program is designed to bring recognition to the role that school library media programs and staff play in promoting school achievement. Qualified Brevard media specialists are encouraged to apply for this prestigious designation. Award-winning media specialists and principals will receive a banner and recognition at both the District and State level. The media specialist will be asked to mentor at least one future applicant and the school may serve as a demonstration school.

First-time applicants are required to have at least three (3) years' experience as a media specialist and should be prepared to document successful implementation of the best practices outlined on the ExC3EL Evaluation Rubric. The application process includes the completion of a portfolio, a video, and a site visit. The award must be renewed every three (3) years in order to maintain the designation. The renewal process involves reflections on the growth of the media program during the proceeding award cycle. The FASM website contains application documents, timelines, and other detailed information about the program.

Professional Involvement

Florida MLS Programs

A. University of South Florida: http://slis.usf.edu/

B. Florida State University: http://slise.fsu.edu

Professional Organizations

Brevard media specialists are expected to maintain membership in professional organizations, including BAME and FAME. They may further benefit from membership in one or more of these additional groups:

A. BAME (Brevard Association for Media in Education) https://exchange.brevardschools.org/exchweb/bin/redir.asp?URL=http://brevardmedia.wordpress.com/

B. FAME (Florida Association for Media in Education) http://www.floridamedia.org/

C. ALA (American Library Association) http://www.ala.org/

D. AASL (American Association of School Librarians) http://www.ala.org/aasl/

E. YALSA (Young Adult Library Services Association) http://www.ala.org/yalsa/

F. NCTE (National Council of Teachers of English http://www.ncte.org/

G. BCTE (Brevard Council for Teachers of English http://bcteweb.ning.com/

H. IRA (International Reading Association) http://www.reading.org/General/Default.aspx

I. ALSC (Association for Library Service to Children) http://www.ala.org/everyday-advocacy/

J. FSTE (Florida Society for Technology in Education) http://fste.org

Leadership/Presentation Opportunities

Media specialists are encouraged to participate in leadership opportunities at the school, district, state, and national levels. The strength of the profession depends upon the advocacy of its members, and their willingness to share, model, and lead. Advocacy beyond the school level is also one of the components of the Florida Power Library Program. Opportunities include:

A. School Level

1. Lead staff development sessions for faculty, departments, and teams

2. SAC Member/Chair/Presentations

3. PTO Member/Chair/Presentations

4. Committee Involvement/Chair: Technology, Literacy, Common Core Team, Peer Mentor Team, etc.

B. District Level

1. Sharing successful lessons/practices at BAME regional meetings

2. In-service presentations on Professional Development Days (school & District)

3. District-wide curriculum product development (handbooks, guides, blogs, websites, lessons, etc.)

4. Present at media PLC meetings

5. Serve as mentor to a new media specialist

6. Serve on a steering committee for a District-level event (Book Bash, FTR, etc.)

7. Board Presentations

C. State Level

1. Presentation at FAME , FETC, or other statewide conference

2. State Committees (Children's Book Award, Florida Teens Read, SSYRA, Common Core, Professional Development, etc.)

D. National Level

1. Presentation at ALA or other national conference

2. National Committees

Training/Staff Development

The Office of Staff Development (OSD) is responsible for training and professional growth for all employees in the District. This office assists with re-certification of teachers through in-service credit. The District in-service days are major training days sponsored by OSD. The Brevard County Induction Program for new teachers is coordinated through OSD. The contact person is Peggy Yelverton. For more information, visit the website at http://hr.brevardschools.org/ProfDevelop/Induction/default.aspx.

PAINT (Technology Integration) http://techtraining.brevard.k12.fl.us/

District technology integrators serve specific regions of Brevard schools. They assist classroom teachers, media specialists, and administrators.

Clinical educator training, (CET), is available as an in-service to all District teachers. This training is required in order for a teacher to supervise a college intern. It is also required of all National Board Certified Teachers. For a schedule of training dates, contact Staff Development Office at 633-1000, ext. 240.

Creating Independence through Student-owned Strategies (CRISS)

CRISS is an in-service which is periodically available through staff development. CRISS training provides a set of strategies to enhance the teaching of reading using principals drawn on concepts of: background knowledge, active involvement, discussion, metacognition, writing, organizing information, and modeling & explanation. This is an excellent in-service for media specialists to take, not only to aid in direct instruction, but also to provide assistance to classroom teachers.

Professional Learning Communities

A. Summary/Definition (Richard Dufour; May 2004; ASCD): http://pdonline.ascd.org/pd_online/secondary_reading/el200405_dufour.html

B. Solution Tree* (Dufours' free online resources can be found at this link): http://www.solution-tree.com/Public/OnlineResources.aspx *Solution Tree is also the 'home' of Robert Marzano, (Classroom Strategies That Work)

Copyright

The Federal copyright law governs the duplication, distribution, use, and display or performance of all copyrighted materials, including printed matter, audiovisual materials, television programs, and computer software. Violation of the law can subject the violator to legal action by the copyright holder resulting in the levying of fines and/or compensatory damages. Nonprofit status or public ownership do not provide a haven from the law, and public schools are subject to its provisions just as are other agencies and businesses. However, there are exemptions which provide some latitude for the use of copyrighted materials for instructional purposes under the doctrine known as "fair use". These exemptions, while helpful in facilitating instruction, do not apply for non-instructional purposes, such as reward or motivation.

Board Policy 2531 – COPYRIGHTED WORKS

The Board directs its staff to use copyrighted works only to the extent that the law permits. The Board recognizes that Federal law applies to public school districts and the staff must, therefore, avoid acts of copyright infringement under penalty of law.

In order to help the staff abide by the laws set forth in Title 17 of the United States Code, the Board directs the Superintendent to provide administrative procedures regarding the copying and distribution of copyrighted materials for instructional purposes and for the appropriate use of copyrighted material on the Board's web site.

Because the Board hosts a web site and stores information on it at the direction of users, it is classified as an on-line service provider for copyright purposes. In order to limit the Board's liability relating to material/information residing, at the direction of a user, on its system or network, the Board directs the Superintendent to annually appoint an individual as the agent to receive notification of claimed infringement. A link to the agent's name, mailing address, telephone number, fax number, and e-mail address shall appear on the home page of the Board's web site. Such contact information, along with the appropriate filing fee, shall also be provided to the Copyright Office of the Library of Congress.

Additionally, the agent's name, mailing address, telephone number, fax number, and e-mail address shall be included in the student handbook for each school.

The agent shall be responsible for investigating and responding to any complaints. 17 U.S.C. 101 et seq.

Fair Use Principles. Under the fair use doctrine, copyrighted materials may be reproduced without authorization for the purposes of criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research following these general guidelines:

A. *PURPOSE AND CHARACTER OF THE USE*. The use must be for such purposes of teaching or scholarship and must be nonprofit, not commercial.

B. *NATURE OF THE COPYRIGHTED WORK.* Staff may make single copies of: a chapter of a book for such use as instruction, preparation for teaching or research; an article from a periodical or newspaper; a short story, essay or poem and a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

C. *AMOUNT AND SUBSTANTIALITY OF THE PORTION USED.*Copying the whole of a work cannot be considered fair use: copying a small portion may be considered fair use if appropriate guidelines are followed. The amount and substantiality of the portion used must be reasonable.

D. *EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK.* If resulting economic loss to the copyright holder can be shown, making even a single copy of certain materials may be an infringement; and making multiple copies presents the danger of greater penalties, thus, the potential market value of the work should not be affected.

Media Specialist Responsibilities Regarding Copyright

The school library media center has a responsibility to make school administrators, teachers, and staff aware of the law and its implications. Further, the library media specialist has an obligation to avoid engaging in activities which may expose the school and the District to liability and to advise the school administration of any potential violations. The library media specialist should make a point of becoming informed about the law, "fair use", and the pertinent district policies and guidelines.

Copyright: © A Guide to Information and Resources 3rd ed., 2003 by Gary Becker has been distributed to all schools and should be on file in the school library media center. It is also available electronically on the Edmodo Media Specialists' site and can be accessed electronically at:
http://blackboard2.brevardschools.org/@@E7D92CD183036E595191BDA9548E4C4/courses/1/2012.REYNOLDS.001/content/_2566

Helpful Copyright Websites

A. Carol Simpson: http://www.carolsimpson.com/

B. Center for Media and Social Media: http://www.cmsimpact.org/fair-use/related-materials/codes/code-best-practices-fair-use-media-literacy-education

C. Code of Best Practices in Fair Use: http://mediaeducationlab.com/code-best-practices-fair-use-media-literacy-education-0

D. Gary Becker: http://beckercopyright.com/

E. Brevard Tech Integrators: http://techtraining.brevard.k12.fl.us/gradereporting/copyright.htm

F. Cyberbee interactive copyright site: http://www.cyberbee.com/copyrt.html

G. BPS Board Policy 2540 regarding Audio Visual Use and copyright

H. Copyright Advisory Network http://librarycopyright.net

I. Copyright Free Images

1. http://www.awesomeclipartforeducators.com

2. http://copyrightfriendly.wikispaces.com

Audio Visual Use

Brevard County Public Schools Bylaws and Policy 2540

The purpose of this policy is to establish consistent procedures for the use of AV materials including films, videos, CD's, etc. for classroom instruction. The instructor(s) bears the responsibility for full compliance with the following policy. (Brevard County Bylaws and Policy 2540)

A. The instructional use of audio visual materials must:

1. support and be consistent with Brevard County School Board education goals, policies, and specific course objectives

2. adhere to copyright laws (see *Copyright: A Guide to Information and Resources* by Gary Becker, previously provided to each school)

3. reflect best teaching practices based on age appropriateness and instructional relevance.

B. Audio visual instructional materials must:

1. withstand a school level review and/or selection process

2. Undergo close scrutiny prior to use. It is the instructor's responsibility to view and/or listen to materials, assuring compliance with this policy.

C. Videos from outside the school collection must:

1. have the approval of the principal or designee prior to student viewing

2. not have the R*, X, or NC-17 rating. The showing of these videos is prohibited in Brevard County Schools. (Reference: F.S. 1006.34(2)(b), 847.012)

The District Audio Visual Use Policy must be included in the teacher handbook and be reviewed annually. New personnel and/or substitute teachers must be apprised of the policy upon assignment to the school. **Each school must establish a procedure to ensure compliance with the District Audio Visual Use Policy.**

*Requests for exceptions to this policy may be granted by the Board. Requests must be submitted in writing at least thirty (30) days in advance of the planned viewing. The request must contain the rationale for the exception and be approved by the principal, area superintendent, and Superintendent prior to submission to the Board. If the exception is approved by the Board, parents must grant permission in writing before their child (ren) will be allowed to view the material.

Special note: The District offers no set list of approved videos for school use. Rather, adherence to the above policy determines which videos are appropriate for your student population. Establish and follow your school review process and include written parent permission whenever you find it advisable, particularly if a decision is made to show a film with PG or PG-13 commercial rating.

Resources for Support

Edmodo

Edmodo is a social networking site similar in layout to Facebook. It was designed for educators to provide a secure, interactive online environment for their classes. It also functions as an online professional learning community. To participate in Edmodo, go to http://brevard.edmodo.com/ to set up your account. You will need your school's Brevard Edmodo code. If someone at your school does not know your code (your tech specialist, for example), you can email Matt Frey directly.

In order to join a particular group within Edmodo, you will need the group code from the creator of the group. If you are creating an Edmodo group, you will be the one to give the Edmodo-generated code to the others you're inviting to participate. Gina Clark, District media resource teacher, has created a Brevard Media Specialists group in Edmodo, which contains a variety of subgroups on various topics within our field. Watch for an email from her containing the code or email her directly.

Technology Support Services Repair (TRS)

Supervisor: Gary Beasley 633-3588

TRS can be an excellent resource when you are deciding which type or brand of equipment to purchase, since they know which brands they are able to repair, as well as which hold up well under 'industrial' use.

For equipment repair, complete the online TRS Repair form located at the Help Desk website:
http://et2.brevardschools.org/helpdesk/onlinerequestforms/default.aspx

These online work order requests are completed by either the media specialist or the tech specialist, depending on procedures in your particular school, for items that need repair: audio visual equipment, computers and peripherals, as well as TV production equipment, and some cabling. Maintenance requests are submitted via your head custodian. Once you receive an email that TRS has received and is processing your work order, print the email and attach it to the equipment you are sending in for repair. Some media specialists create a personal folder* in their Outlook programs in which to save emails of work orders and their corresponding work order numbers. This makes it easy to just drag the email into the folder, which is actually saved on your hard drive.

*Be sure that your personal folders are created in the correct section of Outlook so that their files do not use up storage room in your District email folder. See your tech for help, if necessary.

Help Desk

The Help Desk can be searched in the global email directory under "Help Desk". The phone number is 633-1000 x735. http://et2.brevardschools.org/helpdesk/onlinerequestforms/default.aspx

For most tech questions, you should **check with your technology specialist before contacting the Help Desk.** S/He may then refer you to the Help Desk. This reduces the number of requests coming in to the Help Desk, since your tech may be able to resolve the problem. However, if your tech specialist is not in the building and the need is urgent, feel free to contact the help desk directly.

District Library Media Resource Teacher

Gina Clark clark.gina@breavardschools.org **633-1000 x337**

https://sites.google.com/a/share.brevardschools.org/librarymedia

The library media resource teacher is your advocate, consultant, resource person, trainer, and mentor, all rolled into one. S/He also maintains the District professional library.

Customer Service

633-1000 x500

The District maintains a customer service line designed for the community to use. However, District employees may also call this number with questions or suggestions.

Printing Services

Print Shop Manager: Daren Bolton 633-1000 x785

The print shop can provide you with reasonably-priced printing services for advocacy, instruction, special events, etc. Usually, these costs would need to be paid out of your internal library account.

BPS TV

Our District maintains a television station, on **Channel 198**, which broadcasts various instructional programs and special presentations, including Board meetings.

FDLRS (East)

Office of Florida Diagnostic & Learning Resources System-ESF Director: **Sharon Tolson 633-100 x540; FDLRS Library x546**
http://fdlrs.brevard.k12.fl.us/east/

FDLRS provides various services for teachers of exceptional students, including a resource library, housed at ESF. Any teacher whose enrollment includes an exceptional education student may borrow instructional materials and equipment, as well utilize other FDLRS assistance.

AASL Website

http://www.ala.org/aasl/

Florida Virtual School Library

http://library.flvs.net/home.htm

PGP Development

Tutorials and Help

PGP Development-PGP Reference Library - http://documents.brevardschools.org/PGP/default.aspx

PGP forms, tutorials and HELP - http://benefits.brevard.k12.fl.us/HR/comp/pas/ippas.htm

Learning Strategies

A. B.E.S.T. - Brevard Effective Strategies for Teaching; an instructional model consisting of six (6) modules to provide a framework for a level playing ground for the District.

   Training link - http://best.brevardschools.org/best/default.aspx

B. Marazono's Nine Instructional Strategies http://www.ntuaft.com/TISE/Research-Based Instructional Strategies/marzanos 9 strategies.pdf

C. CRISS - (Creating Independence through Student-owned Strategies) - Helps students better organize, understand, retain information

D. Cooperative Learning Activities- a number of strategies whereby students help one another acquire course content. Students acquire better understanding of course content as they are required to explain topics to others in team.

E. Thinking Maps - Thinking Maps® is a language of eight visual patterns each based on a fundamental thought process. http://thinkingmaps.com/

Glossary of Terms

A. *Differentiated Instruction* - A teacher's response to an individual learner's needs by differentiating content, process or product.

B. *Progress Monitoring*- For evaluations of student learning provided at specific times throughout the year prior to the final evaluation- teachers use data to adjust their instruction.

C. *Formative Assessment* - A process used by teachers and students during instruction that provides feedback to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes. Students use the results from formative assessment to monitor their own learning. Examples: Think/Pair/Share, Exit Ticket, Hand Signals, Teacher Made Test, Pre-assessment, Journals

D. *Summative Assessment*- are used to evaluate the effectiveness of instructional programs and services at the end of an academic year or at a pre-determined time. The goal of summative assessments is to make a judgment of student competency after an instructional phase is complete. Summative evaluations are used to determine if students have mastered specific competencies and to identify instructional areas that need additional attention. Example- District benchmark or interim assessments, End-of-unit, Chapter tests, End-of-term, semester exams, a final project, State-mandated assessments- the FCAT/PARCC

E. *Qualitative Data* - Gathers information useful for studies in finding out the ways in which people think or feel. Qualitative data is subjective in nature; data can be observed but no measured. Examples-, surveys, exit slips, reflections, discussions, student log, interactive notebooks

F. *Quantitative Data* - Gathers data in numerical form which can be put into categories, in rank order, or measured in units of measurement. Examples- Benchmark tests, AR/AC, Chapter test, Running Records, pre/posttests, FCAT

G. *Stretch Goal* - A goal set by a teacher designed to significantly impact instructional practices and ultimately influence the students' performance. "What do I want to do to improve my professional practice and increase student achievement?" Have research to support goal. Be sure to include School Improvement Plan/Goals when writing the stretch goal.

H. *Rationale*- "What data do I currently have to validate the significance of working on my stretch goal?" Use data from three (3) or more sources. Use Qualitative and Quantitative data.

Questions to ask yourself when writing PGP

A. Is my PGP connected to quantitative and qualitative data?

B. Have I defined specific student outcomes?

C. Are my strategies action-orientated and sustainable?

D. Is there a clear connection of my strategies to my professional growth goal?

E. Are my learning strategies and professional development influence change in my instructional practices?

F. Are my timelines realistic?

G. Do my strategies indicate new or improved practice that aligns with B.E.S.T.?

H. Do I have evidence of feedback or reflection on progress to support my PGP goal? Have I planned for feedback from peers, and administration (total of 3)?

Philosophy

Mission Statement

The mission of the library media center is to create information literate citizens who effectively access, evaluate, and use resources, and to encourage and prepare students to be life-long learners.

Library Media Center Objectives

A. The library media program enhances student achievement through a systematically, collaboratively planned instructional program.

B. The library media program provides appropriate, accurate and current resources in all formats to meet the needs of the learning community.

C. The library media program will incorporate technology into the curriculum to enhance student learning.

D. Effective library media programs provide an inviting, accessible and stimulating environment for individual and group use that share resources across the learning community.

E. The library media program and its initiatives are promoted throughout the learning community.

Philosophy of National Organizations

AASL'S position statement on the Role of the School Library Media Program (http://www.ala.org/aasl/advocacy/resources/position-statements/program-role)

ALA's Interpretation of the Library Bill of Rights (http://www.google.com/url?q=http%3A%2F%2Fwww.ala.org%2Fadvocacy%2Fintfreedom%2Flibrarybill%2Finterpretations%2Faccessresources&sa=D&sntz=1&us gAz_Lt334B3dWkHfFw)

The Students' Right to Read: National Council of Teachers of English (NCTE) (http://www.ncte.org/positions/statements/righttoreadguideline)

School Libraries: What the Research Says

In research done in nine states and over 3300 schools since 1999, the positive impact of the school library media program is consistent. Strong school library media programs make a difference in academic achievement. Here are examples of what the research says about why school libraries matter.

School Libraries Work!

(http://www2.scholastic.com/content/collateral_resources/pdf/s/slw3_2008.pdf)

A. The more often students receive library/information literacy instruction from library media specialists, the higher the test scores.

B. In Illinois high schools, 11th grade ACT scores are highest when there is a high degree of true collaboration between library media specialists and classroom teachers in a wide spectrum of activities.

C. The success of any school library program in promoting high academic achievement depends fundamentally on the presence of adequate staffing— specifically each library should have at least one full-time certified library media specialist with at least one full-time aide or support staff member.

D. Certified library media specialists and aides emerged as the most critical component of the library media program at all school levels. Well-staffed programs, especially those with full-time professional and support staff, exerted a greater impact on student academic performance.

E. As this chart (http://www.google.com/url?q=http%3A%2F%2Fwww.lrs.org%2Fdocuments%2Fschool%2Fschool_library_impact.jpg&sa=D&sntz=1&usg=AFQjCNFCmv4Uc NVwg) shows, increased library staffing is linked to higher reading performance for all grade levels, stronger writing performance at the elementary and middle school levels, and higher ACT scores at the high school level.

Donna Baumbach - Making the Grade (http://www.manatee.k12.fl.us/sites/library_resources/Documents/MakingTheGradeSummary.Pdf)

2002 - Compiled from data from 1715 Florida Schools and information from the DOE

A. Schools at all levels with a university-trained, certified library media specialist and better staffing (more than sixty (60) hours per week) have higher FCAT scores.

B. Test scores are more than twenty percent (20%) higher in elementary schools where library media staffing is at eighty (80) hours per week or more than in schools with less than sixty (60) hours per week.

C. 55.1% of students passed the FCAT reading test in higher scoring schools with library media staffing of eighty (80) HPW or more, while only thirty-seven percent (37%) passed in schools with poorer staffing.

D. In high schools where library media programs are staffed sixty (60) hours per week or more, there is a 22.2% improvement in test scores over those staffed less than sixty (60) hours.

E. Both high school FCAT and ACT scores are significantly higher where there is increased library usage (visits by individuals to the library media center).

F. Test scores rise incrementally with more hours of staffing. Competent support staff can provide time for the school library media specialist to engage in more instructional activities with students and teachers and to provide assistance to more individuals and groups each day.

G. Florida's school library media programs are active, vital contributors to teaching and learning in Florida's K–12 schools. School library media programs positively impact student achievement when:

1. A professionally trained, full-time certified library media specialist leads the program.

2. Adequate support staff is present.

3. School library media collections are strong both in quantity, in quality, and in variety.

4. Students have access to resources beyond the library media center.

5. Literacy, information literacy, and technology literacy are taught.

6. Students use the library media center and its resources.

7. Technology is available.

More studies (http://www.iasl-online.org/advocacy/make-a-difference.html)

A. School Libraries Make a Difference to Student Achievement (http://www.iasl-online.org/advocacy/make-a-difference.html)

B. Powerful Libraries Make Powerful Learners: The Illinois Study (http://21cif.com/resources/links/research.html)

C. AASL Student Achievement (http://aasl.ala.org/essentiallinks/index.php?title=Student_Achievement)

D. Why You Need Your School Librarian (Kentucky) (http://www.kentuckyteacher.org/kentucky-teacher-of-the-year/2012/07/why-you-need-your-school-librarian/)

E. Librarians Mean Higher Reading Scores (http://www.slj.com/2011/08/industry-news/something-to-shout-about-new-research-shows-that-more-librarians-means-higher-reading-scores/)

F. Library Research Service Impact Studies (http://www.lrs.org/data-tools/school-libraries/impact-studies/ - fl)

Documents

A. Access to Resources and Services in the School Library Media Program: Open Letter to Parents

B. Hosting Book Bash for Grades 3-5

C. Hosting Book Bash for Grade 6

D. Hosting Middle School Book Bash

E. Website Evaluation Check sheet

F. Collaborative Lesson Plan Template

G. Destiny One Search and Standards

H. Follett Shelf

I. Follett EBooks

J. Property Loans Form

K. Request For Reconsideration Of Materials – R-Rated Videos

L. Video Approval Form

M. Access to Resources and Services in the School Library Media Program: Open Letter to Parents

The Board recognizes the school media center as "the center of the educational program of the school. It provides materials and services that meet academic, technical, personal and social needs of the school community." In meeting these needs, a broad range of materials is needed, including levels of difficulty and interest, as well as religious, ethnic and cultural diversity. Libraries are forums for information and ideas, and, therefore, resources are provided for the interest and enlightenment of all students and teachers.

Because each family is different in their preferences, parents are encouraged to be involved in their student's book selection and reading materials. We encourage parents to review their student's selections and be an active part of their education by having open discussions about the books.

The books in the media center are available for all students, however, the library media specialist does not specifically recommend all titles to all students. You are welcome to come in and visit the school media center, browse the collection, and see the wonderful selections available for your student.

Hosting Book Bash for Grades 3-5

A. General Things to Do

1. Welcome sign at entrance to school

2. Talk to office staff about procedure for checking in guests/volunteers

3. Welcome Table possibilities: name tags. Balloons, welcome sign, program, schedule

4. Copy brochure for students and guests, include team members on an insert- optional

B. Introduction/Welcome

1. Invite principal to make a welcome statement

2. Review rules and procedures for each game

3. Review schedule

4. Point out restroom locations

5. Need names of schools or letters in a basket to pick the order the teams will play in

C. Book Jacket

1. Need a list of all book titles cut up in a basket

2. Need bag of supplies for each school (given out at host school meeting)

3. Need to provide staplers, tape dispensers, scissors for each team

4. Need a school employee to accompany the team to their work location

5. Have a location to display book jackets after they are presented

D. Book Quest

1. Need white board/marker or paper/marker for each team for group questions

2. Need a set of SSYRA books for judges

3. Need the following jobs covered: question reader, scorekeeper, timekeeper, judges

4. Need a calculator for the scorekeeper

5. Need overhead and transparency for keeping score

6. Need stopwatch for timekeeper

7. Need electronic copy of power point with questions- show on large screen

E. Reader's Theater

1. Need four (4) chairs/stools, if desired

2. Need music stands for scripts

3. Amplification, optional

F. Judges

1. Need pens/pencils, calculator

2. Copy rubrics for Reader's Theater and Book Jacket, answers to Book Quest for each judge

G. Book Giveaway

Set up a table of free book giveaway

H. Options

1. Snack

2. Lunch with other schools

3. Present certificates at the end of competition

Hosting Book Bash for Grade 6

Before the Event

A. Welcome sign at entrance to school

B. Talk to office staff about procedure for checking in guests/volunteers

C. Welcome Table possibilities: wrist bands, name tags. Balloons, welcome sign, program, schedule

D. Copy brochure for students and guests, include team members on an insert- optional

E. Make sure clickers are working; turn on each clicker and check battery level

F. Test CPS game. Check print size. Make sure you have one clicker for every two participants. [If you don't have access to a thirty-two (32) pad set, talk with Julie.]

G. Art supplies, additional for bookmark activity, have tables ready with art supplies

H. Book Covers from each book- Print out and hang/post book cover signs around library (for student discussion groups)

I. Print, cut, and laminate discussion question slips (for student discussion groups)

J. Find four (4) stools and four (4) music stands for RT (set aside until time for RT event).

K. Exit slips (student survey regarding Bash experience)

L. Google "gong" sound and save as a favorite on your presentation computer

M. Giving away books? Ask participating media specialists to donate giveaways, if possible. Choose location for setup and distribution.

N. Assign/Ask for adult volunteers to man stations: Book Discussions, Book marks, Book Trivia, Readers Theatre, refreshments and book give-away.

O. Host schools should receive a check from BAME to help with cost.

P. Media specialist at each school determines **criteria for attendance** (allowed fifteen (15) to twenty (20) students per school, depending on number of schools at site).

During Event

A. *Introduction/Welcome*

1. Invite principal to make a welcome statement

2. Review rules and procedures for each game

3. Review schedule

4. Point out restroom locations

5. Need names of schools or letters in a basket to pick the order the teams will perform RT

B. *Book Discussion* - Host media specialist will ask all members to go stand next to the book cover and discuss their answer to the questions asked: For example- Which book has a character in it you could have as a best friend, explain? Students may also use discussion questions slips to promote more discussion. Ask up to three (3) different questions so students move to different books for discussion. Other possible questions to ask for rotation - Which book is the genre you typically read the most, why? Which book did you NOT enjoy reading? Which book taught you something new?

C. *Book Mark*- Each student will create his/her own book mark with the supplies that are given.

D. *Book Trivia*- CPS Trivia: Two (2) students share one clicker (this works well because few students have read all the books). Students can pair with someone from their school or from another school. Help students who are working alone to find partner, unless they prefer working alone and you have enough clickers.

Be sure to show correct answer after each question. It's much more exciting that way. If you don't know how to set up CPS ask Julie.

At end of Trivia game, click Reports and open report showing all clickers and their total score. Students like to know what percentage they got correct (and brag to each other).

E. *Readers Theatre* - Each team will draw a number which will put them in the order in which the schools will perform. Each team will perform the teams prepped and practiced script to the audience. Teams will NOT be judged. Each team may or may not use the stools/stands.

F. *Refreshments* - select a time in the agenda for a snack/potty break. Refreshments may be doughnuts, cookies etc.

G. *Exit Slips* - Have each media specialist distribute exit slips to his/her students. Ask them to fill them out right then, while things are fresh in their mind. (If you run out of time, get kids to complete them back at their home schools.) Return completed exit slips and wrist bands to Julie Wales at McNair.

Please include any adults' input/suggestions/comments/ideas for next year, while fresh in your minds.

H. *Possible Schedule* **-**

1. Introductions/Explanations - ten (10) minutes

2. Book Discussion - twenty (20) minutes

3. Bookmark Creation - fifteen (15) minutes

4. Book Trivia (played via CPS "clickers") - twenty (20) minutes

5. Reader's Theater Presentations - forty-five (45) minutes

6. Book Giveaway - ten (10) minutes

Hosting Middle School Book Bash

Before Event

A. Determine locations for three (3) rotation activities

B. Make grids (4) for puzzle game and laminate (sample picture emailed)

C. Get final count from participating schools.

D. Ask media specialists for your region to group their students for you in advance.

E. Assign colors to students for wrist bands. Color-code list of participating students beforehand, for registration table.

F. Make sure clickers are working; turn on each clicker and check battery level

G. Test CPS game. Check print size. Can zoom questions during event, if needed

H. Make sure you have one (1) clicker for every two (2) participants. [If you don't have access to a thirty-two (32) pad set, talk with Julie.]

I. Price and plan pizza order; ask participating media specialists to give you numbers/types of whole pizzas for his/her school.

J. Ask for cookie and drink donations (break up among participating schools).

K. Get related paper products.

L. Plastic cloths or newspapers for bookmark table (especially if using glitter glue!)

M. Art supplies, additional for bookmark activity (ask indicated in Nancy Pete's email)

N. Teens Read: Print out, laminate, and hang or post book cover signs around library (for student discussion groups)

O. Print, cut, and laminate discussion question slips (twelve (12) sets) for teens read and place an envelope of set of questions at table or area near each sign

P. Create list of twelve (12) book bash titles to display on projector for Teens Read activity (to remind them as they're choosing which book was their favorite, etc.)

Q. RT scripts—choose, highlight and label parts, underlining gestures, etc. (if a media specialist has not already volunteered to do it).

R. Find four (4) to five (5) stools and music stands for RT (set aside until time for RT event).

S. Exit slips (student survey regarding Bash experience)

T. Google "gong" sound and save as a favorite on your presentation computer

U. Set up table(s) for housing refreshments (drinks best poured over tiled area, if possible)

V. Set up Welcome/registration table and choose students to man table. Students are to check list for what color wrist band to give each participating student. They should also check off each student in attendance.

W. Giving away books? Ask participating media specialists to donate giveaways, if possible.

X. Choose location for setup and distribution. Send students to select book by wrist band color. (This will mix schools so no one school gets to choose first.)

During Event

A. Leave money for pizza plus tip in the front office and let them know pizza is coming and time it should arrive. Ask to notify you on arrival. (This can be done by host or other designated media specialist during Reader's Theater performances so that pizza boxes are retrieved, sorted by school, and ready when RT finishes.)

B. Assign/Ask for adult volunteers to man stations: [Art area; RT area (need several); puzzle game; perhaps someone to help hostess keep track of time and 'float' as assistant; refreshment person…etc.]

C. Display total list of titles via projector for teens read activity

D. CPS Trivia: Two (2) students share one (1) clicker (this works well because few students have read all the books). Students can pair with someone from their school or from another school. Help students who are working alone to find partner, unless they prefer working alone and you have enough clickers.

Be sure to show correct answer after each question. It's much more exciting that way. If you don't know how to set up CPS to do this, ask Julie.

At end of Trivia game, click Reports and open report showing all clickers and their total score.

Students like to know what percentage they got correct (and brag to each other).

E. For rotation activities: Rotate by wristband color, using Gong to signal change (first gong, one (1) minute warning; second gong, change)

If students appear to be through with a discussion or other activity early, feel free to sound the gong early.

F. Give instructions for RT practice at beginning (drama, drama, drama…slow, slow, slow, with inflection & gestures). Ask several adults to station themselves in the RT rotation and 'coach' the teams while they're rehearsing. Let the kids do one 'read through' and then get them to start adding inflection, facial expressions, & gestures; increasing volume; reducing speed, etc.

DRAMA! Students who don't wish to participate in RT can help serve as practice audience ("Can you hear them???") & coaches.

Adults can also help students choose script and 'enlist' participants from rotation, if necessary. Schools can mix it up or stay together. [Last year, kids intermingled for RT and enjoyed it.] Students with the fewest lines can do the sound effects, if any.

G. Have each media specialist distribute exit slips to her students while they're eating their pizza. Ask them to fill them out right then, while things are fresh in their mind. (If you run out of time, get kids to complete them back at their home schools.

H. Return completed exit slips to Julie Wales at McNair, along with any leftover wrist bands.

I. Jot down adults' input/suggestions/comments/ideas for next year, while fresh in your minds.

NONDISCRIMINATION NOTICE

It is the policy of the Board to offer the opportunity to all **students** to participate in appropriate programs and activities without regard to race, color, gender, religion, national origin, disability, marital status, or age, except as otherwise provided by Federal law or by Florida State law. A **student** having a grievance concerning discrimination may contact:

A. Dr. Brian T. Binggeli, Superintendent

B. Ms. Cynthia Van Meter, Associate Superintendent, Division of Curriculum

C. Robin L. Novelli, Office of Secondary Programs and Instruction

D. Lynn Spaddacini, Office of Elementary Programs, Equity Coordinator

It is the policy of the Board not to discriminate against **employees** or **applicants** for employment on the basis of race, color, religion, sex, national origin, participation and membership in professional or political organizations, marital status, age, or disability. Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship, and is prohibited. This policy shall apply to recruitment, employment, transfers, compensation, and other terms and conditions of employment.

An **employee** or **applicant** having a grievance concerning employment may contact:

A. Ms. Susan Standley, Director, Office of Compensation & Benefits

B. Ms. Joy Salamone, Director, Human Resources Services and Labor Relations

This publication or portions of this publication can be made available to persons with disabilities in a variety of formats, including large print, Braille or audiotape. Telephone or written requests should include your name, address, and telephone number. Requests should be made to Kim Riddle, Exceptional Education Projects, 631-1911, extension 535, at least two (2) weeks prior to the time you need the publication.

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ap2605

RESEARCH AND EVALUATION

2605 - **RESEARCH AND EVALUATION**

PURPOSE

Research and program evaluation are essential to achieve desired learning outcomes and to improve understanding of effective and efficient instructional techniques. Students enrolled in accredited post-graduate programs of higher learning are encouraged to conduct graduate study research within the system, and to share their findings with the District's educational community. Outside agencies and institutions requesting to utilize District students as subjects must petition the Superintendent in writing.

Guidelines for Research Projects

All research in the Brevard County Public Schools shall conform to the following administrative procedures:

A. Will only involve conditions that have significance for the improvement of education in Brevard County.

B. Will not involve a burdensome expenditure of time, effort or money for the District.

C. Will be appropriate for the age level(s) of the target population.

D. Will be carried out with a high degree of professionalism.

E. Will not significantly interfere with the daily routine of conducting classes or with the administration of the school.

F. Will not deal with content that might be considered inconsistent with the purpose of the School District.

G. Will protect the confidentiality of all participants and schools.

Factors for Determining Technical Merit

The following factors are considered by the Office of Accountability, Testing, and Evaluation when evaluating the technical merit of research proposals:

A. Clarity of problem/questions/hypothesis

B. Feasibility of investigating the problem

C. Procedures for collecting data/sampling methods

D. Quality of the data-gathering instruments (reliability/validity)

E. Appropriateness of experimental/quasi-experimental design/statistical techniques used to analyze the data

F. Limitations of the study

All parties who express intent to conduct research within Brevard County Public Schools **must** complete the Research Project Request Procedures form. This packet may be obtained from the Office of Accountability, Testing, and Evaluation.

Research Project Request Procedures

A. Review the attached Board procedures for research projects/factors for determining technical merit.

B. Send the completed Research Project Request to:

Office of Accountability, Testing and Evaluation
School Board of Brevard County
2700 Judge Fran Jamieson Way
Viera, Florida 32940

C. The Office of Accountability, Testing and Evaluation, must approve the request in writing prior to any further action. If the study is approved, principals of the schools listed on your Research Review Form will be informed. Approval of the study at the District level does not obligate principals to participate in the proposed research.

D. The Research Project Request Form and the District approval must be taken to each site where the research is to be conducted. Each school principal must agree in writing to participate in the research study.

Parent Notification

Research projects that involve students must provide parent notification of the purpose of the study, a description of the measurement instrument(s) that will be used, and the intended use of the results. Upon written request from the parent, the principal will arrange for the parent to inspect any survey or evaluation instrument created by the District or by a third party before the instrument is administered or distributed to the student. The parent will have access to the survey or evaluation within a reasonable period of time after the request is received by the building principal. The term survey/evaluation instrument does not include academic tests or assessments. If after careful, personal review of the survey or evaluation form by the parent, they may indicate to the school that the instrument is in conflict with their beliefs or value system. The school principal will then consider a written request from the parent to excuse the student from participation in the study.

Revised 4/06

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ap2623A

STUDENT ASSESSMENT

2623A - **STUDENT ASSESSMENT**

PURPOSE

Assessment, like any other element of the District's operation, should have a definite purpose related to District programs or State mandates. No test should be given without first defining its purpose and determining how the results will be used.

Purposes of Various Assessments

A. Achievement, Proficiency and/or Competency Tests

1. measure a student's progress in achieving District or State learning outcomes

2. help determine student learning strengths and weaknesses and/or diagnose their causes

3. help assess the effectiveness of a grade level's, school's or the District program and/or identify/diagnose educational strengths and weaknesses

4. aid in evaluating curriculum and/or instructional strategies and resources

5. aid in diagnosing problems with obtaining mastery of required skills and in providing for appropriate remediation.

B. Intelligence Tests

measure a student's mental ability as defined by the instrument

C. Readiness Tests

help determine the appropriate time for a student to begin a learning program

D. Aptitude Tests

help determine a student's interest and aptitude for specific courses of study

E. Vocational Interest/Aptitude Tests

1. help determine a student's interest or aptitudes for comparison with those related to particular vocational fields

2. assist in the vocational counseling of a student

Use of Test Results

The purpose for giving a test is to use the results to improve learning and to communicate with those concerned about how well a student or group of students are learning.

Curriculum and Instruction

Administrators will be responsible for ensuring that test results are used by the staff to both refine the curriculum and improve instructional strategies and resources. To aid in this process, in-service programs may be necessary to strengthen understanding of how different kinds of tests are designed, how to judge reliability and validity of the instruments, and how to use test information to diagnose and remediate.

Counseling

Administrators should ensure that all instructional personnel are working together to share information derived from the testing program. Teachers should be using test results and analysis to help students and their parents/legal guardians develop a realistic and valid view of their current achievement levels and design and follow through on plans related to both their school and vocational careers. Teachers should be aware of these plans to help support such plans in the classroom.

Communication with Parents/Legal Guardians

It is essential that parents/legal guardians be kept properly informed of standardized test results, particularly those that relate directly to academic achievement. In communicating with parents/legal guardians, particularly with regard to standardized test, the following procedures should be observed:

A. Test results should be provided in context, with the purpose of the test clearly stated and the student's measurement compared to appropriate standards.

B. Make sure parents/legal guardians are aware of the relationship between the test's purpose and the goals of the particular program of which the test is a part.

C. Communicate what the test is designed to measure as well as what it does not attempt to measure.

D. Share the standards that the test is designed to measure, and discuss how the standards were created.

Use in Remediation and Promotion/Retention

A. Intervention shall be provided to all students who do not meet the minimum standards of proficiency (Level II and above) as measured by the Florida Standards Assessment (FSA).

B. Test results will be used by all classroom teachers to identify and implement instruction appropriate to the needs of students who do not meet Level II standards.

C. Test results will be used by administrators as one part of the data used in making instructional placement decisions regarding students.

D. Intervention shall continue until students attain minimum proficiency as measured by the FSA or until the one (1) calendar year beyond receipt of a Certificate of Completion at the completion of 12^{th} grade.

E. Teachers in the exceptional student education program shall assist basic classroom teachers in identification of individual student learning needs and in accommodating instruction to the intervention needs of identified students.

F. Textbooks and other instructional materials appropriate to the intervention needs of students shall be identified and correlated to the grade level expectations and benchmarks of the Florida standards.

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SECURITY PROVISIONS FOR STATE MANDATED ASSESSMENTS

2623B - **SECURITY PROVISIONS FOR STATE MANDATED ASSESSMENTS**

State Board of Education Rule F.A.C. 6A-10.042 was developed to meet the requirements of the test security statute – F.S. 1008.24, and applies to anyone involved in the administration of a State mandated assessment. This rule prohibits the following activities that threaten the integrity of the assessment:

A. Revealing test items

B. Copying test items

C. Helping students to answer test items

D. Changing of otherwise interfering with students' answers to test items

E. Otherwise causing achievement of students to be inaccurately measured or reported

All school system personnel are prohibited from examining the contents of test booklets.

The security of State assessment test booklets and answer sheets must be maintained before, during, and after the test administration.

In the event that test materials are determined to be missing while in the possession of school personnel, District personnel are authorized to conduct an investigation on the cause of the discrepancy and provide to the Department of Education a report within thirty (30) calendar days. In the event that test administration procedural violations are determined or suspected during the administration of a State mandated assessment, District personnel are authorized to conduct an investigation on the cause of the suspected violation and to provide the Department of Education a report within thirty (30) calendar days. In both cases, at a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of persons involved in or witness to the occurrence.

Violations of test security provisions shall be subject to penalties provided in statute, State Board of Education rules and Board rules.

Attachments:

Florida Test Administration and Security Statute

Florida Security Statute

F.S. 1008.24 - Test Administration and Security

A. A person may not knowingly and willfully violate test security rules adopted by the State Board of Education or the Commissioner of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to F.S. 1008.22, or, with respect to any such test, knowingly and willfully to:

1. give examinees access to test questions prior to testing;

2. copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;

3. coach examinees during testing or alter or interfere with examinees' responses in any way;

4. make answer keys available to examinees;

5. fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;

6. fail to follow test administration directions specified in the test administration manuals; or

7. participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

B. A person who violates this section commits a misdemeanor of the first degree, punishable as provided in F.S. 775.082 or 775.083.

C. A School District may contract with qualified contractors to administer and proctor Statewide, standardized assessments required under F.S. 1008.22 or assessments associated with Florida approved courses under F.S. 1003.499, as approved by the Department of Education in accordance with rules of the State Board of Education. Assessments may be administered or proctored by qualified contractors at sites that meet criteria established by rules of the State Board of Education and adopted pursuant to F.S. 120.536(1) and 120.54 to implement the contracting requirements of this subsection.

D. A School District may use District employees, such as education paraprofessionals as described in F.S. 1012.37, to administer and proctor Statewide, standardized assessments required under F.S. 1008.22 or assessments associated with Florida approved courses under F.S. 1003.499, in accordance with this section and related rules adopted by the State Board of Education. The rules must establish training requirements that must be successfully completed by District employees prior to the employees performing duties pursuant this paragraph.

E. A Superintendent, a president of a public postsecondary educational institution, or a president of a nonpublic postsecondary educational institution shall cooperate with the Commissioner of Education in any investigation concerning the administration of a test administered pursuant to State statute or rule.

F. The identity of a school or postsecondary educational institution, personal identifying information of any personnel of any School District or postsecondary educational institution, or any specific allegations of misconduct obtained or reported pursuant to an investigation conducted by the Department of Education of a testing impropriety are confidential and exempt from F.S. 119.07(1) and Section 24(a), Art. I of the State Constitution until the conclusion of the investigation or until such time as the investigation ceases to be active. For the purpose of this paragraph, an investigation is deemed concluded upon a finding that no impropriety has occurred, upon the conclusion of any resulting preliminary investigation pursuant to F.S. 1012.796, upon the completion of any resulting investigation by a law enforcement agency, or upon the referral of the matter to an employer who has the authority to take disciplinary action against an individual who is suspected of a testing

impropriety. For the purpose of this paragraph, an investigation is considered active so long as it is ongoing and there is a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.

G. Exceptional students with disabilities, as defined in F.S. 1003.01(3), shall have access to testing sites. The Department of Education and each School District shall adopt policies that are necessary to ensure such access.

History.--s. 17, ch. 86-156; s. 1, ch. 90-99; s. 81, ch. 97-190; s. 29, ch. 99-398.

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ap2623C

MAINTENANCE OF TEST SECURITY

2623C - **MAINTENANCE OF TEST SECURITY**

A. Tests implemented in accordance with the requirements of F.S. 1004.93, 1008.22, 1008.30, 1012.55, and 1012.56 shall be maintained and administered in a secure manner such that the integrity of the tests shall be preserved.

1. Test questions shall be preserved in a secure manner by individuals who are developing and validating the tests. Such individuals shall not reveal in any manner, verbally or in writing, the test questions under development.

2. Tests or individual test questions shall not be revealed, copied, or otherwise reproduced by persons who are involved in the administration, proctoring, or scoring of any test.

3. Examinees shall not be assisted in answering test questions by any means by persons administering or proctoring the administration of any test.

4. Examinees' answers to questions shall not be interfered with in any way by persons administering, proctoring, or scoring the examinations.

5. Examinees shall not be given answer keys by any person.

6. Persons who are involved in administering or proctoring the tests or persons who teach or otherwise prepare examinees for the tests shall not participate in, direct, aid, counsel, assist in, or encourage any activity which could result in the inaccurate measurement or reporting of the examinees' achievement.

7. Each person who has access to tests or test questions during the development, printing, administration, or scoring of the tests shall be informed of specifications for maintaining test security, the provisions in statute and rule governing test security, and a description of the penalties for breaches of test security.

8. During each test administration, School District and institutional test administration coordinators and contractors employing test administrators and proctors shall ensure that required testing procedures are being followed at all test administration sites. Officials from the Department are authorized to conduct unannounced observations of test administration procedures at any test administration site to ensure that testing procedures are being correctly followed.

9. In accordance with F.S. 1008.24, a School District may use District employees, such as education paraprofessionals as described in F.S. 1012.37, to administer and proctor Statewide, standardized assessments required under F.S. 1008.22. All test administrators and proctors for the Statewide assessments administered pursuant to F.A.C. 6A-1.09422 must complete training requirements outlined in Training Requirements for Administering and Proctoring the Statewide Assessments.

B. Test materials, including all test booklets and other materials containing secure test questions, answer keys, and student responses shall be kept secure and precisely accounted for in accordance with the procedures specified in the examination program administration manuals and other communications provided by the Department. Such procedures shall include, but are not limited to, the following:

1. All test materials shall be kept in secure, locked storage prior to and after administration of any test.

2. All test materials shall be precisely accounted for and written documentation kept by test administrators and proctors for each point at which test materials are distributed and returned.

3. Any discrepancies noted in the number or serial numbers of testing materials received from contractors shall be reported to the Department by designated institutional or School District personnel prior to the administration of the test.

4. In the event that test materials are determined to be missing while in the possession of an institution or School District, designated institutional or school district personnel shall investigate the cause of the discrepancy and provide the Department with a report of the investigation within thirty (30) calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence. Officials from the Department are authorized to conduct additional investigations.

5. In those cases where the responsibility for secure destruction of certain test materials is assigned by the Department to designated institutional or School District personnel, the responsible institutional or School District representative shall certify in writing that such destruction was accomplished in a secure manner.

6. In those cases where test materials are permitted by the Department to be maintained in an institution or School District, the test materials shall be maintained in a secure manner as specified in the instructions provided by the Department. Access to the materials shall be limited to the individuals and purposes specified by the Department.

C. In those situations where an employee of the educational institution, School District, or contractor, or an employee of the Department suspects a student of cheating on a test or suspects other violations of the provisions of this rule, a report shall be made to the Department or test support contractor, as specified in the test administration procedures, within ten (10) calendar days. The report shall include a description of the incident, the names of the persons involved in or witness to the incident, and other information as appropriate. Officials from the Department are authorized to conduct additional investigations.

D. Violations of test security provisions shall be subject to penalties provided in statute and State Board rules.

E. School districts and public educational institutions under F.S. 1003.49, may contract with third-party contractors to administer and proctor Statewide standardized assessments required under F.S. 1008.22, or assessments associated with Florida approved courses under F.S. 1003.499.

1. School districts and educational institutions must require the contractor to provide a safe and comfortable facility that does not interfere with a student's ability to demonstrate mastery on the tests.

2. School District or educational institution use of third-party contractors (including contracted affiliates, such as franchises) shall not relieve the District or institution of its obligation to provide access to Statewide testing for Florida Virtual School or virtual charter school students pursuant to F.S. 1002.33(20), 1002.37, and 1002.45(6)(b).

3. The contractor must adhere to all test administration and security protocols as prescribed by the Department pursuant to F.S. 120.81(1)(c) and shall be subject to all provisions of this rule.

4. The contractor must not collect nor maintain any student's personally-identifiable information beyond that required for test administration.

5. All technology used to administer computer-based tests must meet assessment technology guidelines and online test security requirements as prescribed by the Department pursuant to F.S. 120.81(1)(c).

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GUIDELINES FOR DETERMINING APPROPRIATE ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

2623D - **GUIDELINES FOR DETERMINING APPROPRIATE ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES**

Determination of appropriate accommodations in assessment situations for students with disabilities shall be based on the individual needs of each student. Decisions on accommodations shall be made by the IEP team and recorded on the IEP or Section 504 Plan. Students with disabilities should be oriented to any test situation through test taking instruction designed to familiarize them with testing format and procedures. This orientation should take place near the time of testing.

Procedures recommended for making accommodations decisions include:

A. Accommodations should facilitate an accurate demonstration of what the student knows or can do.

B. Accommodations should not provide the student with an unfair advantage or interfere with the validity of a test; they must not change the underlying skills that are being measured by the test.

C. Accommodations must be the same or nearly the same as adaptations used by the students in completing classroom instruction and assessment activities.

D. Accommodations must be necessary for enabling the student to demonstrate knowledge, ability, skill, or mastery.

Students with disabilities who are not currently enrolled in public schools or receiving services through public school programs and require accommodations in order to participate in a test administration may have access to accommodations if the following information is provided:

A. evidence that the student has been found eligible as a student with a disability as defined by F.S. 1003.01(3)(a), and

B. documentation that the requested accommodations are regularly used for instruction.

Special Testing Accommodations for Students with Disabilities (Unique Accommodations)

In accordance with State Board Rule F.A.C. 6A-1.0943, the School District may request unique accommodations for individual students with disabilities. Unique accommodations are specialized accommodations that require alterations to existing test materials, presentation, or administration guidelines for any student with an active Individual Educational Plan (IEP) or Section 504 Plan and must be used regularly by the student in the classroom and must not negate the validity or threaten the security of the assessment.

Allowable Accommodations for Students with Disabilities

Accommodations must be provided as indicated on student IEPs or Section 504 Plans. Listed below and on the following pages are allowable accommodations for the 2017–2018 Florida Standards Assessments. Not all allowable accommodations are listed.

A. **Flexible Presentation**

1. For computer-based test administrations, paper-based test materials may be requested for a student with an IEP or Section 504 Plan that clearly indicates the reason that the computer-based test is not currently accessible or appropriate. Student eligibility information for paper-based accommodations must be submitted to FLDOE.

2. A regular print paper version of the test may be requested for a student. For computer-based test administrations, student eligibility information for regular print test materials must be submitted to FLDOE.

3. A large print paper version of the test may be requested for a student. The minimum font size for large print test materials is eighteen (18) points.

4. A contracted or uncontracted Braille version may be requested for a student who uses Braille materials. Student eligibility information for Braille test materials must be submitted to FLDOE. In Braille versions, test items may be altered in format or deleted as authorized by FLDOE.

5. A one-item-per-page paper version may be requested for a student who requires one (1) test item on a page, fewer test items on a page, increased space between test items, or true black-and-white print. Student eligibility information for one-item-per-page test materials must be submitted to FLDOE.

6. A regular print or large print passage booklet may be requested for a student participating in a computer-based Reading or Writing test. The passage booklet contains the passages only and does not contain prompts, test items, or answer choices. Student eligibility information for passage booklets must be submitted to FLDOE.

7. Oral presentation may be provided for directions, prompts, items, and answer choices. Passages in ELA Reading and ELA Writing tests may not be read aloud to students. Passages in Mathematics or EOC assessments may be read aloud. Prompts, items, and answer choices may not be reworded, summarized, or simplified. When reading answer choices, the test administrator or proctor must be very careful not to use inflection that might lead a student to the correct/incorrect responses.

8. For computer-based test administrations, a student may use the text-to-speech (TTS) form for oral presentation of directions, prompts, items, and answer choices. TTS will not be enabled on passages in ELA Reading and ELA Writing tests.

9. American Sign Language (ASL) videos and Closed Captioning for ELA Reading audio content are available for eligible students who have these accommodations identified in their IEPs or Section 504 Plans.

10. Signed presentation may be provided for directions, prompts, items, and answer choices. Passages in ELA Reading and ELA Writing tests may not be signed to students. Passages in Mathematics or EOC assessments may be signed. The test administrator or proctor may sign directions, prompts, items, and answer choices using the same method of sign language that 2017–2018 FSA Accommodations Guide General Information about Accommodations the student regularly uses in the classroom but must be careful not to use signs that might lead the student to a correct response. In such cases, fingerspelling may be used as an alternative. Directions, signs, prompts, items, and answer choices may be signed as many times as a student requests.

11. For oral or signed presentation, the test administrator or proctor may sign or read aloud allowable portions of the tests to the student in the manner that is regularly used in the classroom. Examples of allowable oral/signed presentation include but are not limited to reading/signing to a group of students, reading/signing to a student individually, reading/signing only when a student requests.

12. Test directions may be repeated, clarified, or summarized as many times as a student requests.

13. A student may be provided with a copy of directions from the administration script that is read by the test administrator.

14. A student may be allowed to demonstrate that s/he understands the directions (e.g., repeating or paraphrasing).

15. A student may read aloud directions, passages, prompts, items, and answer choices to himself/herself, would require use of a device such as a WhisperPhone®, or would require that the student be tested in a separate setting so that other students are not disturbed.

16. Verbal encouragement (e.g., "keep working", "make sure to answer every question") may be used; however, it may not be used to assist a student in producing or correcting responses.

17. Students may use magnification devices (e.g., CCTV/video magnifiers, reading loupes, handheld magnifiers). Devices must be used without accessing image-upload features (e.g., devices with a memory card must have the memory card removed during testing).

18. A student may use a straightedge to maintain or enhance visual attention to test items.

19. Portions of a test may be masked to direct attention to uncovered item(s). For computer-based test administrations, a student may use the masking accommodation.

20. Colored transparencies/overlays may be used.

21. Test documents may be secured to a work area. If adhesives are used to secure scannable documents, responses must be transcribed into replacement documents.

22. Positioning tools, such as a reading stand, may be used.

23. A student may use a highlighter to highlight key words or phrases in directions, passages, prompts, items, and answer choices. If a highlighter is used on a scannable document and the ink is visible on a response area (e.g., writing response, answer bubble), responses must be transcribed into a replacement document.

B. **Flexible Responding**

1. A student may use a highlighter to highlight key words or phrases in directions, passages, prompts, items, and answer choices. If a highlighter is used on a scannable document and the ink is visible on a response area (e.g., writing response, answer bubble), responses must be transcribed into a replacement document.

2. Students must be told the amount of space into which the response will be recorded or transcribed. Recorded or transcribed responses must accurately reflect the response of the student, without addition or enhancement by the test administrator or proctor. Copies must be erased or destroyed after the responses have been transcribed.

3. If a student provides a verbal or signed response, the test administrator or proctor must ask the student to indicate punctuation and the spelling of words that s/he is not completely certain that the student can spell (i.e., words not on the Dolch word list for the grade level tested). The student may review the written material and direct the test administrator or proctor on editing the response.

4. If a student taking a paper-based ELA Writing test provides a typed response, transcription of the response into the paper-based test is not required.

5. A student may use speech-to-text technology to record responses.

6. A student may provide responses using a mouse, keyboard, or assistive technology that uses either device.

7. A student may use a computer or other device to provide responses.

8. A student may use a computer switch or pointing device to provide responses.

9. A student may use a communication device to provide responses.

10. A test administrator or proctor may check periodically to be sure that a student is entering answer choices correctly on a computer-based or paper-based test.

11. A student may use special paper such as raised-line, shaded-line, or color-coded. Responses must be transcribed from the special paper to the format required by the test.

C. **Flexible Scheduling**

1. A student may be administered a test session during several brief periods within one (1) school day, allowing frequent breaks. Between sessions and during breaks (e.g., restroom breaks, lunch breaks), students must be closely monitored to ensure that they do not share information about the test.

2. A student may use a specific time of day for test sessions.

3. A student may be provided extended time to complete a test session. Extended time must be provided in accordance with the student's IEP or Section 504 Plan. Extended time is not unlimited time; it should align with the accommodation used regularly in the student's classroom instruction and assessments. The student is not required to use all of the extended time that is allowed and may end the test session prior to the expiration of the extended time. Each test session must be completed within one school day.

4. A student with a flexible scheduling accommodation that requires more than one (1) day to complete an FSA reading, mathematics, or EOC test session must participate in testing using paper-based test materials.

   The following conditions must be maintained to ensure the validity of the test administration across days:

   a. The student may not be permitted to change his/her responses to items that were completed on a previous day.

   b. The test administrator must closely supervise the administration of the test on an individual basis to ensure that responses from the previous day are not changed and that the student does not preview parts of the test to be answered the following day.

   c. The test administrator must use a paper clip or binder clip to secure the test documents and prevent the student from reviewing his/her answers from the previous day. Staples or tape should not be used. Clips must be removed after testing.

   d. All FSA Writing administrations must be completed in one (1) school day.

e. Grades 6–8 students with extended time accommodations may be administered one (1) FSA Mathematics session per day (over three (3) days).

D. **Flexible Setting**

1. A student may be administered a test in a familiar place with a test proctor present, and/or a familiar person who has been appropriately trained may administer the test. Procedures for test security must be followed and precautions taken in order to ensure that the test remains secure.

2. A student may be administered a test individually or in a small group setting. A small group should be of a comparable size to the normal instruction group size indicated on the student's IEP or Section 504 Plan.

3. If a student requires use of an accommodation that may disturb or is not allowed for other students in the room (e.g., read aloud), the student should be tested in a separate setting.

4. A student may use special lighting.

5. A student may use adaptive or special furniture.

6. Special acoustics, such as FM systems, may be used to enhance sound, or special rooms may be used to decrease auditory distractions.

7. The opportunity for movement may be increased or decreased.

8. Stimuli may be reduced (e.g., by limiting the number of items around the student's desk or computer station).

9. White noise/sound machines or music that are approved by District/school personnel may be used to reduce auditory distractions. During testing, machines and music players must be controlled by the test administrator or proctor.

E. **Assistive Devices and Tools**

1. A student may use software programs to ensure access to the computer and to approved assistive technology (e.g., switch scanning software, specialized on-screen keyboards, mouse emulators).

2. A student may use varied assistive devices to access the computer (e.g., alternative keyboards, trackballs, joysticks, switch scanning systems, touch screens, mouth sticks, head wands, eye-gaze or head control systems).

3. Visual magnification and auditory amplification devices may be used.

4. Other assistive technology typically used by the student in classroom instruction may be used, provided that the purpose of the test is not violated. Implementation of assistive devices must ensure that test responses are the independent work of the student.

5. Students who use sign language as their primary means of communication may use an English/sign or sign/English translation dictionary. The dictionary must be similar to one used in an instructional setting and may not contain definitions of words. The dictionary may contain the sign picture, the word, synonyms, and an index. Electronic sign language dictionaries that meet the same requirements without accessing the Internet may be used.

6. For Sessions 2 and 3 of Grades 7–8 Mathematics and for Session 2 of EOC mathematics tests, a regular, large key/large display, or talking calculator may be used. No other calculator may be used. Calculators may not be used during other

tests or test sessions.

7. A student with a visual impairment may use an abacus and products such as the Graphic Aid for Mathematics, Math Window®, and the geoboard. These devices are approved substitutes for paper-and-pencil computation.

8. A student may use blank mathematics grids/guides to organize mathematical computation.

9. Multiplication charts/tables may not be used.

10. Devices designed to check grammar or spelling must not be used.

11. Manipulative materials, including but not limited to counters, base-10 blocks, clock faces, or geometric shapes may not be used except when approved by FLDOE for use with Braille test materials. Real coins may be used to represent coins depicted in test items. Coins may not be used as counting devices.

12. Students who require the use of an electronic device for a purpose specified on his/her plan (e.g., health monitoring application on the student's phone) may have access to the device during testing. A test administrator must be able to monitor the student's use of the device at all times during testing.

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SPECIAL TESTING ACCOMMODATIONS FOR STUDENTS CLASSIFIED AS DISABLED AS DEFINED BY SECTION 504

2623E - **SPECIAL TESTING ACCOMMODATIONS FOR STUDENTS CLASSIFIED AS DISABLED AS DEFINED BY SECTION 504**

To assure that all qualified students with a disability in our public education system are provided necessary related aids, services, or accommodations during the administration of the test, districts will ensure that students with a disability who are not currently in any special education program or who do not have a current IEP can be considered for and, if appropriate, provided test accommodations. Those students who are not classified as exceptional students with active IEP's may qualify as persons with a disability as defined in Rule F.A.C. 6A-19.001(6), and Section 504 of the Rehabilitation Act of 1973. Rule F.A.C. 6A-19.001(6) defines a person with a disability as:

Any person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

A. Physical or mental impairment

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or

2. Any mental or psychological disorder, such as intellectual disabilities, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

B. Major life activities

Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

C. Has a record of such an impairment

Has a history of, or has been incorrectly classified as having, a mental or physical impairment that substantially limits one (1) or more major life activities.

D. Is regarded as having an impairment.

1. Has a physical or mental impairment that does not substantially limit major life activities but that is treated by an institution as constituting such a limitation;

2. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others and, therefore, is treated by an institution as having such an impairment.

A student who is determined by the School District to have a physical or mental impairment under these requirements is eligible for modified testing conditions if it is determined that the student's impairment of sensory, manual, or speaking skills interferes with the performance on the test. School District personnel will determine which of the accommodations listed above are appropriate for each student who is determined disabled as defined in Rule F.A.C. 6A-19.001(6), as documented on a Section 504 Accommodation Plan.

Technical Change 7/30/13
Technical Change 4/17/19

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ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS (ELLs)

2623F - **ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS (ELLs)**

All ELLs participate in Statewide assessments. Students who are identified as ELLs must be provided with the allowable accommodations listed below. ELLs who have been enrolled in school in the United States for less than one (1) year may be exempt from FSA ELA assessments. (Reading and Writing components). Exempt ELLs must participate in the annual English language proficiency assessment.

Allowable Accommodations for ELLs

A. **Flexible Settings**

ELLs may be offered the opportunity to be tested in a separate room with the English for Speakers of Other Languages (ESOL) or heritage language teacher acting as test administrator. Parents/Legal guardians must be informed of this option for students not of legal age and shall be given the opportunity to select the preferred method of test administration.

B. **Flexible Scheduling**

1. ELLs may take a test session during several brief periods within one (1) school day; however, each test session must be completed within one (1) school day.

2. ELLs may be provided additional time to complete a test session; however, each test session must be completed within one (1) school day.

C. **Assistance in Heritage Language**

1. ELLs may be provided limited assistance by an ESOL or heritage language teacher using the student's heritage language for directions, prompts, items, and answer choices. This should not be interpreted as permission to provide oral presentation of prompts, items, and answer choices in English or in the student's heritage language. Assistance may not be provided for words or phrases in ELA Reading and ELA Writing passages.

2. The ESOL or heritage language teacher or other trained individual familiar with the student may answer questions about the general test directions in the student's heritage language. If the test is administered to a group of students, the teacher may answer questions about directions for the benefit of the group. Questions of clarification from individual students must be answered on an individual basis without disturbing other students.

3. The ESOL or heritage language teacher or other trained individual familiar with the student may answer specific questions about a word or phrase in a prompt, item, or answer choice that is confusing the student because of limited English proficiency but is prohibited from giving assistance that will help the student produce, correct, or edit responses. Assistance may not be provided for words or phrases in ELA Reading or ELA Writing passages.

D. **Approved Dictionary and Glossary**

ELLs should have access to an English-to-heritage language translation and/or heritage language to-English translation dictionary or glossary or both, such as those made available to ELLs in an instructional setting. Glossaries containing content specific word-to-word translations in heritage language can also be provided. The dictionary or glossary must provide word-to-word translations only and may not contain definitions or other information. A dictionary or glossary written exclusively in

the heritage language or in English shall not be provided. Electronic translation dictionaries or glossaries that meet the same requirements without accessing the Internet may be used.

Oral Presentation Accommodations

The following read-aloud accommodations are available for FSA:

A. FSA ELA Writing—Students with an oral presentation accommodation on their IEPs or Section 504 Plans may have the directions and prompt read aloud to them. The Writing test requires that students read a variety of texts and respond to what they have read. Because this portion of the test assesses reading skills as well as writing skills, the passages may not be read aloud to students.

B. FSA ELA Reading—Students with an oral presentation accommodation on their IEPs or Section 504 Plans may have the directions, test questions, and answer choices read aloud to them. The Reading passages may not be read aloud to students.

C. FSA Mathematics and EOCs—All mathematics and EOC directions, passages, test questions, and answer choices may be read aloud to students with this accommodation.

Any portions of tests that may be read aloud may also be signed for students with this accommodation. When reading answer choices, the test administrator or proctor must be very careful not to use inflection that might lead a student to the correct/incorrect responses. For computer-based tests, text-to-speech features are available on the appropriate read-aloud portions for students who are assigned this accommodation in TIDE. If the type of oral presentation is not specified on the IEP or Section 504 Plan, the accommodation may be provided by a human reader or via the computer based text-to-speech form. If specified, the accommodation should be provided as documented. As with all accommodations, the manner in which the accommodation is provided should be consistent with its use in the classroom (ensuring that students have sufficient practice and are familiar with the format).

Computer-Based Accommodations

The following CBT accommodations are available for students who have these accommodations specified on their IEPs or Section 504 Plans:

A. text-to-speech

B. masking

C. American Sign Language (ASL) videos for ELA Reading tests

D. Closed Captioning (CC) for ELA Reading tests

E. writing and reading passage booklets

For text-to-speech accommodations, students must have headphones or earbuds for testing, and headphones/earbuds must be plugged in prior to launching the secure browser on student computers or devices. In addition, FLDOE recommends that schools install the Julie Voice Pack (found in TIDE) for use with the FSA TTS forms administered on Windows computers or devices.

Student Eligibility for Paper-Based Accommodations

A student with a disability who has an IEP or Section 504 plan may be eligible for paper-based accommodations (regular print, large print, Braille, one-item-per-page) on computer-based Statewide assessments. Decisions regarding accommodations, including eligibility for paper-based accommodations, should be based on a student's needs and should not be made for preferential reasons. The use of computers and mobile devices for instructional engagement and assessment is a fundamental aspect of general education, and the ability to access online environments must be considered. Students with disabilities should be given access to online environments during the educational day, including on assessments, in order to be prepared for college and careers. In addition, students should be given opportunities to practice on computer-based instructional programs and on computer-based test platforms using the available features and accommodations to determine their effectiveness and appropriateness.

Students who are eligible to receive paper-based accommodations must have an IEP or Section 504 Plan that clearly indicates the reason that the computer-based test is not currently accessible or appropriate for the student. Documentation should include:

A. Whether or not the student is currently able to use a computer or mobile device to engage in instruction/assessments.

B. Accommodations/Assistive technology the student needs when using a computer or mobile device.

C. Training and services the student needs to successfully use a computer or mobile device in instruction/assessments.

D. The type of media/accommodations (e.g., paper, Braille) that are necessary if it is determined that the student cannot use a computer or mobile device for the foreseeable future.

Students who are hospitalized/homebound and students who currently reside at Department of Corrections facilities, excluding Department of Juvenile Justice (DJJ) facilities, are also eligible to receive paper-based test materials.

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ap3120A

NONCERTIFICATED INSTRUCTIONAL PERSONNEL EMPLOYMENT PROCEDURES

3120A - **NONCERTIFICATED INSTRUCTIONAL PERSONNEL EMPLOYMENT PROCEDURES**

Job Title: Noncertificated instructional personnel

The Board defines noncertificated instructional personnel as those staff members who hold a Bachelor's or higher degree and possess expert skill in or knowledge of a particular subject or talent, but do not hold a Florida teaching certificate.

The Board authorizes the employment of noncertificated instructional personnel to teach in critical teacher shortage areas as defined by the Board.

Classification: Instructional Personnel

Basic Qualifications

The Superintendent or designee 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, when special services are needed to deliver instruction. For the purpose of this Board procedure, noncertificated instructional personnel do not include nondegreed vocational and adult education teachers who are required to satisfy requirements in Board Policy 3120 – *Employment of Instructional Staff*.

The Superintendent or designee shall ensure that each candidate for employment in a noncertificated instructional position meets minimum requirements for employment and shall maintain records of such information in the candidate's personnel file. The District office shall have on file a job description for each noncertificated instructional personnel position.

To be eligible for appointment to a noncertificated instructional position in the District, the applicant must meet the following requirements:

A. Age: Meet the age requirement which has been established for certificated instructional personnel.

B. Health: Meet the health requirements which have been established for certificated instructional personnel.

C. Fingerprinting: Submit fingerprints in the same manner as required for noninstructional personnel by F.S. 1012.32.

D. Pre-employment assessment shall include:

1. Detailed and verified documentation attesting to the applicant's expertise in the area of assignment.

2. Official transcripts reflecting a Bachelor's or higher degree.

3. Written verification of the applicant's skills and knowledge for instructing in the area of assignment. The written verification shall be signed by the director of the appropriate instructional area and the chairman of the advisory committee specific to the area of assignment. The verification shall include a list of all members of the advisory committee and verification that the candidate was endorsed by a majority of the membership. The advisory committee shall verify that the applicant has a clear understanding of rules and policies relevant to the instructional responsibilities.

Employment

A. Application Procedures:

The application and employment paperwork procedures for noncertificated instructional teachers shall be the same as the procedures for certificated instructional personnel in accordance with Board policy.

B. Terms of Employment:

Noncertificated personnel shall not be entitled to a contract as prescribed by Rule F.A.C. 6A-1.064(1).

C. Teaching Assignment:

Noncertificated instructional personnel shall perform only assigned teaching duties. They shall be eligible for employment as long as the program need exists. Noncertificated instructional personnel who do not perform their assigned duties shall be suspended immediately from duty and further action shall be recommended by the Superintendent.

D. Salary and Benefits:

The salary and benefits of noncertificated instructional personnel shall be the same as those for certificated full-time personnel. Verification of successful employment in the field of occupational expertise, which established eligibility for employment, will be taken into consideration for placement on the salary schedule.

E. Evaluation:

Each noncertificated employee's performance shall be assessed against their specifically assigned duties. The principal recommending the appointment of these personnel shall monitor performance and provide a written evaluation at least once each school term using the teacher evaluation form.

F. Licensure:

If licensure or registration in the specialty is required, it shall be the sole responsibility of the employee to submit a copy of the appropriate valid license/registration to the District office. It shall be the responsibility of the employee to maintain a current license or registration and to provide the District office with a copy of the valid license or registration when renewed.

G. Brevard County Induction:

The employee shall complete the Brevard County Induction.

H. **Protection:**

Noncertificated personnel who are employed and render services under this Board procedure shall have the same rights and protection of laws as certificated teachers.

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ap3120B

NONDEGREED FULL-TIME & PART-TIME CAREER AND TECHNICAL INSTRUCTIONAL PERSONNEL EMPLOYMENT AND CERTIFICATION PROCEDURES

3120B - **NONDEGREED FULL-TIME & PART-TIME CAREER AND TECHNICAL INSTRUCTIONAL PERSONNEL EMPLOYMENT AND CERTIFICATION PROCEDURES**

A. **Nondegreed Full-Time & Part-Time Career and Technical Instructional Personnel Job Title**

1. The School Board of Brevard County, Florida, ("Board") defines nondegreed, full-time and part-time Career and Technical instructional personnel as those staff members whose qualifications are established on the basis of occupational expertise in areas of, business/finance, health occupations, family and consumer sciences, engineering and technology education, skilled trades, and public service education; and who are assigned to teach only Career and Technical and/or other courses when the Course Code Directory specifies nondegreed vocational instructors as appropriate.

2. The Board authorizes the employment of District-certified personnel to teach full-time and part-time in Career and Technical programs to comply with F.S. 1012.39 (1)(c).

B. **Classification**

1. Instructional Personnel

C. **Basic Qualifications/Initial Certification**

1. The Superintendent or designee shall ensure that each candidate for employment in a nondegreed, full-time or part-time Career and Technical instructional position meets minimum requirements for employment and certification and shall maintain records of such information in the candidate's official personnel file.

2. To be eligible for appointment to a full-time or part-time instructional position in a nondegreed Career and Technical program in the District, the applicant must meet the following requirements:

    a. Age: Meet the age requirement which has been established for other full-time and part-time instructional personnel.

    b. Health: Meet the health requirements which have been established for other full-time and part-time instructional personnel.

    c. Pre-employment drug screening: Board Policy 3120 requires pre-employment drug and alcohol testing for applicants prior to being awarded employment. The prospective employee refers to a person who has applied for a position with the District and has been offered employment conditioned upon successfully passing the drug test. The prospective employee is responsible for the drug testing fee.

    d. Fingerprinting: Submit fingerprints in the same manner as required for noninstructional personnel by F.S. 1012.32.

    e. Pre-employment assessment: Demonstration of basic skills competency at appropriate grade levels as determined by the District.

f. District Certificate: The candidate for employment in a nondegreed full-time or part-time Career and Technical instructional position must qualify for an initial full-time or part-time temporary certificate which covers the occupational field to be taught. The Florida State Course Code Directory shall be used to determine the appropriate certification for the teaching assignment.

i. To qualify for the District initial Temporary Full-Time or Part-Time Career and Technical Certificate, the candidate must:

a. Complete the application for a District certificate and submit the required processing fee.

b. Document Occupational Expertise: Hold at least a high school diploma or the equivalent based on general education development tests or other achievement tests approved by the State Board which establishes the equivalency for high school diploma, and establishes the minimum competency in the area of assignment based on the following criteria. Occupational expertise shall be established in the area of assignment by one (1) of the plans specified below:

1. Plan One: At least three (3) years of full-time occupational experience or the equivalent in part-time experience in the occupational field of the teaching assignment; or

2. Plan Two: A minimum of one (1) years of full-time occupational experience or the equivalent in part-time experience in the occupational field of the teaching assignment in combination with one (1) of the options listed below:

a. Thirty-six (36) semester hours of college credit. The college credit must have been earned at an accredited institution as specified in Rule F.A.C. 6A-4.003, in skills or theory courses related to the instructional assignment; or

b. Successful completion of a program of training. The training program must be specific to the area of assignment and completed at a postsecondary Career and Technical or technical institution approved by the State Board for Career and Technical Education in the State where the institution is located; or

c. A certificate of completion of an apprenticeship as established by the United States Department of Labor, the Florida Department of Labor, or any State apprenticeship department which is specific to the area of assignment; or

d. Thirty (30) semester hours of college credit. The college credit must have been earned by occupational competency tests (NOCTI Tests – National Occupational Competency Testing Institute) in the area of assignment at an institution which is approved by the State Board for Career and Technical Education in the State where the institution is located; or

e. A written verification of the candidate's occupational competency. The verification of occupational competency shall be signed by the District's Director of Career and Technical Education and the chairman of the occupational advisory committee specific to the area of assignment. The verification shall include a list of all current members of the advisory committee and verification that the candidate was endorsed by a majority of the membership; or

3. Plan Three: A minimum of a bachelor's degree or higher degree in the occupational field of the teaching assignment. The degree must have been completed at an accredited institution as specified in F.A.C. 6A-4.003, with an undergraduate degree major related to the instructional assignment; or

4. Plan Four: If none of the above applies, please refer to the document published by the Department of Education with available CTE in-District certification areas. This document

should be followed for determining the years of experience and additional license (if any) required for the certification sought. (Example: Registered Nurse certification requires two (2) years of full-time experience as a registered nurse along with a valid Florida Registered Nurse's license.

ii. Other requirements shall be:

a. Occupational experience shall be gained as a wage earner after age sixteen (16).

b. The occupational experience shall be verified by former employers; or for self-employment, experience in a family-owned business, or experience in a firm no longer in business, the experience shall be verified by an individual knowledgeable of the applicant's service. Employment verification shall not be accepted from the applicant or family members. The verification shall be provided on business stationery when available and must specify the dates of employment, job title(s), and full-time or part-time employment When employment was part-time, the number of hours worked per week shall be included.

c. When occupational credentialing is required for program approval or for students to obtain an appropriate level of employment, the applicant shall be required to present a certificate of completion of apprenticeship as established by the United States Department of Labor, the Florida Department of Labor, or any State apprenticeship department which is specific to the area of assignment.

d. Recency of experience or training shall be required in the occupational field of the teaching assignment as follows:

1. At least six (6) weeks of occupational experience gained within the five (5) year period immediately preceding the date of application for certification; or

2. At least three (3) semester hours of college credit earned within the five (5) year period immediately preceding the date of application for certification. The college credit shall be earned at an accredited institution as specified in F.A.C. 6A-4.003, and shall be completed in the skills or theory courses related to the area of assignment; or

3. Thirty (30) semester hours of college credit within the five (5) year period immediately preceding the date of application for certification. The college credit must have been earned by occupational competency test (NOCTI Tests – National Occupational Competency Testing Institute) in the area of assignment at an institution which is approved by the State Board for Career and Technical Education in the State where the institution is located; or

4. One (1) year of successful teaching experience in the program area of assignment during the five (5) year period immediately preceding the date of application for certification.

e. A valid certificate, registration, or license which was issued by a recognized State or national credentialing agency in an area specific to the area of assignment, when such credential is required for certification.

f. Documentation of industry certification when state or national industry certifications are available and applicable in addition to the other qualifications established in statute for such teachers. F.S. 1012.39(1)(c)(2)(f). The Director of Career and Technical Education will establish and maintain a list of industry certifications required for nondegreed candidates employed in CTE programs requiring District Professional Career and Technical Certifications.

iii. The initial District Temporary Career and Technical Certificate will be issued after a candidate qualifies based on the criteria established in Sections A., B., C., D., and E. above, is recommended for a full-time or

part-time, nondegreed, Career and Technical instructional position, and receives fingerprint clearance.

iv. The CTE Temporary Certification will be a five-year nonrenewable temporary certificate.

D. **Initial Employment**

1. Application and Selection Procedures:

A. The application, selection, and employment paperwork procedures for nondegreed, full-time and part-time Career and Technical teachers shall be the same as the procedures for other instructional personnel in accordance with Board policy. However, an application for a Florida teaching certificate is not required.

2. Terms of Initial Employment:

A. Contracts shall be issued to nondegreed full-time and part-time Career and Technical instructional personnel for the first year of employment in accordance with Board policy for first year State certified instructional personnel upon receipt of all required documents as specified in the Basic Qualifications/Initial Certification section of this document.

3. Career and Technical Professional Orientation Program:

A. An in-service component approved by the Director of Career and Technical Education must be successfully completed by nondegreed Career and Technical instructional personnel within the first year of employment effective with the 1991-92 school year.

B. This in-service component will cover the following elements:

1. competency-based Career and Technical education

2. use of curriculum frameworks

3. lesson planning

4. safety procedures

5. laboratory and classroom organization and management

6. Career and Technical student organizations

7. advisory committees

8. professional organizations

E. **Continued Employment**

1. Annual contracts shall be issued to nondegreed full-time and part-time Career and Technical instructional personnel for the subsequent years of employment in accordance with Board policy. The requirements for his/her full time District Professional Career and Technical Certificate are specified below.

a. Certification Application Procedure: The teacher must complete the application for a District certificate and submit the required processing fee.

b. Complete Career and Technical Professional Preparation by Plan 1, Plan 2 or Plan 3 listed below:

i. Plan 1: Three (3) years of successful teaching in the area for which occupational expertise was established, and completion of twelve (12) semester hours of college credit in Career and Technical education to include the areas specified below:

a. General methods of teaching Career and Technical education which includes testing and evaluation.

b. Methods of teaching business/finance, health occupations, family and consumer sciences, engineering and technology education, skilled trades, or public service education. The methods course shall be specific to the area of the teaching assignment to include course construction, lesson planning, and management and safety procedures for the Career and Technical classroom and laboratory.

1. This course requirement can be met by attending an in-service component(s) approved by the Director of Career and Technical Education.

c. Career and Technical education designed for the special needs student.

d. Principles and philosophy of Career and Technical education.

1. This course requirement can be met by attending an in-service component (s) approved by the Director of Career and Technical Education.

e. Complete the Brevard Public School Induction Program.

ii. Plan 2: Hold a valid State-issued professional certificate with a degreed Career and Technical coverage, i.e., agriculture, business education, home economics, industrial arts or marketing and document the necessary occupational expertise described in the Basic Qualifications/Initial Certification section of this policy and three (3) years of teaching experience in the area of the degreed Career and Technical coverage. The occupational experience must be in a field directly relating to the degreed Career and Technical coverage reflected on the State-issued professional certificate.

iii. Plan 3: Hold a valid State-issued professional certificate and pass the industry certification(s) required for the specific Career and Technical Education program area.

iv. Plan 4: Part-time Career and Technical Education Adult Education teachers are not required to complete professional preparation training outlined in Parts 1, 2, or 3.

F. **Renewal of Full-Time and Part-Time Professional Career and Technical District Certificate:**

1. Certification Application Procedure: The teacher must complete an application for a District certificate and submit the required processing fee.

2. Credit required for renewal: The teacher must complete at least six (6) semester hours or the equivalent which shall include (3) semester hours or the equivalent to each area of the teaching assignment(s) during the validity period of the certificate to be renewed. Sixty (60) in-service points approved in the District Master In-service Plan shall be equivalent to three (3) semester hours of credit.

3. Demonstration of successful instructional performance on an instructional performance evaluation system that has been approved for use by the State Department of Education.

4. Should it be necessary for the Board to choose from among District certified and State certified teachers, the District certified teacher shall have the same rights and privileges as the State certified teacher.

G. **Salary and Benefits**

1. Nondegreed, full-time Career and Technical teachers shall be eligible for the same salary and salary increases as State certified teachers with corresponding contractual status. Levels of training for nondegreed, full-time Career and Technical instructional personnel shall be comparable to levels of training and shall be accorded the same rights and protection of the laws for State certified instructional personnel for purposes of the salary schedule as described below:

2. Occupational expertise which established eligibility for employment shall be considered equivalent to a bachelor's degree level of training for the purpose of the salary schedule. Occupational experience used to qualify and issue the initial District certificate cannot be used for salary purposes.

3. Occupational expertise which establishes eligibility for employment in combination with thirty-six (36) semester hours completed through a planned advanced Career and Technical program after professional education requirements have been completed for the professional service contract shall be considered equivalent to a master's degree level of training for the purposes of the salary schedule. The advanced Career and Technical program shall be completed at an accredited institution in a program designed for the applicant by an official at the institution and shall include a minimum of twelve (12) semester hours in professional Career and Technical education courses and a minimum of twelve (12) semester hours in general education or non-Career and Technical professional courses to be approved by the Superintendent or designee.

4. Benefits: The nondegreed, full-time Career and Technical teacher shall be a member of the bargaining unit and shall be accorded the same rights and protection of the laws as State certified teachers.

5. Part-time Career and Technical teachers (Adult Education) will be paid hourly based off the non-Bargaining salary placement schedule, other non-bargained positions.

H. **Industry Certifications Required for Non-Degreed Career and Technical Personnel (Updated February 2020)**

1. CTE Program and Applicable Industry Certification Titles:

CTE Program Titles:		Applicable Industry Certifications Titles:
a.	A/C Refrigeration and Heating Technology	Air Conditioning Service Technician HEAT HEAT+ HVACR Industry Competency Exam (ICE) Residential Air Conditioning and Heating Certification HBI-PACT Core EPA/OSHA 10
b.	Applied Engineering Technology	ADDA Drafter Certification Autodesk Certified Associate – AutoCAD Autodesk Certified Associate – Inventor Autodesk Certified Associate – Revit Architecture Certified Solidworks Associate Chief Architect User Certification MSSC Certified Production Technician Professional Engineer Registered Architect

c.	Architectural Drafting	Autodesk Certified Associate – AutoCAD ADDA Drafter Certification Autodesk Certified Associate – Inventor Autodesk Certified Associate – Revit Architecture Certified Solidworks Associate Chief Architect User Certification Professional Engineer Registered Architect
d.	Automation and Production Technology	Certified Solidworks Associate MSSC Certified Production Technician
e.	Automotive Collision Technology	ASE – Entry Level Certification ASE – Painting and Refinishing or ASE – Structural Analysis ASE – Non-structural ASE – Electrical and Mechanical
f.	Automotive Maintenance and Light Repair	ASE – Brakes ASE – Electrical/Electronic Systems & ASE – Engine Performance & ASE – Steering and Suspension ASE – Engine Repair ASE – Maintenance and Light Repair
g.	Building Construction Technology	Licensed Building Contractor in Florida NCCER Carpentry – Level 1 NOCTI – Building Construction Occupations NOCTI – Carpentry HBI – PACT Core
h.	Criminal Justice Operations	Certified Correctional Officer in Florida Certified Law Enforcement Officer in Florida NOCTI – Criminal Justice
i.	Culinary Arts	Certified Culinarian Certified Food Safety Manager Certified Professional Food Manager (ServSafe)
j.	Dental Aide	Certified Dental Assistant Licensed Dental Hygienist in Florida Licensed Dentist in Florida
k.	Drafting	ADDA Drafter Certification Autodesk Certified Associate – AutoCAD Autodesk Certified Associate – Inventor Autodesk Certified Associate – Revit Architecture Certified Solidworks Associate Chief Architect User Certification Professional Engineer Registered Architect
l.	Drafting/Technical Design	ADDA Drafter Certification Autodesk Certified Associate – AutoCAD Autodesk Certified Associate – Inventor Autodesk Certified Associate – Revit Architecture

		Certified Solidworks Associate Chief Architect User Certification Professional Engineer Registered Architect
m.	Exercise Science	Certified Health Fitness Specialist Licensed Athletic Trainer in Florida
n.	Firefighting	Instructor must have and maintain Florida Fire Instructor Certification issued by the Division of State Fire Marshal, Bureau of Fire Standards and Training.
o.	First Responder	Registered Nurse in Florida
p.	Interior Design Services	Autodesk Certified Associate – AutoCAD Certified Interior Decorator Certified Interior Designer Chief Architect Certified Apprentice Chief Architect User Certification
q.	Outboard Marine Service Technology	NOCTI – Small Engine Technology ASE – Entry Level Certification: Electrical, Engine Performance, Engine Repair and Brakes Yamaha Engine Certifications
r.	Mechanical Drafting	ADDA Drafter Certification Autodesk Certified Associate – AutoCAD Autodesk Certified Associate – Inventor Autodesk Certified Associate – Revit Architecture Certified Solidworks Associate Chief Architect User Certification Professional Engineer Registered Architect
s.	Nursing Assistant	Registered Nurse in Florida

2. If the CTE program is not listed on this table and there is an applicable industry certification associated with the program, this rule also applies. In addition to the listed industry certifications, applicable military certifications will be considered.

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Revised 1/16/24
Revised 5/8/25

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ap3120C

ALTERNATIVE CERTIFICATION PROGRAM PURPOSE

3120C - **ALTERNATIVE CERTIFICATION PROGRAM PURPOSE**

The District is committed to providing a high quality work force in order to fulfill our mission: to serve every student with excellence as the standard. The Alternative Certification Program (ACP) is one component of Goal 3 of the District's strategic plan: By 2006, the District will have managed projected work force shortages by recruiting, employing, and retaining high quality employees. The ACP 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.

District staff members have designed this ACP in accordance with F.S. 1012.56(7)(a).

By July 1, 2002, the Department of Education shall develop and each School District must provide a cohesive competency-based preparation program by which members of a School District's instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in rules of the State Board of Education. Participants must be eligible for a State-issued temporary certificate.

The program includes the following required components:

A. A minimum period of initial preparation prior to assuming duties as the teacher of record.

B. An option for collaboration between school districts and other supporting agencies for implementation.

C. Experienced peer mentors.

D. An assessment that provides for:

1. An initial evaluation of each educator's competencies to determine an appropriate individualized professional development plan.

2. A post-evaluation to assure successful completion of the program.

E. Content knowledge that includes, but is not limited to, the following

1. Requirements specified in State Board rule for professional preparation.

2. The Educator Accomplished Practices approved by the State Board.

3. A variety of data indicators for student progress.

4. Methodologies, including technology-based methodologies, for teaching subject content that support the Sunshine State Standards for students.

5. Techniques for effective classroom management.

6. Techniques and strategies for assuring a safe learning environment for students.

7. Methodologies for assuring the ability of all students to read, write, and compute.

F. Required achievement of passing scores on the professional education competency examination required by State Board rule; currently it is required that candidates pass all sections of the CLAST within the first year of the temporary certificate validity period.

Program participation

The ACP is designed to offer non-education majors, who hold at least a bachelor's degree in a subject for which a professional certificate may be issued or has met the specialization requirements for certification in a specific area, the opportunity to be trained as an educator. After ACP completion, the candidate may seek a professional certificate from the Florida Department of Education.

The District's ACP is a three (3) part program that includes demonstration of the Pre-professional Level of the twelve (12) Accomplished Practices for Educators; teaching experience with the support of a trained ACP Mentor Support Team; and professional development modules designed to provide participants with quality training experiences.

Qualifications

In order to qualify for the District's ACP, an applicant must meet all of the following requirements:

A. Be a paid instructional employee of the Brevard County Public Schools in a teaching assignment that does not vary from day to day and is at least a half-time job.

B. Hold or be eligible for a temporary teaching certificate from the Florida Department of Education.

C. Hold at least a bachelor's degree, meet the subject area requirements in a secondary subject area for which a professional certificate may be issued, and be certified for the teaching assignment.

D. Obtain the signature of the employing principal on the ACP Application as agreement to coordinate the ACP on site.

E. Sign the ACP application as an agreement of participation.

Note: Current District instructional employees who are non-education majors may be interviewed for placement in the ACP if appropriate.

Program Procedures

A. Candidates for the program obtain from Human Resources and complete an ACP Application Packet for review by the ACP Records Review committee. The signature of the candidate verifies that s/he agrees to participate under the rules of the ACP. The Records Review Committee identifies candidates who are eligible for hire at school sites and notifies candidates of their eligibility status; they also provide school principals a list of ACP – approved applicants who are eligible for hire.

B. When a principal hires an eligible candidate for the ACP, the candidate obtains the signature of the supervising principal as agreement that the principal will coordinate the ACP on site. The completed application is forwarded to the Office of Staff Development.

C. The Office of Staff Development forwards the ACP Portfolio to the hiring principal who coordinates the program on site.

D. The Office of Staff Development provides information to the participant, registers him/her for the Intensive Preparation Component of the ACP, and coordinates the Accomplished Practices Interview process which results in the baseline Professional Development Plan (PDP) for the candidate. The ACP participant is assigned a peer mentor, who will assist him/her on site for a total of ten (10) work days during the ACP.

E. The supervising principal, staff development supervisor or designee, candidate, and mentor support team determine appropriate components for the participant's PDP; Institution of Higher Education partner staff members, from University of Central Florida, Brevard Community College, or Florida Institute of Technology, may participate as members of the mentor support team as needed and desired.

F. The candidate registers for the appropriate Accomplished Practices Cluster Modules, based on suggestions from the mentor support team and schedule of offerings from staff development. Modules may be provided by District staff, IHE partners, site-based trainers, or a combination of these providers, as approved in the participant's PDP.

G. Documentation of the participant's progress in the program is provided by the participant and the mentor support team in the ACP Portfolio. The supervising principal will observe the ACP participant and review the portfolio at least three (3) times during the program to verify progress and return the portfolio to the participant.

H. The mentor support team provides coaching in the classroom to the ACP participant on a regular basis to meet the needs of the participant, as indicated in the PDP.

I. After final review and approval of the participant's ACP Portfolio by the staff development supervisor or designee, including evidence of successful post-assessment, the staff development supervisor sends the approved portfolio to the supervising principal and signs the participant out of the ACP.

J. The supervising principal and mentor support team evaluate the level of the candidate's success based on classroom performance, level of completion of the training components, and post-evaluation assessment. The principal and mentor team recommend certification or non-certification.

K. If the mentor support team, including the supervising principal, recommend certification, the Superintendent requests that a five (5) year professional certificate be issued to the ACP participant.

Length of ACP Program

Participants in the program must successfully complete the following three (3) components of the ACP: (1) thirty-six (36) hours of training which comprise the Minimum Period of Initial Preparation prior to assuming duties as the teacher of record; (2) a minimum of 180 days of teaching under the supervision of an ACP mentor support team; and (3) additional modules of the Accomplished Practices as required by the individual participant's ACP Professional Development Plan, based on the ACP Initial Evaluation of Competencies. Participants must complete all components of the program successfully within the validity period of their temporary certificates; they may complete all components and quality for certification after 180 days of teaching supported by the peer mentor support team.

Mentor Support Team Definition

The ACP mentor support team must include a peer mentor teacher who will offer twenty (20) days of intensive support during the first twenty (20) days of teaching, a school administrator, a peer mentor teacher for the Induction Program at the site, and a college professor who is teaching the current Accomplished Practices modules; this team may also include other teachers and/or District staff as needed. All school site members of the mentor support team must be trained in Accomplished Practices and Clinical Educator Training (CET). The mentor teacher of record must have completed at least three (3) years of successful teaching in the District. The mentor support team is responsible for providing coaching and support to the participant; the supervising principal and the mentor support team together are responsible for recommending ACP program completion to the ACP Program Coordinator.

Upon successful program completion, the Superintendent requests that a five (5) year professional teaching certificate be granted to the participant by the DOE.

Program Components

Entry Level Assessment and Competency Demonstration:

A. Interview Protocol on twelve (12) Accomplished Competencies.

B. Portfolio for recording competency acquisition.

Support Team Assistance:

A. Design a Professional Development Plan including documentation for all twelve (12) Accomplished Practices at the Pre-professional Level.

B. Coach for competency and improvement in teaching practice.

C. Review a participant's PDP on a regular basis and make recommendations to the participant based on classroom performance as observed by support team.

D. Offer professional support and assistance.

E. Document completion of the PDP.

Staff Development Assistance:

A. Provide training in twelve (12) modules based on the twelve (12) Accomplished Practices, according to an individual's PDP.

B. Collaborate with University of Central Florida, Brevard Community College, and Florida Institute of Technology partners to provide growth experiences for participants based on the Accomplished Practices and individual PDP's.

C. Offer training for the ACP in modules providing an appropriate mix of workshops, college training, and school implementation, as required by an individual's PDP.

D. Require and offer a minimum period of initial preparation for ACP program participants;

E. Provide post assessments for each Accomplished Practice in the ACP.

<u>Program Completion:</u>

Successful completion of the ACP program will be documented by all of the following components:

A. Submission of an acceptable and complete Accomplished Practices Competency Portfolio to the ACP Program Coordinator.

B. Written verification from the supervising principal and ACP support team of successful comprehensive competency demonstration on all twelve (12) Accomplished Practices.

C. Written verification of successful completion of teaching experience to include a minimum of 180 days of teaching under the supervision of a peer mentor who has been trained in Clinical Educator Training and the Accomplished Practices ACP Process.

Certification

In order to obtain a State of Florida Professional Certificate, the participant must:

A. meet requirements for a temporary certificate in an area in which the Department of Education offers certification prior to entry into the ACP;

B. successfully complete the District's ACP as indicated by award of ACP Certificate of Successful Completion;

C. pass the College Level Academic Skills Test, the appropriate Praxis Test, or other appropriate test as developed and required by the Department of Education, in the first year of the temporary certificate validity date;

D. pass the Florida Professional Educator Examination or other appropriate test as developed and required by the Department of Education;

E. pass the appropriate Florida Subject Area Examination;

F. meet other requirements of law.

Note: Completion of the ACP will satisfy the recency of credit requirement specified in State Board of Education Rule F.A.C. 6A-4.004(3).

Program Evaluation

Evaluation of the District's ACP will be based on data collected annually in these indicators:

A. Annual review of participant portfolio’s and participant performance appraisal instruments.

B. Participant surveys.

C. Administrator surveys.

D. Numbers of ACP participants who remain employed in the District over a three (3) year period.

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ap3120D

GUIDELINES FOR DETERMINING WHEN A TEACHER IS IN-FIELD AND/OR OUT-OF-FIELD

3120D - **GUIDELINES FOR DETERMINING WHEN A TEACHER IS IN-FIELD AND/OR OUT-OF-FIELD**

Specific Authority: F.S. 1012.42 and F.A.C. 6A-1.09441

A teacher is considered IN-FIELD if one (1) of the following conditions are met:

A. Holds a valid Florida Educator's Certificate with an appropriate coverage as provided in the Course Code Directory for teaching the course(s),

   OR

B. Holds a valid Florida Educator's Certificate and has demonstrated sufficient subject area expertise in the subject area(s) in which the instruction was provided based on the Highly Objective Uniformed State Standard of Evaluation (HOUSSE) NCLB (No Child Left Behind) prior to July 1, 2017, in accordance with the implementation of the Every Student Succeeds Act (ESSA), AND has not had a break in service with Brevard Public Schools,

   OR

C. Holds a valid Florida Educator's Certificate in an area of Exceptional Student Education AND has demonstrated sufficient subject area expertise in the ACCESS course subject area(s) which the instruction is provided through an established plan as approved by the Board.

Notes:

A. This provision **may not** be used for ESOL teachers who are out-of-field.

B. This provision **may not** be used for guidance counselors or vocational teachers.

C. Placing a teacher in-field using the HOUSSE/NCLB, prior to July 1, 2017, does not give the teacher certification in the subject area. On or after July 1, 2017 the teacher will be required to complete certification requirements and apply for certification in that subject area with the Florida Department of Education. Teachers will not be available to be Out of Field in subsequent years until this process is successfully completed and verified.

   PLEASE NOTE:

   Subject area expertise must be documented and placed in the personnel file for auditing purposes.

A teacher is considered OUT-OF-FIELD if the teacher:

A. Holds a valid Florida educator's certificate with coverage other than that deemed appropriate as provided for in the Course Code Directory as adopted by reference in F.A.C. 6A-1.09441 and has been approved by the School Board to teach out-of-field

after determination that a teacher with appropriate certification coverage is not available. All evidence of such qualifications and approval must be reflected in the individual's official personnel record; provided, however, that such approval may be granted by the School Board only under one (1) of the following conditions:

1. The individual is in the first year of employment in the out-of-field assignment and has not been granted, during any preceding year in the District, approval by the school to be employed out-of-field in an area for which specific certification is otherwise required,

   OR

2. The individual has earned the college credit or in-service training in an approved District add-on program or District approved subject content professional development program.

B. A teacher out-of-field in a subject area other than ESOL shall complete at least six (6) semester hours of college credit or the equivalent in-service toward the appropriate certification required within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all requirements are completed for the appropriate subject certification;

Notes:

A. The teacher will be required to complete certification requirements and apply for certification in that subject area with the Florida Department of Education. Teachers will not be available to be Out of Field in subsequent years until this process is successfully completed and verified.

PLEASE NOTE:

Subject area expertise must be documented and placed in the personnel file for auditing purposes.

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ALTERNATE WORKSITE IN A DISTRICT-DECLARED EMERGENCY PROCEDURES

3120E - **ALTERNATE WORKSITE IN A DISTRICT-DECLARED EMERGENCY PROCEDURES**

A. **Generally**

1. These administrative procedures specify terms and conditions applicable to work performed outside an employee's primary assigned worksite or non-District-owned property, in the event where Schools or District Offices may need to be temporarily closed to students and/or employees, or when an employee is assigned to an alternate worksite.

2. These administrative procedures provide the process to support Supervisors in establishing clear and reasonable expectations regarding employees working at an alternate worksite. Not every position is suitable for this type of arrangement.

    a. Positions that lend themselves to an alternate worksite option are generally those that require independent work that can be performed autonomously and employees who are productive, responsible, highly self-motivated, and skilled in their jobs.

    b. The decision to assign an alternate worksite to an employee will be based on factors such as continuity of operations in a state of emergency, position, job functions, and the impact to the District.

3. It will be understood by employees who are assigned to work from an alternate worksite that this option is not intended to provide the employee with the opportunity to attend to personal matters they would not normally attend to if they were in their regularly assigned worksite.

4. In all cases, employees working at an alternate worksite remain obligated to comply with all The School Board of Brevard County, Florida's Policies and Procedures.

B. **Guidelines for Working at an Alternate Worksite**

1. Working at an alternate worksite is not an entitlement; rather, it is a job assignment for employees to complete their assigned job functions and responsibilities from a location other than their regularly assigned worksite for the purpose of continuity of operations in a District-declared emergency.

    Supervisors can grant or remove alternate work site privileges at any time. All pay will be based on the employee's official position. The employee's time and attendance will be recorded as if performing official job duties at the employee's regularly assigned worksite. The employee agrees not to engage in employment activities other than Districts' business assignments while working at an alternate worksite location.

2. Work-related injuries that occur in the alternate worksite must be immediately reported to the employee's Supervisor and require adherence to the workers' compensation guidelines.

3. The Supervisor and the employee must agree upon the equipment to be used while working at an alternative worksite location.

    a. Upon approval and availability, employees may be provided with District-owned equipment necessary to perform work assignments at an alternative worksite. The District may not be able to provide devices to every employee.

b. Employees are responsible for maintaining and protecting equipment against damage and unauthorized use on any and all loan equipment from the District. Equipment on loan shall be used for work-related purposes only and use is governed by Administrative Procedure 7540.04 Staff Network and Internet Acceptable Use and Safety.

c. Employees, when necessary, may use their own technology/device(s). The District will not be responsible for any employee owned equipment. The employee will maintain responsibility for any and all employee own technology/device(s).

d. Employees are responsible for protecting all data and ensuring compliance with all District Policies and Procedures, as well as any Federal and State laws, rules and regulations regarding confidentiality. All official records, files, and documents must be protected from unauthorized disclosure or damage and returned safely and securely to the office upon request from the employee's Supervisor.

e. If Employees will be teleworking from their home, they will establish an appropriate work environment within their home for work purposes. The District will not be responsible for any operating costs associated with setup of the employee's home office, such as, but not limited to, remodeling, furniture or lighting, nor for repairs or modifications to the home office space, or any other incidental costs (e.g. utilities), associated with the use of the employee's home or residence.

f. If an employee is assigned to work at home; note that working from home is not a substitute for child or elder care. The Employee must provide appropriate child or dependent care in a manner that allows job duties and responsibilities to be successfully met.

g. Employees will be required to verify that their home office provides work space that is free of safety and fire hazards and shall agree that the District will be held harmless against any and all claims, excluding workers compensation claims, which result from working at their home office.

h. The District is not liable for damage to the employee's real property and the employee remains liable for injuries to any and all third persons and/or members of the employee's family that occur on the employee's premises.

4. No employee authorized to work from home will be allowed to conduct face-to-face business at their home office.

C. **Criteria for Implementation**

1. Before approving this temporary alternate worksite arrangement, the employee and Supervisor, with the approval of their Cabinet Level Administrator, will evaluate the suitability of such an arrangement to include the following areas:

a. Job Description: Job functions are suitable for a remote (telework) environment;

b. Job Responsibilities: Job is appropriate for an alternative worksite arrangement;

c. Equipment Needs: Employee can perform functions of their position with available technology;

and

d. Continuity of Operations: Responsibilities of job functions as determined by the District.

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ap3120F

ADJUNT CERTIFICATION

3120F - **ADJUNCT CERTIFICATION**

Pursuant to F.S. 1012.57, Certification of adjunct educators, and 1012.56 (2)(a)-(f) and (h) and (10), Educator certification requirements, Brevard Public Schools has outlined the following process, eligibility and requirements for issuing adjunct teacher certificates. Per Board Policy 3120(IV)(F), Employment of Instructional Staff, District Adjunct certified educators are considered instructional staff.

A. Eligibility requirements for a District Adjunct Certificate are as follows:

1. Age: Must be at least eighteen (18) years old.

2. FDOE License: Educators eligible for a Florida Educator Certificate cannot be issued a District Adjunct Certificate.

3. Education: Hold a bachelor's or higher degree from an accredited institution with a minimum GPA of 2.5 on a 4.0 scale.

    a. Official college transcripts are required if not already on file.

4. Subject Expertise: Demonstrate expertise in the subject area to be taught by passing the appropriate Florida subject area exam.

    a. The certificate cannot be issued for subjects without a Florida subject area exam.

    b. District Adjunct Teaching Certificate cannot be issued for the following subjects: Educational Leadership, Reading K-12, School Counseling, School Psychologist, School Social Worker and Speech and Language Impaired K-12.

    c. Exam scores must be valid and passed within the last ten (10) years.

    d. Official exam scores may be requested.

    e. ESOL Requirements: Must meet all ESOL requirements based on the subject taught and the presence of ELL students.

    f. Endorsements: If an educator met subject/endorsement mastery of endorsements and were on the educators FDOE Certificate, the endorsement(s) may be listed on the adjunct certificate.

B. Educator obligations are, but not limited, to:

1. Professional Learning: Must complete professional learning as required by school administration.

2. Certification Documentation: Must provide documentation of meeting FDOE requirements to earn the FDOE Professional Certificate.

3. Yearly obligation(s): It is the educator's responsibility to provide documentation by April 1 of each school year to Certificationdept@Brevardschools.org including but not limited to:

    a. Effective/Highly Effective Summative II ratings.

    b. FTCE Test Scores.

    c. College courses – Official transcripts only!

The District Adjunct certificate is valid for up to five (5) years and is non-renewable. Teaching out-of-field is not permitted with this certificate.

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ap3120.10

JOB SHARING

3120.10 - **JOB SHARING**

Job sharing shall be defined as two (2) unit members sharing one (1) full-time position. Job sharing assignments shall be filled only by unit members, full-time employees who have agreed to work together under a mutually developed plan, either fifty (50)/fifty (50) or sixty (60)/forty (40). Job sharing assignments shall have a duration of one (1) year.

Teachers wishing to job share shall be responsible for finding another appropriate certified teacher to be a job share partner. The Principal shall maintain a list of teachers willing to job share.

A. Job sharers shall submit a written description of job sharing arrangements to the Principal no later than March 1st each year. Decisions of approval or denial by the Principal shall be made no later than March 15th each year. Responsibilities of a shared assignment must be specified in the plan designed by the job sharers. This plan should include but not be limited to:

1. teaching responsibilities

2. schedule of work hours and/or days (fifty (50)/fifty (50) or sixty (60)/forty (40)

3. planning time arrangements

4. joint planning time arrangements

5. procedures for parent conferences

6. field trip proposals

7. recommended methods of coverage for emergencies/absences

8. measures of student success

B. The Principal shall objectively review the application and may determine the efficacy of the request.

C. The approval of a job sharing arrangement shall be promptly submitted to the Chief Human Resources Officer/Director of Labor Relations in writing by the Principal.

For those already involved in a job sharing arrangement, by March 1st they must notify their school's Principal in writing of their intent to continue or discontinue the job sharing assignment for the following school year.

To fulfill their professional responsibilities, the teachers who job share may be required, with advanced notice by the principal, to schedule joint conferences or to attend faculty meetings or in-service beyond the modified work day.

A. Both teachers shall be involved in designated student activities, open house, parent conferences, and other special events.

B. Both teachers shall be required to attend all the pre-school work days at the school site.

C. Both teachers shall be in attendance the first and last day of school.

Should a teacher in a job sharing position wish to resign, the remaining teacher shall become a full-time teacher.

When possible, the job sharers shall substitute for each other's absences. Job sharers may recommend methods for providing coverage in emergencies and include this feature in their annual plan. The teacher substituting shall receive the appropriate hourly substitute rate.

Failure by one or both job sharing participants to fulfill any of the components of the provisions listed herein shall result in the nullification of the job sharing agreement. The teachers shall be then placed in positions for which they are certified.

Support staff wishing to job share shall be responsible for finding another qualified employee to be a job share partner. Support staff job sharers shall submit a written description of job sharing arrangements to the department director. All support staff job sharing decisions will be made on a case-by-case basis.

Salary, Benefits, Leave

Each employee in a job share position who work one (1) day more than half the year shall be awarded one (1) year of experience.

Once the job share assignment has ended, each employee will be employed in a similar position.

Job share partners share one benefit package. Job share partners shall mutually agree upon how they will share the benefit package. If the job share partners have questions regarding how to share one benefit package or have any questions regarding their benefits, they are to contact Benefits at 321-633-1000.

Sick leave shall be accrued at fifty percent (50%) of the normal accrual rate (or the appropriate pro-rated amount); two (2) days of personal leave (or the equivalent hours thereof) may be charged against sick leave.

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EMPLOYMENT PROCEDURES

3121 - **EMPLOYMENT PROCEDURES**

A. Applicants for employment or reemployment must submit an employment application, a high school diploma (or equivalent) and/or official transcripts (if required), a copy of the social security card with legal name, and contact information for two (2) references.

B. The District shall require a copy of the applicant's original social security card for the following purposes: citizenship or immigration status validation, as required by the U.S. Department of Homeland Security or other agencies; benefit processing, including membership in the Florida Retirement System, health insurance, or other benefits offered by the District; reporting requirements of the I.R.S., Social Security Administration, Florida Agency for Work Force Innovation and other agencies; criminal background checks required by law; or other purposes as directed by the employee, such as direct deposit of wages, etc.

C. Candidates who have been offered a position must meet employment prerequisites including a negative drug test and background screening. Candidates must provide appropriate documents related to employment and job requirements. Specific requirements will vary with the position that the candidate is seeking.

D. The offer of employment may be withdrawn if the candidate fails to submit required documents and/or fails to meet all criteria for employment in a timely manner.

E. Former employees, who have been fingerprinted and screened by the District, will be subject to fingerprinting and drug screening if they have not been employed by the District for more than thirty (30) days. (Drug-free Workplace Technical Guide).

Documents Required for Employment

A. Any person being employed by the District should have the following items on file in the Human Resources Office prior to being selected for a position:

1. Employment Application, Reference completed by the Hiring Manager (minimum of two (2)), Social Security Card (copy), High School Diploma (copy), Official College Transcripts (when required)

B. The following items must be submitted to Human Resources for a start date to be established:

Instructional		**Support** ***(Regular)***		**Support** ***(Temporary)***
Appointment Form		Appointment Form		Appointment Form
Drug Screening Clearance		Drug Screening Clearance		Drug Screening Clearance

Fingerprint Screening Clearance	Fingerprint Screening Clearance	Fingerprint Screening Clearance
W-4	W-4	W-4
Employment Eligibility Verification (I-9)	Employment Eligibility Verification (I-9)	Employment Eligibility Verification (I-9)
Direct Deposit Authorization	Direct Deposit Authorization	Direct Deposit Authorization
FRS Form	FRS Form	FRS Form
Notarized Loyalty Oath	Notarized Loyalty Oath	Notarized Loyalty Oath
Substitute Agreement	Substitute Agreement	Substitute Agreement
Professional Educators Certificate or FLDOE application and fee	Employee Selection Notice Certificate/License (if required) Clerical Test Results (if required)	

Substitute	**PT Instructor/Community Coach**
BPS Substitute Training Assessment (if applicable)	Appointment Form
Drug Screening Clearance	Drug Screening Clearance
Fingerprint Screening Clearance	Fingerprint Screening Clearance
W-4	W-4
Employment Eligibility Verification (I-9)	Employment Eligibility Verification (I-9)
Direct Deposit Authorization	Direct Deposit Authorization
Substitute Certificate Application and fee (Teacher subs only)	Substitute Agreement
	Professional Educators Certificate or FLDOE application and fee

PERSONNEL HIRING

SCHOOL BOARD OF BREVARD COUNTY DISQUALIFICATION FROM EMPLOYMENT

A. Disqualification from employment - A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in F.S. 1012.01, are ineligible for employment in any position that requires contact with students in a district school system, if the person, instructional personnel, or school administrator has been convicted of any felony offense prohibited under any of the following statutes:

1. F.S. 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
2. F.S. 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
3. F.S. 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
4. F.S. 782.04, relating to murder.
5. F.S. 782.07, relating to manslaughter.
6. F.S. 784.021, relating to aggravated assault.
7. F.S. 784.045, relating to aggravated battery.
8. F.S. 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.
9. F.S. 787.01, relating to kidnapping.
10. F.S. 787.02, relating to false imprisonment.
11. F.S. 787.025, relating to luring or enticing a child.
12. F.S. 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the State limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
13. F.S. 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the State limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
14. F.S. 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.
15. F.S. 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.
16. F.S. 794.011, relating to sexual battery.
17. F.S. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

18. F.S. 794.05, relating to unlawful sexual activity with certain minors.

19. F.S. 794.08, relating to female genital mutilation.

20. F.S. Chapter 796, relating to prostitution.

21. F.S. Chapter 800, relating to lewdness and indecent exposure.

22. F.S. 806.01, relating to arson.

23. F.S. 810.14, relating to voyeurism.

24. F.S. 810.145, relating to video voyeurism.

25. F.S. 812.014(6), relating to coordinating the commission of theft in excess of $3,000.

26. F.S. 812.0145, relating to theft from persons sixty-five (65) years of age or older.

27. F.S. 812.019, relating to dealing in stolen property.

28. F.S. 812.13, relating to robbery.

29. F.S. 812.131, relating to robbery by sudden snatching.

30. F.S. 812.133, relating to carjacking.

31. F.S. 812.135, relating to home invasion robbery.

32. F.S. 817.563, relating to fraudulent sale of controlled substances.

33. F.S. 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

34. F.S. 825.103, relating to exploitation of an elderly person or disabled adult.

35. F.S. 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.

36. F.S. 826.04, relating to incest.

37. F.S. 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

38. F.S. 827.04, relating to contributing to the delinquency or dependency of a child.

39. F.S. 827.071, relating to sexual performance by a child.

40. F.S. 836.05, relating to extortion

41. F.S. Chapter 847, relating to obscenity.

42. F.S. 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.

43. F.S. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

44. F.S. 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

45. F.S. 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.

46. F.S. 985.701, relating to sexual misconduct in juvenile justice programs.

47. F.S. 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.

B. This list is to be used as a guideline and does not constitute a complete list of all criminal activities which may be under consideration when an employment decision is being made.

REFERENCES AND VERIFICATION OF EMPLOYMENT

A. It is the responsibility of the Hiring Manager to make telephone (not mail) contact with at least two (2) references from the applicant's employment history. The reference must be a prior Principal, Director, Supervisor, or the HR department of the previous employer. The Hiring Manager should take notes of each reference contact, including time and date of call and the reference's name and position on the BPS Reference Form. A reference from the most recent or current employer is required at the time of employment.

B. Teacher applicants who do not have teaching experience should obtain a reference from the teacher who supervised student teaching. References should also be obtained from college professors and previous employers.

C. Additional references and employment verifications may be required for specific positions or may be required to document experience for salary purposes. References from relatives, friends, and coworkers are not acceptable.

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ap3124

DRUG-FREE WORKPLACE TECHNICAL GUIDE

3124 - **DRUG-FREE WORKPLACE TECHNICAL GUIDE**

Drug, alcohol, and/or controlled substance screening shall be conducted by Board-approved, independent, certified laboratories that utilize recognized techniques and procedures as described in the Drug-Free Workplace Technical Guide. This guide is incorporated by reference into the Drug-Free Workplace Policy and may be revised.

Job applicants and/or employees will not be required to submit to testing procedures other than as defined in the Drug-Free Workplace Technical Guide. Applicants and/or employees may have certain rights disclosed in this guide. Copies are available through the Board for review.

Medical records and information relating directly to medical records will be maintained in strict confidentiality. Any laboratory contract shall provide that the contractor's records are to be kept confidential under provisions of Florida law. The Board shall establish a system of maintaining records to include both the District's and the contractor's record of applicant and employee urinalysis and breathalyzer/blood alcohol results.

To facilitate and give effect to the Drug-Free Workplace Policy, the Board requires that mandatory drug screening may be included in all physical examinations required under statutes, Board policies, and the Omnibus Transportation Employee Testing Act of 1991.

Circumstances under which drug testing may be required include, but are not limited to:

A. pre-employment physical exams;

B. observed use of illegal drugs and/or abuse of alcohol during work hours;

C. apparent physical state of impairment of motor functions;

D. marked changes in personal behavior on the job not attributable to other factors;

E. incidental canine detection;

The Board also authorizes the use of canines, trained in detecting the presence of drugs and paraphernalia. The means of detection shall be used only to determine the presence of drugs in places where such substances can be concealed. Canine detection will be conducted by law enforcement with specific training in the field of canine handling and detection. The Board has adopted the use of specially trained single purpose canines to be utilized for this purpose around students and/or staff. District Security reserves the authority to request canines specifically trained in explosive detection, search and rescue, or other disciplines when circumstances justify the need.

F. an injury on the job which requires medical attention;

An employee who is injured on the job and requires medical attention will be required to submit to a drug screening when

s/he reports to the medical facility for treatment. Refusal to submit to the drug screening is considered a positive test. It may result in forfeiting Workers' Compensation Benefits and will be grounds for immediate dismissal.

G. employees and/or job applicants who lawfully operate a commercial motor vehicle in the course of employment.

These employees and/or applicants will be subject to scheduled and/or unannounced alcohol and/or drug testing as mandated by the Omnibus Transportation Employee Testing Act of 1991, the Drug-Free Workplace Technical Guide, and/or any governing State or Federal statute.

Because drug abuse by employees interferes with the educational and work process and compromises the safety and well-being of staff and students, employees are expected to conduct themselves in a manner consistent with the following provisions:

A. Employees on duty or on Board property will not manufacture, distribute, dispense, possess, or use illegal drugs. Employees are prohibited from working on Board property while under the influence of illegal drugs or under influence from improper use of legal drugs.

B. Employees on or off duty will not promote student use of illegal drugs or the improper use of legal drugs.

C. Any employee convicted of any criminal drug statute violation that occurred in the work place shall notify the Board no later than five (5) days after such a conviction.

Alcohol, prescription, and over-the-counter drugs are generally safe and acceptable when used according to proper instruction. Abuse of legal drugs over time or used in combination with another substance can result in chemical dependency or poly-drug addiction.

A. Employees will be free of alcoholic or drug intoxication when on duty or on Board property. Employees are prohibited from the manufacture or use of alcoholic beverages while on Board property or while on duty with the Board.

B. Employees on duty will not use or take prescription drugs above the level recommended by the prescribing physician and are prohibited from using prescribed drugs for purposes other than the intended purpose. Employees will not distribute or dispense drugs, except as provided in Board Policy 5330 - *Use of Medications*.

1. Objectives

By enacting the Drug-Free Workplace Policy, the Board endeavors to:

a. promote a healthy, safe working environment;

b. facilitate the rehabilitation of employees with a substance abuse problem;

c. eliminate substance abuse problems in the workplace;

d. provide a consistent model of behavior without substance abuse;

e. provide a clear standard of conduct for the employees; and

f. hire and retain drug-free employees.

2. Definitions

a. Accident - An unexpected happening without intention or design resulting in injury, delay, property loss, or damage.

b. Alcohol - Any liquor intended for use as a beverage or capable of consumption which contains alcohol, either through fermentation or distillation, so as to have the effect of producing intoxication.

c. Alcohol Testing - Testing for blood alcohol content by a breathalyzer instrument device or drawing or collecting a blood or whole blood sample and laboratory analysis of the sample.

d. Appeal - The ability of an employee to request a review of any decision regarding the employee's continued employment.

e. Breathalyzer Test - A test to determine the content of alcohol or other drug via a breath sample analyzed by an intoxilyzer, intoximeter, or similar device.

f. Breath Specimen - A sample of one's breath used in testing for alcohol content.

g. Chain of Custody - The methodology of tracking specified materials or substances as defined in the Drug-Free Workplace Technical Guide, for the purpose of maintaining control and accountability from initial collection to final disposition for all materials or substances and providing for accountability at each stage of handling, testing, and storing specimens and for reporting test results.

h. Commercial Motor Vehicle - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: 1) has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; 2) has a gross vehicle weight rating of 26,001 or more pounds; 3) is designated to transport sixteen (16) or more passengers, including the driver; or 4) is of any size and is used in transportation of hazardous materials requiring placards.

i. Confirmation Test - A subsequent analytical procedure used to identify presence of a specific drug or metabolite in a specimen. The confirmation test must use gas chromatography/mass spectrometry (GC/MS) methods and procedures or the most current and appropriate technology which is different in scientific principle from that of the initial test procedure.

j. Controlled Substance - Any substance for which its availability is restricted by Federal or State law.

k. Driver - Any person who operates a motor vehicle, including a person applying to drive a commercial motor vehicle.

l. Drug(s) - Any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids (of which a positive test result could occur from the use of any and all products containing THC including CBD oil, lotions, gummies, and all other forms of medical marijuana which exist now or may exist in the future*); cocaine; phencyclidine (PCP); hallucinogen; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein or any other substances defined in Schedules I through V of the Controlled Substances Act. *Over the counter CBD oils and lotions are not regulated and may contain THC which could result in a positive test result. The origin of THC resulting in a positive test cannot be determined.

m. Drug Abuse - State of chronic or periodic intoxication detrimental to the individual, the employer, and to society produced by repeated consumption of or exposure to a drug.

n. Employee - A person in the service of the Board under any contract of hire, whether express or implied, oral or written, who works under the direction and control of the employer and receives compensation for said employment.

o. Employee Assistance Program - An established program for employee assessment, counseling, and possible referral to an alcohol and/or drug rehabilitation program.

p. Employer - The Board, including those persons acting with supervisory authority from the Board.

q. Evidential Breath Testing Device (EBT) - A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on the NHTSA's conforming products list of evidential breath measurement devices (CPL).

r. Follow-Up Testing - Following a determination of the need for proper problem resolving assistance, the employer may require that the employee be subject to unannounced follow-up alcohol and/or controlled substance testing as directed by the substance abuse professional (SAP), medical review officer (MRO), or other agent of the Board.

s. Follow-up Testing for Commercial Motor Vehicle Drivers - Commercial motor vehicle drivers shall be subject to a minimum of six (6) follow-up controlled substance and/or alcohol tests in the first twelve (12) months. Alcohol follow-up testing shall be performed only before, during, or after the performance of a safety-sensitive function.

t. Illegal Drug - An article consumed or integrated into the human body that affects the normal function of the body, where the article is prohibited by State/Federal statute, State/Federal regulation, or employer policy.

u. Initial Drug Test - The collection of a urine specimen, blood specimen, or breath specimen by medical or supervisory personnel and a laboratory analysis of that specimen by a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens.

v. Intoxication - Condition caused by consumption of intoxicants, including legal and illegal drugs and/or alcohol where an individual does not have the normal use of his/her physical or mental faculties and is thereby impaired and incapable of acting in the manner in which an ordinarily prudent and cautious person, using reasonable care, would act under similar conditions.

w. Job Applicant - For the purpose of pre-employment drug screening, a person who has applied for a position with the Board and has been offered employment conditioned upon successful completion of a drug test.

x. Medical Review Officer (MRO) - A licensed physician responsible for receiving laboratory results generated by the Board's drug-testing program. The MRO will be knowledgeable in the treatment of substance abuse and the treatment and diagnosis of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual's confirmed positive test result, including relevant medical history and other available information.

y. Post-Accident Testing - Testing of an employee for a controlled substance, following an incident causing a death, an incident resulting in either physical injury or property damage/loss, or an incident for which the driver of the Board vehicle is cited.

z. Pre-Employment Testing - Testing procedures to identify the existence of any drug or controlled substance in the job applicant before hiring by the Board.

aa. Random Testing - Implementation of testing methods, in a random, undetermined fashion, to monitor the existence of drug abuse and/or controlled substance abuse, if any, pursuant to applicable State or Federal law(s) or regulation(s).

ab. Reasonable Suspicion - The reasonable belief that an employee is using or has used drugs in violation of this policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience concerning the appearance, behavior, speech, or body odors of the employee. Reasonable-suspicion drug testing shall not be required except upon the recommendation of a supervisor who is at least one (1) level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:

1. observable phenomena while at work, including, but not limited to; direct observation of drug use; physical symptoms; or manifestations of being under the influence of a drug;

2. abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

3. evidence that an individual has tampered with a drug test during his/her employment with the Board;

4. information that an employee has caused, or contributed to, an accident while at work; or

5. evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working for the Board or while on the Board's premises or while operating the Board's vehicles, machinery, or equipment.

ac. Rehabilitation - A program, regimen, or system, duly authorized and licensed by a governing authority in the field of practice, designed to assist a person(s) with life-style practices that have a debilitating and/or detrimental effect on one's person.

ad. Return-to-Duty Testing - After engaging in prohibited conduct regarding the misuse of alcohol, drugs, or other controlled substances, a Board employee or agent shall undergo a return-to-duty alcohol test which indicates a breath alcohol concentration of less than 0.02 or substance abuse test indicating a negative result.

After a commercial motor vehicle driver engages in prohibited conduct regarding controlled substance use or abuse, the commercial motor vehicle driver shall undergo a return-to-duty controlled substance test with a result indicating a verified negative result for controlled substance use. Commercial motor vehicle drivers required to submit to a return-to-duty test must be evaluated by a substance abuse professional (SAP) and participate in the prescribed assistance program.

ae. Safety-Sensitive Function - Any of those on-duty functions set forth in Section 395.2, Federal Motor Carrier Safety Regulations On-Duty Time, listed in paragraphs 1 through 7:

1. all time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;

2. all time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR) or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

3. all time spent at the driving controls of a commercial motor vehicle;

4. all time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth);

5. all time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipment loaded or unloaded;

6. all time spent performing the driver requirements associated with an accident; and

7. all time preparing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

af. Substance Abuse Professional (SAP) - A licensed physician, medical doctor, doctor of osteopathy, certified psychologist, social worker, employee assistance professional, addiction counselor (as certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) or other Board-approved care provider with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

ag. Termination - The cessation, close, and/or conclusion of employment without affecting a person's right to appeal the termination.

3. Pre-Employment Drug Screening

The Board will require pre-employment drug screening of applicants in the manner set forth in this guide. Applicants will be referred to Board-approved, independent, certified laboratories that utilize recognized techniques and procedures as described herein. Specimens collected will not be used to conduct any other analysis or test unless otherwise authorized by law. Applicants will be informed in advance of the requirement of a negative drug screen as a condition of employment. The drug screen must be conducted within ninety (90) days prior to employment, and within twenty-four (24) hours of receiving the paperwork from Human Resources.

a. Applicants testing positive will not be eligible for employment by the Board for one (1) year from the date of the test. A negative drug screen result is a condition of employment. Refusal to participate in drug screen testing will prohibit a job applicant from employment with the Board.

b. Applicants who fail to appear at the pre-employment drug screening within the twenty-four (24) hour period will not be eligible to reapply for a period of thirty (30) calendar days.

4. Pre-Employment Controlled Substance Testing for Commercial Motor Vehicle Drivers

Before any driver performs a safety-sensitive function as defined in the Federal Motor Carrier Safety Regulations, 395.2, while on-duty time, the driver must submit to testing for controlled substances.

EXCEPTION: The Board is not required to administer a pre-employment controlled substance test if:

a. the driver has participated in a drug-testing program meeting the requirements of the Federal Motor Carrier Safety Regulations within the previous thirty (30) days; and, during participation in the drug-testing program, the commercial motor vehicle driver must have been tested for controlled substances in the previous six (6) months, or participated in a random drug-testing program for the previous twelve (12) months; and

b. the Board must ensure that no prior employer of the commercial motor vehicle driver has a record of violations of any DOT controlled substance use rules in the previous six (6) months.

5. Disciplinary Sanctions

Disciplinary action may be instituted against employees who have violated standards of conduct cited in this guide, and who the Board believes will not be assisted by rehabilitation or who the Board believes will have or have had a negative impact on students and/or staff, pursuant to Board policy, applicable Florida statutes, or State Board of

Education rules. Disciplinary sanctions, if appropriate, will be implemented as articulated in Board policy, applicable Florida statutes, State Board of Education Rules, and 34 C.F.R. 86.201(b). The Board may not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of a job applicant or employee on the sole basis of a positive drug test, excluding breathalyzer testing, that is not verified by a confirmation test. Nothing will preclude the Board from seeking prosecution of the Drug-Free Workplace policy where the Board deems appropriate.

Board employees who self-report substance abuse problems, prior to any incident requiring the employee's drug testing, will be afforded employee assistance with the District Employee Assistance Program. Depending upon the substance involved, this may necessitate the employee requesting a leave from his/her position while he/she is in treatment. This leave will be charged to the employee's accrued time or will be unpaid. The first time an employee self-reports the employee will be referred to the Employee Assistance Program as above. Subsequent self-reports will be at the discretion of Human Resources.

a. Failure to Pass Drug Screening

1. Job Applicants: Any job applicant found to test positive for illegal drug(s) or abuse of legal drug(s) will not be considered for employment by the Board. Job applicants may appeal a positive test for drugs pursuant to the applicable statute or regulation as indicated within the Board Drug-Free Workplace Policy.

2. Board Employees: Any Board employee found to test positive for illegal drug(s) or abuse of legal drug(s) will be immediately subject to disciplinary procedures. Employees who test positive for illegal drugs and/or abuse of legal drugs may be:

a. suspended from employment, with or without pay;

b. terminated from employment;

c. required to submit to further testing; or

d. other administrative procedures necessary for the enforcement of the Drug-Free Workplace policy. Any and all actions will be in accord with the controlling, applicable statute.

The Board recognizes that chemical dependency is an illness that may be successfully treated. The Board may choose to direct an employee to a rehabilitation program.

b. Disability

Pursuant to the Americans with Disability Act (ADA), persons found to be currently using illegal drugs are not defined as an "individual with a disability" and are not covered entities under the ADA. Persons who are participating in a supervised rehabilitation program and who no longer use illegal drugs, and/or those erroneously accused of illegal drug use are protected by the ADA. (ADA 104,510)

6. Cost

The cost of drug screening will be the sole responsibility of the job applicant, unless otherwise provided by statute.

7. Positive Test Results

a. Job applicants who test positive will be notified by the Medical Review Officer (MRO) and the Office of Human Resource Services.

b. Job applicants who test positive will not be eligible for employment by the Board for one (1) year from the date of the positive test.

c. A positive test result may be appealed to the Board within five (5) working days after written notification of a positive test.

8. Refusal and Adulterated Specimen

a. A refusal to submit to a drug screen shall be considered a positive test result and will preclude any further employment. Employees will be subject to disciplinary action.

b. An employee or applicant who refuses to submit to an alcohol or controlled substance test does so by:

1. failing to provide adequate breath for testing without a valid medical explanation after being notified of the requirement for breath testing;

2. failing to provide adequate urine for controlled substance testing without a valid medical explanation after being notified of the requirement for breath testing; or

3. engaging in conduct that clearly obstructs the testing process.

c. An adulterated specimen is considered a refusal to participate in a drug screen, i.e., a positive test.

9. Employees Subject to Department of Transportation Regulations

All eligible drivers defined in 49 C.F.R., Parts 40 and 382, will be required to submit to controlled substance and alcohol testing when an employee is required to operate a commercial motor vehicle in the course of employment. Employees of the SBBC are strictly prohibited from operating any vehicle while under the influence of a controlled substance, drug, and/or alcohol.

a. Commercial motor vehicle drivers in the employ of the Board are prohibited from operating a commercial motor vehicle while under the influence of alcohol and/or controlled substances under the following conditions:

1. reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.02 or greater;

2. operating a commercial motor vehicle while the driver possesses alcohol, other than alcohol transported for shipment, including possession of over-the-counter medicines containing alcohol, unless the packaging seal on the medicine is unbroken;

3. using alcohol while performing safety-sensitive functions;

4. using alcohol within eight (8) hours following an accident or prior to undergoing a post-accident alcohol test whenever required to take a post-accident alcohol test;

5. refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;

6. reporting for duty and/or remaining on duty when the driver uses any controlled substance, except as prescribed by a licensed physician and in accord with the proper instruction; and

7. reporting for duty, having consumed alcohol within four (4) hours prior to performing a safety-sensitive function.

b. Disciplinary Procedures

Drivers in the employ of the Board or its agents, who are known to have participated in prohibited/illegal behavior concerning the use of alcohol or the use/misuse of controlled substances are subject to the following:

1. drivers will not be permitted to perform safety-sensitive functions;

2. drivers shall be advised by the employer of available resources to the employee for evaluating and assisting with problems related to the use and misuse of alcohol or the use and misuse of controlled substances;

3. drivers will be evaluated by a substance abuse professional (SAP) to determine the level of assistance, if any, needed by the employee in resolving any problem associated with alcohol misuse and controlled substance use;

4. drivers returning to duty to perform a safety-sensitive function will be required to undergo a return-to-duty alcohol test resulting in a finding of a breath alcohol level less than 0.02, if previous conduct involved alcohol, or a controlled substance test with a verified negative result, if the conduct involved controlled substance use;

5. drivers identified as requiring assistance in resolving problems associated with alcohol or controlled substance abuse shall be evaluated by a SAP to evaluate the driver's participation in the prescribed rehabilitation program; and,

6. drivers are required to be subject to unannounced follow-up alcohol and controlled substance testing, as directed by the SAP, consisting of at least six (6) tests in the first twelve (12) months.

7. Any and all other methods of testing and/or discipline as authorized by the Omnibus Transportation Employee Testing Act of 1991, the Florida Drug-Free Work Place Act, applicable State and Federal statutes.

c. Methods of Testing

The Omnibus Transportation Employee Testing Act of 1991 requires commercial motor vehicle drivers to be tested for use of controlled substances and the misuse of alcohol in the following methods:

1. pre-employment testing;

2. random testing;

3. reasonable suspicion testing;

4. post-accident testing;

5. return-to-duty testing; and

6. follow-up testing.

d. Controlled Substance Testing

A commercial motor vehicle driver whose urine sample has tested positive for a controlled substance, may, within

seventy-two (72) hours of notice from the medical review officer (MRO), have the other portion of the split sample tested at another laboratory. A second positive sample test finding mandates that a commercial motor vehicle driver should be disciplined according to the appropriate regulation. If the test of the second portion produces a negative result, or if the second portion of the split sample test is not available, the test will be considered negative, and sanctions will not apply.

10. Post Accident Alcohol and Controlled Substance Testing

    a. As soon as practicable following an injury, the Board shall require the injured employee to undergo testing for drug and/or alcohol. Refusal to submit to drug and/or alcohol testing shall result in the loss of worker's compensation benefits as provided by Florida statute.

    b. As soon as practicable following an accident involving a commercial motor vehicle, the Board shall test for alcohol and/or controlled substances for each surviving driver when:

        1. the accident involved a fatality;

        2. the driver receives a citation under State or local law for a moving traffic violation arriving from the accident;

        3. there was an injury that required the injured person to leave the scene of the accident for immediate medical treatment; or

        4. there was a vehicle that received damage causing the vehicle to be towed away from the accident by a tow truck or another type of vehicle.

    The employee operating the commercial motor vehicle must remain available to the Board, or its agents, following the accident for a reasonable time or the Board may consider the commercial motor vehicle driver to have refused to submit to testing.

11. Procedures for Employee Physical Examination, Screening, or Health Services

    The Board has established a policy requiring pre-employment drug screening of applicants, drug screening of commercial driver's license holders, and drug/alcohol screening of existing employees under specific conditions. The possible impact of a positive test result on an individual's livelihood or rights sets this type of test apart from most clinical laboratory testing. The Board recognizes the need to assure the protection of individual rights within the context of a drug-screening program. These guidelines are consistent with standards developed for use by Federal, civilian, and Department of Defense drug-testing programs, and standards established by the National Institute on Drug Abuse.

    a. Laboratory Certification

        A laboratory that conducts drug testing for the Board must provide documentation of certification by the National Institute on Drug Abuse (NIDA). NIDA has established comprehensive standards for laboratory policies, procedures, and personnel that provide quality assurance and performance testing specific to urine drug testing. To be certified, a laboratory must be capable of testing for at least the following classes of drugs:

Marijuana	Phencyclidine
Cocaine	Barbiturates
Opiates	Benzodiazepines
Amphetamines	Methaqualone

        Certified laboratories shall have the capability, at the same laboratory site, of performing both initial immunoassays

and quantitative confirmatory GC/MS tests.

b. Collection Site Procedures

The collection site is a place where individuals present themselves for the purpose of providing urine or blood specimens to be analyzed for the presence of drugs or alcohol or to participate in a breathalyzer test.

c. Designation of Collection Site

The collection site shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine, breath, and/or blood specimens to a certified drug-testing laboratory.

d. Security

The collection site shall be secure at all times. In cases where the facility cannot be dedicated solely to drug testing, the portion used for testing shall be secured during drug testing.

e. Chain of Custody

Upon receipt of specimens, authorized collection site personnel shall properly execute standardized chain of custody forms. Handling and transportation of urine and blood specimens from one (1) authorized individual or place to another shall always be accomplished through chain of custody procedures. The number of persons handling specimens shall be minimized.

f. Access to Authorized Personnel Only

No unauthorized personnel shall be permitted in any part of the collection site when urine, breath, or blood specimens are collected or stored.

g. Privacy

Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided.

h. Integrity and Identity of Specimens

The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

1. Upon arrival at the collection site, the individual will be requested to present photo identification, e.g., driver's license or employee identification badge. If the individual does not have proper identification, the collection site person shall contact a designated source who can positively identify the individual. If the identity of the individual cannot be established, the testing shall not proceed.

2. The individual shall be asked by the collection site person to remove any coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's specimen. All personal belongings such as a purse or briefcase shall remain with the removed garments.

3. The individual shall be instructed to wash and dry his/her hands prior to testing and shall remain in the presence of the collection site person. The individual shall not have access to any water fountain, faucet, soap dispenser, cleaning agent, or any other materials that could be used to adulterate the specimen.

4. The individual shall be given a wrapped clear plastic container for the collection of all urine to be tested. The individual may provide her/her specimen in the privacy of a restroom, stall, or otherwise partitioned area that

allows for individual privacy.

5. At the collection site, a toilet-bluing agent shall be placed in toilet tanks when possible, so the reservoir of water always remains blue. There shall not be any other source of water, e.g., no shower or sink, in the enclosure where urination occurs.

6. The collection site person shall note in the permanent logbook any unusual behavior, delays, or lack of cooperation by the individual.

7. Upon receiving the specimen from the individual, the collection site person will verify collection of a minimum sample for drug screening. If there is not a sufficient sample in the container, additional samples should be collected. If an individual fails, for any reason, to provide the necessary specimen, the collection site person shall contact the designee at the District for guidance on action to be taken.

8. Immediately after collection, the collection site person shall conduct, in the presence of the individual, a close inspection of the specimen in its container to determine the specimen's validity and/or signs of contaminants. In no case shall the time from urination to temperature measurement exceed four (4) minutes. If the temperature of a specimen is outside the range of 32.5° -37.7° C/90.5° -98.5° F, that is a reason to believe that the individual may have altered or substituted the specimen, and another specimen shall be collected under direct observation of a same gender collection site person and both specimens shall be forwarded to the laboratory for testing.

9. A higher-level supervisor shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based on a reason to believe that the individual may alter or substitute the specimen to be provided.

10. Any unusual findings related to the color of the specimen or signs of contaminants shall be noted in the permanent logbook.

11. The specimen shall then be split by pouring into two (2) containers designed for urine specimens. The collection site person shall request the individual to observe the transfer of the specimen to the two (2) containers and the capping of both containers.

12. The collection site person shall securely place identification labels on the two (2) specimen containers. The labels shall indicate the date, the individual's specimen number, and any other identifying information required by the Board. The individual shall verify that the information contained on both labels is correct and shall initial the identification labels for the purpose of certifying that it is the specimen collected from him/her. Then the collection site person will, in the individual's presence, seal both containers with approved tamper-proof security tape placed over the bottle caps and down the sides of the bottles or seal in tamper-proof sealed bags. The individual must then initial both tapes or the sealed bags.

13. The purpose of two (2) specimens is to retain one (1) for further testing as a control for contested results of a positive and confirmed test. Under controlled conditions, agreed to in advance by representatives of the Board and the tested individual, the second specimen will be used for further testing.

14. The collection site person shall enter in the permanent logbook all information identifying the specimen, and sign next to the identifying information. The individual shall read and sign the permanent logbook certifying that the specimen identified is in fact that specimen provided by the individual.

15. The collection site person shall complete the chain of custody form.

16. Specimens and custody documents shall be under the control of the collection site person when performing the chain of custody procedures. The collection site person must not leave the site collection area until the

specimens are properly secured.

17. Breath and blood samples will be taken by qualified personnel only.

i. Collection Control

Collection site personnel shall always have the specimen containers in custody before and after the individual has turned over the sample to the agent. All containers shall be tightly capped, properly sealed, and labeled. Chain of custody forms shall be utilized for maintaining control and accountability from point of collection to final disposition of specimens. With each transfer of possession, the chain of custody form shall be dated, signed by the individual releasing the specimen, signed by the individual accepting the specimen, and the purpose for transferring possession noted. Every effort should be made to minimize the number of persons handling specimens.

j. Transportation to Laboratory

After collection of the appropriate specimens, the collection site personnel shall arrange to ship the specimens and accompanying medical histories to the drug-testing laboratory in an expeditious manner. The specimens shall be placed in appropriate containers (specimen boxes or padded mailers) that are securely sealed to eliminate the possibility of tampering. Collection site personnel shall sign and date the tape sealing the container and ensure that the chain of custody documentation is attached to each sealed container.

12. Laboratory Analysis Procedures

a. Security and Chain of Custody

Drug-testing laboratories shall be secure at all times and shall ensure that only specifically authorized individuals handle specimens or gain access to the laboratory processes or areas where records are stored. Chain of custody procedures shall be used to maintain control and accountability of specimens from receipt through completion of testing, reporting of results, storing of specimens, and continuing until final disposition of specimens.

b. Receiving/Accession

Upon receipt of specimens, receiving personnel shall inspect packages for evidence of possible tampering and compare information on specimen containers and on chain of custody forms. Any direct evidence of tampering or discrepancies in the information on specimen containers and the chain of custody forms attached to the shipment shall be immediately reported and noted on the chain of custody form.

Specimen containers and original chain of custody forms will normally be retained within the receiving area until all analyses have been completed. Laboratory personnel shall use chain of custody forms when conducting the initial and confirmatory tests.

c. Short-Term Refrigerated Storage

Specimens that do not receive an initial testing the day of arrival at the laboratory shall be placed in secure refrigeration units. Temperatures shall not exceed 6° C. Emergency power equipment should be available in case of prolonged power failure.

d. Specimen Processing

Drug-testing laboratories will normally process specimens by grouping them into batches. The number of specimens in each batch may vary significantly depending on the size of the laboratory and its workload. When conducting either initial or confirmatory testing, every batch shall contain an appropriate number of standards for calibrating the instrumentation and a minimum of ten percent (10%) controls. Both quality control and blind performance test samples shall appear as ordinary samples to the laboratory analyst.

e. Initial Test

Initial drug testing shall use a chemical immunoassay procedure. Testing shall determine whether specimens are

negative for the following five (5) classes of drugs:

Initial Test Level	(ng/ml)
Marijuana metabolites	50
Cocaine metabolites	150
Opiate metabolites	2000
Phencyclidine	25
Amphetamines	500

For applicants/employees who are sworn officers of the Special Investigative Unit, the laboratory must also be capable of testing for:

Barbiturates	300
Benzodiazepines	150
Methaqualone	750

Test levels are subject to change as technological advances or other warrant identification of these substances at other concentrations.

f. Confirmatory Test

All specimens identified as positive by the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff values listed below:

Confirmatory Test Level	(ng/ml)
Marijuana metabolite	15
Cocaine metabolite	100
Opiates (Morphine-Codeine)	2000
Phencyclidine	25
Amphetamines	250
Barbiturates	Confirmation
Benzodiazepines	Confirmation
Methaqualons	Confirmation

Test levels are subject to change as technological advances or other considerations warrant identification of these substances at other concentrations.

g. Sworn Officers of the Special Investigative Unit

All specimens identified as positive by the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. This confirmative test only needs to confirm the initial test regardless of the test level required by the Department of Law Enforcement, Criminal Justice Standards and Training Commission.

h. Retesting Specimens

Because some analyses deteriorate or are lost during freezing and/or storage, the quantitation for a retest is not

subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

i. Breathalyzer/Blood-Alcohol Screening

Breathalyzer, blood-alcohol screening shall be required only in "fitness-for-duty" circumstances. Two (2) blood specimens shall be collected. Testing of blood specimens shall be performed by gas chromatography/mass spectrometry (GC/MS) or enzymatic methods of quantitative alcohol measurement.

All blood alcohol results shall be reported as grams/percent. For fitness for duty screening, any amount of alcohol shall be reported as positive.

Identification, labeling, toxicology submission form entries, and signature requirements (i.e., chain of custody procedures) will be observed as for urine specimens.

j. Reporting Requirements

The laboratory shall provide to the designated District official the monthly statistical summary of blood and urinalysis testing of employees and applicants. No personal identifying information shall be included. The summary shall contain the following information:

1. Initial Testing – Urine/Blood

a. number of specimens received

b. number of specimens screened positive for:

Marijuana Metabolites	Amphetamines
Cocaine Metabolites	Barbiturates
Opiates (Morphine- Codeine)	Benzodiazepines
Phencyclidine	Methaqualone

2. Confirmatory Testing – Urine/Blood

a. number of specimens received for confirmation

b. number of specimens confirmed positive for each drug tested

k. Reporting Results

The laboratory shall report employee test results to the designated Board authority or medical review officer within three (3) working days of receipt of the specimens (or other amount of time to be negotiated) unless there is notification of problems mandating an extension to this time allotment.

The report shall identify the drugs/metabolites tested for, whether positive or negative, the cutoff for each, the specimen number assigned by the collection site, and the testing laboratory reference number.

The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported for a specific drug. Quantitation of test results may be requested of the laboratory by the designated Board authority or medical review officer.

However, this information may not be disclosed by that individual. Disclosure is confined to whether the test was positive or negative.

The laboratory may transmit results by various electronic means in a manner designed to ensure confidentiality of the information. Results may not be provided verbally by telephone. The laboratory shall send a certified copy of the original chain of custody form signed by the laboratory director or certifying official to the designated Board authority or medical review officer. All records pertaining to a given specimen shall be retained by the drug-testing laboratory for a minimum of two (2) years.

l. Long-Term Storage

Specimens confirmed positive shall be retained and placed in properly secured long-term frozen storage for at least 365 days.

Within this 365 day period, the submitting authority may request the laboratory to retain the specimen for an additional period of time or arrange to have the specimen transferred to another site for longer term or permanent storage. This ensures that the urine specimen will be available for a possible re-test during any administrative or disciplinary proceeding. If the laboratory does not receive a request to retain the specimen by the end of the initial 365 day period, the specimen may be discarded.

Long-term storage facilities shall be equipped with secure locks. Emergency power equipment should be available in case of prolonged power failure. Access to the long-term storage facility shall be limited to authorized personnel only.

m. Breathalyzer

1. number of specimens received shall be at least one (1) of sufficient level; and

2. number of specimens obtained via a breathalyzer with detectable blood alcohol reported by range:

Less than .02	Negative test
At least .02 but less than .039	Off-duty for twenty-four (24) hours with repeat test upon return to work
At least .04 and greater	Positive test precluding employment

An employee must be referred to a Substance Abuse Professional (SAP).

n. Subcontracting

The drug-testing laboratory shall perform all work with its own personnel and equipment. The laboratory shall not subcontract.

o. Laboratory Personnel

The scientific director of the drug-testing laboratory shall be qualified to assume professional, organizational, educational, and administrative responsibility for the laboratory. The director shall be an individual with documented scientific qualifications comparable to those of a person certified by the American Board of Forensic Toxicology or the American Board of Clinical Chemistry in Toxicological Chemistry. The director is responsible for ensuring that qualified personnel with appropriate training, experience, and licenses supervise and conduct the work of the drug-testing laboratory.

The laboratory shall have qualified personnel available to testify in an administrative or disciplinary proceeding when that proceeding is based on positive test results reported by the laboratory.

p. Quality Assurance and Control

Laboratories performing urine or blood alcohol testing shall have a quality assurance program that encompasses all aspects of the testing process. The laboratory will participate in the NIDA-recognized proficiency testing program for drugs of abuse.

q. Documentation

Documentation of all aspects of the testing process must be available. This documentation will be maintained for at least two (2) years and will include: personnel files on analysts, supervisors, directors, and all individuals authorized to have access to specimens; chain of custody documents; quality assurance/quality control records; all test data; reports; performance records on proficiency testing; performance on accreditation inspections once available; and hard copies of computer-generated data.

13. Reporting and Review of Results

An essential part of the alcohol and drug-testing program is the final review of results. A positive test result does not automatically identify an employee/applicant as a drug abuser or an illegal drug user. An individual with a detailed knowledge of possible alternative medical explanations is essential to the review of the results.

In all disputed cases where there is a positive, confirmed drug test, the confidential results will be provided to a medical review officer. The medical review officer shall be a licensed physician with knowledge of substance abuse disorders.

The medical review officer is responsible for contacting the tested individual in order to determine if the positive and confirmed results are potentially the result of the taking of prescription drugs or other circumstances that may have led to the positive and confirmed results. The medical review officer may request to examine prescription containers, contact the prescribing physician, or any action deemed professionally necessary to validate the appropriate use of drugs. The medical review officer's determination shall be provided to the appropriate Board authority.

14. Right to Report Use of Drugs to MRO

A job applicant or Board employee has the right to confidentially report the use of prescription medication, non-prescription medication, and/or illegal drugs to the medical review officer both before and after being tested.

15. Protection of Employee and Job Applicant Records

Any laboratory contract shall provide that the contractor's records are to be kept confidential under provisions of Florida laws. The Board shall establish a system of maintaining records to include both the District's and the contractor's records of applicant and employee urinalysis and blood alcohol results. The contract and the record maintenance system must have specific provisions that require that employee records are maintained and used with the highest regard for employee privacy consistent with Florida's Public Records Act and the purpose of achieving and maintaining a drug-free work place.

16. Savings Clause

The Drug-Free Workplace Technical Guide is intended to be a lawful statement concerning the rights, duties, and liabilities of the Board, its agents, and employees regarding the use of drugs and/or alcohol in the work place. Any part of this guide which is determined to be unlawful is not intended, and the remainder of this guide is to be interpreted so as to comply with all State, Federal laws, and administrative regulations.

The District adheres to a policy of nondiscrimination in educational programs/activities and employment and strives to provide equal opportunity for all as required by:

A. Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, or national origin

B. Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination in employment on the basis of race, color, sex, or national origin

C. Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex

D. Age Discrimination in Employment Act of 1967 (ADEA), as amended, which prohibits discrimination on the basis of age with respect to individuals who are at least forty (40)

E. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against the handicapped

F. Florida Educational Equity Act - 1000.05, F.S, which prohibits discrimination on the basis of race, national origin, marital status, or handicap against students or employees

G. American with Disabilities Act of 1990 (ADA) which prohibits discrimination against individuals with disabilities in employment, public service, public accommodations, and telecommunications

H. Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal) and F.S. 295.07, which also defines categorical preferences for employment

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ap3210

STANDARDS OF ETHICAL CONDUCT

3210 – **STANDARDS OF ETHICAL CONDUCT**

Members of the Board and all employees of the District, regardless of their position, collective bargaining status or role, because of their dual roles as public servants and educators are bound by the same ethics policy. The District's policy is to promote the highest level of ethical conduct on the part of all staff associated with the District to ensure the highest public confidence in the impartiality and independent judgment of all staff; and, to provide guidance for district personnel concerning ethics-related matters. It is the responsibility of all individuals associated with the District to act in a manner that will ensure the public's trust as well as the trust of colleagues and peers. Adherence to the provisions of the comprehensive ethics policy will model the highest standards of integrity and the character traits the District seeks to instill in our students.

All individuals associated with the District shall take reasonable precautions to distinguish between personal views and those of the District, any educational institution or organization with which the individual is affiliated. District personnel shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.

A. **Conflict of Interest**

A conflict of interest is defined as a situation in which regard for a private or personal interest leads to disregard of a public duty or interest. Any use by an employee of the authority of his/her office is a conflict of interest. The use of any confidential information received through any employee's employment for the private benefit of the employee (financial or otherwise), or the employee's immediate family or a business with which the employee or a member of the employee's immediate family has employment or ownership, either directly or indirectly, without disclosure constitutes a conflict of interest.

Employees shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable questions of conflict with their duties and responsibilities in the school system.

Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the District.

Included by way of illustration rather than limitation are the following:

1. The provision of any private lessons or services to a person whom the employee evaluates or teaches for a fee. Examples include, but are not limited to:

    a. Music teachers providing music lessons to a student for a fee, if the teacher currently teaches or conceivably may teach or grade the student in the near future on how to sing or play the musical instrument in a classroom setting.

    b. Teachers tutoring students for a fee, if they currently teach or conceivably may teach or grade the student in the near future in any area of curriculum and instruction that they tutored the student in for a fee.

    c. Employees coaching students for a fee, if they currently coach or conceivably may coach and select/cut the student for a District team in the same sport in the near future.

2. The use, sale, or improper divulging of any privileged information about a student or client gained in the course of employment or through access to District records. See section E for further clarification, but examples of this section include, but are not limited to:

a. Administrators/Staff/Volunteers speaking to non-essential need to know members of District staff or non-essential members of the public (non-guardians, unauthorized step parents, etc.) regarding a student they have disciplined, have concerns about, have privileged or personal information they learned about a student in their day to day interactions with the student or obtained through reviewing District electronic and other similar records.

b. Staff utilizing their knowledge or position with the District or student information for personal financial gain such as: selling supplies/food to students, attempting to use District facilities for a personal matter at no cost or at a reduced fee, submit advertisements for outside entities outside of Board Policy 9701 – *Distribution of Literature* at no cost or at a reduced fee.

3. The referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration (remuneration generally means a wage or salary, but may also include bonuses paid, gift cards, free or reduced costs for goods/tickets/travel for the employee or the employees immediate family). Examples include, but are not limited to:

   a. Teachers promoting or referring students/parents to non-Board approved and contracted travel companies in a classroom setting or when the teacher is in the course and scope of their employment day with the District, if the teacher expects to receive any one of the following:

      1. referral fee or bonus

      2. gift card

      3. free or reduced travel voucher if a set number of students sign up to attend the trip

   b. Teacher/Coach promoting or referring students/parents to a non-Board approved and contracted private gym, athletic club, or private enterprise and pay admission when the enterprise is owned by:

      1. the teacher/coach

      2. members of the teacher/coach's immediate family

4. The requirement of students or clients to purchase or contract for any private goods or services provided by an employee, business, or professional practitioner with whom an employee has a financial relationship, as a condition of receiving grades, credits, promotions, approvals, or recommendations. Examples include, but are not limited to:

   a. Teacher/Coach/Staff requiring a student attend to a camp or activity off campus in order to generate revenue for a business owned by the teacher/coach/staff or a member of the immediate family of the teacher/coach/staff.

   b. Staff that owns, operates, or is financially involved in an outside charity, not-for-profit entity, or for-profit entity and requires students to buy products or participate in the enterprise in order to get extra credit, a recommendation of any sort to an outside entity, or a grade advancement.

An employee who has a financial conflict of interest because of a relationship with a business, governmental agency or not-for-profit institution must disqualify or recuse himself/herself from any decision concerning that entity including any decision to contract or not to contract with the entity and the administration of the contract. The reason for such disqualification must be stated in writing and filed with the Superintendent or designee prior to or at the time of the action requiring the disqualification.

Employees shall not make use of materials, equipment, or facilities of the District in private practice.

This policy is not intended to be all inclusive or to substitute for good judgment on the part of all employees.

Board Policy 3129 and Policy 3129.01 also deal with conflict of interest.

B. **Dual Employment and/or Outside Employment**

Employees shall not hold employment outside of the District that conflicts with their regularly assigned duties. Employees may, during the hours not required to them to fulfill appropriate assigned duties connected with their employment with the District, engage in other employment provided that such employment does not:

1. Interfere with their effectiveness to perform their regular assigned District duties.

2. Compromise or embarrass the school system in any way.

3. Adversely affect their employment status or professional standing.

4. Conflict with assigned duties in any way, or violate any pertinent section of this procedure or any related policy or procedure including, but not limited to, those incorporated by reference.

All employees that have a financial interest in a company that derives revenue from students where a question of conflict may arise, receive money directly from students or their parents for an activity in a private capacity similar to the employees position with the District wherein they keep a percent of those dollars for personal use, must complete and properly submit "Request for Dual Employment/Outside Activity" which is available from the Human Resources Department.

C. **Gifts**

Employees shall neither solicit nor accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service based upon any understanding that the vote, official action, or judgment of the employee that could or would be influenced thereby.

Employees may accept gifts of nominal value in circumstances not related to employment, service, or act to influence judgment. Examples would be a personal gift for a birthday or holiday celebration, or students presenting gifts during the holiday season.

The District defines "nominal value" as $50.00 or less. The Superintendent or designee must approve any exception to this policy involving the acceptance of any gift, loan, reward, favor, or service from any entity connected in any way with the District that is in excess of this nominal value. All employment-related gifts of other than nominal value are to be reported in writing to the Superintendent or designee within ten (10) calendar days of receipt. Any employee who is required to file an annual financial disclosure statement must report any such gifts received that are in excess of $100.00 to the State of Florida Commission on Ethics on a quarterly basis.

Gifts are defined as the transfer, directly or indirectly, of any item, service, or thing, regardless of form, from any entity related to the employee's employment with the District or seeking to influence any business related function of an employee, including, but not limited to:

1. real property

2. use of real property

3. tangible or intangible personal property

4. any preferential rate or terms provided for any debt, loan, goods, or services

5. forgiveness of an indebtedness

6. transportation, other than that provided to a public official by the District in relation to officially approved governmental business

7. food or beverage

8. membership dues or initiation fees

9. entrance fees, admission fees, or tickets to events, performances, or facilities

10. plants, flowers, or floral arrangements

11. services provided by persons pursuant to a professional license or certificate

12. other personal services for which a fee is normally charged

This provision does not apply to:

1. meals provided at an event at which the employee participates in a seminar or similar activity;

2. travel expenses and meals paid by a local, State, Federal, or foreign government agency; or

3. events sponsored by the Brevard Schools' Foundation such as the Teacher of the Year Dinner, golf tournament, etc.

D. **Personal Advertisements**

Employees shall not advertise business or professional activities on Board property or use school or work hours, District property, or services to perform or promote personal, not for profit, or commercial enterprises or to campaign or raise money for any candidates for political office. This includes any collective bargaining unit commercial activities. Examples include, but are not limited to staff using their position and/or access to door keys to school buildings to allow an outside entity access without requiring the entities to follow the requirements of Board Policy 7510 – *Use of District Facilities* (i.e., sorority meetings, amateur athletic unions, outside sporting associations, etc.).

E. **Conduct Regarding Staff**

1. Maintain honesty in all professional dealings.

2. 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 or family background deny to a colleague professional benefits or advantages or participation in any professional organization.

3. Not interfere with a colleague’s exercise of political or civil rights and responsibilities.

4. 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.

5. Not make malicious or intentionally false statements about a colleague.

6. Not use coercive means or promise special treatment to influence professional judgments of colleagues.

7. Not misrepresent one's own professional qualifications.

8. Not submit fraudulent information on any document in connection with professional activities.

9. Not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.

10. Not withhold information regarding a position from an applicant or misrepresent assignment or conditions of employment.

11. 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.

12. 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).

13. Comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.

14. As the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

F. **Conduct Regarding Students**

As set forth in the *Principles of Professional Conduct for the Education Profession in Florida*, each employee shall:

1. make 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 suppress or distort subject matter relevant to a student's academic program;

5. not intentionally expose a student to unnecessary embarrassment or disparagement;

6. not intentionally violate or deny a student's legal rights;

7. 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 effort to assure that each student is protected from harassment or discrimination.

8. not exploit a relationship with a student for personal gain or advantage; and/or

9. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

G. **Ethics Complaint Process**

An ethics complaint is a formal allegation of violation of the District's comprehensive ethics policy. Formal complaints must be made on the District's Ethics Complaint Form. The description of alleged unethical conduct must be clear, complete, and documented. Ethics complaints must be filed within thirty (30) days of the alleged ethical misconduct. The filing of a complaint initiates the ethics policy enforcement procedure. The District's complaint processes permit any employee to seek guidance and to report an alleged violation of the District's ethics policy through an ethics formal complaint procedure. The process allows for the protection of the rights of both the complaining party and the accused. An ethics complaint shall remain confidential to the extent permitted until the investigation has been completed. At that time, the ethics complaint information will fall under the provisions of F.S. Chapter 119 related to public records.

H. **Filing an Initial Ethics Complaint**

1. An individual may file an initial complaint by phone by contacting the Ethics Hotline at (321) 633-1000, extension 11170; or,

2. by completing the ethics complaint form and providing a copy of supporting documentation, information, and evidence corroborating the allegation. NOTE: Filing a malicious or frivolous ethics complaint and/or providing altered documentation will result in disciplinary action. Retaliation against employees who raise ethical concerns is prohibited; or,

3. by internal courier in a sealed envelope marked "Confidential" to the Director of Professional Standards and Labor Relations at the Educational Services Facility (ESF); or

4. by U.S. Mail to the attention of the Director of Professional Standards and Labor Relations, School Board of Brevard County, 2700 Judge Fran Jamieson Way, Viera, FL 32940; or

5. by scanned and emailed to ethicscomplaints@brevardschools.org.

If the conduct involves the Board Attorney, the individual shall report the detailed concerns, any supporting documentation, and a specific reference to the portions of Board Policy 3210 that have been alleged to have been violated to the Board Chair by email, U.S. Mail, or by calling School Board Services at (321) 633-1000 extension 11412. Note that Board Policy 3210 requires the detailed concerns to be reduced to writing. The Board Chair may engage outside counsel to conduct the investigation concerning the alleged misconduct.

I. **Investigation of Initial Complaint**

When a complaint is made, the Director of Professional Standards and Labor Relations, shall have thirty (30) days in which to determine whether it is the type of information described in the Ethics Policy. In doing so, the Director may take the following into consideration:

1. Whether the complaint contain allegations conforming to Board Policy 3210, alleging:

a. "Any violation or suspected violation of any Federal, State, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare." See Board Policy 3210.

b. "Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of an agency or independent contractor." See Board Policy 3210.

2. Whether the alleged violator is a person within the scope of the policy:

a. an employee of the District or

b. an agent of the District or

c. an independent contractor who has entered into a contract with the District

3. Whether the information demonstrates reasonable cause to suspect a violation of the policies.

J. **Proceeding with the Investigation**

1. If the answer to all three (3) questions contained in section B above is yes, then, the District official making the determination shall facilitate an investigation and involve the assistance of any relevant department and/or outside source. The requirement to investigate is phrased in mandatory terms and nothing in the policy would terminate this duty in response to a request from the complainant.

2. If the answer to any of the three (3) questions is no, or there is not enough information in the complaint to make a determination, and the complaint relates to the conduct of a District employee, then the Director shall refer the matter to the appropriate supervisor (i.e. school principal, director, assistant superintendent, etc.), to relay the information contained in the initial complaint.

3. If the answer to any of the three questions is no, or there is not enough information in the complaint to make a determination, but the complaint is not related to the conduct of a District employee, then the Director shall refer the matter to the appropriate outside agency overseeing the conduct which is the subject of the complaint.

K. **Confidentiality**

The name or identity of the individual disclosing information related to a whistleblower complaint is confidential. F.S. 112.3188(2)(b) provides confidentiality for those records relating to the District's active investigation of a whistleblower complaint and is not limited to those records received as part of an active investigation of a complaint of retaliation. However, while the name or identity of the individual disclosing this information is confidential, the initial report of wrongdoing received by the District is a public record, since that information was received before an investigation commenced. Once the investigation is closed, the documents become public record in accordance with F.S. Chapter 119. An ethics complaint shall remain confidential to the extent permitted until the investigation is complete. At that time, the ethics complaint information will fall under the provisions of F.S. Chapter 119 related to public records.

L. **Notification to Board and Superintendent; Record**

The Director shall notify the Board and the Superintendent in writing that a complaint has been received and the nature of such complaint. The District official shall maintain a record of all complaints made or purportedly made under the Whistleblower's Act.

M. **Ethics Policy**

After completion of ethics training of rights and responsibilities, all employees are required to sign a pledge to abide by the District's ethics policy which may be by electronic means. This policy requires that employees understand the procedures and

their responsibilities to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with the District's ethics policy and the related procedures. Supervisors are responsible for ensuring that all employees under their direction have been trained and have signed the District's ethics policy. Supervisors will maintain a file of all completed forms.

N. **Training**

The Superintendent or designee will design and implement ethics and compliance training designed to promote the District's commitment to integrity. These programs will inform employees of the District's policies and procedures regarding ethical conduct and help all employees resolve questions and encourage the reporting of suspected violations.

O. **Administrator's Responsibilities**

Administrators are responsible for supporting the implementation of ethics conduct programs, and monitoring compliance with the District's values and ethical conduct procedures. Administrators are also responsible for creating an open and honest environment in which employees feel comfortable in bringing issues forward.

P. **Retaliation**

Retaliation against employees who raise ethical concerns is prohibited.

Q. **Other Resources**

Incorporated into this document by references are the various applicable laws, rules, and regulations, including but not limited to:

1. The Code of Ethics for the Education Profession in Florida and the Principles of Professional Conduct of the Education Profession in Florida, F.A.C. 6B-1.001 and F.A.C. 6B-1.006.

2. The Code of Ethics for Public Officers and Employees, found in F.S. 112.

3. Other District policies, which are located on the District's web page (www.brevardschools.org) and includes:

    a. BPS Organizational Values

    b. Bylaw 0122 - Board Powers

    c. Bylaw 0123 - Code of Ethics

    d. Policy 3210 - Standards of Ethical Conduct

    e. Policy 3214 – Gifts

    f. Policy 7540.04 – Staff/Adult Network and Internet Acceptable Use and Safety

4. All applicable ethics codes governing an employee's specialized area of expertise (i.e., American Association of School Administrators Statement of Ethics; American School Counselor Association of Ethical Standards; School Psychologist Ethical Standards; National Assessment of Educational Progress (NAEP) Code of Ethics: Test Administration and Data Collection, etc.).

5. District Forms associated with this policy include:

a. Form 3210 F1 – Ethics Complaint Form

b. Form 3210 F2 – Ethics Policy Acknowledgment Form

c. Form 3210 F3 – Notification of Gift in Excess of $50.00 Form

d. Form 3210 F4 - Dual Employment Request Form

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WHISTLEBLOWER COMPLAINT AND INVESTIGATION PROCEDURES

3211 - **WHISTLEBLOWER COMPLAINT AND INVESTIGATION PROCEDURES**

is intended to prevent agencies, or independent contractors of agencies, from taking retaliatory action against an employee who reports violations of law on the part of a public employer or an independent contractor. It protects The Whistleblower's Act, contained in F.S. 112.3187-112.31895, any individual "who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee" or "any violation or suspected violation of any Federal, State, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare."

To qualify for whistleblower protection, particular information must be disclosed to certain statutorily designated officials. The Whistleblower's Act provides that for disclosures concerning a local governmental entity, such as a county or a school district, the information must be disclosed to a chief executive officer as defined in F.S. 447.203(9) or "other appropriate local official." The Board's Policy 3211 Whistleblower Protection governs this process.

A. **Filing an Initial Complaint.** If an individual believes that s/he may have information that falls under the referenced Florida statutes, s/he may have a whistleblower complaint. To file an initial complaint, s/he may:

1. Send an email to the Office of Legal Services at gibbs.paul@brevardschools.org with the detailed concerns, any supporting documentation, and a specific reference to the portions of F.S. 112.3187(5) (cited below) that have been alleged to have been violated; or

2. Send an e-mail to whistleblowercomplaint@brevardschools.org with the detailed concerns, any supporting documentation, and a specific reference to the portions of F.S. 112.3187(5)(cited below) that have been alleged to have been violated; or

3. Send via U.S. Mail or other mail delivery method or drop off at the Educational Services Facilities (ESF) the detailed concerns, any supporting documentation, and a specific reference to the portions of F.S. 112.3187(5) (cited below) that have been alleged to have been violated to the Office of Legal Services, 2700 Judge Fran Jamieson Way, Viera, Florida 32940, Attention: Paul Gibbs, School Board Attorney; or

4. Call the Office of Legal Services at (321) 633-1000 ext. 11438 or call the Whistleblower Hotline at (321) 633-1000 ext. 11585 to file an initial over the phone. Note that Policy 3211 *Whistleblower Protection* requires the detailed concerns to be reduced to writing. Those detailed concerns, any supporting documentation, and a specific reference to the portions of F.S. 112.3187(5) (cited below) that have been alleged to have been violated shall be provided to the Office of Legal Services.

5. If the conduct involves the School Board Attorney, the individual shall report the detailed concerns, any supporting documentation, and a specific reference to the portions of F.S. 112.3187(5) (cited below) that have been alleged to have been violated to the Board Chair via email, via U.S. Mail, or by calling School Board Services at (321) 633-1000 ext. 11412. Note that Policy 3211 *Whistleblower Protection* requires the detailed concerns to be reduced to writing. The Board Chair may engage outside counsel to conduct the investigation concerning the alleged misconduct.

B. **Investigation of Initial Complaint**. When a complaint is made, the District official receiving the information, currently the School Board Attorney, shall have twenty (20) days in which to determine whether it is the type of information described in the Whistleblower's Act. In doing so, the District official may take the following into consideration:

1. Whether the complaint contains allegations conforming to F.S. 112.3187(5)(a) and (b), alleging:

    a. "Any violation or suspected violation of any Federal, State, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare." *See* F.S. 112.3187(5)(a).

    b. "Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of an agency or independent contractor." *See* F.S. 112.3187(5)(b).

2. Whether the source of the information is a person within the scope of the Act, to wit:

    a. an employee of the District or

    b. an agent of the District or

    c. an independent contractor who has entered into a contract with the District

3. Whether the information demonstrates reasonable cause to suspect a violation of the law.

C. **Proceeding with the Investigation.**

1. If the answer to all three (3) questions contained in section B above is **yes**, then, the District official making the determination shall facilitate an investigation and involve the assistance of any relevant department and/or outside source. The requirement to investigate is phrased in mandatory terms and nothing in the Whistleblower's Act would terminate this duty in response to a request from the complainant.

2. If the answer to any of the three (3) questions is **no**, or there is not enough information in the complaint to make a determination, and the complaint relates to the conduct of a District employee, then the District official shall refer the matter to Labor Relations. The District official shall also make contact with the appropriate supervisor (i.e. school principal, assistant superintendent, etc.), as appropriate, to relay the information contained in the initial complaint.

3. If the answer to any of the three (3) questions is **no**, or there is not enough information in the complaint to make a determination, but the complaint is not related to the conduct of a District employee, then the District official shall refer the matter to the appropriate department overseeing the conduct which is the subject of the complaint.

D. **Confidentiality.** The name or identity of the individual disclosing information related to a whistleblower complaint is confidential. F.S. 112.3188(2)(b) provides confidentiality for those records relating to the District's active investigation of a whistleblower complaint and is not limited to those records received as part of an active investigation of a complaint of retaliation. However, while the name or identity of the individual disclosing this information is confidential, the initial report of wrongdoing received by the District is a public record, since that information was received before an investigation commenced. **Once the investigation is closed, the documents become public record in accordance with F.S. Chapter 119**.

E. **Notification to School Board and Superintendent; Records.** The District official shall notify the School Board and the Superintendent in writing that a complaint has been received and the nature of such complaint. The District official shall maintain a record of all complaints made or purportedly made under the Whistleblower's Act.

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ap3220

EVALUATION PROCEDURE FOR INSTRUCTIONAL PERSONNEL

3220 - **Evaluation Procedures for Instructional Personnel**

A. Performance of Students

At least one-third (1/3) of the performance evaluation of instructional personnel must be based upon the data and indicators of student performance of the teacher's students as determined by the District in accordance with F.S. 1012.34(7). The performance of students shall also include growth or achievement data of the teacher's students for at least three (3) years or, if less than three (3) years is available, the years for which data are available. The proportion of growth or achievement data may be determined by instructional assignment.

For classroom teachers of grades and subjects for which their students' performance is assessed by Statewide standardized assessments, the District may measure student learning growth using the formulas approved by the Commissioner and the standards for performance levels adopted by the State Board for courses associated with the Statewide, standardized assessments administered under F.S. 1008.22 no later than the school year immediately following the year the formula is approved by the Commissioner (see F.A.C. 6A-5.030 and 6A-5.0411).

For classroom teachers of grades and subjects for which their students' performance is not assessed by Statewide standardized assessments, the District shall use the methodology set forth in the District's evaluation plan that is submitted to and approved by the FLDOE to measure the student's performance upon which to base one-third (1/3) of the performance evaluation.

For instructional personnel who are not classroom teachers, the District shall use the methodology set forth in the District's evaluation plan that is submitted to and approved by the FLDOE to measure the student's performance upon which to base one-third (1/3) of the performance evaluation.

Pursuant to State law, the proportion of growth or achievement data in the District-determined student performance measures may be determined by instructional assignment.

B. Instructional Practice

At least one-third (1/3) of the performance evaluation must be based upon instructional practice. Evaluation criteria used when annually observing classroom teachers, as defined in F.S. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support.

C. Other Indicators of Performance

The remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the State Board of Education or identified by the Board.

The performance evaluation may also include peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

D. Other Criteria

The individual responsible for supervising the employee must evaluate the employee’s performance. The evaluation system may provide for the evaluator to consider input from other personnel trained under F.S. 1012.34(2). The evaluator must submit a written report of the evaluation to the Superintendent for the purpose of reviewing the employee’s contract. The evaluator must submit the written report to the employee no later than ten (10) days after the evaluation takes place. The evaluator must discuss the written evaluation report with the employee. The employee shall have the right to initiate a written response to the evaluation, and the response shall become a permanent attachment to his or her personnel file.

The evaluation shall be completed and on file in accordance with the time schedule established by the Superintendent. The written report of the evaluation must be on file and provided to the employee within ten (10) days after the evaluation conference. The evaluator must discuss the written evaluation report with the employee. The employee shall have the right to initiate a written response to the evaluation, and the response shall become a permanent attachment to his/her personnel file. The evaluator may amend an evaluation based upon assessment data from the current year if the data becomes available within ninety (90) days after the close of the school year.

If an employee who holds a professional service contract is not performing his/her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. The notice must describe such unsatisfactory performance and include notice of the procedural requirements set forth in F.S. 1012.34(4).

An evaluation shall be submitted at the time an instructional staff member leaves the District if services terminate prior to annual evaluations.

An instructional staff member shall be given a copy of any documents relating to his/her performance that are to be placed in the personnel file.

A portion of each instructional staff member's compensation shall be based on the employee's performance evaluation as required by State law.

In addition, the Superintendent shall annually report the evaluation results of instructional staff members using the four (4) levels of performance set forth in State law to the FLDOE. The results shall be provided by the school and shall be disaggregated by classroom teachers, as defined in State law, excluding substitute teachers, and all other instructional personnel, also as defined in State law.

The Superintendent shall also notify the FLDOE of any instructional staff members who receive two (2) consecutive unsatisfactory evaluations, as well as any instructional personnel who are given written notice by the District of intent to terminate or not renew their employment.

The Principal shall inform all instructional personnel of the criteria and procedures associated with the performance evaluation process before evaluation begins. Additionally, the Principal shall assist the teachers within the school to use student assessment data, as measured by student learning growth gains pursuant to State law, for self-evaluation and improvement.

Subject to collective bargaining, a peer assistance process may be established as a part of the regular evaluation system and/or to be used to assist employees placed on performance probation, newly hired classroom teachers, or employees who request assistance.

E. Annual Review of District Instructional Personnel Evaluation System

The instructional personnel assessment system shall be evaluated annually to determine compliance with State law and this policy. All substantial revisions to an approved system shall be approved by the Board, upon the recommendation of the Superintendent, before being submitted to the Florida Department of Education for approval.

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HARASSMENT AND NON-DISCRIMINATION PROCEDURES

3362 - **HARASSMENT AND NON-DISCRIMINATION PROCEDURES**

Brevard County Public Schools shall comply with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. It is the policy of the Board that no employee or candidate for a position in this District shall, on the basis of race, color, religion, national origin, age, gender, marital status, disability, or other legally-protected characteristic be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination in any program or activity for which the District is responsible or for which it receives financial assistance from the U.S. Department of Education.

The District recognizes that employees have the right to work in an environment untainted by sexual or other forms of harassment or discrimination. Offensive conduct which has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, discriminatory, or offensive educational environment disrupts the educational process and impedes the legitimate pedagogical concerns of the District. Sexual and other forms of harassment will not be tolerated.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contact of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision. Under certain circumstances, sexual harassment may constitute sexual abuse under Federal law (Title VII and Title IX) and the Florida Equity Act. In all such cases, school personnel will comply with applicable statutes, rules, and laws and take immediate action to protect the victim of alleged abuse. Other prohibited harassment includes conduct that has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive educational environment on the basis of gender, religion, race, color, national origin or ancestry, age, disability, marital status, and/or any other legally protected characteristic.

The harassment of a staff member or student of this District, or third party (visiting speaker, athletic team member, volunteer, parent, etc.) is strictly forbidden. Any employee of the District who is found to have harassed a staff member, student, or third party will be subject to discipline in accordance with law, statute, and/or procedure.

Discrimination includes:

> Any slurs, innuendoes, or other verbal or physical conduct reflecting on an individual's race, religion, color, sex, national or ethnic origin, marital status, disability, or handicap which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment; has the purpose or effect of unreasonably interfering with the individual's work or school performance or participation; or otherwise adversely affects an individual's employment or educational opportunities.

Sexual harassment includes:

A. The denial of or provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment on the basis of sexual advances or requests for sexual favors.

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

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational career;

2. submission to or rejection of such conduct is used as a basis for educational or employment decisions affecting the individual; or,

3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

The Superintendent shall appoint a compliance officer whose responsibility will be to ensure that Federal and State regulations related to discrimination and harassment by or of employees are complied with and that any complaints are dealt with promptly in accordance with law. The compliance officer shall also ensure 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 is provided to staff members and the general public. Any sections of the District's collectively bargained agreements dealing with hiring, promotion, and tenure shall contain a statement of nondiscrimination.

Retaliation against anyone reporting or thought to have reported discriminating or harassment behaviors is prohibited. Such retaliation shall be considered a serious violation of policy and shall be considered independent of whether a charge or informal complaint of discrimination or sexual harassment is substantiated.

Any employee or student who is found to have knowingly filed a false sexual harassment or discrimination complaint will be subject to discipline by the School District. S/He may also be held personally liable for his/her misconduct through civil suit by the injured employee and may also be criminally prosecuted under F.S. 837.06.

In determining whether alleged conduct constitutes discrimination or harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.

A substantiated charge against an employee for discrimination or harassment shall subject that perpetrator to disciplinary action, which may include, but may not be limited to the following: written warning, written reprimand, suspension, and/or dismissal. The severity of the disciplinary action will depend on the frequency, circumstances, and severity of the offense.

GRIEVANCE PROCEDURE FOR DISCRIMINATION OR HARASSMENT

Employees alleging discrimination or harassment shall have access to the grievance procedures as outlined below.

A. A grievance is an allegation that there has been a violation, misinterpretation, or misapplication of any specific provision of Federal law, Florida statute, State agency regulation, or Board policy.

B. As used herein, the term "days" shall mean those days on which the District's business offices are open.

1. If the grievant fails to meet the specified time restrictions provided herein, the grievance shall be deemed to be withdrawn.

2. If the appropriate administrator fails to act within the time restrictions provided herein, the grievant shall have the right to proceed to the next step in the procedure.

C. Time limits may be extended by mutual written agreement provided that whenever illness or other incapacity prohibits either party from attending a grievance interview, the time limits shall be extended until the affected party(ies) can be present.

D. The appropriate grievance administrator shall schedule grievance interviews at each step.

E. If a grievance interview shall be convened by the grievance administrator during an employee's working hours, the employee shall suffer no loss of pay as a result of attending such meeting.

F. An investigation, handling, or processing of any grievance shall be conducted so as to not interfere with the instructional program and with as little disruption of the employee's and/or grievance administrator's work activity as is possible.

G. Any employee, student, or vendor found to be discussing, tampering with, or publicizing as allegation or investigation thereof shall be subject to disciplinary action up to and including written warning, written reprimand, suspension and/or dismissal.

The steps described below must be followed in the submittal and resolution of employee grievances:

Step 1:	An employee should first take the complaint to the person(s) involved and/or appropriate division/department official and try to solve the problem informally. If this does not work, then he/she may go on to the next step. The employee may begin the process at the second step.
Step 2:	The employee must give the official a written and signed grievance form no later than thirty (30) days after the date of the event giving rise to the grievance. A copy of the grievance is not to be given to any other person involved. The grievance shall describe the problem and give all the facts. The employee should tell what would be the best solution to the problem. The division/department official shall make a decision within seven (7) days.
Step 3:	If an employee does not agree with the division/department official's decision, s/he may send another grievance, just as in Step 2, to the Compliance Officer. A copy of the grievance is to be given to the division/department official. This must be done within seven (7) days after receiving the division/department official's decision. The Compliance Officer will investigate the allegation(s) and make a decision within seven (7) days after receiving the grievance.
Step 4:	Within seven (7) days following his/her receipt of the Step 3 decision, the grievant, if not satisfied with the resolution of the grievance at Step 3, may submit the completed grievance form to the Superintendent or designee. Within seven (7) days of receipt of the Step 4 filing the Superintendent or designee shall met in an effort to resolve the grievance. The Superintendent or designee shall submit his/her written decision to the grievant within seven (7) days of the Step 4 meeting.

Step 5:	Within seven (7) days following his/her receipt of the Step 4 decision, the grievant, if not satisfied with the resolution of the grievance at Step 4, may file a summary of any objections to the Step 4 decision with the Superintendent who shall furnish copies to the Board. The Board shall determine at its next regular meeting whether to take up the grievance at a meeting to be set by the Board no later than thirty (30) calendar days following such determination.

Any District employee that is represented by a collective bargaining agreement may utilize the grievance procedure specified in their relevant collective bargaining agreement. Those employees represented by a collective bargaining agreement should refer to their appropriate agreement.

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SICK LEAVE TRANSFER

3420 - **SICK LEAVE TRANSFER**

Statute

F.S. 1012.61 provides that "Each district school system must provide a policy under which a district employee may authorize his or her spouse, child, parent, or sibling who is also a district employee to use sick leave that has accrued to the authorizing employee. In developing the policy, the district school board must provide that the recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool, if the recipient participates in a sick leave pool. Donated sick leave under this paragraph shall have no terminal value as provided in 1012.61."

Overview

During the 2001 legislative session changes were made to F.S. 1012.61 that provided conditions to allow the use of employees' sick leave by their family members who were also District employees. The language provided restrictions regarding the definition of family members, required the receiving employee to deplete all leave prior to using the leave from their family member, and did not allow such transferred leave to be included in any retirement pay.

The sick leave transfer procedure provides that:

A. staff may only transfer leave to their spouse, child, parent, or sibling who is also a District employee;

B. sick leave may be transferred only if it has been earned ("upfront days or escrowed days" may not be transferred);

C. staff must use all available paid sick leave prior to using any leave transferred under this policy;

D. requests for the transfer of leave will not be processed retroactively;

E. leave will be transferred in no less than blocks of five (5) days;

For purposes of this procedure, day is defined as the number of regular work hours specified by the transferring employee's contract or assignment.

F. leave will be limited to the maximum number of scheduled workdays in a fiscal year for the receiving employee and may be submitted annually;

G. transferred leave may only be used for personal illness or the illness of immediate family members as verified by a Florida licensed medical practitioner;

H. unused transferred leave will not be returned to the transferring employee except in the event of retirement or death of the receiving employee;

I. transferred leave shall not be used for personal leave charged to sick purposes;

J. the use of sick leave transfer shall prohibit the participation in the sick leave buy-back program for the year in which the sick leave transfer is used.

Procedures

The purpose of this procedure is to provide information and instructions relative to the transfer of sick leave to a family member.

Transfer of Sick Leave to another Employee who is a Family Member

An employee may transfer earned and credited sick leave to his/her spouse, sister, brother, parent, or child who is also employed by the District. Sick leave transfer between employees is provided for the purpose of extending paid sick leave time in the event of a personal illness or the illness of an immediate family member (as defined by the statute and verified by a Florida licensed medical practitioner).

To transfer leave:

A. The employee who is transferring the leave must initiate the process by completing and submitting Form 3420 F1 - Request for Transfer of Family Member Sick Leave.

B. Form 3420 F1 - Request for Transfer of Family Member Sick Leave must be completed in all areas. Special attention should be made to the number of hours transferred. Hours must be transferred in no less than blocks of five (5) days.

For example: The receiving employee works six (6) hours per day. The transferring employee will transfer thirty (30) hours of sick leave (5 days x 6 hours = 30 hours). The maximum number of sick leave days that may be transferred shall be limited to the number of remaining workdays in the current fiscal year of the receiving employee. Additional leave may be transferred in subsequent fiscal years by making annual transfer requests.

C. The employee who is transferring the leave must also submit documentation verified by a Florida licensed medical practitioner. Please contact your school/department secretary for assistance and further explanation/information.

Submit properly completed forms to your school/department administrator or designee. Your school/department administrator or designee will process all requests within ten (10) working days of receipt of the completed documents. **Credit of transferred sick leave will only be processed prospectively from the date of the receipt of the documents in the Payroll Department. Requests shall not be processed retroactively.**

The school/department administrators or designees must forward the request for leave transfer to payroll no less than ten (10) days prior to the intended use of the transferred leave. The Payroll Department will complete the appropriate sections of Form 3420 F1 - Request for Transfer of Family Member Sick Leave and properly adjust the sick leave balances for each employee. Copies of the completed forms will be sent to the transferring and receiving employees and the respective school/department administrator or designee.

1. Earned and credited sick leave shall be defined as sick leave hours added to the employee's sick leave balance at the end of each payroll period in which the leave is earned. (This excludes the use of "upfront or escrow" days.)

2. "Upfront or escrow" days are defined as sick leave days credited to employees before they are earned. Typically these days are the days that would normally be earned in February, March, April, and May for instructional staff and March, April, May, and June for support staff. Typically these days are those which are credited annually to the employee's first month of employment as provided in F.S. 1012.61.

3. Sick leave will be transferred in no less than blocks of five (5) days. Days will be converted to hours that are proportional to the number of hours the receiving employee works per day. (Example: The receiving employee works six (6) hours. The transferring employee will transfer thirty (30) hours of sick leave (5 days x 6 hours = 30 hours).)

The administrator or designee of the receiving employee is responsible for ensuring that the leave transferred is used consistent with the provisions/restrictions of Board policy.

A. The sick leave will be available for use upon approval of a properly completed request for transfer and depletion of all of the receiving employee's leave.

B. Sick leave transfer between employees is provided for the purpose of extending paid sick leave time in the event of a personal illness or the illness of an immediate family member (as defined by Board policy and verified by a Florida licensed medical practitioner). The documentation provided by a Florida licensed medical practitioner is required and will accompany the sick leave transfer request (Form 3420 F1) to document the personal illness or the illness of a family member.

C. Transferred sick leave shall only be reinstated to the transferring employee in the event of the death or termination of the receiving employee. Requests for reinstatement of unused sick leave shall be made through the Payroll Department.

Appeals Process:

The Sick Leave Bank Committee, which comprises members of the bargaining and non-bargaining units, shall serve as the final authority for all matters pertaining to the appeals process for sick leave transfer. Decisions and actions of the committee shall not be subject to any grievance procedure. An employee who wishes to request the committee to review its decision may submit such request in writing to the committee within fourteen (14) calendar days following the employee's notification of such decision. Such written request shall set forth the employee's reasons why such decision should be altered. A decision, if reviewed, shall not be reviewed a second time.

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RETIREMENT PROCEDURES

3420A - **RETIREMENT PROCEDURES**

The Board makes contributions into the Florida Retirement System (FRS) for all instructional employees in a regularly established position.

Temporary and substitute employees are not eligible for membership in the FRS. Members of FRS are automatically covered for Social Security. FRS benefits are not offset by Social Security benefits.

Employees who terminate employment prior to vesting in FRS and do not return to covered employment forfeit all contributions made by the Brevard Public Schools on their behalf.

Defined Benefit Plan

Pension Plan members make mandatory employee contributions to their retirement as required by FRS. Employees qualify for retirement by attaining the age and service requirements established by the State legislature for either normal or early benefits under the employee's class of membership.

Members initially hired before July 1, 2011 are vested after the completion of six (6) years of creditable service. Normal retirement benefits are available after thirty (30) years of service or age sixty-two (62) after vesting.

Early retirement is available for regular class members initially hired before July 1, 2011 at age forty-two (42) and one (1) month with six (6) years of creditable service. A substantial reduction is imposed on early retirement benefits.

Members initially hired on or after July 1, 2011 are vested after the completion of eight (8) years of creditable service. Normal retirement benefits are available after thirty-three (33) years of service or at age sixty-five (65) after vesting.

Early retirement is available for regular class members initially hired after July 1, 2011 at age forty-five (45) and one (1) month with eight (8) years of creditable service. A substantial reduction is imposed on early retirement benefits.

Employees who terminate prior to vesting may resume membership in the FRS if they return to retirement-covered employment.

Employees who terminate after they are vested in FRS but before they are eligible for normal retirement benefits may defer retirement until a later date or take an early retirement.

Creditable service is earned when employees are paid for work in a regularly established position. One (1) month of retirement service is earned for each month in which a salary payment is received. Employees who work the number of months required in their work year earn a full year of service credit (e.g., ten (10) month instructional employees who work ten (10) months earn a full year of creditable service).

Special provisions apply for earning service credit for military service, out-of-State public and Federal employment, and leaves of absence.

The District defines retirement according to the Florida Retirement System definition for employees in the FRS Pension Plan, as collecting a pension benefit upon termination of employment.

Regular Disability Retirement

Regular disability retirement is an option for an employee who has completed eight (8) years of creditable service and is permanently and totally disabled.

In-Line-of-Duty Disability Retirement

A regular employee is covered for in-line-of-duty disability benefits from the first day of employment.

An in-line-of-duty disability retirement is for an illness or injury that arises out of and during the performance of an employee's duties as required by the employer. The employee must be permanently and totally disabled as a result of the illness or injury.

The injury or illness must occur before the employee terminates employment.

Deferred Retirement Option Program

The Deferred Retirement Option Program (DROP) is an alternative method of payout of retirement benefits where participants elect to retire and defer collection of their pension benefits. Eligible members may have their retirement benefits paid to a DROP savings account that earns interest while simultaneously continuing to work for the Board. DROP participants are not required to make employee contributions.

Most vested FRS Pension Plan members who have reached normal retirement date or age are eligible to participate in DROP.

DROP participants are not eligible to apply for either regular or in-line-of-duty disability retirement because they are already retired.

The District defines retirement from the DROP programs when the DROP period ends and the DROP participant terminates employment and begins to collect a retirement pension benefit.

Participants in the DROP program may also choose to retire from the DROP program before the end of their DROP period, by terminating employment and collecting a retirement pension benefit.

Defined Contribution Plan

Investment Plan members make mandatory employee contributions towards their retirement as required by FRS.

Normal retirement benefits are available to members initially hired before July 1, 2011 after thirty (30) years of service or age sixty-two (62) after the completion of six (6) years of creditable service.

Early retirement with the District is available to members initially hired before July 1, 2011 at age fifty-nine and one-half (59 1/2) after the completion of six (6) years of creditable service.

Normal retirement benefits are available to members initially hired on or after July 1, 2011 after thirty-three (33) years of service or age sixty-five (65) after the completion of eight (8) years of creditable service.

Early retirement with the District is available to members initially hired on or after July 1, 2011 at age fifty-nine and one-half (59 1/2) after completion of eight (8) years of creditable service.

Upon retirement from the District, members of the FRS Investment Plan agree to take a distribution (a rollover is considered a distribution) from his/her FRS Investment account to fulfill the definition of retirement for the FRS Investment Plan.

Terminations

The Superintendent accepts resignations and retirements on behalf of the Board when a District termination document is signed. The terminating employee will receive a copy of the resignation or retirement form. Eligible accumulated vacation will be paid within thirty (30) days after resignation or retirement. Accumulated sick leave will be paid sixty (60) days after the date of retirement.

Reemployment

Reemployment provisions apply to all regular, early, and employees retiring after participating in DROP. Effective July 1, 2010, Brevard Public Schools may not hire a retiree within the first six(6)full calendar months after ceasing employment. Instructional employees, who are re-employed during the seventh and the twelfth month following retirement must forfeit their retirement benefits for the period of employment. There are no reemployment exceptions.

Disability retirees must terminate their disability benefits if they are gainfully employed in any capacity with any FRS employer. Detailed information is available in the FRS Handbook.

Retirees who are reemployed on or after July 1, 2010 are not eligible to become renewed members and earn another retirement benefit.

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Revised 5/24/13

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ap3420B

TERMINAL PAY PROCEDURES

3420B - **TERMINAL PAY PROCEDURES**

A person employed by the District as a member of the instructional staff shall be eligible for terminal pay upon normal retirement, provided that normal retirement coincides with termination. "Normal Retirement" shall mean retirement under any plan established by the State legislature with either full or reduced retirement benefits. Payment may be made to the beneficiary if service is terminated by death. Accrued vacation is also paid to employees leaving the employ of the District for reasons other than retirement.

All calculations dealing with terminal pay for accumulated sick leave and vacation shall be based upon the employee's daily rate.

Vacation

Terminal pay for accrued vacation will be paid thirty (30) days after the date of normal retirement or upon termination. Vacation cannot be sold in lieu of time off.

Sick Leave

Terminal pay for accrued sick leave will be paid sixty (60) days after the date of normal retirement. Terminal pay for accrued sick leave upon retirement shall be the maximum allowable according to the following:

A. During the first three (3) years of service in the District, the daily rate of pay multiplied by thirty-five percent (35%) times the number of days of accumulated sick leave.

B. During the next three (3) years of service in the District, the daily rate of pay multiplied by forty percent (40%) times the number of days of accumulated sick leave.

C. During the next three (3) years of service in the District, the daily rate of pay multiplied by forty-five percent (45%) times the number of days of accumulated sick leave.

D. During the next three (3) years of service in the District, the daily rate of pay multiplied by fifty percent (50%) times the number of days of accumulated sick leave.

E. During and after the thirteenth (13th) year of service in the District, the daily rate of pay multiplied by 100% times the number of days of accumulated sick leave.

Calculation Methodology for Sick Leave Payments

Upon retirement payment of sick leave is calculated in accordance with F.S. 1012.61(2)(a)4a through e.

Terminal Pay for DROP Participants

There are special provisions for the terminal pay of participants in the Deferred Retirement Option Program (DROP).

Vacation:

Vacation will be paid to vacation eligible DROP participants within the first calendar month after DROP participation begins. This will allow the inclusion of accrued annual leave in employees' average final compensation for retirement purposes.

Sick Leave:

Accrued sick leave for DROP participants will not be paid until the DROP period is completed and the employee ceases employment with the District except under the FICA Alternative Plan discussed below.

FICA Alternative Plan

Terminal pay for employees and retirees shall be deposited by the District directly into an individual account of the employee/retiree pursuant to the FICA Alternative Plan for the District subject to contribution limits; terminal pay amounts of less than $500.00 will not be deposited into the 401(a).

Employees participating in DROP will have an amount deposited into their account with the FICA Alternative Plan (401a) for the District each July. The amount is equal to that percentage of the time left under their DROP option multiplied by the value of the balance of their accrued sick leave days.

Year 1	20% of the balance of terminal sick leave
Year 2	25% of the balance of terminal sick leave
Year 3	33.33% of the balance of terminal sick leave
Year 4	50% of the balance of terminal sick leave
Year 5	100% of the balance of terminal sick leave

In the last year of employment (prior to entering DROP) and in the last year of DROP the maximum plan contribution cannot exceed 100% of the plan year compensation or $41,000 whichever is less.

Processing Terminal Vacation and Sick Leave

Processing procedures for vacation and sick leave accruals vary depending upon the reason for the separation of the employment relationship, therefore, the following terminal pay processing procedure is grouped based upon the reason for termination.

Dismissal* and Resignation

Vacation shall be paid to a vacation eligible member of the instructional staff who has resigned or have been dismissed at the maximum amount allowed by F.S. 1012.65 and this procedure. The maximum amount of payment is sixty (60) days. If former employees return to work for the District, vacation shall be earned based on the new employment date, as with any new hire.

Sick leave balances shall not be paid to a member of the instructional staff who is dismissed or resigns. Sick leave balances are held in escrow. If former employees return to work for the District, sick leave balances will be reinstated at that time.

*Exceptions exist for dismissals as a result of certain incidents of gross misconduct.

Retirement

Vacation shall be paid to retiring vacation eligible retiring member of the instructional staff at the maximum amount allowed by F.S. 1012.65 and this procedure. The maximum level of payment is sixty (60) days. Any amount of vacation above sixty (60) days will be forfeited. No balance is maintained. If a former retiree returns to work for the District, vacation shall be earned based on the new employment date, as with any new hire.

Sick leave shall be paid at the maximum amount allowed by F.S. 1012.61(2)(a)4a through e and in accordance with this procedure. Payment is determined at a percentage rate based on the instructional staff member's years of service with the District. No balance remains. If a former retiree returns to work for the District, sick leave shall be earned based on the new employment date, as with any new hire.

DROP Retirement

Vacation shall be paid to vacation eligible DROP participants at the maximum amount allowed by F.S. 1012.65 and in accordance with this procedure at the time the instructional staff member enters DROP. Upon enrollment in DROP, participants who do not elect vacation payment will be paid the maximum amount allowed at the end of their employment. DROP participants who have vacation in excess of the maximum allowed may retain their balance subject to the sixty (60) day accrual limit. All accrued vacation in excess of the amount eligible for terminal pay must be used prior to completion of the employee's DROP period or it will be forfeited. Payment for accrued vacation paid both at the time of entry into DROP or when the DROP period ends shall not total more than the

sixty (60) day limit. No balance is maintained. If a former DROP retiree returns to work for the District after completion of DROP participation, vacation shall be earned based on the new employment date, as with any new hire.

Sick leave for DROP participants is paid under special provisions allowing the deposit of accrued sick leave amounts into a FICA Alternative 401(a) account. The FICA Alternative 401(a) Plan is a five (5) year plan. If a DROP extension is approved after the first five (5) years, a final payment will be made at termination. No balance remains once employees have completed their DROP participation. If a former DROP retiree returns to work for the District after completion of DROP participation, sick leave shall be earned based on the new employment date, as with any new hire.

Survivor Benefits

Upon the death of an employee, final wages, paid sick leave, and vacation shall be distributed to the wife or husband, and in the case there is no wife or husband, then to the child or equally to the living children, if eighteen (18) or older, then to the father or mother or if both are living, equally to the father and mother.

In the absence of the above living family members, the final wages, paid sick leave, and vacation shall be paid to the estate of the employee.

Employees in bargaining units refer to negotiated agreements.

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ap3420C

SICK LEAVE BANK

3420C - **SICK LEAVE BANK**

PURPOSE

The purpose of the sick bank shall be to make available a source from which qualifying employees may be granted additional sick days for his/her personal inpatient and outpatient surgery, emergency medical or psychological treatment with admission to a medical facility, or treatment of a life-threatening or debilitating illness that necessitates absence from work. "Debilitating" in this context means an illness or injury which results in either temporary or permanent total disability to perform one (1) or more normal activities of daily living.

An eight (8) member sick leave bank committee shall be appointed by the Superintendent. The Brevard Federation of Teachers (BFT) and the International Brotherhood of Painters and Allied Trades, Local 1010 (Local 1010) shall be invited to submit the names of two (2) bargaining unit members who shall be appointed to the committee. The Superintendent shall select the remaining four (4) members provided that two (2) of the Superintendent's selectees shall be nonbargaining unit classified employees and two (2) shall be nonbargaining unit managerial employees. The committee shall serve as the final authority for all matters pertaining to the approval or disapproval of an employee's request to seek use of the sick leave bank. Decisions and actions of the committee shall not be subject to any grievance procedure. An employee who wishes to request the committee to review its decision may submit such request in writing to the committee within fourteen (14) calendar days following the employee's notification of such decision. Such written request shall set forth the employee's reasons why such decision should be altered. A decision, if reviewed, shall not be reviewed a second time.

MEMBERSHIP

A. Membership shall become available to a full time employee only after s/he has completed at least one (l) full, current and continuous year of employment as an employee of the District. For purposes of this program only, a *full time employee* is defined *as one who is employed in a regularly established position and working the hours per day specified for that position.*

B. Membership shall be voluntary.

C. Each participating employee shall initially contribute the number of hours equal to one (l) day from his/her accrued sick leave balance provided that such balance before the deduction of the one (l) day contribution shall be no less than eight (8) days.

D. Such initial contribution shall only be allowed for the first calendar month of each school year.

E. Hours contributed to the bank shall not be returned to the contributing employee's sick leave balance except as otherwise provided herein.

F. Written application for membership shall be properly submitted on the completed form provided for such purpose and received in the designated office during the thirty (30) calendar days as provided in paragraph "D" above.

G. Approval or disapproval of membership application and/or applications for use of the bank shall not be subject to any grievance process.

H. An employee who applies to be a member will receive written notification of membership approval or denial.

I. If a current sick leave bank member becomes a participant in the DROP program s/he may continue to participate in the sick leave bank. However, new membership will not be granted to a non sick leave bank member who is already a participant in the DROP program.

USAGE

A. New members with *pre-existing conditions* shall not be eligible to receive days from the sick leave bank for these pre-existing conditions for one (l) year following the date of membership in the sick leave bank.

B. Written application for utilizing the sick leave bank shall be submitted, no later than fourteen (14) calendar days prior to the use of sick bank utilization, on the required form provided for that purpose. In the case of an unforeseen emergency, the sick leave bank application must be submitted within fourteen (14) calendar days of sick bank utilization.

C. Each application shall be accompanied by a statement from a licensed Florida medical doctor stating the nature of the illness as well as the anticipated beginning and ending date of the employee's absence. The committee shall have the right to require another medical opinion at the employee's expense.

D. Eligibility for bank usage shall only be established after an employee has exhausted his/her accumulated sick leave and compensatory time and his/her illness or injury has caused him/her to be absent an additional five (5) days without pay.

In lieu of five (5) unpaid days, the employee may use up to five (5) days of paid vacation if s/he is eligible for vacation and has accrued vacation time available.

E. A member wishing to utilize sick leave bank will be required to add the number of personal charged to sick days taken in the current fiscal year to the five (5) days unpaid already required.

F. If the member has participated in the year-end sick leave buy back, days equal to the number of days withdrawn through that buy back process will be added to the five (5) workdays without pay currently required before payment from the sick leave bank can begin. (*Effective July 1, 1995*). The maximum number of days for sick leave buy-back is ten (10).

For example: if an employee buys back ten (10) sick leave days at the end of the year, that employee would be in an unpaid status for fifteen (15) days before the Sick Leave Bank benefits could begin. Ten (10) days bought back + five (5) workdays without pay =

fifteen (15) days in an unpaid status. If the employee bought back two (2) sick leave days, they would be eligible for Sick Leave Bank after seven (7) days in an unpaid status.

G. An employee who is receiving ongoing, medically necessary treatments will be allowed to use forty (40) workdays without those days being consecutive after the five (5) unpaid sick days have been satisfied and they provide doctor statements and leave forms to cover the time used for such treatments.

H. Pregnancy is not eligible for consideration unless a pregnancy related condition develops that would qualify under the normal sick leave bank guidelines.

I. An employee is not eligible for use of the bank if receiving worker's compensation or on any approved paid leave.

J. Bank usage shall be limited to forty (40) days per member per school year and is limited to regularly scheduled work time. Additional work time, such as summer hours, is not an acceptable use of sick leave bank hours.

K. In order to be eligible for sick leave bank benefits an employee must have been in an actively working paid status one (1) day more than one-half of the current or prior school year.

ACTIVATION OF BANK

The sick leave bank shall only become operative upon the accumulation of 4,000 hours of contributed sick leave as provided herein.

TERMINATION

Termination of employment for any reason shall constitute withdrawal from the bank.

MAINTENANCE AND REPLENISHMENT

The number of hours in the bank shall be maintained at 3,200. Should the number of hours in the bank fall below 3,200, each existing member shall automatically be assessed the number of hours equal to one (l) day of his/her accumulated sick leave to be added to the bank balance. Such assessment shall be accomplished as soon as procedures reasonably permit. In the event an employee's accrued sick leave balance is insufficient to allow for such automatic replenishment, such employee shall be allowed a grace period of no more than sixty (60) school days during which time s/he must accrue the sick leave necessary to meet his/her replenishment obligation.

Failure of an employee to comply with the replenishment provision as provided herein shall cause automatic cancellation of his/her bank membership. Notification will be sent to the member when such membership is canceled.

MISUSE

An employee found to be guilty of misuse of the bank shall be required to repay all sick leave drawn from the bank, have his/her membership withdrawn, be prohibited from future membership, and be subject to disciplinary action as deemed appropriate by the Board.

WITHDRAWAL

A. A participating employee who chooses to withdraw from participation in the bank shall not be allowed to withdraw any sick leave days that s/he has contributed to the bank.

B. Written notification of withdrawal from the sick leave bank shall be sent to the Payroll Department.

RECORDS AND REPORTS

A. A database will be established and maintained for the use of the Sick Leave Bank Committee.

B. An annual report will be developed and made available at each work site. The report will show the total use and remaining balance in the Sick Leave Bank. Information on individual usage will not be included in this report.

C. A monthly report will be produced for use by the Sick Leave Bank Committee.

DISSOLUTION OF BANK

In the event it becomes necessary to dissolve the sick leave bank, the hours remaining in the bank shall be distributed equally to the accumulated sick leave balance of each of the then current members.

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ap3420D

HIPAA PRIVACY PROCEDURES

3420D - **HIPAA PRIVACY PROCEDURES**

Pursuant to the Health Insurance Portability and Accountability Act (HIPAA) of 1996, and its implementing regulation, the Standard for Privacy of Individually Identifiable Health Information, 65 Fed. Reg. 82,462 et seq. (December 28, 2000) the District has developed the following implementing procedures:

A. **Purpose:**

The following privacy procedure has been implemented to ensure that the District complies fully with all Federal privacy protection laws and regulations. Protection of patient privacy is of paramount importance to the District. Violations of any of these provisions will result in severe disciplinary action including termination of employment and possible referral for criminal prosecution.

B. **Effective Date:**

This procedure is in effect as of April 14, 2003.

C. **Expiration Date:**

This procedure remains in effect until superseded or cancelled.

Uses and Disclosures of Protected Health Information

This procedure specifies that protected health information may not be used or disclosed except when at least one (1) of the following conditions is true:

A. The individual who is the subject of the information (i.e. the "subject individual") has authorized, in writing, the use or disclosure. A properly executed, signed Form 3420D F2 - Authorization For Release Of Health Information is required for all requests to release information for purposes not covered in B through E below.

B. The individual who is the subject of the information has consented, in writing, to the use or disclosure and the use or disclosure is for treatment, payment or health care operations.

C. The individual who is the subject of the information does not object to the disclosure and the disclosure is to persons involved in the health care of the individual or for facility directory purposes.

D. The disclosure is to the individual who is the subject of the information or to the Federal Department of Health and Human Services for compliance-related purposes.

E. The use or disclosure is for one of the HIPAA "public purposes" (i.e. required by law, etc.).

Deceased Individuals

These privacy protections extend to information concerning deceased individuals.

Notice of Privacy Practices

A Notice of Privacy Practices has been published. This notice and any subsequent revisions thereto will be provided to all subject individuals at the earliest practicable time. All uses and disclosures of protected health information shall be done in accord with this Notice of Privacy Practices. See Form 3420D F1 - Employment Confidentiality Agreement.

Restriction Requests

Serious consideration must be given to all requests for restrictions on uses and disclosures of protected health information as published in the Notice of Privacy Practices (Form 3420D F1). If a particular restriction is agreed to, then this organization is bound by that restriction. Requests for restrictions are filed with the CPO (Chief Privacy Officer) using Form 3420D F3 - Individual Request Not to Use or Disclose Health Information.

Minimum Necessary Disclosure of Protected Health Information

Except for disclosures made for treatment purposes, all disclosures of protected health information must be limited to the minimum amount of information needed to accomplish the purpose of the disclosure. All requests for protected health information (except requests made for treatment purposes) must be limited to the minimum amount of information needed to accomplish the purpose of the request.

Access to Protected Health Information

Access to protected health information must be granted to each employee or contracted vendor based on the assigned job functions of the employee or contracted vendor. Access privileges should not exceed those necessary to accomplish the assigned job function.

Access to Protected Health Information by the Subject Individual

Access to protected health information must be granted by the person who is the subject of such information, in writing, when such access is requested for uses other than treatment or payment of health care operations. Authorization must be filed with the CPO using a correctly executed Form 3420D F4 - Individual Request to Inspect Health Information. Individuals have the right to request access to their own information that is maintained in a "designated record set". A designated record set includes personally identifiable information such as medical records, billing records, enrollment, payment, claims adjudication and health plan case or medical management records systems or records used to make decisions about individuals. In response to a request to access health information, the District must respond in writing as to whether or not the request has been granted or denied. If access is denied, the reason must be stated. If access is granted, the District has up to sixty (60) days to provide access. The District's Group Health Plan's Response to Inspection Request Form follows as Form 3420D F5.

Amendment of Incomplete or Incorrect Protected Health Information

Incorrect protected health information will be corrected in a timely fashion. Notice of these corrections will be given to any organization with which the incorrect information has been shared. A request to amend Personal Health Information (PHI) must be made in writing using Form 3420D F6 - Individual Request to Correct or Amend A Record. The District must respond to such a request with sixty (60) calendar days or request an extension with good reason to do so. The District will respond in writing using Form 3420D F7 - Group Health Plan's Response to Amendment or Correction Request.

Access by Personal Representative

Access to protected health information may be granted to personal representatives of subject individuals as specified by subject individuals. The subject individual must make their designation of a personal representative in writing using Form 3420D F8 - Designation of a Personal Representative to Access Health Information.

Confidential Communications Channels

Confidential communications channels shall be used, as requested by subject individuals, to the extent possible.

Disclosure Accounting

An accounting of all disclosures of protected health information shall be given to subject individuals whenever such an accounting is requested in writing using Form 3420D F4 - Individual Request to Inspect Health Information.

Complaints

All complaints relating to the protection of health information shall be investigated and resolved in a timely fashion. Complaints must be filed with the CPO, in writing. The District will respond or request an extension of the time frame within sixty (60) calendar days of receipt of the complaint.

Prohibited Activities

No employee or contracted vendor may engage in any intimidating or retaliatory acts against persons who file complaints or otherwise exercise their rights under HIPAA regulations. It is also the policy of this organization that no employee or contractor may condition treatment, payment, enrollment, or eligibility for benefits on the provision of an authorization to disclose protected health information.

Responsibility

Responsibility for designing and implementing procedures on the privacy of Protected Health Information lies with the Chief Privacy Officer (CPO).

Verification of Identity

The identity of all persons who request access to protected health information must be verified before such access is granted. All employees who have access to Personal Health Information as part of their job description will be identified and trained in these procedures. In order to have access to PHI in the course of their job duties with the District such employees must execute Form 3420D F1 - Employee Confidentiality Agreement. Failure to do so may result in disciplinary action up to and including termination of employment.

Mitigation

The effects of any unauthorized use or disclosure of protected health information shall be mitigated to the extent possible.

Business Associates

Business associates of the District must be contractually bound to protect health information to the same degree as set forth in this procedure. A business associate is defined as:

A. any person or organization that performs or assists in performing a function or activity involving PHI use or disclosure on behalf of a covered entity (or an organized health care arrangement);

These covered functions include:

1. claims processing or administration;

2. data analysis;

3. processing or administration;

4. utilization review;

5. quality assurance;

6. billing;

7. benefit management;

8. practice management; and

9. re-pricing.

B. any person or organization that provides one (1) of the following services to or for a covered entity if the service involves a PHI disclosure from a covered entity or organized health care arrangement (or their business associate) to that person:

1. legal;

2. actuarial;

3. accounting;

4. consulting;

5. data aggregation;

6. management;

7. administrative;

8. accreditation; or

9. financial services.

Cooperation with Privacy Oversight Authorities

Oversight agencies such as the Office for Civil Rights of the Department of Health and Human Services shall be given full support and cooperation in their efforts to ensure the protection of health information. All personnel must cooperate fully with all privacy compliance reviews and investigations.

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ap3420E

ANNUAL SICK LEAVE BUY BACK

3420E - **ANNUAL SICK LEAVE BUY BACK**

Members of the instructional staff shall have the option of an annual payment for not more than ten (10) sick leave days accumulated during each normal work (fiscal or school) year provided the instructional staff member has demonstrated exemplary attendance during the normal work year as reflected in the District's payroll records. An instructional staff member who is absent for more than five (5) workdays during the normal work year shall not be eligible for annual payment for accumulated sick leave. Absences for approved professional leave, line-of-duty leave, jury duty, or paid vacation leave shall not adversely affect the instructional staff member's record of exemplary attendance. Any other absences from duty in excess of five (5) workdays shall act as a bar to the annual sick leave buy back benefit.

Payment for accumulated sick leave shall be calculated at eighty percent (80%) of the affected instructional staff member's normal daily rate multiplied by ten (10) days. Days for which payment is received shall be deducted from the instructional staff member's accumulated sick leave balance. Payment for annual sick leave buy back shall be included in the first paycheck of the following work year.

Revised 6/05

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ap3430

LEAVES OF ABSENCE PROCEDURES

3430 - **LEAVES OF ABSENCE PROCEDURES**

Employees of the District shall not be absent from the duties to which they have been assigned except as authorized by the Superintendent or designee. Employees who are willfully absent from duty without leave shall forfeit compensation for the time of such absence. Their contracts or appointments shall be subject to cancellation by the Board, and they shall be subject to immediate dismissal.

The appropriate principal or supervisor and the Superintendent must approve a request for leave of absence prior to the effective date of the leave. Except in cases of emergency, the request shall be filed at least ten (10) days before the date on which the proposed leave is to become effective except in the case of use of accrued vacation that may be approved by the immediate supervisor with reasonable notice.

All leaves of absence shall expire no later than June 30th of each year. When additional leave is being requested, the employee must reapply for leave effective July 1st of each year.

Employees shall be returned to their same or a similar position after leave under the following conditions:

A. An employee on leave who is eligible for reassignment for the next school year shall request reassignment through Human Resources Services by March 1st. A copy of this request shall be sent to the department head or to the principal of the school from which the employee took leave.

B. An employee returning from a leave of absence for extended illness or maternity leave must submit a physician's statement verifying satisfactory health for working. Persons returning from other leaves of absences may be required to submit a physician's statement verifying satisfactory health for working.

C. Upon return, an employee granted professional study leave to continue education must present a transcript verifying a full course load - usually eighteen (18) to twenty-four (24) semester hours of credit or its equivalent during the year of absence.

D. In the event an employee on leave does not carry out the purposes for which the leave was granted, the leave will be canceled and the employee's right to a position will be terminated unless prior approval by the Board is obtained for a change of leave.

A tenured, certificated employee on leave (other than a medical leave) may be used on a substitute basis. When employees are not substituting they revert to their original leave status.

PAID LEAVE

MILITARY LEAVE may be granted for up to a maximum of seventeen (17) days within any fiscal year without loss of time, pay, or efficiency rating to employees who are required to serve in the Armed Forces of the United States or the State of Florida in fulfillment of training obligations incurred under selective service laws or because of membership in reserves of the Armed Forces or National Guard. Service members in the National Guard or a reserve component of the Armed Forces of the United States who are called up for active duty for other than training purposes, shall be granted, a paid leave of absence for the first thirty (30) days of such leave without loss of time, pay, or efficiency rating. In the case of national emergency, employees who are required to serve in the Armed Forces of the United States or of this State shall be granted military leave and shall be paid the difference in pay, if the military pay is less than the employee's normal rate of pay, for a period not to exceed one (1) calendar year. A copy of the employee's official orders must be attached to the request for leave. Employees who had coverage under the District's health care plan prior to call up for active duty military service may elect to extend their coverage under the District's COBRA provision for up to twenty-four (24) months from the date of call up or the date from the day after they fail to apply for a position or return to employment with the District. Employees granted such leave for military service shall, upon completion of the tour of duty, be returned to employment without prejudice, provided application for reemployment is filed within six (6) months following the date of discharge or release from active military duty; and provided further that the Board shall have a reasonable time, not to exceed six (6) months, to reassign the employee to duty in the school system. The time period may be extended if the employee is hospitalized or convalescing from a service-connected illness or injury.

JURY DUTY/COURT SERVICE LEAVE may be granted to employees if summoned to court for jury duty or subpoenaed as a witness before a court or regulatory agency, except in any action in which the employee is a party. A copy of the subpoena or jury duty summons as well as a certification of service from the court must be attached to the request for leave. Employees should submit the request for leave after jury duty or court service ends. If court service involves a dependent minor, the employee must state the familial relationship with the child (*e.g.* son, daughter, stepson) on the completed leave of absence form. The date of birth of the child is also required. These information requirements do not apply to an action in which the employee is a party in the legal action. Employees may request personal leave or vacation for legal action in which they are personally involved.

If an employee is called for jury duty or otherwise subpoenaed, the court may pay the employee a monetary stipend for their appearance in court or service to the community. The employee may keep this money. The employee is not required to return the check to the clerk of the court.

INJURY OR ILLNESS IN LINE-OF-DUTY LEAVE (ILOD) may be up to a maximum of ten (10) days within any fiscal year. A doctor's statement with specific dates and a copy of the First Report of Injury must be attached to the request for leave. The ten (10) days of ILOD leave are applicable only to the fiscal year in which the illness or injury occurs. However, in the case of sickness or injury occurring under such circumstances as in the opinion of the District warrants it, additional emergency sick leave may be granted out of local funds under terms and conditions as the District shall deem proper. The term "injury" is defined as the result of an event which causes an employee to suffer an initial injury or a re-injury or an aggravation of an injury for which the employee had previously been granted injury in line-of-duty leave.

A. When regular sick leave is used for line-of-duty illness or injury, the sick leave used shall be reinstated, based on the pro-rata value of the workers' compensation benefits received, divided by the employee's regular daily rate of pay.

B. While on leave for illness or injury in line-of-duty, an employee shall accrue vacation leave and sick leave when applicable.

Risk Management must have received the First Report of Injury prior to the receipt of the completed leave of absence form for in line- of-duty leave to be approved.

PROFESSIONAL LEAVE WITH PAY, no to exceed thirty (30) calendar days, may be granted to employees when the experience shall be deemed to be of a substantial benefit to the District and shall have an immediate application to the current role of the employee. Professional leave with pay may be granted to permit employees to attend meetings of professional organizations (not including groups who have sought recognition to represent employees in negotiations, or groups affiliated with organizations who have sought such recognition).

A. Professional leave with pay may be granted up to a maximum of five (5) days during the pre-planning and post-planning period of the contract year. Post-planning and pre-planning leave may be granted four (4) times in six (6) successive years.

B. Certificated personnel participating in institutes for which they receive an honorarium, may receive their regular pay or the honorarium, whichever is greater.

C. Employees seeking leave for the post-planning period shall submit a request for leave no later than May 1st. The request requires action (approval or disapproval) by the principal and must be accompanied by registration deadline information from the institution being attended. Employees must be enrolled in a Master's program at an accredited, approved institution or must be adding subject areas to their teaching certificate that will improve the instructional program of the school to which the employee is assigned.

D. Employees in their first year of employment with the District shall not be eligible for professional leave with pay during pre-planning.

E. Employees who are not returning to the District the following school year are not eligible for professional leave during the pre-planning period.

F. Leave with pay may be granted for twelve (12) month certificated personnel to attend summer school. Instructional personnel or employees on twelve (12) month contracts may receive five (5) days of professional leave to attend summer school.

SICK LEAVE is credited to employees beginning with four (4) days of sick leave on the first day of employment for teachers and thirty (30) days after the start date for all other employees each fiscal year. During any fiscal year employees may not earn more than a total of one (1) day of sick leave for each complete month of employment including the four (4) days initially credited. Sick leave may be used for personal illness (including illness or disablement related to pregnancy, illness, or disablement due to an abortion, and illness or disablement due to the birth of a child provided the matters prescribed in these parenthesis shall not be applicable to an employee on maternity leave) or illness or death of a child, spouse, parent, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, child's spouse, father-in-law, mother-in-law, sister-in-law, brother-in-law, step-parents, step-children, or a person then residing in the same household as the employee. The unused portion of allotted sick leave benefits shall accumulate without limit. To continue to remain on leave with a sick or disabled family member when sick leave balance has been exhausted the employee shall request personal leave without pay.

A. Sick leave days shall be used for absences during the regularly scheduled workday not to exceed the total number of days the employee has accumulated.

B. Sick leave pay shall be calculated at the employee's straight time hourly rate.

C. Sick leave pay shall be applicable to regularly scheduled workdays only. As used herein "day" shall mean the normal workday of the employee.

D. For an absence resulting from personal illness and not exceeding five (5) consecutive days, a statement on request of the supervisor and signed by the employee may suffice. For any absence in excess of five (5) consecutive days, a certificate signed by the attending physician shall be submitted to the principal or supervisor and submitted to Compensation and Benefits. Doctors' statements shall cover the entire period of absence. Special provisions shall be made for religious objectors.

E. Employees who resign and are later re-employed shall be entitled to previously unused sick leave balance.

F. In case of death, confirmation requirements may be met by a written statement from the principal or department head or by provision of a copy of the death certificate.

G. When an employee's sick leave is exhausted, illness leave without pay may be granted. A request for leave must be submitted for this and any absenteeism. A medical statement from the attending licensed physician shall be submitted to cover this absence.

Transfer of Sick Leave:

A. Instructional—Sick leave may be transferred from or to other public school systems or to State institutions, agencies, or community colleges in the State of Florida. Balances transferred to the District will be available for use on a two-to-one basis with earned sick leave. That is, for transferred sick leave days, two will be available to use for each one day that is earned at BPS.

B. Support—Sick leave may be transferred from or to other public educational institutions in the State of Florida. Balances transferred into the District will be available for use on a two-to-one basis with earned sick leave. See above.

PERSONAL LEAVE CHARGEABLE TO SICK LEAVE may use up to six (6) days of accumulated sick leave each fiscal year as allowed by law for personal reasons as defined herein. Personal leave is not cumulative. Except in an emergency, the application for leave shall be submitted to the principal or supervisor at least two (2) days in advance of the beginning date of the leave. Each application shall state as the reason for the leave request the following disclaimer: *"The purpose for which this leave is taken is not a violation of the administrative rules of the School Board of Brevard County, Florida."* Personal chargeable to sick leave shall not be granted under any of the following conditions:

A. Activities that would result in taxable income to the employee.

B. To attend meetings sponsored by, and/or for, agencies that represent or seek to represent public employees in collective bargaining associated business.

C. Any form of work stoppage.

For Personal Leave Chargeable To Sick Leave, employees must complete an Absence Request form for approval by their direct supervisor.

LINE-OF-DUTY LEAVE (TEMPORARY DUTY ELSEWHERE) may be granted for an employee to be absent on school business. Absence in Line-Of-Duty shall be approved on the proper form in advance.

VACATION:

A. Certain employees shall earn vacation leave and shall be paid their regular straight time hourly rate times the number of hours in their normal work day. For purposes of determining years of continuous service, the anniversary date of regular employment in a vacation earning position shall be used to compute full years of service. The chart below applies to continuous and creditable service in a twelve (12) month vacation earning position. Other earning rates may apply to employees working less than twelve (12) months per year.

Continuous and Creditable Service	Leave Earned During Each Calendar Month
1 through 5 years	1 day per month-12 workdays per year

6 through 10 years	1 ¼ days per month-15 workdays per year
More than 10 years	1 ½ days per month-18 workdays per year

B. The vacation of an employee shall be taken at a time or times approved by the immediate supervisor.

C. The following stipulations apply to vacation leave:

1. One half of the monthly allocation of earned vacation is credited to employees on each payroll as long as they are paid for more than half of the pay period.

2. Vacation periods shall be approved by principals or department heads on a "Request for Leave" form that shall be submitted by the employee prior to beginning vacation.

3. A new administrator who resigns prior to the completion of one (1) full pay period of employment shall not be granted vacation leave credit.

4. Earned vacation may be accrued not to exceed sixty (60) days as of January 1st of any year.

5. All payroll type B, C, and D administrators (except high school-based administrators) and professionals shall be allowed five (5) days of administrative leave per year. High school-based administrators shall be allowed to earn seven (7) days of administrative leave per year.

6. Terminal payment of earned vacation shall be limited to sixty (60) days.

7. Continuous service shall not be deemed interrupted by the granting of leave with or without pay. The period of time on leave without pay shall not be counted in computing the amount of service that makes an employee eligible for vacation time. Continuous service is terminated by discharge or resignation. Continuous service shall not include employment as a substitute or temporary employee.

Employees in bargaining units refer to negotiated agreements.

LEAVE WITHOUT PAY

PROFESSIONAL STUDY LEAVE

Professional study leave without pay may be granted under the following conditions:

A. Leave Without Pay to Continue Education-Professional study leave without pay may be granted up to one (1) year for employees who wish to continue their education. A letter of explanation shall be attached to the request for professional leave. For certificated personnel, this leave shall commence only at the start of the school year because of the hardship accruing to the students.

B. An employee's spouse may be granted personal leave to accompany the employee when extended professional leave is approved.

MATERNITY LEAVE

An employee shall be granted maternity leave without pay for a partial or a complete year provided:

A. A written request for leave accompanied by a statement from a Florida-licensed medical doctor verifying the pregnancy and setting forth the Estimated Date of Confinement (delivery) must be submitted to the employee's principal or supervisor no later than five (5) calendar weeks prior to the Estimated Date of Confinement (EDC)

B. Leave shall commence on a date prior to the final estimated date of delivery of the child. The employee shall notify her principal or supervisor of commencement of leave as soon as it has been determined.

The employee may return to work following maternity leave with certification in writing by a Florida-licensed medical doctor that the employee is physically and mentally able to perform necessary duties. The statements required above shall be provided at the expense of the employee.

EXTENDED ILLNESS LEAVE

A. An employee who exhausts all accumulated sick leave, but who continues to be sick or disabled and unable to return to employment, may be granted leave upon submitting a request for a leave of absence for a maximum of two (2) calendar years. Request shall be submitted to the approving authority no later than five (5) working days following exhaustion of sick leave. The Board shall continue to grant full insurance benefits to employees on Extended Illness Leave for a period of sixty (60) calendar days, provided that an additional ten (10) calendar days of leave shall be granted for employees who are disabled because of injuries received while in the performance of work assigned by the Board. The second year of leave must be applied for by submitting a request for leave no later than May 15th. An employee who is granted an unpaid leave of absence shall accrue no benefits during the period of Extended Leave Illness and may continue employee benefits by paying all of the required costs in a timely basis as prescribed by the District and in compliance with Section 125 provisions.

B. All requests for this type of leave shall be supported by a statement from a Florida-licensed medical doctor indicating the inability of the employee to perform normal work duties for the period of requested leave.

C. Extended Illness Leave and FMLA leave may not run consecutively.

PERSONAL LEAVE

Personal leave without pay may be granted to employees.

Except under extenuating circumstances, the request for unpaid personal leave shall be submitted ten (10) days in advance. The principal or department head may approve three (3) days of unpaid personal leave. Personal leave without pay may be granted to employees up to two (2) school years at the Board's discretion.

FAMILY AND MEDICAL LEAVE (FMLA)

Up to twelve (12) weeks of unpaid job-protected leave may be granted to eligible employees for certain family and medical reasons. Employees are eligible for FMLA leave if they have worked for the Board for at least one (1) year and for 1,250 hours during the previous twelve (12) months. Teachers in a public school system do not have to meet the 1,250-hour requirement.

Unpaid FMLA leave may be granted for any of the following reasons: to care for the employee's child after birth, or placement for adoption or foster care; to care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or for an employee's own serious health condition.

The employee is required to provide an Advance Leave Notice and Medical Certification. Leave will be denied if documentation requirements are not met. Employees must provide thirty (30) days advance notice when the leave is "foreseeable". Medical certification to support a request for FMLA leave because of a serious health condition and a fitness report to return to work is required.

For the duration of FMLA leave, the District will maintain the employee's health coverage under any group health plan provided the employee pays any required employee contribution and for dependent coverage costs in a timely manner. Upon return from FMLA leave, employees will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms. The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Sick leave and vacation do not accrue during an FMLA leave period.

CHILD REARING LEAVE may be granted to an employee who has been on approved maternity leave. The employee may apply for an extension of maternity leave for a period of one (1) school year for the purpose of child rearing during the school year immediately following the initial leave. An employee who has fathered a child may apply for child rearing leave.

MILITARY LEAVE WITHOUT PAY may be granted, at the discretion of the Board, leave without pay if volunteering for military duty. Employees granted such leave for military service shall, upon completion of the tour of duty, be returned to employment without prejudice, provided application for reemployment is filed within six (6) months following the date of discharge or release from active military duty, and provided further that the Board shall have a reasonable time, not to exceed six (6) months, to reassign the employee to duty with the District. This time period may be extended if the employee is hospitalized or convalescing from a service-connected illness or injury.

Employees in bargaining units refer to negotiated agreements.

PROCESSING LEAVES OF ABSENCE

It is important that all information on the Request for Leave of Absence forms be legible and accurate. With exception of signatures, all data should be typed or printed, not handwritten. All forms should be checked for accuracy.

After approval, requests for leave are to be sent to Compensation and Benefits. The only exceptions are Paid Sick Leave, Paid Personal Leave Charged to Sick, and Vacation Leave, which are submitted directly to Payroll.

Except in cases of emergency, the request for leave shall be submitted to the Superintendent or designee at least ten (10) days before the date on which the proposed leave is to become effective except accrued vacation which may be approved by the immediate supervisor with reasonable notice.

Items to review for accuracy:

A. Employee type (Admin., Teacher, etc.). Be sure to check the boxes for Teachers Only or for ADM (10 Mo.), ADM (l2 Mo.), PROF/TECH or SUPPORT (as applicable). For Teachers and ten (10) month administrators, select the appropriate pay frequency (twenty-one (21), twenty-four (24), or twenty-six (26) pay).

B. Check the employee's Social Security number for completeness and accuracy.

C. Enter employee's name as it appears on the payroll screen; do not omit the first name and middle initial. Print or type the name legibly. Do not use nicknames.

D. All requests must have the current and complete home address of the employee. Correspondence with the employee during their leave will be sent to the address provided on the form.

E. Enter the school/department number correctly on the form.

F. The beginning and ending dates of the leave must be completed. If a partial day is requested, indicate the hours of absence. Combined paid illness and unpaid requests may be entered on the same leave form. Dates and hours for partial days must be listed for each type of leave. Verify that sick leave balance is available for the paid sick time requested.

G. Doctor's statements must include specific beginning and ending dates that correspond to the requested leave dates. Doctor's statements without specific dates or with the notation that the date is unknown will not be accepted. Estimated dates are acceptable for maternity requests for leave.

H. Employees must fill in all the information requested in the boxed area of the leave form before the leave request is sent to Compensation and Benefits. By signing the Request for Leave of Absence, the employee acknowledges that they have read the Family and Medical Leave (FMLA) information on the reverse of the form.

I. "Personal" is not an acceptable reason for a personal leave of absence. A valid reason must be given.

J. The principal or supervisor must sign the request and indicate on the form whether the leave is approved or disapproved.

K. Staple all necessary attachments such as doctors' statements, jury summons and certification of court service, etc., to the leave request. Check the request for omissions before sending the request to Compensation and Benefits.

PROCEDURE FOR FILING FMLA LEAVE REQUESTS

The *Family and Medical Leave Act of 1993* entitles eligible employees to take up to twelve (12) weeks of unpaid leave during any twelve (12) month period. To be eligible for Family and Medical leave, an employee must have been employed by the District for at least twelve (12) months **and** have worked at least 1,250 hours during the preceding twelve (12) months.

Teachers in a public school system do not have to meet the 1,250 hour requirement.

A. Employees requesting any unpaid leave of absence will be sent the Family and Medical Leave Act of 1993 (FMLA) tri-fold upon request. The FMLA tri-fold will be sent from Human Resources Services or Compensation and Benefits to the work site or address as it appears on the leave request.

B. The employee's signature on a request for leave form acknowledges that the information on FMLA on the reverse of the leave form has been read.

To determine a non-teaching employee's eligibility for Family and Medical Leave, it is necessary for the time keeper at the employee's work site to calculate the hours worked for the twelve (12) months preceding the date the leave is to begin. The calculation form is to be used for preparing this information. Instructions for completion are found on the reverse of the form. When completed, the calculation form is signed by the person preparing it and attached to the leave request with other required documents. The doctor's statement is to be attached to the leave request and must contain the following information:

A. When the request for leave is for an employee's own serious health condition, the statement must indicate:

1. If the employee is unable to perform work of any kind, or

2. If the employee is unable to perform any one or more of the job's essential functions, including specific information on the essential functions that the employee is unable to perform; or

3. If the employee must be absent from work for treatment and/or other specific reasons related to the employees' condition(s).

B. When the request for leave is for an employee to care for a spouse, child, or parent with a serious health condition, the statement must indicate:

1. If the patient requires assistance for basic medical needs, personal needs, safety or transportation; or

2. If the employee is needed to provide psychological comfort to the patient or to assist in the patient's recovery; or

3. If the employee is needed to provide care only intermittently and if so, the statement must indicate the probable duration of the needed care.

Revised 8/03
Revised 9/03
Revised 5/05
Revised 12/05
Revised 9/5/24

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FAMILY AND MEDICAL LEAVE ACT

3430.01 - **FAMILY AND MEDICAL LEAVE ACT**

INTRODUCTION

It is the policy of the District to provide up to twelve (12) weeks of job protected leave to eligible employees for certain family and medical reasons, and up to twenty six (26) weeks of job protected leave to eligible employees for service member family leave.

BOARD POLICY/LEGAL AUTHORITY

Board policy prohibits the discrimination against any individual(s) with regard to access to family and medical leave. The Board has set forth their policy under The Rules of the School Board of Brevard County, Florida, 6Gx5-7.11(5),"Family and Medical Leave". The specific legal authority for the Act is, law implemented, interpreted, or made specific: F.S. 110.221, 1012.61. F.A.C. 6A-1.075; 6A-1.081; F.A.C. 6A-1.75. Revised October 12, 1993.

FAMILY AND MEDICAL LEAVE ACT

A. Definitions

1. Certification:

   An employee who requests leave because of a serious health condition or to care for a spouse, child, or parent with a serious health condition, will be required to support the leave request with a certification issued by the health care provider. A certification must include the date on which the serious health condition began, its probable duration, and the appropriate medical facts within the knowledge of the health care provider regarding the condition.

2. Continuing Treatment by a Health Care Provider:

   Any one (1) or more of the following:

   a. the employee or family member is treated two (2) or more times for the injury or illness by a health care provider;

   b. the employee or family member is treated for the injury or illness two (2) or more times by a provider of health care services (e.g., a physical therapist) on referral by a health care provider, or is treated for the injury or illness by a health care provider on at least one (1) occasion which results in a continuing treatment plan under the supervision of the health care provider to resolve the condition;

   c. the employee or family member is under the continuing supervision of, but not necessarily being actively treated by, a health care provider due to a serious long-term or chronic condition or disability which cannot be cured (e.g., Alzheimer's disease, severe strokes, terminal cancer).

3. Eligible Employee:

An employee who has been employed:

a. for at least twelve (12) months by the employer with respect to whom leave is requested; and

b. for at least 1,250 hours of service with such employer during the previous twelve (12) month period is eligible for family and medical leave under the FMLA.

4. Employer:

Any person engaged in commerce or in any industry or activity affecting commerce who employs fifty (50) or more employees for each working day during each of twenty (20) or more calendar workweeks in the current or preceding calendar year is considered an employer under the FMLA. For purposes of this handbook, the District is the employer.

5. Employment Benefits:

These include all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, or pensions.

6. Equivalent Position:

A position with equivalent pay, benefits and working conditions, including privileges, prerequisites, and status. The equivalent position must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

7. ERISA (Employee Retirement Income Security Act):

ERISA sets standards to assure the fairness and financial soundness of employee benefit plans and to ensure workers receive benefits promised by their employers.

8. Health Care Provider:

A health care provider as defined by the FMLA as a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which s/he practices. Anyone determined by the Secretary of Labor to be capable of providing health care services will also qualify as a health care provider. Included are:

a. podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in the State;

b. nurse practitioners and midwives who are authorized to practice in the State;

c. Christian science practitioners listed with the First Church of Christ, Scientist in Boston, Mass.

9. Highly Compensated Employee:

For FMLA purposes, a highly compensated employee is a salaried eligible employee who is among the highest paid ten percent (10%) of employees who work within seventy-five (75) miles of the facility where the employee taking leave is employed.

10. Incapable of Self Care:

The individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily

living" or "ADL's". ADL's include adaptive activities such as caring for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones, using a post office, et cetera.

11. In Loco Parentis:

    Those persons with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was child. A biological or legal relationship is not necessary.

12. Instructional Employee:

    Defined as an employee employed in an "instructional capacity", which includes teachers or other employees whose principle function is to provide educational services directly.

13. Intermittent Leave:

    This is leave taken in intervals and not consecutively. Intermittent leave does not result in a reduction in the total amount of leave to which the employee is entitled beyond the amount of leave actually taken.

14. Local Educational Agency (LEA):

    This can be a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State. The District is an LEA.

15. Multi-Employer Health Plan:

    A health plan to which more than one (1) employer is required to contribute, and which is maintained pursuant to one (1) or more collective bargaining agreements is referred to as a multi-employer health plan.

16. Parent:

    Under the FMLA, a parent is the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. This includes an individual who assumed "day-to-day" responsibility for a child.

17. Pregnancy Discrimination Act:

    The Pregnancy Discrimination Act amended Title VII of the Civil Rights Act of 1964 by expanding the definition of "sex" to include, "pregnancy, childbirth and related conditions." The act makes it unlawful for employers to discriminate against pregnant women in hiring, training, discharge, compensation, terms, conditions, or privileges of employment.

18. Public Employer:

    Public employers include the government of the United States; the government of a State or a political subdivision of a State; any agency of the United States (including the U.S. Postal Service and Postal Rate Commission); or any interstate governmental agency. The District is a public employer.

19. Reduced Leave Schedule:

    Leave scheduled for a fewer number of hours than an employee usually works during each workweek or workday is referred to as a reduced leave schedule.

20. Serious Health Condition:

An illness, injury, impairment, or physical or mental condition that involves:

a. any period of incapacity or treatment in connection with or consequent to inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility;

b. any period of incapacity requiring absence from work, school, or other regular daily activities, for more than three (3) calendar days, which also involves continuing treatment by a health care provider; or

c. continuing treatment by a health care provider for chronic or long-term health conditions that are incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days.

21. Son or Daughter:

This can be a biological, adoptive, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

a. under eighteen (18) years of age; or

b. eighteen (18) years or older and incapable of self-care because of a mental or physical disability.

22. Spouse:

A husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage in states where it is recognized. The definition is intended to make clear that an employer does not have to grant an employee family or medical leave to care for an unmarried domestic partner.

23. Willful Violation:

A willful violation occurs when an employer knew or showed reckless disregard for the matter of whether its conduct was prohibited.

24. Worksite:

The worksite is the single site of employment to which an employee is assigned as his/her home base from which s/he is assigned, or to which s/he reports.

B. Eligibility and Coverage

1. Eligible Employees:

The term "eligible employee" is defined by the Department of Labor's (DOL) regulations under the Family and Medical Leave Act of 1993 (FMLA) as an employee who has been employed by his/her employer for at least twelve (12) months (29 C.F.R. 825.110(a)(1)). The FMLA's regulations state that these twelve (12) months of employment do not need to be consecutive (29 C.F.R. 825.110(b)).

In addition to the requirement of twelve (12) months of employment, the employee must have worked for at least 1,250 hours of service with his/her employer during the previous twelve (12) month period. Thus, employees with one (1) year of service who have worked an average of approximately twenty-four (24) hours a week during the preceding twelve (12) months are eligible for family or medical leave.

A determination of whether an employee has worked for his/her employer for at least 1,250 hours in the past twelve (12) months, and has been employed for a total of twelve (12) months, must be made as of the date leave begins. Thus, an employee may notify his/her employer of the need for FMLA leave before the employee becomes "eligible." If the employer verifies the employee eligibility based upon a future projection that the employee will be eligible on the date leave is to begin, the employer may not subsequently challenge the employee's eligibility.

2. Hours of Service:

To determine whether an employee meets the specified hours of service requirement, the FMLA says to apply the legal principles established for determining hours of work for payment of overtime under Section 7 of the Fair Labor Standards Act (FLSA). The principles for determining hours worked include the following:

a. The workweek ordinarily includes all the time during which an employee is necessarily required to be on the employer's premises, on duty, or at a prescribed workplace.

b. Work not requested, but permitted by the employer is work time. This would include, for example, an employee who voluntarily continued to work at the end of his/her shift.

c. Waiting time is considered work time when an employee is on duty.

d. Bona fide meal periods are not work time (usually thirty (30) minutes or more is enough to qualify).

The term "hours worked" does not include time spent on paid or unpaid leave, so these hours do not count toward satisfying the 1,250 hour eligibility threshold. Also, for purposes of the 1,250 hour test, there is no difference between overtime and non-overtime hours worked.

3. Included Employees:

Employees who are employed at a "work site" with fewer than fifty (50) employees also are excluded from coverage if the total number of employees employed by the employer within seventy-five (75) miles of that work site is fewer than fifty (50). The seventy-five (75) miles is measured by surface miles using available transportation by the most direct route from the site where the employee requesting leave is employed. For the purpose of determining the number of employees at the work site, or within the seventy-five (75) mile distance, all employees - not just eligible employees – must be counted.

Example: X Corporation employs forty (40) employees in its corporate headquarters in Boston. X Corporation also has forty-five (45) employees in each of three (3) regional offices in Miami, Houston and Washington, D.C. None of X Corporation's employees qualify for coverage under the FMLA, even through the company employs 175 workers.

Example: Y Company employs 1,0000 people at its manufacturing facility and has forty-five (45) employees at each of five (5) warehouses across the country. Y Company's warehouse employees are not likely to be covered by the FMLA unless one (1) warehouse is within seventy-five (75) miles of another company facility.

Example: Z Company has a total of eighty-five (85) employees. Thirty (30) of those employees work at a secondary site that is more than seventy-five (75) miles away from the main plant where the other fifty-five (55) employees work. The thirty (30) employees at the secondary site are not covered by the FMLA.

When employees have no fixed work site (e.g., salesmen, construction workers), the employees' "work site" means "the single site of employment to which they are assigned as their home base, from which their work is assigned, or to which they report".

4. Highly Compensated Employees:

"Highly compensated employees" or "key employees" are defined by the FMLA as salaried, eligible employees who are among the highest paid ten percent (10%) of employees of the employer within seventy-five (75) miles of the facility where the employee works. Highly compensated employees are not specifically excluded from coverage under the FMLA, although an employer is allowed to deny them restoration in certain situations. These employees may be denied restoration under the following conditions:

a. if the denial of restoration is necessary to prevent substantial and grievous economic injury to the operations of the employer;

b. if the employer notifies the employee of its intent to deny restoration as soon as the employer determines that substantial and grievous economic injury would occur; and

c. in any case where after leave has already commenced, the employee elects not to return to employment after receiving such notice.

5. Employers Covered by the FMLA:

The provisions of the Family and Medical Leave Act of 1993 (FMLA) apply to the following employers:

a. any person engaged in "commerce" or in any industry affecting commerce who employs fifty (50) or more employees for each working day during each of twenty (20) or more calendar weeks in the current or preceding year.

b. any public agency as defined in 203 (x) of the Fair Labor Standards Act (FLSA); and,

c. local educational agencies and private elementary and secondary schools.

C. Special Rules for Local Educational Agencies

Special rules are provided under Title I of the Family and Medical Leave Act of 1993 (FMLA) for "local educational agencies and private elementary or secondary schools" (29 C.F.R. 825.600 et seq.). A "local educational agency" is defined in the Elementary and Secondary Education Act of 1965 as "a public board of education or any other public authority legally constituted within a state for either administrative control or direction of ... public elementary or secondary schools ..." (20 U.S.C. 2891 (12)). This section recognizes that special attention is required for elementary and secondary schools and that there is a "need to balance the educational needs of children with the family leave needs of teachers," according to the Senate report that accompanied the family leave bill in Congress (Sen. Rep. 103-3, p. 36). The special rules do not apply to colleges and universities, trade schools, pre-schools, and other kinds of educational institutions (29 C.F.R. 825.600(a)).

The rights, remedies, and procedures under Title I apply to local educational agencies and eligible employees of those agencies, and to private elementary and secondary schools and eligible employees of those schools. However, as is the case with public agency employers, the fifty (50) employee test is not applicable to local educational agencies (29 C.F.R. 825.600(b)). All "local educational agencies" are covered by the FMLA. The requirements for employees to be eligible do apply. This means that employees of covered educational institutions must have been employed for at least twelve (12) months and must have worked at least 1,250 hours in the preceding twelve (12) month period. According to a Department of Labor opinion letter, "the employee would not have to be paid for such time to be included as a part of 'hours of service'". (Wage Hour Opinion Letter FMLA-78 (February 14, 1996)).

In addition, an employee must work at a site where at least fifty (50) employees are employed within seventy-five (75) miles to be eligible for FMLA leave. For example, an employee of a school in a rural area would not be eligible for FMLA leave if the school has fewer than fifty (50) employees and there are no other schools under the jurisdiction of the same school board within seventy-five (75) miles.

A local education agency or private school will not violate the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or Title VII of the Civil Rights Act of 1964 simply as the result of an employee exercising his/her rights under the FMLA (Sec. 108(b) of the FMLA). The granting of leave, however, does not relieve a local educational agency from its general obligations under these other Federal statutes.

D. Duration of Leave and General Requirements

Under the Family and Medical Leave Act of 1993 (FMLA), eligible employees are entitled to twelve (12) workweeks of unpaid family and medical leave per year for:

1. the birth of the employee's son or daughter and care of the infant;

2. the placement of a son or daughter with the employee for adoption or foster care;

3. the care of a spouse, son, daughter, or parent of the employee if the spouse, son, daughter or parent has a serious health condition; or

4. the employee's own serious health condition which makes the employee unable to perform the functions of his/her job.

The FMLA does not distinguish between male and female employees. Both a mother and a father may take leave because of the birth or serious illness of a child. Leave may be taken by both parents at the same time, or it may be taken sequentially, as long as the leave is taken for one of the reasons specified.

If an employee wishes to take leave based on the birth or adoption of a child, or the placement of a child with the employee for foster care, the leave must be taken within twelve (12) months of the birth or placement. Leave may begin before the date of the birth or placement if circumstances require. For example, an expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work. Special leave rules apply to spouses who are both employed by the same employer.

The FMLA does not require that a child be adopted from a licensed adoption agency. However, a foster care placement must be made by or with an agreement of the State as a result of:

1. an agreement between the parent or guardian that the child be removed from the home; or

2. a judicial determination of the necessity for foster care (29 C.F.R. 825.112(E)).

Foster care may be with relatives of the child, although state action must be involved in the removal of the child from parental custody. The FMLA sets no maximum age limit on a child being adopted or placed for foster care.

E. <u>"Son or Daughter" and "Parent"</u>

The FMLA broadly defines the terms "son or daughter" and "parent" to recognize that traditional "nuclear" families where children live with their biological mother and father are not the reality for many in the United States. A "son or daughter" is defined as "a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis..."

In addition, the "son or daughter" must be under eighteen (18) years of age, or eighteen (18) years of age or older and incapable of self care because of a mental or physical disability. The regulations define "incapable of self-care" to mean that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the "activities of daily living" (ADLs) or "instrumental activities of daily living". ADLs include bathing, dressing, cooking, eating, shopping, paying bills, using telephones and taking public transportation. A "physical or mental disability" is a physical or mental impairment that substantially limits one (1) or more of the individual's major life activities. This is the same definition provided under the Americans with Disabilities Act (ADA).

The term "parent" is defined as the biological parent of an employee or an individual who stands or stood in loco parentis to an employee when the employee was son or daughter. This does not include parents-in-law.

With regard to the term "one standing in loco parentis," the FMLA's intention is to "ensure that an employee who actually has day to day responsibility for caring for a child is entitled to leave even if the employee does not have a biological or legal relationship to that child". In addition, the regulations add that the term includes those with day-to-day responsibilities to "care for and financially support a child..." Thus, coverage under the FMLA is not restricted to biological parents or legal guardians, but also includes grandparents or other relatives or adults who have "day-to-day responsibility" for a child.

The regulations (29 C.F.R. 825.113 (d)) allow employers to require an employee requesting FMLA leave to provide "reasonable

documentation" confirming a relevant family relationship. The documentation may be a simple signed statement from the employee, a child's birth certificate, a court document, et cetera.

F. Serious Health Condition

Twelve (12) weeks of unpaid leave per year is available to eligible employees to care for a spouse, child or parent with a "serious health condition," or for the employee's own "serious health condition". The FMLA's definition of the term "serious health condition" is very broad and is intended to cover a variety of physical and mental conditions.

A "serious health condition" is defined (29 C.F.R. 825.114) as an illness, injury, impairment or physical or mental condition that involves:

1. inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity (defined as an inability to work, attend school or perform other regular daily activities), or any subsequent treatment in connection with such inpatient care; or

2. continuing treatment by a health care provider which includes:

    a. a period of incapacity of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

        1. treatment two (2) or more times by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) on referral by a health care provider; or

        2. treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment;

    b. a period of incapacity due to pregnancy, or for prenatal care;

    c. a period of incapacity or treatment for a "chronic" serious health condition which requires periodic visits for treatment by a health care provider, continues over an extended period, and may cause episodic rather that a continuing period of incapacity (e.g., asthma, diabetes, epilepsy);

    d. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;

    The employee or family member need not be receiving active treatment by a health care provider (e.g. Alzheimer's disease, severe stroke, terminal cancer).

    e. a period of absence to receive multiple treatments for an injury or condition which would result in incapacitation of more than three (3) days if not treated (e.g., chemotherapy or radiation for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

The regulations provide that "treatments" for serious health conditions include examinations to determine if a serious health condition exists, but do not include routine physical, dental or eye examinations. A "regimen of continuing treatment" would include, for example, a course of prescription medication such as antibiotics. It would not include the taking of over-the-counter medications, bed-rest, drinking fluids, exercise or other activities that could be initiated without visiting a health care provider.

Short-term conditions requiring only brief treatment and recovery are not "serious health conditions." Normally, these types of conditions are covered under regular employee sick leave policies. Such conditions include common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease.

However, the Wage and Hour Division has stated that if such a condition "met the regulatory criteria for a serious health condition, e.g., an incapacity of more than three (3) consecutive calendar days that also involves qualifying treatment, then the absence would be protected by the FMLA" (Wage and Hour Opinion Letter FMLA-86 (De. 12, 1996)). Courts interpreting the FMLA also uniformly have required – either expressly or implicitly – a showing of incapacity.

Also, voluntary or cosmetic treatments (e.g., treatments for acne or plastic surgery) that are not medically necessary, are not "serious health conditions" unless inpatient care is required or complications arise.

G. Chronic Serious Health Conditions

Chronic serious health conditions pose distinct challenges to employers under the FMLA, particularly as they relate to intermittent leave and the somewhat limited notice requirements that an employer might impose for certain "flare-ups" of these conditions. The U.S. Department of Labor's (DOL) FMLA regulations discuss some of the ramifications of chronic serious health conditions. In its definition of "continuing treatment by a health care provider," found at 29 C.F.R. 825.114(a)(2), the agency provided that this term includes "any period of incapacity or treatment for such incapacity due to a chronic serious health condition." In turn, a "chronic serious health condition" was defined as one that:

1. requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

2. continues over an extended period of time (including recurring episodes of a single underlying condition); and

3. may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes or epilepsy).

Moreover, even if the employee or family member with a chronic serious health condition does not receive treatment or the absence does not last more than three (3) days, it still may qualify for FMLA leave.

Example: The absence of an employee with asthma who is unable to report for work because of the onset of an asthma attack, or because the employee's health care provider has counseled the employee to stay home when the pollen count exceeds a certain level likely would be covered. A pregnant employee who is unable to report to work because of severe "morning sickness" may have that absence covered by the statute, according to DOL.

"Continuing treatment by a health care provider" also includes permanent long-term conditions for which treatment may not be effective, such as the terminal stages of a disease, as well as absences to receive multiple treatments (and related recovery periods) for conditions that likely would result in a period of incapacity in the absence of medical intervention or treatment. Examples of the latter circumstances are treatments for cancer (chemotherapy or radiation), severe arthritis (physical therapy), and kidney disease (dialysis).

Medical certification of chronic conditions might include reference to a need for intermittent leave or a reduced leave schedule, ongoing regimens of treatment, and an estimate of the number of anticipated treatments and intervals between treatments. As a general rule, an employer may only request recertification of a chronic condition under the continuing supervision of a health care provider every thirty (30) days. Moreover, if the minimum duration of the period of incapacity included on a health care provider's certification exceeds thirty (30) days, recertification may not be requested until that minimum duration has passed, in most circumstances.

DOL regulations, reflecting the terms of the statute, provide that leave may be taken intermittently or on a reduced leave schedule when "medically necessary" for planned and/or unanticipated medical treatment of a related serious health condition, or for recovery from treatment, or recovery from the condition itself. The agency's rules provide further, at 29 C.F.R. 825.203(c), with respect to chronic conditions, that intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition even if s/he does not receive treatment by a health care provider.

Regarding notice of a need for leave, the regulations generally require that an employee provide the employer with at least thirty (30) days' advance notice if the need for leave is foreseeable based on a planned medication treatment. Where the need for leave is not foreseeable, such as in the case of a medical emergency, the employee is required only to provide notice "as soon as practicable," which will vary based on the facts and circumstances of a specific case.

H. Substance Abuse as a "Serious Health Condition"

Section 825.1112(g) of the regulations states that FMLA leave is available for treatment of substance abuse provided that the condition in question is a "serious health condition" within the meaning of DOL's definitions. While covered employees possess the right to take FMLA leave for appropriate treatment for their own substance abuse problems, employees also may take FMLA leave to provide necessary care for covered members of their immediate families who are receiving drug or alcohol treatment. Employers are prohibited from taking adverse action against employees who exercise their leave rights in either of these circumstances.

The regulations further limit the use of FMLA leave for this purpose to treatment for substance abuse by a "health care provider" (or by a provider of health care services referred by a "health care provider"). Thus, an employee's "self-referral" to any other type of treatment program that does not meet this qualification would not trigger FMLA leave rights. Moreover, the absences of an employee relating to his/her use of drugs or alcohol, rather than treatment of substance abuse, do not qualify for FMLA leave. For example, a covered employee who received alcoholism treatment at an inpatient health care facility for thirty (30) days would be entitled to FMLA leave, and subsequent "after-care" sessions twice each week similarly might qualify for "intermittent leave" under the FMLA and DOL's regulations. However, if the employee "falls off the wagon" and is absent for three (3) days solely because of a serious drinking "binge" (rather than a treatment-related absence), the latter days away from work would not be eligible for FMLA leave.

Under the FMLA, an employer can apply its uniform policy requiring each employee returning from leave for a serious personal illness to provide a written certification from the employee's health care provider that the employee can resume work. In our case, fitness-for-duty certification from employees returning from leave for substance abuse are required in the same way that it is required from employees returning from leave for other conditions.

The regulations also provide that employee's rights to protected leave under the FMLA do not insulate them from disciplinary measures – up to and including termination – for violation of an employer's established (and previously communicated) workplace substance abuse policy that has been applied in a nondiscriminatory manner. The FMLA does not modify or affect the Americans with Disabilities Act (ADA), State workers' compensation laws, drug-free workplace acts, or other statutes with respect to the maintenance of a workplace policy on substance abuse. If an employer's substance abuse policy has been widely disseminated to employees, if it provides for adverse action under certain circumstances, and if the employee on FMLA leave has engaged in that specified, prohibited conduct, the policy lawfully can be enforced against that individual.

The Wage and Hour Division issued an opinion letter regarding employees who assert their FMLA leave rights under an employer's substance abuse policies without prior notice, which states:

When employees are absent without advance notice for rehabilitation treatment for substance abuse and the conditions of the FMLA regulations are met such absences may be counted against an employee's FMLA leave entitlement as provided in Section 825.208. Such an absence may be counted as FMLA leave from the first date of the absence if the employer promptly within two (2) business days of learning of the reason for the absence notifies the employee that the absence is designated and will be counted as FMLA leave (FMLA-70 (July 21, 1995)).

The agency has responded to other inquiries in this area, some of which are common to many workplaces. Responding to a question regarding an employee testing positive for drug use during a random test – where that employee had never requested FMLA leave and the employer maintained that such a test result would lead to termination – DOL responded that the FMLA does not require the employer to provide the employee with an opportunity to seek treatment and be reinstated (Wage Hour Opinion Letter FMLA-69 (July 21, 1995)). A similar answer came from DOL officials regarding leave and reinstatement requests occurring in the context of a positive "for cause" drug test result (Wage Hour Opinion Letter FMLA-59 (April 28, 1995)).

DOL has also stated that an employer could enforce a previously communicated, uniformly enforced policy on substance abuse providing for termination if an employee comes forward and admits a drug addiction and his/her placement in rehabilitative treatment by a physician, adding that the FMLA would not require the employer to provide the employee with the opportunity to seek treatment and be reinstated (Wage Hour Opinion Letter FMLA-59 (April 28, 1995)). Finally the Wage and Hour Division concluded that when an employee undergoes substance abuse rehabilitation (utilizing some FMLA leave), but subsequently tests positive for drug use as part of a "follow-up" screening program, s/he is not necessarily entitled to use the remaining FMLA leave and be reinstated a second time. The agency stated that "the employer's policy could properly provide for termination in such instances; if it did, the employer could properly deny reinstatement under the FMLA" (Wage Hour Opinion Letter FMLA-59 (April 28, 1995)).

I. Definition of Health Care Provider

The FMLA defines a "health care provider" as:

1. a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or

2. any other person determined by the Secretary of Labor to be capable of providing health care services (29 C.F.R. 825.118);

3. this definition also includes any health care provider from whom an employer's group health plan's benefits manager will accept medical certification of the existence of a serious health condition.

Although many employers and employer organizations requested that the definition include only licensed doctors of medicine or osteopathy, the Department of Labor adopted the definition of "physician" under the Federal Employees' Compensation Act (5 U.S.C. 8101(2)). This definition includes podiatrists, dentists, clinical psychologists, clinical social workers, optometrists and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a condition demonstrated by x ray to exist), who are authorized to practice in the State and are performing within the scope of their practice as defined under State law (29 C.F.R. 825.118).

Also included in DOL's definition are nurse practitioners and nurse-midwives who provide diagnosis and treatment, and Christian Science practitioners. Employers are permitted to require that second and third opinions be provided by health care providers other than Christian Science practitioners. Physician assistants are not specifically included in the definition of health care providers; however, services they furnish under supervision of a physician or services recognized by the employer's health plan may qualify as "medical treatment" (Wage Hour Opinion Letter FMLA-72 (Sept. 20, 1995)).

Other definitions related to leave for "serious health conditions" would include eligible employees that are entitled to medical leave "to care for" a spouse, child, or parent with a serious health condition. The phrase "to care for" includes both physical and psychological care, and the arrangement of third-party care for a family member (e.g., nursing home, home care nurse) (29 C.F.R. 825.116).

The regulations allow health care providers to either certify that the third-party care is required or that the employee's presence would be beneficial to the ill family member. This certification will satisfy the FMLA's requirements.

An employee requesting leave for his/her own condition or illness must be "unable to perform the functions" of his/her position because of the condition. DOL's regulations make clear that this means any one (1) of the "essential functions" of the position. This does not mean that the employee must be physically or mentally unable to work. An employee who must continually receive medical treatment (e.g., chemotherapy or radiation treatments for an employee with cancer) must be capable of performing his/her job. However, because of the physical absences the employee may be temporarily "unable to perform the functions of his/her position." Thus, the employee would be eligible for leave during the treatments.

DOL has also stated in an opinion letter that if an employee qualifies for job-protected FMLA leave, the employee may not be forced to return to work in a "light duty" (i.e., modified or restructured) position, before the employee's job-protected leave entitlement has expired.

The employee's health care provider must certify that the employee is unable to perform the essential functions of the job. The regulations advise employers who would like a health care provider to review an employee's ability to perform essential job functions to designate these essential functions in a position description provided to the employee's health care provide for this purpose.

J. Jurisdictions with Expanded Rights for Non-Married Domestic Partners

The FMLA allows an employee to take leave to care for "a spouse" who has a serious health condition. A "spouse" is defined as "a husband or wife, as defined or recognized under State law for purposes of marriage, including common law marriage in states where it is recognized" (29 C.F.R. 825.113(a)). The definition of "spouse" was added during Senate debate and is intended to clarify that an employer is not required to grant an employee family leave to care for an unmarried domestic partner.

Family and medical leave laws in some jurisdictions, but not in Florida, allow employees to take leave to care for a seriously ill individual with whom the employee "maintains a committed relationship." The FMLA does not use the term "family member," and clearly was not intended to cover leave for the care of one's seriously ill non-married domestic partner.

Certification Policy

The Family and Medical Leave Act of 1993 (FMLA) authorizes an employer to require medical certification from an employee requesting medical leave. The law says that an employer may require that a request for leave based on an employee's own serious health condition, or the serious health condition of the employee's spouse, child, or parent, be supported by a medical certification from a health care provider (29 C.F.R. 825.305(a)). The regulations provide that an employer "must give written notice of a requirement for medical certification in a particular case, but a verbal request to an employee to furnish any subsequent medical certification is sufficient."

If the leave is foreseeable and at least thirty (30) days' notice has been provided, the employee should provide the medical certification before the leave begins. In all other circumstances, an employee must provide his/her employer with the requested medical certification within the time frame requested by the employer, "unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts" (29 C.F.R. 825.305(b)). The employer must allow the employee at least fifteen (15) calendar days following the request for certification.

A. Type of Certification Required

Medical certification must include certain information (29 C.F.R. 825.306). First, the certification must include a statement indicating which part of the definition of "serious health condition" applies to the patient's condition, and the medical facts supporting the certification, including a brief statement as to how the medical facts meet the criteria of the definition.

Second, the certification must include the approximate date the condition commenced and its probable duration, including the probable duration of the patient's present incapacity. In addition, the certification must state whether it will be necessary for the employee to take intermittent or reduced schedule leave, and if so, the probable schedule of such leave. If the condition is pregnancy or "chronic", the certification must state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity.

Third, if additional treatments will be required for the condition, the certification must provide an estimate of the probable number of treatments. If a "regimen of continuing treatment" is required, the patient must provide a general description of

the regimen.

Fourth, if the leave is required because of the employee's own serious health condition, the certification must state whether the employee:

1. is unable to perform work of any kind; or

2. is unable to perform any one (1) or more of the job's essential functions, including a statement of the essential functions the employee is unable to perform; or

3. must be absent from work for treatment.

Finally, if the leave is requested to care for a spouse, child or parent with a serious health condition, the certification must state whether the patient requires assistance for basic medical needs, personal needs, safety or transportation; or, if not, whether the employee is needed to provide psychological comfort to the patient or to assist in the patient's recovery. If the employee is needed to provide care only intermittently, the certification must indicate the probable duration of the need.

The final regulations allow the employer to contact the employee's health care provider – with the permission of the employee – to clarify the information in a medical certification or to confirm that the certification was provided by the health care provider. Such an inquiry may not seek additional information regarding the employee's condition. If an employee is on FMLA leave concurrently with a workers' compensation absence, and the applicable state workers' compensation law permits direct contact between the employer or its representative and the employee's workers' compensation health care provider, the employer is free to follow the provisions of the State statute.

B. Second Opinions and Disputes

There are times when an employer may have reason to question an employee's original medical certification. If the employer doubts the validity of the certification, it may, at its own expense, require the employee to obtain a second certification from a different health care provider chosen by the employer. An employer must reimburse an employee for any reasonable "out-of-pocket" travel expenses incurred in obtaining the second opinion.

Importantly, the health care provider cannot be employed on a regular basis by the employer. In addition, the employer may not regularly contract with or utilize the services of the provider unless the employer is located in an area where access to health care is very limited (e.g., a rural area with only one (1) or two (2) doctors).

If there is a conflict between the first and second medical opinions, the employer may require the employee to obtain a third opinion from a health care provider jointly approved by the employer and the employee. The third opinion, which the employer must also pay for including any "out-of-pocket" travel expenses of the employee, will be final and binding on both the employer and employee. The employer and employee must each act in good faith to reach an agreement on the third provider. Failure to act in good faith will result in either the first opinion (employer's failure) or second opinion (employee's failure) binding the parties.

Pending the ultimate resolution of an employee's entitlement to leave, the employee is provisionally entitled to all the benefits of the FMLA, including maintenance of group health benefits. If the certifications ultimately establish that an employee is not entitled to FMLA leave, the leave will not be counted as FMLA-qualifying and may be treated as either paid or unpaid leave under the employer's existing leave policies (29 C.F.R. 825.307(a)(2)).

C. ADA Issues Related to Certification

Allowing an employer to require medical certification from an employee requesting medical leave raises issues under the Americans with Disabilities Act (ADA). Under the ADA, "disability" is defined to include any physical or mental impairment that substantially limits a major life activity. Temporary conditions, such as pregnancy, are not considered "disabilities" under the ADA.

However, it is likely that many (although not all) employees eligible for leave under the FMLA will qualify as "disabled" under

the ADA. For example, heart conditions requiring ongoing treatment, infection with (and complications from) the HIV virus, and most cancers are considered "serious health conditions" under the FMLA, as well as "disabilities" under the ADA. Therefore, employees who have these conditions are entitled to the protections of both laws.

Under the ADA, an employer is prohibited form requiring its current employees to submit to a medical examination unless the examination is "job-related and consistent with business necessity". In addition, the ADA prohibits inquiries into whether an employee is an individual with a disability and into the nature and severity of the disability.

On the other hand, the FMLA permits an employer to require its employees to provide written certification from a health care provider to verify the need for medical leave. The certification provisions of the FMLA implicate the ADA because the employee may be required to provide information relating to the existence of a disability, or to its nature and severity. To avoid potential ADA violations, employers must ensure that all verifications of leave requests are "job-related and consistent with business necessity".

D. Privacy Issues and Certification

There are some privacy issues that arise with respect to an employer's requirement of written medical certification from employees who request medical leave. Under the ADA, an employer must keep information concerning a disabled employee's medical condition confidential. The information must be maintained in separate medical files, and access to the files must be restricted to those who have a specific need for that information. Thus, an employer must keep confidential a written certification verifying an employee leave request based on a condition that would also allow the employee protection under the ADA.

The FMLA regulations allow employers to request recertification of a serious health condition. If the leave is for pregnancy, or a chronic or permanent/long-term condition, recertification may be requested no more often than every thirty (30) days unless:

1. circumstances described by the previous certification have changed significantly (e.g., the severity of the condition, the duration or frequency of absences); or

2. the employer receives information casting doubt upon the employee's stated reason for the absence.

The regulations provide that if the minimum duration of the employee's incapacity specified on a medical certification is more than thirty (30) days, the employer may not request recertification until the minimum duration has passed unless:

1. the employee requests a leave extension;

2. circumstances described by the original certification have changed significantly (e.g., duration of the illness); or

3. the employer receives information which casts doubt upon the continuing validity of the original certification.

Any recertification requested by the employer shall be at the employee's expenses unless the employer provides otherwise.

E. Return-to-Work Certification

The FMLA regulations allow employers to require an employee on leave to report periodically on whether or not s/he plans to return to work.

As a condition of restoration of employment, an employer may have a uniformly-applied policy requiring all similarly situated employees (i.e., same occupation, same serious health condition) who take leave for their own serious health conditions to obtain certification from their health care providers that they are able to resume working. In our case, a properly executed and approved Leave of Absence Form is required. Certification of an employee's fitness to return to work is only to be requested with regard to the particular illness that caused the need for FMLA leave (29 C.F.R. 825.310).

If an employee needs an extension of leave, or if the amount of leave originally requested is no longer necessary, the employer may require that the employee provide "reasonable notice" (i.e., within two (2) business days) of the changed circumstances, if the changed circumstances are foreseeable.

An employer must provide each employee requesting leave with notice if the employer will require "fitness-for-duty" certification. This notice must be given at the time of leave or immediately after leave commences. An employer may not require a second fitness for duty certification. If an employee fails to submit the required fitness-for-duty certification, the employer may delay the employee's restoration to his/her position unless the employer failed to provide the required notice (29 C.F.R. 825.310(f)). An employer is not entitled to certification of an employee's fitness to return to duty when the leave is intermittent.

According to the Wage and Hour Division, the certification provided by an employee need only be a simple statement that an employee is able to return to work. With the employee's permission, a health care provider engaged by the employer may contact the employee's health care provider to clarify the employee's fitness to return to work. If this provision is invoked, according to the Labor Department, the employer may not delay the employee's return to work while that contact is being made.

F. Failure to Satisfy Certification Requirements

If an employee's leave is foreseeable, failure to provide timely certification could result in the employer delaying the taking of leave until the certification is provided. If the need for leave is not foreseeable, an employee must provide the certification within the time frame allowed by the employer (at least fifteen (15) days) or "as soon as reasonably possible under the particular facts and circumstances" (29 C.F.R. 825.311(b)). For example, a medical emergency may prevent the employee from providing certification within the allotted time. However, if the employee fails to provide certification within a reasonable time under the particular circumstances, the employer may delay the continuation of leave. If an employee never provides the requested certification, the leave is not FMLA leave.

G. Leave as a "Reasonable Accommodation" Under the ADA

The Americans with Disabilities Act (ADA) requires employers to provide a "reasonable accommodation" to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can be shown that the accommodation would impose an undue hardship on the business. The ADA defines "undue hardship" as "an action requiring significant difficulty or expense, when considered in light of [certain] factors . . ." In determining whether an accommodation would pose an undue hardship the following factors must be considered:

1. the nature and cost of the accommodation needed;

2. the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

3. the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type and location of its facilities; and

4. the type of operation or operations of the covered entity, including the composition, structure and functions of the work force of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.

In addition, the ADA prohibits discrimination against an individual, whether disabled or not, based on that individual's relationship to a person with a disability. Thus, an employee with a disabled spouse, child or parent cannot be discriminated against with regard to employment benefits and other privileges of employment.

The Appendix to the Equal Employment Opportunity Commission (EEOC) regulations implementing the employment provisions of the ADA defines a reasonable accommodation as "any change in the work environment or in the way things are customarily

done that enables an individual with a disability to enjoy equal employment opportunities." This includes, among other things, "part-time or modified work schedules".

The EEOC's Technical Assistance Manual states that an employer does not have to provide a reasonable accommodation to a non disabled individual simply because s/he has a relationship with a disabled individual. Therefore, under the ADA, an employer would not have to allow a non-disabled employee to take leave to care for a spouse, child or parent with a disability.

The FMLA provides coverage, albeit limited, in this situation where none exists under ADA. The FMLA requires an employer to provide its employees with up to twelve (12) weeks of unpaid leave to care for a spouse, child, or parent with a "serious health condition". Most conditions that qualify as disabilities under the ADA also qualify as "serious health conditions" under the FMLA, so a non-disabled employee can use the FMLA to take leave to care for a disabled spouse, child, or parent.

Intermittent Leave

An employee may take leave intermittently or on a reduced leave schedule for the birth or adoption (or foster care placement) of a son or daughter only if the employee and employer agree to such an arrangement.

Leave taken to care for a child, spouse, or parent with a serious health condition, or in the case of an employee's own serious health condition, can be taken intermittently or on a reduced leave schedule "when medically necessary".

The regulations discuss the term "when medically necessary" and provide that the treatment regimen and other information described in a medical certification of a serious health condition meets the requirement for certification of the medical necessity of intermittent leave or leave on a reduced leave schedule.

The FMLA defines "intermittent leave" as leave taken in separate blocks of time due to a single illness or injury. Examples include leave taken on an occasional basis for doctor's appointments, or leave taken several days at a time spread over a six (6) month period, such as for chemotherapy. A "reduced leave schedule" is a change in the employee's schedule for a period of time, normally from full-time to part-time. This would include a situation where an employee with the employer's agreement, works part-time after giving birth to a child. Other examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or a pregnant employee who takes leave intermittently for prenatal examinations or periods of severe morning sickness. The final regulations provide that reduced schedule leave and intermittent leave for personal medical leave is limited solely to those times which are scheduled for treatment, recovery from treatment, or recovery from illness.

Intermittent leave or leave taken on a reduced schedule will only reduce the total amount of leave by that amount actually taken. For example, if an employee takes four (4) hours of leave for medical treatment, s/he has only used four (4) hours of the twelve (12) weeks of leave allowed. Leave taken intermittently will not affect the exempt status of an employee who is otherwise exempt from the overtime requirements of the Fair Labor Standards Act (FSLA).

Intermittent leave or leave on a reduced leave schedule may be taken in any size increments, although an employer may limit leave increments to the shortest period of time that the employer's payroll system uses to account for absences or use of leave.

If an employee normally works a part-time schedule, the amount of leave to which the employee is entitled is determined on a pro-rate basis by comparing the reduced schedule with the employee's normal schedule.

Example:	Janice, an employee who normally works thirty (30) hours per week, works only twenty (20) hours per week under a reduced leave schedule. Janice's ten (10) hours of leave constitutes one-third of a week of FMLA leave for each week she works the reduced schedule.

Although the FMLA does not specifically state how many hours are in a workweek (especially important for purposes of intermittent leave), regulations under the FLSA are informative. The FLSA provides that the workweek includes "all the time during which an employee is necessarily required to be on the employer's premises, on duty or at a prescribed workplace". Thus, it is likely that an employee's "workweek" will simply consist of the number of hours s/he usually works. For example if an employee works twenty-five (25) hours a week, his/her leave period will consist of twelve (12) weeks of twenty-five (25) hours (200 hours) and any intermittent leave taken will count against this time.

An employee may request intermittent leave for foreseeable planned medical treatments. In this situation, the FMLA allows the employer to transfer the employee temporarily to an alternative position with equivalent pay and benefits, if the new position will better accommodate recurring periods of leave than the employee's regular position. As expressed by the Senate Labor Committee, allowing leave intermittently or on a reduced leave schedule allows employers to retain "trained and experienced" employees part-time rather than hire full-time temporary replacements. The alternative position must have equivalent pay and benefits, although not necessarily equivalent duties.

Example:	Ralph, an employee of ABC Company, requests FMLA leave on increments of four (4) hours per day. ABC Company may transfer Ralph to a part-time job paying the same hourly rate and the same benefits as Ralph's previous job. The company may not eliminate benefits which otherwise would not be provided to part-time employees. However, the company may proportionately reduce earned benefits (e.g., vacation leave), if such a reduction is normally made for its part-time employees.

An employer may not transfer an employee to an alternative position to discourage the employee from taking leave or to impose a hardship on the employee. By way of illustration, a white collar employee may not be assigned to perform laborer's work, or an employee working a day shift may not be reassigned to the graveyard shift. Once the employee no longer needs to continue the leave, s/he must be returned to the same or equivalent job immediately.

Spouses Employed by the Same Employer

The Family and Medical Leave Act (FMLA) has a provision designed to eliminate an employer's incentive to refuse to hire married couples. Where both spouses are employed by the same employer, the total amount of leave they can take may be limited to twelve (12) weeks for the birth or adoption of a son or daughter or to care for a sick parent.

Example:	Bob and Mary, a married couple, both work for X Corp. Mary gives birth to a child, and both Mary and Bob decide to take leave to care for the child. Each one takes four (4) weeks of leave (a total of eight (8) weeks between them) and then Bob returns to work. Mary is entitled to four (4) more weeks of family leave.

If the leave is requested for either the husband's or the wife's own serious health condition, or the serious health condition of the couple's son or daughter, the limitation provided in the FMLA does not apply. For example, if an employee takes twelve (12) weeks of leave because of her own serious health condition, her husband also could take twelve (12) weeks of leave to care for her. If the couple's child became seriously ill, each could take twelve (12) weeks of leave to care for the child, but total FMLA taken by any employee cannot exceed twelve (12) weeks per employee.

If both the husband and wife use a portion of the twelve (12) weeks of leave for either the birth or adoption of a child or to care for a sick parent, each would be entitled to the remainder of the twelve (12) weeks for another purpose.

Example:	Bob and Mary each take six (6) weeks of leave for the birth of their child. Both Bob and Mary could later use an additional six (6) weeks due to a personal illness or to care for a sick child.

The FMLA's regulations also point out that many State pregnancy disability laws specify a period of disability either before or after the birth of a child. Such periods are considered FMLA leave for a serious health condition of the mother, and are not subject to the combined limit for spouses (29 C.F.R. 825.202(c)).

Workers' Compensation and the FMLA

It is the Department of Labor's (DOL) position that if an employee qualifies for job protected Family and Medical Leave Act of 1993 (FMLA) leave, the employee may not be forced to return to work in a "light duty" position before the employee's FMLA leave entitlement has expired. Forcing the employee to return to such a position would violate his/her right to be restored to the same or an equivalent position. Under State workers' compensation statutes, an employee's worker's compensation benefits may be suspended if the employee refuses a light duty assignment. According to DOL, the FMLA does not prohibit such a result. Thus, if an employee is injured on the job, and the injury also qualifies as a "serious health condition," the employee will qualify for both workers' compensation and FMLA leave. This would allow the employee to receive workers' compensation benefits for replacement of lost wages, and have his/her health benefits maintained under the FMLA. If, as part of the workers' compensation process, the employee is offered a medically approved "light-duty" position, the employee may decline the position and instead choose to exercise his/her FMLA rights. If the employee accepts the "light duty" position in lieu of FMLA leave or returns to work before the twelve (12) weeks are up, the employee retains his/her right to the original or an equivalent position until twelve (12) weeks have passed.

With regard to the FMLA's provisions regarding substitution of paid leave for unpaid FMLA leave, an employee who incurs a work-related illness or injury must elect whether to receive paid leave from the employer or workers' compensation benefits. If the employee has elected to receive workers' compensation benefits, the employer cannot require the employee to substitute any paid vacation or other leave that is covered by the workers' compensation fund. Payments provided by State workers' compensation funds are not considered "accrued paid medical or sick leave" within the meaning of the FMLA. The workers' compensation absence can be counted against the employee's FMLA leave entitlement if it is properly designated as FMLA leave by the employer.

Pay and Benefits

A. Leave Requirements and Continuation of Benefits

The Family and Medical Leave Act (FMLA) allows eligible employees to take up to twelve (12) weeks of unpaid family or medical leave for one (1) of several specified reasons. An employee is not required to use his/her accrued vacation leave or personal leave first before taking leave under the FMLA.

Employees are not required to take twelve (12) consecutive weeks of leave, but instead may take leave on an intermittent basis. Certain conditions must be met before an employee can take leave intermittently or on a reduced leave schedule.

The coordination of family and medical leave and continued benefits coverage is one (1) of the most important provisions of the law. The FMLA requires that the health coverage of an employee who takes family or medical leave be maintained by the employer for the duration of the leave. There are special considerations with regard to accrual of benefits under pension plans, COBRA coverage, and continuation of other benefits during leave.

B. Paid Leave and Unpaid Leave

Family and medical leave granted under the Family and Medical Leave Act of 1993 (FMLA) may be both paid and unpaid leave.

C. Paid Leave and the FLSA's "Pay Docking" Policy

The final regulations clarify the circumstances under which employers may deduct unpaid FMLA qualifying leave from employees' pay without the employees losing their exemption status under the Fair Labor Standards Act (FSLA).

The FSLA provides that those employed "in a bona fide executive, administrative, or professional capacity" are exempt from the act's overtime compensation provisions (29 U.S.C. 213(A)(1)) that require employers to pay employees 1-1/2 times their regular pay for any hours they work over forty (40) in a work week. To meet one (1) of the three (3) exemptions, an employee must meet certain criteria:

1. the employee must be compensated on a "salary" basis as defined by the FSLA;

2. the level of salary received must meet certain minimum standards; and

3. the employee's duties and responsibilities must fall into certain specified categories, generally showing responsibility, independent judgment, and creativity.

The regulations provide that deductions may be made from the salaries of executive, administrative, or professional employees "for any hours taken as intermittent or reduced FMLA leave within a workweek, without affecting the exempt status of the employee". The regulations add that it does not matter if the FMLA leave is paid or unpaid or if such records of the FMLA leave must be kept under the law – this is not relevant to the determination of the exemption status of employees.

If a salaried employee is paid in accordance with the fluctuating workweek method of payment, the employer, during the work period when the employee takes intermittent leave, may pay the employee at an hourly rate for only hours worked, including time worked at time and one-half, without violating the FLSA. According to the regulations, the change to payment on an hourly basis includes the entire period during which the employee is taking intermittent leave, including weeks in which no leave is taken. If an employer decides not to convert such an employee's compensation to hourly pay, the employer may not deduct from the employee's salary for FMLA leave absences.

The regulations state that this special exception to payment on a salary basis "applies only to employees of covered employers who are eligible for FMLA leave, and to leave which qualifies as (one (1) of the four (4) types of) FMLA leave". Deductions may not be made from the salary of an exempt employee who works for an employer with fewer than fifty (50) employees, or where the employee has not worked the requisite 1,250 hours to qualify for FMLA leave. The regulations state that the deductions also may not be made from the pay of exempt employees for any leave that does not qualify for FMLA leave or for leave which is more generous than the FMLA requires.

In August, 1992, the Department of Labor provided some relief for public employers on this issue, but the rule does not affect the private sector. DOL's final rule allows State and local governments under certain conditions to dock the pay of salaried employees who work less than a full day without those employees becoming subject to the overtime provisions of the FLSA.

D. Substitution of Paid Leave for Unpaid Leave

Family and medical leave does not have to be unpaid leave if the employee has unused vacation leave, personal leave, or sick leave. The FMLA allows an eligible employee to elect that certain accrued leave be substituted for unpaid leave mandated by the act. The purpose of this provision is to lessen the impact of the loss of wages due to family and medical leaves. Since many employees cannot afford to take a full twelve (12) weeks of unpaid leave, this provision allows them to limit the

financial burden that may arise as a result of having to take family and medical leave.

In the case of leave for the birth or adoption of a child, or the serious health condition of a spouse, child, or parent, an eligible employee may use any accrued vacation leave or personal leave for any part of the leave provided for under the FMLA (29 C.F.R. 825.207(b)). For example, if an employee has accrued three (3) weeks vacation leave and two (2) weeks of "sick" leave, s/he may use the five (5) weeks of accrued paid leave as part of the twelve (12) weeks of family and medical leave under the FMLA. An employer may not override an employee's initial election to substitute paid leave for FMLA leave nor place limitations on its use. For example, an employer may not require an employee to take a minimum of a full week of leave at one time. If the employee takes five (5) weeks of paid leave, the employer must only provide an additional seven (7) weeks of unpaid leave for a total of twelve (12) weeks.

The FMLA allows the substitution of paid vacation leave, personal leave, or sick leave for leave taken for an employee's own serious health condition or the serious health condition of the employee's spouse, child, or parent. However, an employer is not required to provide paid sick leave in any situation where it would not normally provide such paid leave (29 C.F.R. 825.207(c)). An employee may substitute paid sick or medical leave for his/her own serious health condition or to care for a seriously ill spouse, child, or parent only if the employer's leave plan allows paid leave to be used for that purpose.

For employees commencing a medical leave of absence, which runs simultaneously with FMLA leave, earned unused sick pay, as well as any approved sick bank pay, must be exhausted at the beginning of the medical leave of absence. Employees may then designate that any earned unpaid vacation may be used before the FMLA leave becomes unpaid.

An employee who is injured on the job must elect either workers' compensation benefits or paid leave. Therefore, if an employee is receiving workers' compensation benefits, the employer cannot require substitution of vacation or other leave. If the employer properly designates the leave as FMLA leave, the workers' compensation absence can be counted against the employee's FMLA leave entitlement.

Regardless of how many weeks of paid leave an employee decides to use for family or medical leave, the employee is still entitled to the remainder of the twelve (12) weeks leave time on an unpaid basis.

If an employee substitutes paid leave, s/he can be required only to comply with the requirements of the employer's leave plan, and not any stricter FMLA requirements (e.g., notice or certification). Where an employee complies with an employer's less stringent procedural leave requirements, the employer may not delay or deny FMLA leave on the grounds that the employee has not complied with FMLA requirements. However, where an employee chooses to substitute accrued paid vacation or personal leave for unpaid FMLA leave for a serious health condition, an employer can require the employee to comply with any less stringent medical certification requirements of the employer's sick leave program.

E. Designation of Leave

It is always the employer's obligation to designate leave, paid or unpaid, as FMLA leave (29 C.F.R. 825.208(a)(2)). Thus, even if an employee does not request that an absence be counted as FMLA leave, the employer may so designate the absence assuming all employer and employee qualifications are met (Wage and Hour Opinion Letter FMLA-68 (July 21, 1995)). The employer's designation of paid leave as FMLA leave may be made only on the basis of information provided by the employee. The employer's notification to an employee of an FMLA designation may be oral. However, the employer must confirm the FMLA designation in writing no later than the next regular payday (unless less than a week remains until the next payday). If the employer has notice that the employee's leave qualifies as FMLA leave and does not designate the leave as FMLA leave, the employer may not designate the leave retroactively unless:

1. the employee has been out of work and the employer does not learn of the reason for leave until after the employee returns (in which case the employer must designate the leave upon the employee's return to work); or

2. the employer has provisionally designated leave as FMLA leave and is awaiting receipt of medical certification or other reasonable documentation.

Similarly, if the employee gives notice of the reason for the leave later than two (2) weeks upon returning to work, the employee is not entitled to the protection of the FMLA.

In an opinion letter, DOL's Wage and Hour Division stated that it would be improper to include any hours worked by the employee while on FMLA leave toward his/her twelve (12) week allotment, where the employer and employee have agreed that the employee would continue to work on an occasional basis (Wage and Hour Opinion Letter FMLA-67 (July 21, 1995)).

If either party designates the leave as FMLA leave after the leave has begun (e.g., an employee requests an extension of paid leave with unpaid leave), the paid period may be retroactively counted as FMLA leave as long as it qualified as FMLA leave.

Example: Jim takes sick leave for an illness which then turns into a serious health condition. If Jim gives notice of the need for an extension of leave, the entire leave period of the serious health condition may be counted as FMLA leave.

If an absence does not originally qualify for FMLA leave, but later develops into an FMLA qualified absence, the portion of the leave which qualifies under FMLA may be counted as FMLA leave.

Example: Joe takes a two (2) week vacation for a ski trip and suffers a severe accident requiring hospitalization beginning the second week. The second week of the vacation may be counted as FMLA leave.

F. Accrual of Employment Benefits

An employee who takes family and medical leave is not entitled to the accrual of additional benefits or seniority that would have occurred during the period of leave (29 C.F.R. 825.215(d)(2)). However, employees are entitled to accrue hours of service (service credit) during periods of paid leave. A period of FMLA leave (regardless of whether it is paid or unpaid) must be treated as "continued service" (i.e., no break in service) for purposes of vesting and eligibility to participate in pension or retirement plan (29 C.F.R. 825.215(d)(4)).

It is irrelevant whether the benefits are provided through the employer's practices or written policies or through an "employee benefit plan" as defined under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA defines an "employee benefit plan" as an employee welfare benefit plan, an employee pension benefit plan, or a plan that is both.

Although employment benefits do not accrue during the period of leave, an employer may not deprive an eligible employee who takes family or medical leave of any previously accrued benefits. Thus, when the leave period begins, an employee enters a period of "limbo" and his/her accrued employment benefits are frozen until the leave period ends.

Example: Employees of X Company accrue four (4) hours of sick leave every two (2) weeks. At the time she takes leave for the birth of her child, Tina has accrued seventy-two (72) hours of sick leave. Assuming that she does not use these accrued hours during her statutory leave period, when Tina returns she will still have seventy-two (72) hours of accrued sick leave.

G. Health Benefits and FMLA Leave

The FMLA provides that during a period of family or medical leave, an employer (public or private) must maintain coverage under its "group health plan ... at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave" (29 C.F.R. 825.209(a)). A "group health plan" is defined in 5000(b)(1) of the Internal Revenue Code of 1986 as a "plan of, or contributed to by, an employer (including a self-insured plan) to provide health care" to employees.

Example 1: Under X Co.'s health plan, employees must contribute $80 a month for group health insurance premiums. If Frank takes family leave under the FMLA, he is entitled to continuation of his health insurance during the period of leave, but he must pay the $80 month premium contribution. X Co. must continue to pay its portion of the premium.

The employer is not responsible for maintaining or restoring non employment related health benefits paid directly by employees through voluntary deductions (e.g., individual insurance policies) (29 C.F.R. 825.209A).

An employer does not have to provide health benefits to an employee taking family or medical leave if the employer does not provide such benefits at the commencement of the leave period. However, if an employer establishes a health insurance plan during an employee's leave, the employee is entitled to health benefits beginning on the date the employee would have been entitled to the benefits if s/he had not taken leave.

Example 2: One June 1st, Bob begins twelve (12) weeks of medical leave for a serious illness. At the time Bob's leave begins,

his employer does not offer health insurance. On July 1st, Bob's employer establishes a group health insurance plan for its employees. Bob's entitlement to health benefits under the plan begins on July 1st.

Also, if an employer changes health benefits or plans while an employee is on FMLA leave, the employee is entitled to the changed benefits to the same extent as if the employee were not on leave (29 C.F.R. 825.209(c)). An employee on FMLA leave must be given notice of any opportunity to change plan or benefits.

If an employee chooses not to retain health coverage during a period of FMLA leave, the employee is entitled to be reinstated on the same terms when s/he returns from leave. Thus, the employee cannot be subject to any qualifying period, physical examination or exclusion of pre-existing conditions (29 C.F.R. 825.209(C)). An employee on FMLA leave must be given notice of any opportunity to change plans or benefits.

If an employee chooses not to retain health coverage during a period of FMLA leave, the employee is entitled to be reinstated on the same terms when s/he returns from leave. Thus, the employee cannot be subject to any qualifying period, physical examination or exclusion of pre-existing conditions (29 C.F.R. 825.209(e)).

H. Employee Payment of Health Premiums

The regulations address the issue of how an employee may pay his/her share of the health premiums while on FMLA leave. If the FMLA leave is substituted paid leave, the employee's premiums must be paid by the usual method (e.g., payroll deduction). If the leave is unpaid, the employer may request the employee to pay his/her share in any of the following ways (29 C.F.R. 825.210(c):

1. payment due at the same time as it would be if made by payroll deduction;

2. payment due on same schedule as payments made under the Consolidated Omnibus Budget Reconciliation Act (COBRA);

3. payment prepaid pursuant to a cafeteria plan at the employee's option; or

4. another system voluntarily agreed to by employer and employee.

The employer's existing rules for payment by employees on unpaid leave would be followed, as long as prepayment is not required. Also, the employer must provide the employee with advanced written notice of the method to be used.

The regulations do not contain explicit guidelines to resolve differences between employers and employees with respect to the repayment of health care premiums when the employee returns to work from FMLA leave. A Wage and Hour Division opinion letter states that "such arrangements should be reasonable and not impose unreasonable hardships or difficulties on either party. For example, the employer should not attempt to recover payments all at once by deducting the entire amount due from the employee's first paycheck. On the other hand, the employee should not attempt to stretch the payments out over an unreasonably long time. [DOL] would view additional deductions equal to a regular group health plan premium as reasonable" (Wage and Hour Opinion Letter FMLA 65 (July 13, 1995)).

I. Employer's Obligation

The employer's obligation to maintain health coverage ceases if an employee's premium payment is more than thirty (30) days late. Prior to dropping group health coverage for an employee whose payment is late, the employer must provide written notice to the employee that payment has not be received fifteen (15) days before coverage will cease. The employer may recover the employee's share of any missed premium payments if the employer pays the premium to maintain the employee's coverage. If coverage lapses for nonpayment, the employee must still be restored to coverage upon his/her return from leave. In this situation, the employee may not be required to requalify for coverage, wait for open enrollment, etc. Even if an employee fails to make timely premium payments, the employer's other FMLA obligations continue.

In some instances, an employer may want to maintain other benefits, such as life insurance, by paying the employee's share of the premiums during unpaid FMLA leave. Since an employer must provide "equivalent benefits" to an employee upon the

employee's return from leave, the employer may have to pay the premiums to avoid a lapse in coverage. As noted in a Wage and Hour Opinion letter, "while FMLA regulates the maintenance of group health coverage by employers for periods of qualifying FLA leave, the law does not extend authority to the Department of Labor to require insurance carriers to waive provisions in their existing contracts with employees or otherwise bear a portion of the burden of maintaining health insurance for employees who take FMLA leave" (FMLA-64 (June 21, 1995)). The employer can recover these premiums regardless of whether the employee returns from leave.

J. Premium Recovery When an Employee Quits

An employer may recover health coverage premiums it paid for an employee on unpaid FMLA leave if the employee fails to return to work, unless the reason the employee does not return is due to (29 C.F.R. 825.213(a)):

1. the continuation, recurrence or onset of a serious health condition which would entitle the employee to FMLA leave; or

2. other circumstances beyond the employee's control (e.g., spouse transferred to job more than seventy-five (75) miles from employee's worksite). (A parent's decision to stay home with a newborn after the leave period would not be considered to be "circumstances beyond the employee's control." If the newborn, however, had a serious medical condition requiring immediate medical attention, the circumstances would be beyond the employee's control.)

When an employee fails to return to work for any other reason, the health premiums paid by the employer are a debt owed by the non-returning employee to the employer. The employer may recover its share of the premiums through deductions from any amount owed to the employee (e.g., unpaid wages, vacation pay, etc.) as long as the deductions are consistent with applicable State and Federal laws. The employer also may sue the employee to recover the premiums.

K. COBRA Coverage

Under the Employee Retirement Income Security Act (ERISA), every employer-sponsor (with twenty (20) or more employees) of a group health plan must ensure that each covered employee under the plan would lose coverage as result of a "qualifying event" will be entitled to elect continuation coverage under the plan. A "qualifying event" includes "the termination (other than by reason of such employee's gross misconduct), or reduction of hours of the covered employee's employment" (29 U.S.C. 1163).

Employees who have lost their jobs may continue on the employer's health plan for up to eighteen (18) months, at the employee's expense (not to exceed 102 percent of the applicable premium), at the same group rate for the same coverage provided to current employees (29 U.S.C. 1161 – 1168). These ERISA provisions are known as "COBRA" requirements because they were enacted as part of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

An IRS notice discussing the relationship between FMLA and COBRA clarifies that leave taken under the FMLA does not constitute a qualifying event under COBRA (29 C.F.R. Part 825 Appendix E, A-1). If an employee on family or medical leave decides not to return to work at the end of the FMLA leave, however the decision not to return would be a qualifying event that triggers COBRA coverage. At that point, the employee would cease to be entitled to be under the FMLA, and on the last day of FMLA leave the eighteen (18) month benefits continuation period mandated by COBRA would begin. In this regard, the Senate Labor Committee stated that the purpose of the FMLA is to provide family and medical leave to employees, and that the law is not to be used by employees as a means of delaying a qualifying event.

A possibility for employee abuse exists if the COBRA continuation coverage period does not begin until an employee makes it clear that s/he will not be returning to work. An employee who knows that s/he will not be returning to work after the leave period ends has no incentive to inform the employer of his/her intention not to return. If the employee informs the employer before the leave period begins, the continuation coverage period will begin immediately. However, by waiting until the end of the twelve (12) week leave period to inform the employer, the employee would receive an extra twelve (12) weeks of group health benefits coverage. This could present a problem for employers since an employee cannot be asked to guarantee his/her return to work.

An IRS notice discussing the relationship between FMLA and COBRA (29 C.F.R. Part 825 Appendix E, A-1) clarifies that where an employee informs the employer that the employee will not be returning to work at the end of the FMLA leave, the day the employee informs the employer constitutes a qualifying event. Accordingly, the maximum COBRA coverage period is measured from the date that the employee informed the employer. An employee who waits until the end of the twelve (12) period to inform the employer that s/he will not be returning from leave simply to delay the eighteen (18) month COBRA continuation period receives the advantage of the extra twelve (12) weeks of health coverage.

L. Does Nonpayment of FMLA Premiums Cause a Qualifying Event?

The FMLA regulations provide that employees have a thirty (30) day grace period for late premium payments. After that date, the employer can decide to pay the full premium for the duration of the leave and recover the amount it paid once an employee returns to work. Self-insured employers can recover their share of allowable COBRA premiums, excluding the two percent (2%) administrative fee.

The regulations, however, also provide that employers can terminate health coverage if premiums are not paid by the end of the grace period. The IRS notice (29 C.F.R. Part 825 Appendix, E, A-1) clarifies that a situation where an employee stopped paying his/her FMLA premiums for coverage under the employer's group health plan will not constitute a qualifying event. Therefore, the qualifying events for purposes of COBRA coverage will be the date the employee informs the employer that s/he will not be returning to work or the last day of FMLA leave.

FMLA Leave Notification & Administrative Requirements

A. Administrative Requirements

The Family and Medical Leave Act of 1993 (FMLA) requires employers to keep and maintain records pertaining to compliance with the FMLA. An employer's obligation to keep records under the FMLA is based on similar provisions under the Fair Labor Standards Act (FSLA). Also like the FLSA, the FMLA contains a provision that requires employers to post a notice summarizing the provisions of the law.

Some view the administrative requirements for eligible employees requesting leave under the FMLA as more burdensome than those on employers. First, the law requires an employee to provide the employer with notice when leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. Second, the certification provisions allow an employer to require an employee to obtain medical certification to support a request for medical leave. Certification may also be required to support an employee's claim that s/he is unable to return to work after the leave period expires because of the continuation of the employee's serious health condition, or the serious health condition of a child, spouse or parent. As might be imagined, employer representatives who track the exercise of leave rights and administer related records have a different perspective of the burdens imposed by the statute.

B. Employee Notice

In certain situations where family or medical leave is foreseeable, the Family and Medical Leave Act of 1993 (FMLA) requires an eligible employee to provide his/her employer with notice of the employee's intention to take leave.

If an employee plans to take leave for a birth, adoption, placement in foster care or planned medical treatment, and the need for the leave is foreseeable, the employee must provide the employer with at least thirty (30) days' notice (29 C.F.R. 825.302(a)). If an employee fails to give thirty (30) days' notice of foreseeable leave, and the employee has no reasonable excuse, the employer may delay the taking of FMLA leave until at least thirty (30) days after the date the employee provides notice of his/her need for leave (29 C.F.R. 824.304(b)). It must be clear that the employee had actual notice of the FMLA notice requirements before his/her leave may be delayed due to the lack of required notice. The regulations provide that an employer's proper posting of the required notice at the worksite where the employee is employed will satisfy this condition. The employer's failure to post the required FMLA notice might excuse the employee from the requirement of advance notice of the need for leave. In addition, the need for leave and the approximate date leave would begin must be clearly foreseeable to the employee thirty (30) days in advance of the anticipated leave.

If leave is required because of a medical emergency or other unforeseeable event, an employee only has to provide the employer with such notice "as is practicable" under the facts and circumstances of the particular case. This might be caused by a premature birth, a child suddenly becoming available for adoption or a medical emergency requiring immediate treatment. If it is not possible for the employee to give at least thirty (30) days' notice of foreseeable leave, the phrase "as soon as practicable" would ordinarily mean "at least verbal notification to the employer within one or two business days of when the need for leave becomes known to the employee". If the need for leave is not foreseeable, the employee may provide notice either in person or by telephone, telegraph, fax machine or other electronic means. Notice also may be given by the employee's spouse, family member or other responsible party if the employee is unable to personally provide notice.

If leave is foreseeable based on a planned medical treatment, the FMLA imposes an additional obligation on the employee. In this situation, the employee taking leave must "make a reasonable effort to schedule the treatment so as not to disrupt unduly

the operations of the employer". What constitutes an "undue disruption" of the employer's operations is not clear from the law itself; thus additional regulatory guidance is necessary. The regulations say that employees will be expected to consult with their employers prior to the scheduling of medical treatment in order to work out a schedule that best suits the needs of both the employer and the employee. If an employer has a legitimate reason, it may require an employee to attempt to reschedule treatment, "subject to the ability of the health care provider to reschedule the treatment and the approval of the health care provider as to any modification of the treatment schedule.

A properly completed Leave of Absence is required. An employee must at least provide verbal notice sufficient to make the employer aware that the employee needs FMLA leave, and the anticipated start date and duration of the leave. The employee has to state that leave is needed for an expected birth or adoption.

Employees are required to comply with the employer's usual and customary notice and procedural requirements for requesting leave without pay.

The employer is free to inquire further if it is necessary to have more information to determine whether FMLA leave is being sought, and to obtain details of the leave to be taken. Regarding medical conditions, for example, the employer may inquire further to determine if the leave is necessary due to a "serious health condition" within the meaning of the act, and seek certification in support of the leave request.

Where intermittent leave is medically necessary, an employee is required to advise the employer of the reasons why this type of leave, or a reduced leave schedule, is necessary, and the schedule for treatments, if applicable. The certification submitted in connection with such leave also should include such information.

The regulations state that the employee and the employer should attempt to work out a schedule that meets the employee's needs without unduly disrupting the employer's operations (subject to the approval of the health care provider). A Federal court in Georgia found that an employee failed to satisfy his notice obligations under the FMLA when he provided only four (4) days notice of a need for intermittent leave for a doctor's appointment he had been aware of for two (2) months (Kaylor v. Fanin Regional Hospital, 3 Wage & Hour Cas. 2d 1856 (N.D. Ga. 1996)).

While employers retain the right to waive employees' violations of statutory or policy notice requirements, if no reasonable excuse exists for a failure to provide notice of foreseeable leave, it can be delayed until after thirty (30) days of the notification (29 C.F.R. 825.304(b)). However, in all such cases, it must be clear that the employee had actual notice of the FMLA notification requirements. This would be accomplished by showing that the required notice was posted at the worksite at which the worker is employed, and that the need for leave and approximate date it was needed was clearly foreseeable to the employee thirty (30) days in advance of the leave request.

An employer may not require compliance with stricter FMLA notice requirements where less advance notice for covered leave is required by the employer's paid leave plan, the provisions of a collective bargaining agreement or State law. For example, if either the employee or the employer elects to substitute paid leave under the employer's vacation leave plan for FMLA leave, and the employer's paid leave program imposes no prior advance notification requirements, no prior notification requirements would apply to FMLA leave taken in these circumstances.

If employees determine that a period of leave must be extended beyond the date originally identified, the employer requires notice of the new circumstances. Moreover, the employer may obtain information on such changed circumstances through requested status reports.

C. Responding to an Employee's Request for Leave

When an employer receives a request for leave from an employee, it should take a series of steps to ensure compliance with the FMLA. The following discussion, while not exhaustive, highlights most of the principal questions that employers should consider when evaluating requests for FMLA leave or when assessing whether other forms of leave and absence might count against an employee's FMLA entitlement.

1. Leave Eligibility

A threshold question will relate to the employee's tenure with the organization, and the quantity of leave he or she has used within the preceding twelve (12) month period (however that period is measured). Thus, initial questions might include:

a. has the employee worked for the organization for twelve (12) months or more?

b. has the employee worked for the organization for at least 1,250 hours during the twelve (12) month period prior to the leave request?

c. does the employee work at a worksite at which the employer has at least fifty (50) employees working within a seventy-five (75) mile radius?

d. has the employee utilized his/her entire FMLA entitlement for the current twelve (12) month period prior to the current request or is additional leave time available?

e. are there special circumstances regarding this individual and the request for leave?

2. Nature and Timing of Requested Leave

The employer next must consider the identified purpose of the leave sought by the employee and whether it falls within the statute's framework of protected leave. The employer might inquire:

a. does the requested leave involve an asserted "serious health condition" of the employee?

b. has the employee identified a serious health condition of a spouse, child or parent, triggering eligibility for family leave?

c. has the employee recently experience the birth of a child or received placement of a child through adoption or foster care?

d. do both the employee and his/her spouse work for the company and has the spouse already taken leave for the same reason or purpose?

The answers to certain of these questions will, of course, trigger multiple follow-up inquiries. Is there any uncertainty regarding the familial relationship linked to the requested leave? Certain definitions are quite broad. For example, the terms "son" and "daughter" encompass biological, adopted and foster children, as well as stepchildren, legal wards or children of a person standing in loco parentis, who are either under eighteen (18), or over eighteen (18) and incapable of self-care because of a physical or mental disability. Yet, other types of asserted relationships may not fall within these terms.

Additionally, the question of what constitutes a "serious health condition" is a major source of contention and confusion for employers. Has the claimed condition triggered inpatient hospitalization and treatment? If not, has there been continuing treatment by a health care provider involving a period of incapacity linked either to pregnancy or prenatal care or to a chronic serious health condition? Might the requested absence be needed to receive multiple treatments by a health care provider? Is the need for leave and treatment provided by a "health care provider" within the meaning of the law?

Another important consideration that may come into play is whether the worker provided the employer adequate notice of the need for leave. Most of the FMLA's requirements in this regard become effective when the need for leave is one that is "foreseeable". However, there are circumstances in which the need for leave clearly has been foreseeable, but the employee failed to provide appropriate notice. In such cases, the employer may consider whether it will delay approval of requested FMLA leave until that notice period is satisfied. This issue may arise most commonly in situations where the employee is undergoing a planned medical treatment but has not consulted with the employer or made any effort to schedule that treatment so as not to unduly disrupt the employer's operations.

3. Certification of Need for Leave

For many leave purposes covered by FMLA, the employee is required to provide a health care provider's certification of a serious health condition. If the leave request relates to such a condition – either one affecting the employee directly or

affecting his/her spouse, child or parent – such certification is required. Indeed, in the case of foreseeable leave, and employer may delay the taking of FMLA leave if the employee fails to provide timely certification (i.e., within fifteen (15) calendar days, if practicable) after it is requested by the employer.

Whether the employee has submitted a certification form and whether it is completed adequately are initial key questions. From that point the employer must consider whether it desires to "question" that certification, either through contact by the employer with the individual who provided certification for the employee (only after the employee consents to such contact), or by seeking a second - and possibly a third - medical opinion. The employer's desire for recertification during a period of extended FMLA leave may come into play, and the same questions regarding timely submission and adequacy of supplied information may be triggered.

4. Type of Leave Requested

Often the leave sought by an employee may relate to one continuous period in which the employee experiences a need to be away from work for reasons covered by the act. In such a case, where the employee is eligible and where documentation is provided in a manner consistent with policy, there may be a few additional questions for the employer to consider other than the way in which it will maintain operations and necessary tasks in light of that absence.

Some distinct questions are raised by employee requests for intermittent or reduced schedule leave under the FMLA. These relate to both the purposes of the requests and the best means for an employer to accommodate such desires. Such questions include:

a. does the requested intermittent leave relate to the serious health condition of an employee or a family member, or is it intended to provide care for a newborn or a newly adopted/placed child?

b. are there other positions to which the employee might be transferred that might better accommodate needs for intermittent leave?

5. Designation of Leave

The obligation to designate absences as being FMLA-eligible resides with the employer, which effectively mandates a system to assess the purpose and classification of most (if not all) periods of absences. DOL regulations provide that this designation must take place, absent extenuating circumstances, within two (2) business days, and the employer must ensure that its leave and absence control systems are responsive enough to identify potentially qualifying absences and provide notification in all appropriate instances. In many cases, employers will wish to consider whether absences for other purposes - e.g., workers' compensation-related absences, use of paid leave - should be counted toward the FMLA entitlement.

6. Treatment of Benefits Issues

The act requires that employee coverage under group health plans be maintained during a period of FMLA leave under the same terms and conditions as would apply if the employee were not taking leave. In most instances, this requires the employee's continued payment of his/her portion of benefits coverage costs (which may relate to individual coverage, family coverage options, or both), and the mechanics of such arrangements are established prior to or at the onset of leave.

7. Reinstatement After Leave

At the conclusion of FMLA-protected leave, employees are to be restored to the same or an equivalent position. Among the issues to be considered upon return is whether the employee has to provide fitness-for-duty certification from a health care provider. The employer will need to ensure that this requirement has been satisfied.

8. Recordkeeping Obligations

The FMLA requires employers to make, keep and preserve records that pertain to their obligations under the statute. DOL regulations specify required items, but employers have discretion to establish the form or manner in which the information is retained. These necessary elements include basic payroll and employee identification data, dates on which FMLA-eligible employees take leave, copies of employee notices of leave as well as general and specific notices given to employees, documents describing employee benefits and the employer's policies, premium payments relating to benefits, documents reflecting disputes concern leave designation and other matters.

All of these steps presume that the employer has satisfied basic requirements contained in the statute and regulations for communicating its FMLA leave policy (including posting requirements), and that it has advised employees taking leave of its expectations for medical certification and insurance premium payments. While not fully comprehensive, this eight (8) step analysis should cover most of the major points of FMLA compliance in responding to individual requests for leave.

D. Employer Recordkeeping Requirements

The recordkeeping requirements of the Family and Medical Leave Act of 1993 (FMLA) parallel those of Section 11(c) of the Fair Labor Standards Act (FLSA). An employer subject to the FMLA must make, keep and preserve records detailing the employer's compliance with the law. Employers must keep the following records for no less than three (3) years and make them available for inspection, copying and transcription by the U.S. Department of Labor representatives upon request (29 C.F.R. 825.500(c)):

1. basic payroll and identifying employee data, including name, address and occupation; rate or basis of pay in terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid;

2. dates FMLA leave is taken by employees (leave must be designated in the records as FMLA leave);

3. if FMLA leave is taken in increments of less than one (1) full day, the hours of the leave;

4. copies of employee notices of leave furnished to the employer, if in writing, and copies of all general and specific notices given to employees as required under the FMLA and its regulations;

5. any documents describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leave;

6. premium payments of employee benefits; and

7. records of any dispute between the employer and an employee regarding designation of leave as FMLA leave.

Records and documents relating to medical certifications, recertifications or medical histories of employees or employees' family members, must be maintained in separate files and be treated as confidential medical records. The only persons who can obtain access to these confidential records are:

1. supervisors and managers who need to be informed of restrictions on the work or duties of an employee and necessary accommodations;

2. first aid and safety personnel if an employee's physical or medical condition might require emergency treatment; and

3. government officials investigating compliance with the FMLA (29 C.F.R. 825.500(e)).

Also, medical records created for purposes of the FMLA and the Americans with Disabilities (ADA) must be maintained in accordance with the ADA's rules on the confidentiality of medical information (29 C.F.R. 825.500(g)).

The general rule established by the statute is that the DOL may only require an employer to submit its books or records for review once during any twelve (12) month period. However, if the DOL has reasonable cause to believe an employer has

violated the FMLA or its regulations, or if the DOL is investigating an employee complaint, it may request or subpoena and employer's books or records at any time.

E. Certification Procedures

Another administrative duty placed on employees by the Family and Medical Leave Act of 1993 is the requirement that, at an employer's request (written or verbal), an employee must provide a copy of a certification from a health care provider to justify a medical leave request. The regulations state that an employer must provide notice of the certification requirement each time it is requested (29 C.F.R. 825.305(a)). When requesting certification, the employer must advise the employee of the consequences of a failure to submit such documentation.

Where leave is foreseeable and at least thirty (30) days' notice has been provided, the employee should provide certification before the leave begins. If this is not possible, the employee must provide the requested certification to the employer within the requested time frame (which must be at least fifteen (15) days for submission), unless submission in this time frame is not possible despite the employee's diligent, good faith efforts. In most instances, the request to the employee should be made at the time that the employee gives notice of the need for leave, or within two (2) business days thereafter. (If the leave is unforeseen, the request should be made within two (2) days after leave commences.)

The certification must contain such items as:

1. the date on which the condition commenced;

2. the probable duration of the condition; and

3. the medical facts regarding the condition.

It is the employee's responsibility to find a health care provider who will provide a complete certification. The law does not require the certification to take any specific form.

If an employer is not satisfied with an employee's original certification, it may require the employee to obtain a second opinion from a health care provide approved by the employer. The employer must pay for this second opinion. If the first two (2) opinions conflict, the employer may pay for a third opinion to be delivered by a doctor mutually agreed upon by the employer and employee. A potential for a problem exists if the employer and employee cannot agree on a third doctor. The employer may make a preliminary designation of leave when the certification was not provided prior to the commencement of leave, or the employer is waiting for a second or third opinion. The employer may confirm or withdraw the designation depending on the results, even though the employee has returned to work.

When the employer's paid sick or medical leave plan contains less stringent certification requirements than those of the FMLA, and paid leave is being substituted for unpaid FMLA leave, only the employer's less stringent certification requirements may be imposed.

Under the FMLA, employers may adopt a requirement that a "return to work" medical certification be provided for employees returning from job-protected leave. If the employer has properly advised employees in advance of the requirement to submit such a "fitness for duty" report, and the employee seeks restoration before providing that documentation, the employer may delay restoration until the requested report is furnished. When an employee furnishes that certification, the employer is required to restore the employee to the job immediately.

In verifying requests for medical leave, employers comply strictly with the provisions of both the FMLA and the Americans with Disabilities Act (ADA). Only information regarding the particular condition for which the employee is requesting leave – whether it be the employee's own health condition or that of the employee's spouse, child or parent – should be requested by

the employer. In the final FMLA regulations, the Department of Labor revised Form WH-380 and the regulatory provision dealing with information required in medical certifications to ensure that required information relates only to the condition for which the employee is taking FMLA leave.

F. Determining the "12-Month Period" in Which Leave May Be Taken

Employers are required to choose a method for determining the "twelve (12) month period" during which an employee may take his/her twelve (12) weeks of family and medical leave. The School Board of Brevard County has chosen the "rolling" twelve (12) month period which is measured backward from the date an employee uses any FMLA leave.

The employee must have worked 1,250 hours during the preceding fifty-two (52) weeks prior to a Family and Medical leave. Paid sick, personal charged to sick, paid holidays and vacation hours are not counted hours worked. If an employee has been on a paid or unpaid leave during the fifty-two (52) weeks prior to a request for a FMLA leave, the hours worked listed must be reduced by the corresponding paid/unpaid leave hours. Some positions may be disqualified from taking FMLA because a paid/unpaid leave reduces their hours worked during the previous fifty-two (52) weeks to less than 1,250.

The following schedule of hours is based on the normal days of service during the school year. An employee who works summer school accumulates additional work hours that are not reflected on this sheet. If an employee is disqualified from a FMLA leave because of the use of a paid or unpaid leave, summer school work hours worked within this fiscal year may be added to see if the 1,250 hours requirement can be met.

Type D, C, and L are administrative, professional and technical and bargaining or non-bargaining - twelve (12) month employees.

Type C, L are professional and technical, media assistants, school office clerks, child care coordinators, assistant child care coordinators, bargaining or non-bargaining - depending on position, ten (10) month, eleven (11) month, or twelve (12) month employees.

Type O are cafeteria managers - ten (10) month employees and food service workers - nine (9) month employees.

Type N are instructional assistants, group leaders, vision screening specialist, auditory screening assistant - nine (9) month employees.

Type R are bus drivers - nine (9) month employees.

	TYPE	MONTHS	# WORK DAY	HOURS/DAY	HOURS
	D, C, L	12	250	8.0	2000
		12	250	7.5	1875
		12	250	7.0	1750
		12	250	6.5	1625
		12	250	6.0	1500
		12	250	5.5	1375
		12	250	5.0	1250
	L	11	228	8.0	1824
		11	228	7.5	1710
		11	228	7.0	1596
		11	228	6.5	1482
		11	228	6.0	1368
		11	228	5.5	1254

	C, L	10	206	8.0	1648
		10	206	7.5	1545
		10	206	7.0	1442
		10	206	6.5	1339
		10	206	6.1	1256
	O	10	206	8.0	1648
	C, N	9	183	8.0	1464
		9	183	7.5	1372
		9	183	7.0	1281
		9	183	6.9	1262
	N	9	190	8.0	1520
		9	190	7.5	1425
		9	190	7.0	1330
		9	190	6.7	1273
	O	9	184	8.0	1472
		9	184	7.5	1380
		9	184	7.0	1288
		9	184	6.8	1251
	R	9	182	8.0	1456
		9	182	7.5	1362
		9	182	7.0	1274
		9	182	6.9	1255

Under a rolling method, each time an employee takes family or medical leave, the remaining leave entitlement will consist of any balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months.

Reinstatement of Employees on Leave

One of the central provisions of the Family and Medical Leave Act of 1993 (FMLA) is the requirement that an employee taking leave under the law is entitled, upon return to work, to be restored to his or her original position or to "an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment". The restoration provisions of the FMLA raise certain questions that the FMLA and its implementing regulations do not always address adequately.

A. Restoration of Equivalent Employment

The regulations specify a number of other situations where an employer would not be obligated to reinstate an employee.

The employer must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment.

1. If a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work on that shift or to the original overtime hours upon reinstatement. However, if a position on a night shift, for example, has been filled by another employee, the employee is entitled to return to the same shift on which she or he was employed before taking FMLA leave.

2. If an employee was hired for a specific term or only to perform work on a discrete project, the employer is not required to restore the employee if the employment term or project is over and the employer would not otherwise have continued to employ the employee.

Examples:

In Maxwell v Red Cross Blood Services, the employer did not violate the FMLA when it eliminated the plaintiff's computer operations position after he returned from leave, where that action occurred as part of a national reduction in force for the organization.

An employee using FMLA leave to care for his/her terminally ill father lost his/her right to reinstatement after s/he failed to return to work for a period of nearly one (1) month after his/her father's death. In Brown v J.C. Penny Corp., the court rejected the employee's claim that his/her work on his/her father's estate following the death constituted "caring for" his/her father, and his/her allegation that in this manner, the "serious health condition" continued after his/her father's death.

B. Equivalent Position

An employee returning from family and medical leave must be restored to his/her previous position, or to an "equivalent position". This provision ensures that employees will not be deterred from taking leave for fear that they will have to take a substantially different job upon return.

Because it will not always be possible for an employer to restore an employee to the exact position the employee held before taking leave, the definition of "equivalent position" becomes very important. The FMLA provides that the equivalent position must have equivalent benefits, pay and other terms and conditions of employment.

For a job to be equivalent, it must involve "the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority". Thus, an employee must be restored to a position where s/he performs essentially the same duties, and receives the same employment benefits, salary or wages, hours, and other terms and conditions of employment. A position that is merely "comparable" or "similar" is not enough.

If the employee is unable to perform an essential function of the position because of a physical or mental condition (including the continuation of a serious health condition), the employee has no right to be restored to another position under the FMLA. In many circumstances, however, the Americans with Disabilities Act may dictate further employer obligations.

The regulations provide that is an employee is no longer qualified for his/her position because of the employee's inability to attend a necessary course, renew a license, etc., as a result of the leave, the employee must be given a "reasonable opportunity to fulfill those conditions upon return to work".

The regulations also address what is considered equivalent pay, equivalent benefits, and equivalent terms and conditions of employment. Equivalent pay includes any unconditional pay increases which may have occurred during the FMLA leave period, such as cost-of-living increases. An employee also is entitled to be restored to a position with the same or equivalent pay premiums, such as shift differential. For example, if an employee left a position averaging ten (10) hours of overtime each week, an employee is ordinarily entitled to such a position on return from leave. A returning employee does not have to be granted a pay increase that is conditioned upon seniority, length of service or work performed unless it is the employer's policy or practice to provide these increases to other employees on "leave without pay".

Equivalent benefits include group life insurance, health insurance, sick leave, annual leave, educational benefits and pensions.

When an employee returns from FMLA leave, his/her benefits must be resumed in the same manner and at the same levels as provide when the leave began, subject to any changes in benefit levels that may have occurred during the FMLA leave period. An employee cannot be required to requalify for any benefits that s/he enjoyed before FMLA leave began. Thus, if an employee cannot be required to meet any qualifications, such as taking a physical exam, in order to requalify for life insurance upon return from leave. With respect to pension and other retirement plans, an employer must treat a period of FMLA leave as continued service for purposes of vesting and eligibility to participate. For other purposes, however, unpaid leave does not constitute "service credit", although paid leave is counted as service credit. If the plan requires an employee to be employed on a specific date to be credited with a year of service, vesting, contribution or participation purposes, an employee on unpaid FMLA leave on that date shall be deemed to have been employed on that date. However, FMLA does not constitute a paid status.

The requirement that an equivalent position must have "equivalent terms and conditions of employment" includes the following:

1. the employee must be reinstated to the same or a geographically approximate worksite where the employee had previously been employed;

2. the employee is ordinarily entitled to return to the same shift or the same or an equivalent work schedule;

3. the employee must have the same or an equivalent opportunity for bonuses, profit-sharing, and other similar discretionary and non-discretionary payments; and

4. an employer may accommodate an employee's request to be restored to a different shift, schedule or position that betters suits the employee's personal needs on return from leave, or to offer a promotion to a better position.

In determining the meaning of "equivalent position", there are four elements that courts look at to determine "equality" when analyzing different jobs. The first element is skill, which refers to the objective level of ability or dexterity required to perform job tasks. Skill is examined in terms of whether the duties of the two (2) jobs require different levels of education, experience, training or natural ability to perform. For example, teachers in different disciplines do not have skills that are "equal".

The second element of job "equality" is whether the two apparently equivalent positions require substantially equal effort. "Effort" is determined in terms of the physical or mental exertion necessary to perform the two jobs. Job effort is related to a particular job's requirements and not to how hard an individual employee works at the job.

The third element is responsibility. "Responsibility" includes such things as supervision of other and decision-making authority. If an employee regularly supervised twenty (20) employees before taking leave and only supervised ten (10) employees after returning from leave, the two (2) positions would likely not be considered "equivalent". In addition, a person who had ultimate responsibility for hiring new employees before taking leave would not be in an "equivalent" position after the leave ended if s/he did not retain final decision-making authority over new hires.

The final element of "equality" under the Equal Pay Act is the "working conditions" of the two positions. "Working conditions" have been defined in terms of two (2) factors – surroundings and hazards. "Surroundings" include toxic chemicals or fumes regularly encountered by workers, their intensity and their frequency. "Hazards" are the physical hazards regularly encountered, their frequency and the severity of injury they can cause. Under the Equal Pay act, the term "working conditions" has not been held to include the time of day during which work is performed (e.g., day shift versus night shift). However, the place of performance is important. A job is not equivalent if it must be performed within a different establishment.

The Department of Labor states that an employer has an obligation to place an employee in the same or an equivalent position even where no vacancy exists. In the discussion in the final regulations, DOL stated "the statute does not permit an employer to replace an employee who takes FMLA leave or restructure a position and then refuse to reinstate the returning employee on the ground that no position exists."

C. Accrual of Benefits and Other Job Rights

Under the FMLA, the employee who is restored to his/her original position is not entitled to the accrual of any seniority or employment benefits during the period of leave. Any benefits that accrued before the date on which the leave began are unaffected by an employee's taking family or medical leave. If an employee has fifteen (15) years and two (2) months of seniority before taking leave, the employee will have fifteen (15) years and two (2) months seniority when s/he returns.

Under the FMLA rules, a restored employee also has no greater entitlement to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave period. This provision is intended to address the situation where an employer experiences a layoff while the employee is on leave. If an employee would have been laid off if s/he had not been on leave, the employee has no more entitlement to restoration than if s/he had been working at the time of the layoff. However, if an employer decides to eliminate an employee's position while the employee is on leave, the employer must be able to prove that the decision was not retaliatory in nature.

Examples of evidence that may aid an employer in proving that a decision to eliminate an employee" position was not in retaliation for his/her taking family or medical leave may include: examples of other employees in similar employment positions who were also laid off; documents prepared prior to an employee" giving notice of his/her intention to take leave, that clearly indicate the company's plan to eliminate the employee's position; and financial statements and other documents that illustrate the necessity in eliminating the particular employee's position.

D. Certification for Return to Work

The FMLA permits an employer to require an employee who took leave for his/her own serious health condition to obtain a medical certification that the employee is able to resume work.

The certification must come from the employee's health care provider and must state that the employee is able to return to work. The certification should include a statement describing the employee's condition, the treatment provided and the current status of the condition.

The District requires this type of certification in a uniformly-applied policy or practice requiring all employees in similar circumstances who take leave for such health conditions to obtain and present certification that the employee is, in fact, able to resume work. Our policy is uniformly applied to employees in similar circumstances based on, for example, the nature of the illness or the duration of the absence. Any fitness-for-duty certification required relates to the particular health condition that caused the employee's need for FMLA leave. Separate requirements under the Americans with Disabilities Act that any return-to-work physical be job-related also must be complied with.

The District has provided notice to its employees that it will require a fitness-for-duty certification to return to work. The employer may deny restoration to an employee until the employee submits the required fitness-for-duty certification unless the employer has failed to provide the employee with the required notice.

E. Failure to Return From Leave

1. Impact on Health Insurance Premiums

If an employee on FMLA leave fails to make a health insurance premium payment, and the employer advances the employee's share of that premium to maintain coverage throughout the leave period, the employer is entitled to recover the portion of those premium costs "missed" by the employee. Moreover, if an employee fails to return to work after the period of family or medical leave has ended, his/her employer is entitled to recover any additional sums such as: the employer's share of health insurance premiums for the period of FMLA leave during which the employer paid premiums to maintain the employee's coverage under a group health plan. For these purposes, an employee is considered to have "returned" to work if s/he returns for a period of at least thirty (30) days following the conclusion of FMLA leave.

2. Unexpected Changes during the Leave Period

An employer cannot recover health insurance premiums paid to maintain coverage for an employee on leave if the employee cannot return to work at the end of the leave period for one (1) of the following reasons:

a. the employee cannot perform the functions of the job as a result of his/her own serious health condition;

b. the employee is needed to care for the serious health condition of a spouse, child or parent; or

c. because of "other circumstances beyond the control of the employee (e.g., spouse is unexpectedly transferred more than seventy-five (75) miles from employee's worksite, employee is laid off while on leave)."

This exception is meant to cover the situation where an employee's circumstances unexpectedly change during the leave period and s/he cannot return to work at the end of the twelve (12) weeks.

Special Concerns in an Organized Workplace

The FMLA does not affect the terms of existing collective bargaining agreements that provide employees with more generous family and medical leave benefits. The FMLA provides a floor of family and medical leave protection - employers are free, and even encouraged, to provide employees with greater protection. The enactment of a Federal minimum labor standard for family and medical leave should have a negative impact on the collective bargaining process for employers by taking away family and medical leave as a negotiating point with its employees.

If an employer has a collective bargaining agreement in effect on August 5, 1993 the effective date of the FMLA - Title I of the law will not take effect for that employer until the termination of the agreement or twelve (12) months after the date of enactment of the FMLA (February 5, 1994), whichever is earlier.

A. Collective Bargaining Agreements

Despite the enactment of the FMLA, employers are still obligated to comply with the provisions of any existing collective bargaining agreements that provide more generous family or medical leave rights to employees. This is consistent with the FMLA's intention to ensure that employees receive the greatest family or medical leave protection possible. A collective bargaining agreement continues in effect even if it contains family or medical leave benefits that are less than those provided under the FMLA, or even if it contains no family or medical leave rights at all. The FMLA simply provides a floor of protection upon which employers, as well as states, are free to build.

B. Seniority under Collective Bargaining Agreements

An employee on leave under the Family and Medical Leave Act of 1993 (FMLA) is not entitled to the accrual of any seniority benefits that would have accrued had he or she not taken leave. Thus, an employee who has eighteen (18) years of seniority before taking family or medical leave will have eighteen (18) years of seniority during leave, s/he cannot be deprived of any seniority that accrued before the date the leave began.

A collective bargaining agreement may change the general rule regarding accrual of seniority during family and medical leave. The FMLA states that nothing in the law "shall be construed to entitle any restored employee" to the accrual of any seniority benefits. However, an employer is free to allow its employees to accrue seniority during a period of leave.

FMLA COMPLIANCE PROCEDURE

A. What do I do if an employee requests a Family and Medical Leave?

1. You must count the number of hours the employee has worked in the previous twelve (12) months and provide a copy of this count.

For example, if the employee works eight (8) hours per day, twelve (12) months per year (261 days) this equals 2,088 hours per year. You must deduct any paid or unpaid sick leave, personal leave, annual leave and holiday pay from the 2,088 hours. Your total must be no less than 1,250 hours for the employee to be eligible for Family and Medical Leave. See page 58-60 of this manual for employee type and number of hours worked.

2. Prepare the appropriate leave paper, marking "LEAVE NOT PAID" "Family and Medical 6Gx5-7.11(5) and attach a doctor's note with a complete explanation of the nature of the illness and the duration of the leave (from date and to date).

3. Discuss the employee's insurance coverage. The District will continue to pay for the employee's insurance while they are on FMLA leave. The employee must make arrangements for payment of their dependent coverage, life insurance, dental, vision, portable life insurance and disability, if any.

B. How do I get help?

You may call Compensation and Benefits at 633-1000, extension 216 for assistance with the regulations and processing of the paperwork.

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REMOTE WORK PROCEDURES

3500 – **REMOTE WORK PROCEDURES**

A. **General**

1. These administrative procedures provide support to Supervisors in establishing clear and reasonable expectation regarding employee remote work.

2. The District considers remote work to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Remote work may be appropriate for some employees and jobs, but not for others. Remote work is not an entitlement, it is not a District-wide benefit, and it in no way changes the terms and conditions of employment.

3. The District, at its sole discretion, may determine that some positions are not eligible for remote work based on the job responsibilities. Positions that lend themselves to remote work are generally those that require independent work that can be performed autonomously and employees who are productive, responsible, highly self-motivated, and skilled in their jobs.

4. The District will establish the number of remote work days allowed each week.

5. Supervisors will establish remote work schedules and the manner and frequency of communication with remote employees. Remote employees will remain productive and accessible by phone and/or email during scheduled work hours. Changing departmental work loads may lead to remote work days being reduced or ended.

6. Supervisors can grant or remove remote work privileges at any time. All pay will be based on the employee's official position. Employee time and attendance will be recorded as if performing duties in regularly assigned worksites.

7. Remote work is not intended to provide employees with the opportunity to attend to personal matters they would not normally attend to from their regularly assigned work sites. Remote work is not a substitute for child or dependent care. Remote employees must provide appropriate child or dependent care in a manner that allows job duties and responsibilities to be successfully met.

8. In all cases, employees working remotely remain obligated to comply with all the School Board of Brevard County, Florida's Policies and Procedures.

B. **Guidelines for Remote Work**

1. Employees will agree to designate a remote work location and will notify their supervisor in advance prior to changing remote locations.

2. On scheduled remote workdays, employees who encounter power, internet, or other technical difficulties in their remote work location are expected to either come to their regularly assigned worksite or request leave.

3. Remote work is not a replacement or alternative to sick leave or vacation. Being fully engaged in work activities during scheduled work hours is expected. If an employee is too sick to work from home, sick leave must be requested.

4. Employees will be required to accurately record hours worked. Any overtime or leave must be approved by the supervisor in advance. Failure to comply with this requirement may result in termination of remote work privileges or disciplinary action.

5. Employees will obtain supervisor approval prior to changing scheduled work hours.

6. Work-related injuries that occur in a remote work location must be immediately reported to the employee's Supervisor and require adherence to the workers' compensation guidelines.

7. No employee authorized to work remotely will be allowed to conduct face-to-face business at their home office.

C. **Equipment and Supplies**

1. If employees will be working remotely from their home, they will establish an appropriate work environment within their home for work purposes. The District will not be responsible for any operating costs associated with setup of the employee's home office including, but not limited to, remodeling, furniture, or lighting. The District will not be responsible for repairs or modifications to the home office space or any other incidental costs (e.g. utilities) associated with the use of the employee's home. Employees will provide their own Wi-Fi and furniture.

2. Upon approval and availability, employees may be provided with District-owned equipment necessary to perform work assignments. The District may not be able to provide equipment to every employee.

    a. Employees are responsible for maintaining and protecting District-owned equipment against damage and unauthorized use.

    b. District-owned equipment is to be used by District employees for District business only. Use is governed by AP 7540.04 Staff Network and Internet Acceptable Use and Safety.

    c. Remote employees will sign an inventory of all District-owned property received. District-owned property will be returned to the supervisor upon request, upon cessation of remote work, or upon termination of employment.

    d. Employees will not make any changes to security or administrative settings on District-owned equipment.

    e. District-owned equipment that is damaged, lost, or stolen must be reported immediately.

3. When necessary, employees may use their own equipment. The District will not be responsible for any damage or repairs to employee-owned equipment.

4. Employees should never purchase or rent equipment, services, or supplies on the assumption that the District will reimburse the cost. Prior approval must be obtained for any reimbursement.

    a. The District will supply the employee with appropriate office supplies (pens, paper, etc.) on a case-by-case basis as deemed necessary.

D. **Confidentiality**

1. Employees are responsible for protecting all data and ensuring compliance with all District Policies and procedures, as well as any Federal and State laws and regulations regarding confidentiality. All official records, files, and documents must be protected from unauthorized disclosure or damage and returned to the office upon request, upon cessation of remote work, or upon termination of employment.

2. Employees shall recognize and respect confidential information regarding students and personnel acquired in the course of their work. Employees must be cognizant of others in their remote workspace and consider confidentiality when using email, telephone, and video conferencing.

E. **Safety**

1. Employees will be required to verify that their remote workspace is free of safety and fire hazards and shall agree that the District will be held harmless against any claims, excluding workers compensation claims, which result from working in their home office.

    a. Employees are covered by workers compensation if injured while performing official duties in their remote workspace. Employees will report any work-related injuries to their supervisor as soon as practicable.

2. The District is not liable for damage to the employee's real property and the employee remains liable for injuries to any third parties or members of the employee's family that occur on the employee's premises.

F. **Criteria for Implementation**

1. Before approving remote work, the employee and supervisor, with the approval of their Cabinet Level Administrator, will evaluate the suitability of such an arrangement to include the following areas:

    a. Job Description: Job functions are suitable for a remote environment.

    b. Job Responsibilities: Job is appropriate for a remote worksite arrangement.

    c. Equipment Needs: Employee can perform functions of their position with available equipment.

    d. Continuity of Operations: Responsibilities of job functions as determined by the District.

REMOTE WORK ELIGIBILITY

1 = Remote work eligible
2 = Not remote eligible

Bargaining Code	Description	Eligibility
NN	ADMIN ASSISTANT-SCHOOL BOARD	1
NJ	ADMIN ASSISTANT	1
NJ	ADMIN ASSISTANT-DEPUTY SUPER	1
NJ	ADMIN ASSISTANT-SUPERINTENDENT	1
NE	ANALYST - POSITION CONTROL	1

NE	ANALYST PAYROLL	1
NE	ANALYST-BUDGET	1
NE	ANALYST-COMPENSATION	1
NE	ANALYST-FINANCIAL REPORTING	1
NE	ANALYST-FTE & COST ACCOUNTING	1
NE	ANALYST-HRIS	1
NE	ANALYST-INFORMATION SECURITY	1
NE	ANALYST-NETWORK	1
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NE	ANALYST-PERFORMANCE DATA	1
NE	ANALYST-STUDENT PROJ/BUDGETING	1
NE	ANALYST-SYSTEMS	1
OT	ASSISTANT GENERAL COUNSEL	1
NE	ASSOCIATE-TECH NETWORK SUPPORT	1
NE	ASST DIRECTOR-BUDGET, COST ACC	1
NE	ASST DIRECTOR-L&L	1
NE	ASST DIRECTOR-L&L/HEAD START	1
NE	ASST DIRECTOR-PSYCHOLOGICAL SV	1
NE	ASST DIRECTOR-STUD SERV/FDLRS	1
NE	ASST DIRECTOR-STUDENT ACTIVITY	1
NE	ASST DISTRICT COORDINATOR-BAS	1
NF	ASST PRINCIPAL 12M-VIRTUAL PG	1

OT	ASST SUPT-CHIEF INFO OFFICER	1
OT	ASST SUPT-ELEMENTARY SCHOOLS	1
OT	ASST SUPT-FACILITIES	1
OT	ASST SUPT-SECONDARY SCHOOLS	1
OT	ASST SUPT-STUDENT SERVICES	1
OT	CHIEF FINANCIAL OFFICER	1
OT	CHIEF OPERATING OFFICER	1
OT	CHIEF STRATEGIC COMMS OFFICER	1
NF	COORD - LEADING & LEARNING	1
NE	COORD SENIOR-GOV & COMM REL	1
NE	COORDINATOR TITLE IX	1
NE	COORDINATOR-DIST NTWRK ENG/TEC	1
NE	COORDINATOR-EARLY CHILDHOOD	1
NE	COORDINATOR-GRANT PROJECT	1
NE	COORDINATOR-HEADSTART	1
NE	COORDINATOR-RAISE	1
NE	COORDINATOR-STAFF DEVELOPMENT	1
NE	COORDINATOR-STEM PROGRAMING	1
NE	COORDINATOR-STUDENT SERVICES	1
NE	COORDINATOR-TECH SUPPORT	1

NE	COORDINATOR-TITLE I	1
NE	COORDINATOR-WORKFORCE DEV	1
NE	DEPUTY SUPERINTENDENT-CHRO	1
NE	DIR ALTERNATIVE SCHOOL SITE	1
NE	DIRECTOR-ACCOUNTING SERVICES	1
NE	DIRECTOR-ADMIN SUPPORT	1
NE	DIRECTOR-ADULT/COMMUNITY ED	1
NE	DIRECTOR-BUDGET/COST ACCT/FTE	1
NE	DIRECTOR-CAREER/TECHNICAL ED	1
NE	DIRECTOR-EARLY CHILD/TITLE I	1
NE	DIRECTOR-ELEMENTARY L&L	1
NE	DIRECTOR-ELEMENTARY PROGRAMS	1
NE	DIRECTOR-EMP BENEFITS/RSK MGT	1
NE	DIRECTOR-ENVIRONMENT HLTH/SAFE	1
NE	DIRECTOR-EQUITY AND DIVERSITY	1
NE	DIRECTOR-FOOD SERVICES	1
NE	DIRECTOR-INFORMATION TECH	1
NE	DIRECTOR-INSTRUCTIONAL TECH	1
NE	DIRECTOR-MANAGEMENT INFO SYS	1
NE	DIRECTOR-PAYROLL SERVICES	1
NE	DIRECTOR-PLANNING/PROJECT MGT	1

NE	DIRECTOR-PLANT OPERATIONS/MAIN	1
NE	DIRECTOR-PLN/TEST/RES	1
NE	DIRECTOR-PROCURE/DIST SERVICES	1
NE	DIRECTOR-PROF LEARN/DEVELOPMEN	1
NE	DIRECTOR-PROF STAND/LABOR RELA	1
NE	DIRECTOR-PROGRAM SUPPORT	1
NE	DIRECTOR-PSYCHOLOGICAL SERV	1
NE	DIRECTOR-SECONDARY L&L	1
NE	DIRECTOR-STUDENT SERVICES	1
NE	DISTRICT COORDINATOR-BAS	1
NE	DISTRICT MANAGER-F&N OPERATION	1
NE	DISTRICT MANAGER-NUTRITION	1
NE	FAC PLAN/INTERGOV COORDINATION	1
OT	GENERAL COUNSEL	1
NE	HUMAN RESOURCES RECRUITER	1
NE	MANAGER-ACCOUNTING SERVICES	1
NE	MANAGER-COMP/POSITION CONT	1
NE	MANAGER-EMPLOYEE BENEFITS	1
NE	MANAGER-EMPLOYMENT	1
NE	MANAGER-HR/PROJECT MGMT	1

NE	MANAGER-LABOR RELATIONS	1
NE	MANAGER-PAYROLL	1
NE	MANAGER-PROCUREMENT	1
NE	MANAGER-PROFESSIONAL STANDARDS	1
NE	MANAGER-PROJECT ASSESSMENT DEV	1
NN	PARALEGAL	1
NF	PRINCIPAL-VIRTUAL PROGRAMS	1
NE	PROCUREMENT AGENT SENIOR	1
NE	PROGRAM SPECIALIST	1
NE	PROGRAMMER I-COMPUTER NB	1
NE	PROGRAMMER-SYSTEMS	1
NE	PROJECT MANAGER-DIVISION	1
NE	SENIOR HR GENERALIST	1
NE	SPECIALIST 12M-TECH/NETWORK	1
NE	SPECIALIST-CERT PROF DEV SER	1
NN	SPECIALIST-DATA QUALITY	1
NE	SPECIALIST-STAFF DEVELOPMENT	1
NN	SPECIALIST-TECH NETWORK SUPPOR	1
NE	SR BUDGET & MANAGEMENT ANALYST	1
NE	STAFF ACCOUNTANT	1
OT	SUPERINTENDENT	1

NE	SUPERVISOR-APPLICATIONS	1
NE	SUPERVISOR-GEN ACCT BEN/RISK	1
NE	SUPERVISOR-GENERAL ACCOUNTING	1
NE	SUPERVISOR-GEOGRAPHIC INFO SVC	1
NE	SUPERVISOR-MARKETING/OUTREACH	1
NE	SUPERVISOR-PROPERTY ACCOUNTING	1
NE	SUPERVISOR-RETIREMENT BENEFITS	1
NE	SUPERVISOR-RISK PROJECT MGT	1
NE	SUPERVISOR-TECHNOLOGY SERVICES	1
NN	ACCOUNTANT I	2
NN	ADMIN SECRETARY-CONFIDENTIAL	2
NN	ADMIN TECHNICIAN	2
NE	ASST DIRECTOR-TRANSPORTATION	2
NE	ASST SUPERVISOR-DIST SERVS	2
NE	ASST SUPERVISOR-TRANSPORTATION	2
NE	BUILDING OFFICIAL	2
NN	COORD-BUDGET 6300	2
NN	COORDINATOR SR-BREVARD AFTER S	2
NN	COORDINATOR-BUDGET	2
NN	COORDINATOR-DISTRIBUTION	2

NN	COORDINATOR-DRIVER SAFETY TRA	2
NN	COORDINATOR-EMPLOYEE BENEFITS	2
NE	COORDINATOR-MAINTENANCE	2
NE	COUNSELOR - MENTAL HEALTH	2
NE	CUSTOMER CARE ADMINISTRATOR	2
NE	DIRECTOR-TRANSPORTATION	2
NE	FOREMAN CUSTODIAN SERVICES	2
NE	FOREMAN-BUS SHOP	2
NE	FOREMAN-PAINT & BODY	2
NE	FOREMAN-QUALITY CONTROL	2
NE	FOREMAN-TRUCK SHOP	2
NE	MANAGER-CONSTRUCTION	2
NE	MANAGER-ENERGY/RESOURCE CONSEV	2
NE	MANAGER-HEAD START	2
NE	MANAGER-PRINT SHOP	2
NN	PAYROLL ACCOUNTANT	2
NE	PROJECT MANAGER	2
NE	PSYCHOLOGIST 11M	2
NE	SPECIALIST - PBIS	2
NN	SPECIALIST I-BUDGET	2
NN	SPECIALIST-BENEFITS	2

NN	SPECIALIST-FTE	2
NN	SPECIALIST-RECORDS MANAGEMENT	2
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NN	SPECIALIST-SCH SAFETY/SECURITY	2
NE	SPECIALIST-TRANSPORTATION	2
NN	SPECIALIST-WAREHOUSE OPERATION	2
NE	SPECIALIST-WORK BASED LEARNING	2
NE	SUPERVISOR-AREA TRANSPORTATION	2
NE	SUPERVISOR-CUSTODIAL	2
NE	SUPERVISOR-DISTRIBUTION SERVS	2
NE	SUPERVISOR-ELECTRICAL SERVICES	2
NE	SUPERVISOR-ENVIRONMENT SAFETY	2
NE	SUPERVISOR-F&N FIELD OPERATION	2
NE	SUPERVISOR-GROUNDS MAINTENANCE	2
NE	SUPERVISOR-HVAC/R SERVICES	2
NE	SUPERVISOR-MAINTENANCE	2
NE	SUPERVISOR-PLUMBING SERVICES	2
NE	SUPERVISOR-WORK CONTROL	2

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ap3590

PERSONNEL FILES

3590 - **PERSONNEL FILES**

A. F.S. 1012.34 Personnel Files defines content, enables public access to all records not expressly excluded, and effectively reverses the prior law establishing the confidentiality of personnel records. The term Personnel file means all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its employees, which is uniquely applicable to that employee whether maintained in one or more locations.

B. F.S. 1012.34controls the entry of data into a personnel file and establishes the following requirements for such actions.

1. Except for materials pertaining to work performance or such other matters that may be cause for discipline, suspension, or dismissal under laws of this State, no derogatory materials pertaining to an employee's conduct, service, character, or personality shall be placed in the personnel file of such employee.

2. No anonymous letters or materials may be added to the file.

C. Any material relating to evaluation, discipline, or being used for investigation is subject to the following provisions:

a. Must be signed by a person competent or know the facts or making the judgment.

b. Must be reduced to writing within forty-five (45) days of the school system administration becoming aware of the facts giving rise to the incident.

c. A copy must be provided the employee with all file copies bearing certification of receipt by the employee.

d. Such written material may be answered by the individual employee and a copy of the response attached to the file copies of the initially filed material.

e. An employee may request an informal inquiry by the Superintendent or his/her designee into any material which the employee believes to be false. The official making the inquiry shall append a written report on his/her findings to the material.

D. All files, as previously defined, are subject to F.S. 119.07 and, therefore, are open to the public view with certain exceptions as follows:

1. All evaluations conducted prior to July 1, 1983.

2. Employee assessments are closed during the year which they are conducted and one (1) fiscal year thereafter.

3. Derogatory material relating to employee performance is confidential until ten (10) days after employee is notified.

4. Payroll deductions, medical, psychiatric, and psychological records are confidential. (Except at any hearing related to an employee's competency.)

5. Materials relating to an investigation ceases to be active. (i.e., no probable cause found within sixty (60) days.)

6. Access to the total file, including confidential material, is limited to Board members, Superintendent, principals, and their designees (in the course of their duties) and law enforcement officials (in conducting a lawful criminal investigation.) A log of each person inspecting the file must be maintained.

PROCEDURES FOR ADDING MATERIAL TO THE PERSONNEL FILE

A. Except for material pertaining to unacceptable work performance or other matters that may be cause for discipline, no derogatory or anonymous material shall be placed in the central or work site personnel file.

B. Materials relating to work performance, discipline, suspension, or dismissal must be reduced to writing with in forty-five (45) days of the administration becoming aware of facts and signed by a person competent to know the facts or make a judgment.

C. A copy of the material to be added to the files shall be provided to the employee by certified mail or personal delivery. The employee's signature and date on a copy of the material to be filed shall be proof that such materials were given to the employee. Any material which is to be added to the files shall include the following statement:

This is to confirm that a copy of the original of this document was provided to me

On _____ by _____.
Date School Official

My signature merely signifies receipt of this document and does not necessarily indicate agreement with its contents.

_____ _____
Employee's Signature Date

ACCESS TO PERSONNEL FILES

PUBLIC REVIEW

A. F.S. 1012.34, Personnel Files, defines the content and enables public access to all records not expressly excluded. Pursuant to statutory revisions, records custodians are authorized to exclude from public access personnel file data on the following subjects:

1. assessment records prior to July 1, 1983

2. medical, psychiatric, and psychological records

3. active investigations

4. college transcripts

5. payroll deductions

B. With the exception of data cited above, the personnel file of any employee shall be open to inspection upon request. Records custodians should review an employee's file for compliance with F.S. 1012.34 before opening the file for inspection. The

custodian of each record shall maintain a record in the file of those persons reviewing the file each time it is reviewed. Access to files is to be furnished at reasonable times, under reasonable conditions and under supervision of the custodian of records. Such review shall be recorded on the appropriate form. Forms for review of personnel files can be obtained in Human Resources.

EMPLOYEE REVIEW

A. Individual employees may review the total file. Access to the files will be furnished a reasonable times, under reasonable conditions and under the supervision of the custodian of records. Such review shall be recorded on the appropriate form.

MANAGEMENT REVIEW

A. The Superintendent has authorized the following School District personnel access to confidential personnel records, provided the inquiry is job related and only on a need-to-know basis:

1. Nonbargaining unit managerial personnel.

2. Nonbargaining unit clerical personnel assigned to work with personnel files.

3. Board attorneys and attorneys under contract to the Board.

B. F.S. 1012.34 provides access to principals/designee and law enforcement personnel. It is the responsibility of the records custodian to ensure compliance with appropriate administrative directives, Board rules, Florida statutes, and contractual provisions.

PRODUCTION PROCEDURES AND FEES

A. Every person who has custody of personnel files shall permit the files to be inspected and duplicated by any person desiring to do so, at reasonable times, under reasonable conditions and under supervision by the custodian of the records or designee.

B. The records custodian shall review the employee's file for compliance with exemptions under F.S. 1012.34 before opening the file for inspection or duplication.

C. Reproduction of records is to be done on Board premises at a cost no greater than fifteen cents (.15) per page. An Individual Access Records Form must be added to the employee's file showing the file was inspected and by whom.

D. When other than an individual employee and when the nature or volume of records is such as to require extensive clerical or supervisory assistance by personnel of the Board, we may charge in addition to the actual cost of duplication, a reasonable charge which shall be based on the actual salary rate of such personnel providing the service.

COMPLIANCE PROCEDURES

A. The following items may be retained in the Personnel file.

INSTRUCTIONAL/ADMINISTRATIVE		
Application and Pre-Employment Job Requirements		Employee Process Letter/Substitute Form
Appointment (form only)		Evaluations/Observation Conf. Report
Authorization to Review File		In-service Print-Outs/related materials
Certificates and all related forms		Transcripts
Contracts and all related forms		Letters of Commendation
Code of Ethics form		Nepotism Letters/Approvals
Deficiency forms (certification)		Resumes
Reclassification Transfer forms		Resignation
SUPPORT		
Application and Pre-Employment Job Requirements		Resumes
Appointments		Reclassification/Transfer
Authorization to Review File		Resignation
Bumping, Lay-off and Recall Letters		Reappointment Letters
Evaluations		Transcripts
Employee Process Letter/Substitute Form		Salary Letters
Inservice Print-Out/relate materials		Letters of Commendation
Nepotism Letter/Approval		

DEFINITION OF TERMS

A. Evaluations

Include classroom observations, annual evaluations, and reprimands.

B. Complaint

An accusation by any member of the public or Board employee changing an employee with misconduct and/or unacceptable performance.

C. Confidential Records

Information that is not available for public review. This would include medical records, psychiatric/psychological files, payroll deductions, transcripts , preliminary investigations, active investigations, assessments prior to July 1, 1983.

D. Custodian of Records

The appointed work site administrator, central office administrator or administrative designee charged by law with the responsibility of maintaining and supervising personnel files for the District.

E. Derogatory Material

Material that tends to lessen the merit or reputation of an employee.

F. Designee

Persons authorized by Board members, the Superintendent, the principal, or the employee to inspect all aspects of the personnel file in the exercise of their respective duties. (Based on the need to know)

G. Inspection of Records

Every person who has custody of personnel files shall permit the records to be inspected and examined by any person desiring to do so, at reasonable times, under reasonable conditions and under supervision of the custodian of the records. Confidential records are not available for inspection by the public.

H. Lawful Criminal Investigation

Any investigation conducted by local, State, and Federal law enforcement agencies concerning criminal acts, according to the laws of the State or community as enforced by the courts.

I. Law Enforcement Personnel

Any person employed by an authorized law enforcement agency to conduct an investigation concerning unlawful acts; e.g., employed by Federal, State, county or municipal agency.

J. Medical Records

Include medical, psychological/psychiatric evaluations, medical releases, workers' compensation reports and other letters, documentation or reports attendant to the employee's medical condition.

K. No Probable Cause

Findings of preliminary investigations showing no evidence to support or continue an investigation.

L. Official Logs

Individual Access Records – form placed in each personnel file showing the date of inspection, person inspecting the file and records custodian authorizing the access.

M. Payroll Deduction

Include Federal Income Tax and FICA deductions, deductions taken for insurance, union dues, retirement contributions, tax sheltered annuities and other investment deductions, alimony and court mandated deductions, charity deductions, credit union.

N. Personnel File

All records, information, data or material maintained by the Board, in any form or retrieval system, with respect to any employee or former employee, which is uniquely applicable to the employee, whether maintained or stored in one or more locations. Such records may include, but are not limited to, public records such as employment application and supporting data, employment history and confidential records such as investigative files, payroll deductions, disciplinary actions, and medical/psychiatric evaluations.

O. Preliminary Investigation

Investigative actions conducted to determine if there is probable cause to proceed further with complaint or alleged violation of Board rules and /or statutory provisions.

P. Probable Cause

Result of preliminary investigation with findings of reasonable grounds for suspecting that violation of a Board rule or criminal offense has been committed. May lead to further investigation, disciplinary action or charges filed.

Q. Right of Inquiry

The employee has the right to request that the Superintendent or his/her designee make an informal inquiry regarding material in his/her personnel file which the employee believes to be false. The official conducting the inquiry shall append a written report of his/her findings to the personnel file.

Penalty – 119.02

A. Any public official who shall violate the provisions of F.S. 119.07 (1) shall be subject to suspension and removal or impeachment and, in addition, shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. 775.082 or F.S. 775.083.

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ap3600

JOB DESCRIPTIONS

3600 - **JOB DESCRIPTIONS**

A job description outlines the tasks, duties, and responsibilities of a job, not the person currently performing the job. Job specifications detail the skills, knowledge, and abilities to do the job in question. Job specifications and the tasks, duties, and responsibilities of a job are combined into one (1) document. The District's job descriptions also specify reporting level, supervisory responsibility, physical demands, overtime status, and other information relevant to the job.

A written job description will be maintained for each position within the District. A written job description is required whenever a personnel action of any type is proposed. All job descriptions must be approved by the Board before any use, publication, distribution, or personnel action can be taken.

In addition to updating job descriptions as needed to implement a personnel action, job descriptions will be reviewed periodically for accuracy and updated as necessary. The position incumbent and the appropriate supervisor will be responsible for revising and updating documents as needed.

The steps taken to update an existing job description or create a new one are:

A. The need for a job description is identified. Grants, legal mandates, program requirements, Board direction, etc., may create the need.

B. Justification and a draft of the new or revised job description is submitted to Compensation and Benefits.

C. A job description ADA Supplement Form is completed by the incumbent or supervisor. Form templates are available on e-mail.

D. Compensation and Benefits formats the draft documents and returns them for review by the supervisor. The supervisor returns the draft documents to Compensation and Benefits.

E. Changes are reviewed by Compensation and Benefits and the documents are returned to the supervisor for finalization.

F. Classification of the position is established. Labor Relations determines if a position is a bargaining unit position or not. For 1010 positions, classification is negotiated with the bargaining unit. For nonbargaining positions, a market survey is done.

G. The completed job description is taken to the Board for approval by Compensation and Benefits.

H. Upon approval by the Board, the job description is added to the database maintained by Compensation and Benefits; copies of the job description are distributed, in hard copy or by e-mail, as needed. The job description is also posted on the District's web site.

Questionnaires and forms are available to facilitate the development of new job descriptions. One questionnaire is used for management and professional jobs and a separate form for non-management positions. See form number 3600A. For a copy of the job description ADA Supplement Form see 3600B.

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ap5111.02

EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

5111.02 - **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

In accordance with the Interstate Compact on Educational Opportunities for Military Children ("Compact") the following procedures will be followed when such children are students within the District.

APPLICABILITY

These guidelines apply to the children of:

A. active duty members of the uniformed services as defined in the Compact, including members of the National Guard and Reserve on active duty orders;

B. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and

C. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

These guidelines do not apply to the children of:

A. inactive members of the National Guard and military reserves;

B. members of the uniformed services now retired, except as provided above;

C. veterans of the uniformed services, except as provided above; or

D. other United States Department of Defense personnel and other Federal agency civilian and contract employees not defined as active duty member of the uniformed services.

EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "Hand-Carried" Education Records - In the event that official education records cannot be released to the parents for the purpose of transfer, the building administrator shall prepare and furnish to the parent of an eligible student a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission.

Upon receipt of the unofficial education records for an eligible student, the District shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official Education Records/Transcripts- Simultaneously with the enrollment and conditional placement of the student, the District shall request the student's official education record from the sending school. Upon receipt of such a request from a receiving school, the District will process and furnish the official education records to the school within ten (10) days or within such time as is established by the Interstate Commission.

C. Immunizations- Eligible students have thirty (30) days from the date of enrollment or within such time as promulgated by the Interstate Commission, to obtain or provide proof of State required immunization(s). For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time promulgated by the Interstate Commission.

D. Grade Level Placement - Eligible students shall be enrolled at the grade level in the District commensurate with their grade level (including Kindergarten) from the school in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in their prior school shall be eligible for enrollment in the next highest grade level in the District, regardless of age. A student transferring after the start of the school year shall enter the school in the receiving state on the grade level validated by an accredited school in the sending state.

PLACEMENT AND ATTENDANCE

A. Course Placement- When an eligible student transfers before or during the school year, the receiving district will initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the sending school if the courses are offered. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, Vocational, Technical and Career Pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. The District may perform subsequent evaluations to verify appropriate placement and continued enrollment of the student in the course(s).

B. Educational Program Placement- The District will initially honor placement of the student in educational programs based on current educational assessments conducted at the sending school or the student's participation/placement in like programs at the sending school. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). The District may perform subsequent evaluations to verify appropriate placement of the student.

C. Special Education Services - In compliance with the Federal requirements of the Individuals with Disabilities Education Improvement Act (IDEIA), 20 U.S.C. Section 1400 et seq., the District will initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP).

In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794 (as amended) and with Title II of the Americans with Disabilities Act, 42 U.S.C. Sections 12131-12165 (as amended), the District will make reasonable accommodations and modifications to address the needs of incoming students with disabilities subject to an existing 504 or Title II Plan, to provide the student with equal access to education. The District may perform subsequent evaluations to verify appropriate placement of the student.

D. Placement Flexibility - The District may, when determined appropriate, waive course/program prerequisites, or other preconditions for placement in courses/programs offered by the District to allow eligible students to participate.

E. Absence Related to Deployment Activities - A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat

zone or combat support posting, shall be granted additional excused absences at the discretion of the Superintendent to visit with his/her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ELIGIBILITY

A. Eligibility for Enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. The District will not charge tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a district or jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a district or jurisdiction other than that of the custodial parent, may continue to attend the school in which s/he was enrolled while residing with the custodial parent.

B. Eligibility for Extra-Curricular Participation- The District will facilitate the opportunity for transitioning military children's inclusion in extra-curricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

GRADUATION

To facilitate the on-time graduation of children of military families the District will adhere to the following procedures:

A. Waiver Requirements - The District will waive specific courses required for graduation if similar course work has been satisfactorily completed in another district or provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from his/her sending school, the District will provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit Exams- The District will accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm referenced achievement tests; or 3) alternative testing, in lieu of testing requirements for graduation in Florida. In the event the above alternatives cannot be accommodated by Florida for a student transferring in his/her senior year, then the provisions of Section C below shall apply.

C. Transfers During Senior Year - Should a military student transferring at the beginning or during his/her Senior year be ineligible to graduate from the District after all alternatives have been considered, the District and the sending district shall ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district. In the event that the sending district is in a state that is not a member of the Compact, the District will use its best efforts to facilitate the on-time graduation of the student in accordance with A and B above in this Section.

DEFINITIONS

As used in this guideline the following definition will apply, unless the context clearly requires a different construction:

A. "Active Duty" means full-time status in the active uniformed service of the United States, including members of the National Guard and Reserves on active duty orders.

B. "Children of Military Families" means a school-aged child(ren), enrolled in Kindergarten through Twelfth grade, in the household of an active duty member.

C. "Deployment" means the period one (1) month prior to the service members' departure from their home station on military orders through six (6) months after return to their home station.

D. "Education(al) Records" means those official records, files, and data directly related to a student and maintained by the school or District, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

E. "Extra-Curricular Activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the District. Extra-Curricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

F. "Interstate Commission" means the commission that is created under Article IX of the Compact.

G. "Member State" means a state that has enacted the Compact.

H. "Receiving State" means the state to which a military family is sent, brought, or caused to be sent or brought.

I. "Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article XII of the Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

J. "Sending State" means: the state from which a child of a military family is sent, brought, or caused to be sent or brought.

K. "State" means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory.

L. "Student" means: the child of a military family for whom the school receives public funding and who is formally enrolled in Kindergarten through Twelfth grade.

M. "Transition" means: 1) formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

N. "Uniformed Service(s)" means: the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

O. "Veteran" means: a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

To the extent there is any inconsistency between this guideline and the current Rules implementing this Compact, the current Rules will prevail.

Revised 4/26/11

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ap5200.01

ABSENCES RELATED TO TREATMENT OF AUTISM SPECTRUM DISORDER PROCEDURES

5200.01 - **ABSENCES RELATED TO TREATMENT OF AUTISM SPECTRUM DISORDER PROCEDURES**

The Florida Department of Education requires school districts to adopt a policy and establish procedures, including timeframes, for parent/legal guardians to request excused absences for scheduled appointments for treatment of Autism Spectrum Disorder (ASD).

A. Request for excused absences for the treatment of ASD must be submitted on the District's *Request/Agreement for Excused Absences for the Treatment of Autism Spectrum Disorder* (Form 5200.01 F1) and submitted a minimum of ten (10) school days prior to the start of treatment.

B. Treatment must be provided by a licensed health care practitioner or Certified Behavior Analyst (CBA) pursuant to F.A.C 6A-1.09515.

C. The request for excused absences for the treatment of ASD should be turned in to the school principal. A treatment plan, signed by the licensed health care practitioner or CBA providing the treatment, must accompany the request at the time of submission to the school principal. The licensed health care practitioner or CBA may not be the child's parent/legal guardian.

D. The *Request/Agreement for Excused Absences for the Treatment of Autism Spectrum Disorder* (Form 5200.01 F1) **will not be applied retroactively** and is only effective starting the date it is signed by the treating licensed health care practitioner or CBA and District administration.

E. The *Request/Agreement for Excused Absences for the Treatment of Autism Spectrum Disorder* (Form 5200.01 F1) **is valid only** for the school year during which it is submitted. A **new** *Request/Agreement for Excused Absences for the Treatment of Autism Spectrum Disorder* (Form 5200.01 F1) must be completed each subsequent school year thereafter.

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ap5330

PROCEDURES FOR THE ADMINISTRATION OF MEDICAL MARIJUANA BY A REGISTERED CAREGIVER TO A QUALIFIED PATIENT ON PROPERTY OWNED OR OPERATED BY THE BOARD

5330 - **PROCEDURES FOR THE ADMINISTRATION OF MEDICAL MARIJUANA BY A REGISTERED CAREGIVER TO A QUALIFIED PATIENT ON PROPERTY OWNED OR OPERATED BY THE BOARD**

A. **Authorization**

A parent/legal guardian of a qualified patient must submit a completed Form 5330 F1 - *Authorization for Use of Medical Marijuana for Qualified Patient During School Hours* to the principal or designee at the beginning of each school year. This form must be completed by a qualified physician for any and all medical marijuana that a registered caregiver will be administering to a qualified patient during the school day.

B. **Administration of Medical Marijuana at School**

1. These procedures apply only to a student who is a qualified patient as the term is defined in F.S. 381.986 and Policy 5330 - *Use of Medications*.

2. The principal or designee shall prepare an Individual Health Care Plan (IHCP), with input from the qualified patient, registered caregiver, and appropriate school personnel. The IHCP will identify the form, designated location(s), and any protocol regarding administration by the registered caregiver of a permissible form of medical marijuana to the qualified patient. The school administrator, the school nurse liaison or supervisor, the qualified patient (if capable), the qualified patient's parent/legal guardian, and the registered caregiver (if applicable) shall sign the written IHCP.

3. Board employees, school-level nurses, and/or health care personnel or school staff are not allowed to administer, store, hold, or transport medical marijuana in any form, and it shall not be stored on any property owned or operated by the Board at any time.

4. A registered caregiver, as the term is defined in F.S. 381.986 and Policy 5330 - *Use of Medications*, may only administer medical marijuana to a qualified patient during the school day when the administration cannot be reasonably accomplished outside of school hours and when such administration will not present a disruption to school operations. The registered caregiver shall be responsible for safely administering and transporting the medication to and from school each day.

5. The principal or designee may determine, at his/her sole discretion, the location of administration of a permissible form of medical marijuana that does not create risk of disruption to the educational environment or exposure to other students.

C. **Request by Parent/Legal Guardian for Authorization for the Use of Medical Marijuana to Be Administered at School; Responsibilities of Parent/Legal Guardian and Registered Caregiver**

1. A registered caregiver should administer medical marijuana at home whenever possible to a qualified patient who requires the use of medical marijuana for a medical condition. The Board allows for the administration of medications, including medical marijuana, on property owned or operated by the Board when the administration cannot be accomplished outside of school hours.

2. The parent/legal guardian requesting the administration of medical marijuana by a registered caregiver to the qualified patient at school must submit a request to the school principal or designee utilizing the Form 5330F1 - *Authorization for Use of Medical Marijuana for Qualified Patient During School Hours*, completed by a qualified physician and signed by

the parent/legal guardian when administration cannot be reasonably accomplished outside of school hours and will not present a disruption to school operations, acknowledging that the registered caregiver will be administering the medical marijuana.

3. The parent/legal guardian will ensure the physician's name on Form 5330 F1 - *Authorization for Use of Medical Marijuana for Qualified Patient During School Hours* matches the name on the Department of Health's Registry Identification Card for the qualified patient.

4. The parent/legal guardian must present the school principal or designee with original, valid Department of Health Registry Identification Cards for both the qualified patient and the registered caregiver, along with a valid form of picture identification (ID) for the registered caregiver.

5. The parent/legal guardian must submit the form to the school principal or designee each school year and must update the form when there are any changes to the medication and/or to the type of preparation (i.e., oils, tablet, etc.).

6. The completed form shall include the approved type, amount, time to be administered, possible side effects, and any special instructions regarding the medication.

7. A written statement signed by the qualified patient's parent/legal guardian must be on file, assuming all responsibility for ensuring the registered caregiver is qualified to perform the task; assuming all responsibility for the administration, maintenance, and use under state and federal law; and releasing the Board from liability for any injury arising out of the administration of medical marijuana on property owned or operated by the Board.

8. Any parent/legal guardian and/or registered caregiver seeking access to Board property for purposes of this policy must comply with Board policies and/or procedures concerning visitors to schools, including checking in through the school's front office.

9. The qualified patient's registered caregiver shall be responsible for the administration of the permissible form of medical marijuana to the qualified patient only in the location designated by the school principal or designee. The registered caregiver shall be responsible for safely administering and transporting the medication to and from school each day.

D. **Responsibilities of School District and School-Level Administrators**

1. Upon review and approval of the documentation submitted by the parent/legal guardian, the school principal or designee shall:

    a. Schedule an IHCP meeting with the parent/legal guardian at a mutually agreeable date/time

    b. Coordinate the development of the written IHCP for medical marijuana use at school. This plan shall include the following information:

        1. The specific location and time(s) where the registered caregiver shall report to administer the medical marijuana; and

        2. The registered caregiver must coordinate with the school principal or designee regarding the administration of medical marijuana to the qualified patient.

    c. Provide the parent/legal guardian with a copy of this policy, administrative procedures, and review the implementation plan for medical marijuana use at school with a parent/legal guardian.

    d. Report to the Department of Student Services any incidence in which a qualified patient, a parent/legal guardian, and/or a registered caregiver dispenses substances other than the permissible forms of medical marijuana

cannabis as specified on Form 5330 F1 - *Authorization for Use of Medical Marijuana for Qualified Patient During School Hours*, and take any applicable action in accordance with the Code of Student Conduct.

2. The school principal or designee may consult with the Department of Student Services as needed.

3. The District's health nurses and/or other administrative staff and employees are not permitted to handle, administer, or store medical marijuana.

E. **Consequences of Violation of Policy and/or Procedures**

1. Permission to administer medical marijuana to a qualified patient by a registered caregiver may be limited or revoked by the school principal or another school administrator if the qualified patient and/or the registered caregiver violates Policy 5330 and/or demonstrates an inability to responsibly follow these administrative procedures.

2. At no time shall the qualified patient have the medical marijuana in his/her possession except during the administration process, through dispensation by the registered caregiver, in accordance with the District's IHCP.

3. Consequences for the sale, attempted sale, transmittal of any medical marijuana/low THC cannabis products or low THC cannabis, or substances held out and represented to be medical marijuana/low THC cannabis, will result in disciplinary actions as outlined in the Code of Student Conduct.

4. Misuse or abuse of any medically necessary emergency medications or devices that may cause a threat to the safety of others or cause a disruption while on school property or in attendance at a school-sponsored event may result in suspension, expulsion, and/or referral to the proper law enforcement agencies in accordance with Policy 5500 – *Student Conduct*.

5. Dispensation by a registered caregiver of medical marijuana to a qualified patient or to any other individual in any form or quantity other than specified on Form 5330 F1 - *Authorization for Use of Medical Marijuana for Qualified Patient During School Hours* will be treated as a violation of Policy 5330 - *Use of Medications* and will be referred to the proper law enforcement agency.

Revised 10/10/19

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ap5335

CARE OF STUDENTS WITH SEIZURE OR EPILEPSY DISORDERS

5335 - **CARE OF STUDENTS WITH SEIZURE OR EPILEPSY DISORDERS**

The Board will provide epilepsy or seizure disorder are to a student based upon the student's Individualized seizure action plan ("ISAP"), individualized education plan ("IEP"), or Section 504 accommodation plan.

Definitions

In accordance with Florida law, the following definitions shall apply to this policy:

A. "Individualized seizure action plan," or "ISAP," means a document that outlines a set of procedural guidelines and specific directions for the provision of health care and emergency services by a school for a student who has epilepsy or seizure disorders.

B. "Medical professional" means a physician licensed under F.S. Chapter 458 or 459, a physician assistant licensed under F.S. Chapter 458 or Chapter 459, or an advanced practiced registered nurse licensed under F.S. 464.012 who provides epilepsy or seizure disorder care to the student.

Creation and Implementation of an ISAP

To initiate the implementation of an ISAP, a student's parent must submit to the principal and school nurse or other appropriate school employee an ISAP that meets the following requirements:

A. An ISAP must be developed and signed by a medical professional, in consultation with the student's parent.

B. Written orders from the student's medical professional outlining the student's epilepsy or seizure disorder recommended care.

C. The parent's signature.

D. The student's epilepsy or seizure disorder symptoms.

E. Any accommodations the student requires for school trips, after-school programs and activities, class parties, and any other school-related activities.

F. When and whom to call for medical assistance.

G. The student's ability to manage, and the student's level of understanding of, his/her epilepsy or seizure disorder.

H. How to maintain communication with the student, the student's parent, and the student's health care team, school nurse, and educational staff.

I. Any rescue medication prescribed by the student's medical professional and how and when to administer the medication.

The ISAP should be submitted before or at the beginning of the school year, upon enrollment, or as soon as practicable following a diagnosis of a seizure disorder for a student.

The provisions of a student's ISAP remain in effect until the student's parent submits a revised ISAP, signed by a medical professional, identifying any changes based on the student's condition. A school may implement training and student supports outlined in this policy regardless of whether a parent submits an ISAP.

School Response to Receipt of an ISAP

The school nurse or an appropriate school employee of that receives an ISAP shall:

A. In accordance with F.S. 1006.062, coordinate the provision of epilepsy and seizure disorder care at the school for the student, including administering anti-seizure and rescue medications as outlined in the ISAP.

B. Verify that each school employee whose duties include regular contact with the student has completed training in the care of students with epilepsy and seizure disorders. The training must include how to recognize the symptoms of and provide care for epilepsy and seizure disorders.

The school shall provide each school employee whose duties include regular contact with the student with all of the following:

A. Notice of the student's condition.

B. Information from the ISAP on how to provide the recommended care for the student if s/he shows symptoms of the epilepsy or seizure disorder.

C. The contact information for the student's parent and emergency contacts.

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STUDENT ACCIDENTS

5340 - **STUDENT ACCIDENTS**

After prompt and appropriate medical attention is provided to any student injured on campus, adequate and prompt accident reporting is essential if similar accidents are to be prevented from reoccurring as well as to provide parents or guardians with a written account of the accident. Generally speaking, student medical bills or injury claims are not the responsibility of the District, but prompt injury reporting is vital in assuring District staff, students, and others that the District has the ability to pay for medical care when injuries are caused by or are due to errors on the part of the District.

The Board requires therefore that an accident report be filed on every accident that takes place on school property, involves a school vehicle, or involves students or staff on school-sponsored trips. Such reports are required whether or not there are any immediately evident injuries.

At a minimum, the following conditions require the submission of a Risk Management Accident/Incident Report form.

A. The injury requires the student to leave school or the activity for medical treatment.

B. The injury is treated by a school nurse or by an athletic trainer.

C. An ambulance is called, even if the student is not actually transported.

D. The parent is notified that the student was injured at school.

E. A parent notifies the school that they have taken their child to a doctor because of an injury received at school.

F. The injury involves weather conditions.

G. The injury may have been partially or wholly caused by a physical condition of the facility. (Please forward a copy of the maintenance request to inspect or repair work order with the Risk Management Accident/Incident Report form.)

H. The injury occurs on a school bus during routine transportation activities.

I. The injury involves the head, neck, or spine.

J. The parent expresses concern over the way their injured student was handled by the school.

K. Any student that reports an injury after being involved in an altercation on campus.

L. Any competitive, intramural, or physical education sports related injury needing first aid or other medical attention during or after any practice, game, or activity.

M. Any student exposed to another person's bodily fluids of any type.

The above listing is a summary of incidents that must be reported. The above list is not all inclusive as there may be other types of accidents that can and should be reported. A good rule of thumb for administration; if you wonder if you should have an incident report completed then you should do so.

Reporting Student Accidents

Report all student accidents by completing a Risk Management Accident/Incident Report form and sending it to Risk Management by District courier or facsimile (if by facsimile, the original should follow in the courier thereafter). The forms are available in the school office or may be downloaded from the Office of Risk Management's website or ordered from the District's print shop in packs of fifty (50) (Stock Form #1209: 2007-08 price per pack $1.50).

Frequently Asked Questions

Q. **When should I report a student accident or injury?**

A. When a student is injured at school, on a school bus, during extra-curricular activities, or during a school-sponsored activity or trip; the student should complete a Risk Management Accident/Incident Report form. The form should be completed at the time of the injury or as soon as practical. Once the form is completed it should be sent to the Office of Risk Management by District courier or facsimile within three (3) working days (if by facsimile, the original should follow in the courier thereafter). The school is not to keep copies of the completed accident report form on file at the school.

Q. **Who should complete the Risk Management Accident/Incident Report form?**

A. The injured student should complete the form as they have the most firsthand knowledge of the incident. If the student is unable to complete the form due to their age, inability to write due to their current writing skills, or the injury is preventing them from doing so, the teacher, coach, school nurse, or other adult assisting in supervision should complete the form by asking the student the questions listed on the form and writing the student's exact answer. The student (or adult) may also write additional comments on the back of the form should they run out of space on the front printed sections of the form.

Q. **What part of the form does the student complete?**

A. The student should complete section 7 (a-c) in its entirety and sign their name under section 8 (remember if the student is unable to write, an adult should ask the student these questions and then write the student's answer word for word). The student or school personnel may complete sections 1, 2, 4, and 6.

Q. **What do I do to report an accident if the student refuses to complete the accident form?**

A. If the student refuses to complete the form, write this information on a blank Risk Management Accident/Incident Report form. On a separate sheet of paper have the employee with the most knowledge about the incident write their account of the accident. This separate sheet of paper should then be attached to the accident report form and sent to the Office of Risk Management. Student witness statements may also be obtained and attached to the accident form. All employee or witness statements may be provided to those that wrote them, but this information is not to be shared with anyone else.

Q. **What do I do to report an accident if the student is not able to complete the accident form because they are in the hospital or incapacitated?**

A. If the student will be back in school within a day or two (2), wait for them to return and complete the form. If the student will not be back in school for three (3) or more days indicate this on a blank accident form and on a separate sheet of paper ask the employee with the most knowledge about the incident to write their account of the accident. This separate sheet of paper should be attached to the accident report form and sent to the Office of Risk Management. Student witness statements may also be obtained and attached to the accident form. All employee or witness statements may be provided to those that wrote them, but this information is not to be shared with anyone else. When the student returns to school, they should complete the form at that time. This form should indicate that this is the student's account of the report previously submitted to Risk Management.

Q. **What do I do if a parent or guardian wants a copy of the completed accident report?**

A. If the form was completed by the student, or in the student's exact words, make a photocopy of the form and give it to the parent or guardian. If the completed form has already been sent to the Office of Risk Management refer the parent to that office and they will provide it to the parent. All other requests for documents should be referred to the Office of Risk Management.

Q. **Should I as the school administrator obtain witness statements?**

A. Witness statements are not required, but may be very beneficial in identifying the cause of the accident and allow the school to look for ways to avoid similar accidents from occurring in the future. When obtaining a witness statement, make sure the witness writes their statement on a separate sheet of paper. Once completed, attach the statement to the completed Risk Management Accident/Incident Report and forwarded to the Office of Risk Management. Copies of these documents are not to be filed at the school or provided to anyone except the person that provided the statement.

Q. **Where do I get a Risk Management Accident/Incident Report form?**

A. Risk Management Accident/Incident Report forms may be downloaded from the Office of Risk Management's web page. They are also available in your school office or may be ordered from the District's print shop in packs of fifty (50) (Stock Form #1209).

Q. **Where do I send the completed Risk Management Accident/Incident Report form?**

A. Send the completed Risk Management Accident/Incident Report form to the Office of Risk Management by District courier or facsimile (if by facsimile, the original should follow in the courier thereafter).

Q. **How long will the Risk Management Accident/Incident Report form be on file in the Office of Risk Management?**

A. The accident/incident report form will be held on file in the Office of Risk Management for a minimum of four (4) years.

Q. **What do I do if the injury was caused by a physical condition of the facility?**

A. The area should be cordoned off to anyone that may walk in or around the area in question in order to minimize the possibility of similar injuries occurring to other students or staff. The incident should be well documented including a description of the physical condition and, if possible, photographs should be taken that show the physical condition in question. School personnel should have their custodial staff repair or fix the condition immediately. If school staff is unable to fix the condition, then school staff should complete a maintenance work order request to inspect or repair the facility condition and send it to the maintenance department. The physical condition description, photographs, and a copy of the work order request (if submitted to the maintenance department) should then be attached to the Risk Management Accident/Incident Report completed by the student. The accident report and all other attached documents should then be sent to the Office of Risk Management.

Q. **There is an incident reporting form for the Office of District and School Security and for the Office of Risk Management, how do we know which form to use and when?**

A. The information listed in this administrative procedure applies to students that report an accident or injury regardless as to its severity. If a student reports an accident or injury the Risk Management Accident/Incident Report is to be completed by the student. The Office of District and School Security's form found in the schools critical incident response manual is a summary of a critical or traumatic event from the administrator's point of view including what actions were taken by the administrator during the event. School administrators should follow the guidelines as outlined in the critical incident response manual and complete that form accordingly. Once staff completes the Office of District and School Security form, it should be sent to that office as outlined in the critical incident response manual. The school should also make an additional copy of the Office of District and School Security form if a student, employee, or visitor to campus was injured in the incident and send it to the Office of Risk Management for their records.

Q. **Can you give me an example of how the Office of District and School Security and the Office of Risk Management forms are to be used?**

A. If a school were to have a (6) Medical Situation-Incident-Food Bourne Illness/Drinking Water Contamination as outlined in the critical incident response manual. The school should follow all actions as outlined in the critical incident response manual and document the incident on the Office of District and School Security reporting form. Once the administrator completes that form, it should be sent to the Office of District and School Security. At the same time or during the same incident, if any of the students that drank the contaminated water or food are ill or are concerned about an illness due to ingestion; that student should complete the Office of Risk Management Accident/Incident Report form. Once the student completes the Office of Risk Management Accident/Incident Report form, the school should attach a copy of the Office of District and School Security's form to the student's completed report form and send both forms to the Office of Risk Management.

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STUDENT SUICIDE AWARENESS AND PREVENTION PROCEDURES

5350 - **STUDENT SUICIDE AWARENESS AND PREVENTION PROCEDURES**

In compliance with Policy 5350 - *Student Suicide Awareness and Prevention* any time a staff member encounters a situation in which a student appears to be contemplating suicide, the following process should be followed carefully. Refer to the Brevard Public School Suicide Risk Inquiry (SRI) Procedures at https://www.brevardschools.org/Domain/8308.

Step 1 – Stabilization.

A. Under no circumstances is a suicidal student to be left alone.

B. If the student will agree, accompany him or her 1) to a prearranged, non-threatening place away from others; and 2) where there is another adult and telephone close by; or 3) escort the student to Certified School Counselor (CSC) or School-based Social Worker (SW).

C. If the student will not agree, call for immediate assistance.

Step 2 - Assessment of the Risk.

A. The Certified School Counselor (CSC) or School-based Social Worker (SW) will conduct the risk assessment procedures to determine the level of risk of self-harm.

B. The Mobile Response Team (MRT), when assessing students in school, school transportation, or school-sponsored events, will use the same State approved suicide risk assessment as Brevard Public Schools.

C. If the student is at HIGH RISK of self-harm, use HIGH RISK OF SELF-HARM PROCEDURE, see Step 3A, below.

D. If the student is at MODERATE RISK of self-harm, use MODERATE RISK OF SELF-HARM PROCEDURE, see Step 3B, below.

E. If the student is AT-RISK of self-harm, use AT-RISK OF SELF-HARM PROCEDURE, see Step 3C, below.

F. If the student is at NO or LOW RISK of self-harm, use NO or LOW RISK PROCEDURE, see Step 3D, below.

Step 3 - Use of Appropriate Risk Procedure.

A. HIGH RISK OF SELF-HARM PROCEDURE.

1. The Certified School Counselor (CSC) or School-based Social Worker (SW) will consult with School Psychologist, School-based and/or District Licensed Clinical Social Worker (LCSW), and/or the Mobile Response Team (MRT).

2. The CSC or SW will notify school administrator or designee.

3. The CSC or SW will notify the School Resource Officer (SRO) or local law enforcement agency immediately if the situation indicates the need for an involuntary evaluation.

4. The school official knowledgeable about the situation (CSC, SW, or school administrator) will:

    a. contact the parent/legal guardians to inform of actions taken because of the Suicide Risk Inquiry (SRI);

    b. complete a Mental Health Referral within 48 hours and send to studentservicesintake@brevardschools.org;

    c. follow up with the re-entry planning meeting for when the student returns to school; and

    d. The administrator will notify the Office of Elementary Programs or Secondary Leading and Learning and complete an Incident Report with the District Security.

B. MODERATE RISK OF SELF-HARM PROCEDURE.

1. The Certified School Counselor (CSC) or School-based Social Worker (SW) will contact the parent/legal guardians to advise that an assessment was conducted and discuss the available mental health services and supports;

2. The CSC or SW will follow up with the student;

3. The CSC or SW will complete a Mental Health Referral within forty-eight (48) hours and send to studentservicesintake@brevardschools.org; and

4. The CSC or SW will follow up with the re-entry planning meeting for when the student returns to school.

C. AT-RISK OF SELF-HARM PROCEDURE.

1. If after initial screening student is found to be AT-RISK OF SELF-HARM, CSC or SW will complete the SAFE-T w/C-SSRS Instrument to determine the severity of the risk (HIGH RISK or MODERATE RISK).

2. If the student is at HIGH RISK of self-harm, use HIGH RISK OF SELF-HARM PROCEDURE, see Step 3A, above.

3. If the student is at MODERATE RISK of self-harm, use MODERATE RISK OF SELF-HARM PROCEDURE, see Step 3B, above.

D. NO or LOW RISK OF SELF-HARM PROCEDURE.

1. The Certified School Counselor (CSC) or School-based Social Worker (SW) will contact the parent/legal guardians to advise that an assessment was conducted and discus the available mental health services and supports;

2. The CSC or SW will follow up with the student, and

3. The CSC or SW will complete a Mental Health Referral and send to studentservicesintake@brevardschools.org.

Step 4 - Communication with Appropriate Parties.

A. If a student is at HIGH RISK OF SELF-HARM, CSC or SW will notify the SRO or local law enforcement agency immediately if the situation indicates the need for an involuntary commitment, see Step 3A, above.

B. CSC or SW or school administrator will contact the parent/legal guardians, see Step 3, above.

C. If a student is at HIGH RISK OF SELF-HARM, the administrator will notify the Office of Elementary Programs or Secondary Leading and Learning and complete an Incident Report with District Security, see Step 3A, above.

Step 5 - Follow-up.

A. If a student is at HIGH RISK OF SELF-HARM, CSC or SW will follow up with the re-entry planning meeting for when the student returns to school and complete a Mental Health Referral and send to studentservicesintake@brevardschools.org, see Step 3A, above.

B. If a student is at MODERATE RISK OF SELF-HARM, CSC or SW will follow up with the re-entry planning meeting for when the student returns to school and complete a Mental Health Referral and send to studentservicesintake@brevardschools.org, see Step 3B, above.

C. If a student is at NO or LOW RISK OF SELF-HARM PROCEDURE, CSC or SW will follow up with the student and complete a Mental Health Referral and send to studentservicesintake@brevardschools.org, see Step 3D, above.

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QUICK REFERENCE CHART FOR VISITS AND REQUESTS TO INTERVIEW STUDENTS OR REQUESTS FOR RECORDS

5540 - **QUICK REFERENCE CHART FOR VISITS AND REQUESTS TO INTERVIEW STUDENTS OR REQUESTS FOR RECORDS**

These administrative procedures are to be used in conjunction with Board Policy 5540, *The School and Investigations Involving Students*.

Agency	Actions to Take	Records Request	Interviewing Students	Interviewing School Staff	Contacting Parent/Legal Guardians
Guardian Ad Litem (GAL)	• Check for official identification • **Must have a** court order **(*verify info.)** • Inquire about the purpose of the visit in a private office/conference room • Obtain business card	**YES**, if identity is confirmed and Court Order is verified	**YES**, if verified; schools officials may be present at the request of the student or the GAL	**YES**, if verified; a District Administrator may need to be present	**YES** - Contact parent/legal guardian when GAL **concludes** business or if GAL gives prior approval. Explain to the parent/legal guardian that the GAL assigned to their court case spoke with their child. Provide GAL's contact information, if requested. **(REMEMBER: interview substance/discussions are CONFIDENTIAL).**
Department of Children and Families (DCF)	• Check for official identification • **Verify** Court Order (if applicable) • Inquire about the purpose of the visit in a private office/conference room • Obtain business card • In the event DCF removes a child from campus, DCF is responsible for notifying the parent/legal guardian.	**YES**, if identity is confirmed and Court Order is verified	**YES**, if verified and in the presence of principal or designee, if consent is given by official or student **Follow Board Policy 5540**	**YES**, if verified; a District Administrator may need to be present	**YES** – ask if you should contact the parent/legal guardian **before** or after the interview. Provide parent/legal guardian with copy of business card or official's contact information. **NO** – have investigator fill out the *Notice to Not Contact Parent/Legal Guardian Regarding Official Investigation* form and attach business card to form.

	Principal or designee shall notify the Superintendent or designee through the incident reporting process.				
Law Enforcement Officers	• Official identification (includes uniform officers) • **Verify** Court Order (if applicable) • Inquire about the purpose of the visit in a private office/conference room • Obtain business card • In the event a law enforcement agency removes a child from campus, the law enforcement agency is responsible for notifying the parent/legal guardian. Principal or designee shall notify the Superintendent or designee through the incident reporting process.	**Must have** a subpoena or court order	**YES**, in the presence of principal or designee, if consent is given by official or student **Follow Board Policy 5540**	**YES**, if verified; a District Administrator may need to be present	**YES** – ask if you should contact the parent/legal guardian **before** or **after** the interview. Provide parent/legal guardian with copy of business card or official's contact information. **NO** – have investigator fill out the *Notice to Not Contact Parent/Legal Guardian Regarding Official Investigation* form and attach business card to form.
Other Government Officials	Refer to principal or designee	NO	NO	NO	Refer to principal or designee
Private Attorneys	Refer to principal or designee	NO	NO	NO	YES
Private Investigators	Refer to principal or designee	NO	NO	NO	YES
Non-Parent/Legal Guardians	Refer to principal or designee	NO	NO	NO	YES

REMEMBER:

- The principal/designee is in control of the school and is the only representative authorized to speak or act on behalf of the school.
- If a student is to be taken into custody, coordinate in such a manner to minimize disruption or concerns.
- If you ever have any questions about the authenticity of a document, please contact Student Services at 321-633-1000 ext. 11270 or the Office of Legal Services at 321-633-1000 ext. 11438.
- The "designee" includes the school's School Resource Officer (SRO).

***To verify the validity of a Court Order, look for judge's signature, clerk's certification, student's information, GAL's or other official's name and contact information, and/or specific language that provides the access that has been requested by the official (i.e., authority to access records, authority to visit student, etc.).**

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ap5710

STUDENT COMPLAINTS

5710 - **STUDENT COMPLAINTS**

Student complaints generally involve academic matters, disciplinary action, and/or student social, physical, or operational conditions. Students are encouraged to use established procedures to effectively resolve their complaints. Students should be assured their complaints (1) are taken seriously, and (2) will be heard and action taken in a reasonable time frame.

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RESOLUTION OF DISPUTES

5780 – **RESOLUTION OF DISPUTES**

A. The Florida Department of Education requires school districts to establish procedures for parent/legal guardians to seek resolution of certain disputes with a school principals or designee, then, if the dispute remains unresolved, an additional method to attempt to resolve the dispute at the District level.

A summary of concerns that may be raised include:

a. The required notice regarding a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student.

b. The requirement for School District personnel to encourage a student to discuss issues related to their well-being with their parent(s)/guardian(s).

c. The prohibition against School District personnel prohibiting or discouraging parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

d. The prohibition of classroom instruction by school personnel or third parties on sexual orientation or gender identity in kindergarten through third grade, or in other grades in a manner that is not age-appropriate or developmentally appropriate, in accordance with State standards (once developed).

e. The requirement that student support services training adhere to student services guidelines, standards, and framework established by the Florida Department of Education.

f. The requirement that, at the beginning of each school year, the District notify parents of each healthcare service offered at their child's school and of the option to withhold consent or decline any specific service.

g. The requirement that the District provide a copy of a well-being questionnaire or health screening form to the parent and obtain the permission of the parent before administering the questionnaire or health screening form to a student in kindergarten through grade 3.

B. Parents fully complete a Request for Resolution form, which includes all School District HB1557 requirements, and submit it to the school principal.

C. Within seven (7) calendar days of receipt of the notification by the principal/designee, they will review the form and either resolve the dispute or provide the parent/legal guardian a statement for the reasons for not resolving the dispute.

D. If not resolved, the parent/legal guardian can submit the Request for Resolution form to the Assistant Superintendent of Elementary or Secondary Leading and Learning or Assistant Superintendent of Student Services as appropriate to the school.

E. Within thirty (30) calendar days, the Assistant Superintendent, or designee, will review the form and either resolve the dispute or provide the parent/legal guardian with a statement for the reasons for not resolving the dispute.

F. Options for further redress of unresolved concerns can be found at F.S. 1001.42(8)(c)(7) and include requesting a special magistrate by the Commissioner of Education or filing for a declaratory judgment.

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ap5830

STUDENT FUNDRAISING

5830 - **STUDENT FUNDRAISING**

All fundraising projects must have the prior approval of the principal and cannot impede curricular activities within the school. Fundraising must be conducted in a manner that will maintain the integrity and safety of individual students, employees, and the District. The school principal may implement limitations to student fundraising activities which impact educational efforts within the school.

Solicitation by students shall be governed by the following:

A. No homeowner, apartment, or other similar residential dwelling door-to-door soliciting or sale of fundraising products or services by students is allowed at anytime. Schools are advised to inform all students that this type of fundraising is inappropriate and should be avoided in any form.

B. Personal solicitation which includes speaking to family members, personal friends, and others the student is already acquainted with regarding the sale of fundraising products that support school activities is permitted. This includes recruiting these individuals and family members to assist the student in selling such items to their friends and associates on the student's behalf. The school may also allow other forms of fundraising activities as defined below:

1. High school newspaper and yearbook advertising may be sold business-to-business by students in pairs of two (2), by telephone, or through direct mailings by students in order to provide marketing experience in the field of journalism with the approval of the principal. The same high school student business-to-business marketing as described may also be allowed for other school organizations, but only with specific approval and authority of the principal.

2. Students (two (2) or more) supervised by a District employee or registered volunteer may provide fundraising products or services at central points at shopping centers, or other similarly situated business establishments with approval of the business owner and principal. The selection of a location for such sales or service activities shall be made with the safety of the student in mind and with the approval of both the principal and business owner.

C. In-school sales of fundraising items or services (including ticket sales) by students are allowed during non-instructional time. Breaks between classes is considered instructional time for the purposes of this section. The only limitation with regard to this section involves the sale of food items that would interfere with the Federal competitive food rule. The rule basically states that on the secondary school level (7 through 12) no food items with minimal nutritional value (food high in calories, total fat, saturated fat, added sugars, cholesterol, and/or sodium, etc.) can be sold prior to one (1) hour after the last lunch period. The primary school level (K through 6) will not be permitted to sell these items at all during the school day.

D. All school related fundraising by students must be overseen by a school advisor or administrator and a proposal for the fundraising event must be submitted to the principal prior to the event or purchase of products. The proposal must contain:

1. The sponsoring student group or organization name. Form 5830 F1 may be used to document all of the information listed in section D, 1 through 7.

2. Name of the Sponsor/Coach/Teacher making the request.

3. Purpose of the charitable organization if the fundraising is being done for an outside charitable organization as a service project.

4. Method of raising money including the type(s) of activity, when/where activity will occur, and if any school facility is needed.

5. The intended use of the money.

6. The proposal must indicate the cost of the item sold at its wholesale price paid by the sponsoring student group for each unit purchased, as well as, the expected price of the product when it is sold to the public. The proposal must also indicate the intended number of items the sponsoring student group is planning to purchase from the wholesale manufacturer, as well as, the expected revenue generated from the sale.

7. The sponsoring student group must also describe how it will handle the loss of product by students, spoilage of the product, or consequences they face if items are not sold as planned.

8. All funds collected must be handled following procedures identified in the Internal Funds Manual section regarding fundraising.

    a. Funds collected for all school sponsored fundraising activities must be deposited into school Internal Fund Accounts.

    b. Funds collected by the school advisor or administrator must be written on a "monies collected" form and submitted to the bookkeeper daily.

    c. The bookkeeper will deposit the funds into the bank within three (3) business days if the funds exceed $200.

E. The Board will not be responsible for lost, stolen, spoilage, damaged, or misplaced fundraising items or cash.

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ap5895

STUDENT EMPLOYMENT

5895 - **STUDENT EMPLOYMENT**

Students who work while attending school must be in compliance with Florida's Child Labor Law, F.S. 450.001-450.161. This applies to teenagers under the age of eighteen (18). If you are a minor, you can't work during school hours unless you are exempt, are granted a waiver, or are enrolled in a school-work experience program, vocational education or other program declared exempt by the State of Florida.

For minors age fourteen (14) and fifteen (15):

The allowable work hours are: Fifteen (15) hours a week when school is in session; three (3) hours a day, between 7:00 a.m. and 7:00 p.m. if school is scheduled for the next day. Eight (8) hours a day, between 7:00 a.m. and 9:00 p.m. on days when there is no school the next day. Forty (40) hours a week during the summer and holidays.

For minors age sixteen (16) and seventeen (17);

The allowable work hours are: Thirty (30) hours a week when school is in session; eight (8) hours a day, between 6:30 a.m. and 11:00 p.m. if school is scheduled the next day. No restrictions on hours during vacations and holidays, or when school is not scheduled for the next day.

PROOF OF AGE

Employers are required to keep proof of age for all minors who are employed. Students should show their birth certificate or the school may provide an age certificate. Work permits are no longer required.

PARTIAL WAIVERS

Partial waivers of the Child Labor Law may be granted under certain conditions, such as financial hardship, medical or other hardship, court order, or with the approval of the Superintendent. Waivers are granted by the Florida Department of Labor and Employment Security, Bureau of Compliance/Child Labor Section.

Requests for partial waivers approved by the Superintendent should be made to the Office of Student Services.

In addition to student compliance with Florida statute, students' grades and attendance are monitored by their schools.

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GRANT PROCEDURES

6111 - **GRANT PROCEDURES**

(Procedures do not apply to Brevard Schools Foundation Grants)

If applying for this TYPE OF GRANT then:	Required Permissions	1st Board Agenda	2nd Board Agenda
1. Any competitive grant that requires the Superintendent's signature and/or any one of the following: A. Is newly created, controversial, or unique in its scope and design; B. requires matching funds that must be committed by the School Board and/or an external entity; C. commits BPS funds to continue implementation of the program after the grant funding ends; D. proposes a program that is not a part of the Brevard strategic plan; E. involves partnerships with organizations that the BPS has not partnered with in the past; F. requires an external evaluator.	Immediate supervisor (i.e., director, manager, administrator), assistant superintendent, and/or appropriate deputy superintendent Grant Development Office by completing the "Request to Develop a Proposal" form.	A Board agenda item is required for the next meeting for CONSENT WITHOUT INFORMATION asking permission to write and submit the grant.	If grant award exceeds $50,000 re-submit to the School Board as a CONSENT AFTER INFORMATION to accept the grant award.

2. State, federal, or any grant that requires the Superintendent's signature BUT is: A. An entitlement program; B. has been funded in the past; C. does not meet any of the requirements listed above in #1 (NOTE: subsequent program and/or budget amendments do not require resubmission unless initial program scope has significantly changed.)	Immediate supervisor (i.e., director, manager, administrator), assistant superintendent, and/or appropriate deputy superintendent	A Board agenda item for INFORMATION prior to submission.	N/A

3. Grants that do not require the Superintendent's signature and exceed $50,000.	Immediate supervisor (i.e., director, manager, administrator), assistant superintendent, and/or appropriate deputy superintendent Grant Development Office by completing the "Request to Develop a Proposal" form.	A Board agenda item for the next meeting for CONSENT W/O INFORMATION asking permission to write and submit a grant.	When grant is awarded re-submit to School Board as CONSENT AFTER INFORMATION to accept grant award.
4. Grants that do not require the Superintendent's signature and do not exceed $50,000. (Note: A grant proposal that will impact budgets, salaries, supplements, extra duty pay, working conditions, etc., or if the grant obligates the District in any way the immediate supervisor should contact the appropriate deputy superintendent or assistant superintendent to determine whether or not to seek School Board approval.	Immediate supervisor (i.e., director, manager, administrator) Deputy superintendent or assistant superintendent	N/A unless deputy superintendent or assistant superintendent determines need to seek School Board approval	N/A unless deputy superintendent or assistant superintendent determines need to seek School Board approval

Note: Any salary, extra duty pay, supplement, or other pay that is written into a grant budget for employees of Brevard Public Schools must be calculated from the negotiated School Board approved salary schedule and must include current fringe rates.

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Revised 3/18/16

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GLOSSARY OF TERMS FOR POLICY 6144

6144.01 - **GLOSSARY OF TERMS FOR POLICY 6144**

Accrued Interest - The accumulated interest due on a bond as of the last interest payment made by the issuer.

Agency - A debt security issued by a Federal or Federally sponsored agency. Federal agencies are backed by the full faith and credit of the U.S. Government. Federally Sponsored Agencies (FSAs) are backed by each particular agency with a market perception that there is an implicit government guarantee. An example of Federal agency is the Government National Mortgage Association (GNMA). An example of a FSA is the Federal National Mortgage Association (FNMA).

Amortization - The systematic reduction of the amount owed on a debt issue through periodic payments of principal.

Asked - The price at which securities are offered

Average Life - The average length of time that an issue of serial bonds and/or term bonds with a mandatory sinking fund feature is expected to be outstanding.

Bankers' Acceptance (BA) - A draft, bill, or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

Basis Point - A unit of measurement used in the valuation of fixed-income securities equal to 1/100 of one percent (1%) of yield, e.g., "1/4" of one percent (1%) is equal to twenty-five (25) basis points.

Bid - The indicated price at which a buyer is willing to purchase a security or commodity.

Book Value - The value at which a security is carried on the inventory lists or other financial records of an investor. The book value may differ significantly from the security's current value in the market.

Broker - A broker brings buyer and sellers together for a commission.

Callable Bond - A bond issue in which all or part of its outstanding principal amount may be redeemed before maturity by the issuer under specified conditions.

Call Price - The price at which an issuer may redeem a bond prior to maturity. The price is usually at a slight premium to the bond's original issue price to compensate the holder for loss of income and ownership.

Call Risk - The risk to a bondholder that a bond may be redeemed prior to maturity.

Cash Sale/Purchase - A transaction, which calls for delivery and payment of securities on the same day that the transaction is initiated.

Certificate of Deposit (CD) - A time deposit with a specific maturity evidenced by a certificate. Large-denomination CDs are typically negotiable.

Collateralization - Process by which a borrower pledges securities, property, or other deposits for securing the repayment of a loan and/or security.

Commercial Paper - An unsecured short-term promissory note issued by corporations, with maturities ranging from two (2) to 270 days.

Convexity - A measure of a bond's price sensitivity to changing interest rates. A high convexity indicates greater sensitivity of a bond's price to interest rate changes.

Coupon Rate - The annual rate of interest received by an investor from the issuer of certain types of fixed-income securities. Also known as the "interest rate".

Credit Quality - The measurement of the financial strength of a bond issuer. This measurement helps an investor to understand an issuer's ability to make timely interest payments and repay the loan principal upon maturity. Generally, the higher the credit quality of a bond issuer, the lower the interest rate paid by the issuer because the risk of default is lower. Credit quality ratings are provided by nationally recognized rating agencies.

Credit Risk - The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

Current Yield (Current Return) - A yield calculation determined by dividing the annual interest received on a security by the current market price of that security.

Dealer - A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his/her own account.

Debenture - A bond secured only by the general credit of the issuer.

Delivery Versus Payment (DVP) - A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or his/her custodian.

Derivatives - For hedging purposes, common derivatives are options, futures, swaps and swaptions. All Collateralized Mortgage Obligations ("CMOs") are derivatives. (1) Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities or commodities.

Derivative Security - Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

Discount - The amount by which the par value of a security exceeds the price paid for the security.

Discount Securities - Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g. U.S. Treasury Bills.

Diversification - A process of investing assets among a range of security types by sector, maturity, and quality rating.

Duration - A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three (3) variables: term to maturity, coupon rate, and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

Fair Value - The amount, at which an investment could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

Federal Credit Agencies - Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g. S & Ls, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC) - A Federal agency that insures bank deposits, currently up to $100,000 per deposit.

Federal Funds (Fed Funds) - Funds placed in Federal Reserve banks by depository institutions in excess of current reserve requirements. These depository institutions may lend fed funds to each other overnight or on a longer basis. They may also transfer funds among each other on a same-day basis through the Federal Reserve banking system. Fed funds are considered immediately available funds.

Federal Funds Rate - Interest rate charged by one institution lending Federal funds to the other.

Federal Home Loan Banks (FHLB) - Government sponsored wholesale banks (currently twelve (12) regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions, and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district bank.

Federal National Mortgage Association (FNMA) - FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a Federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

Federal Open Market Committee (FOMC) - Consists of seven (7) members of the Federal Reserve Board and five (5) of the twelve (12) Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The committee periodically meets to set Federal Reserve procedures regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

Federal Reserve System - The central bank of the United States created by Congress and consisting of a seven (7) member Board of Governors in Washington, D.C., twelve (12) regional banks, and about 5,700 commercial banks that are members of the system.

Government National Mortgage Association (GNMA OR GINNIE MAE) - Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. The security holder is protected by full faith and credit of the U. S. Government. Fannie Mae securities are backed by the FHA, VA, or FMHM mortgages. The term "passthroughs" is often used to describe Fannie Maes.

Government Securities - An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market. See "Treasury Bills, Notes, Bonds, and SLGS."

Interest Rate - See "Coupon Rate".

Interest Rate Risk - The risk associated with declines or rises in interest rates which cause an investment in a fixed-income security to increase or decrease in value.

Internal Controls - An internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management. Internal controls should address the following points:

A. **Control of collusion** - Collusion is a situation where two (2) or more employees are working in conjunction to defraud their employer.

B. **Separation of transaction authority from accounting and record keeping** - By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.

C. **Custodial safekeeping** - Securities purchased from any bank or dealer including appropriate collateral (as defined by State law) shall be placed with an independent third party for custodial safekeeping.

D. **Avoidance of physical delivery securities** - Book-entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.

E. **Clear delegation of authority to subordinate staff members** - Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.

F. **Written confirmation of transactions for investments and wire transfers** - Due to the potential for error and improprieties arising from telephone and electronic transactions, all transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and if the safekeeping institution has a list of authorized signatures.

G. **Development of a wire transfer agreement with the lead bank and third-party custodian** - The designated official should ensure that an agreement will be entered into and will address the following points: controls, security provisions, and responsibilities of each party making and receiving wire transfers.

Inverted Yield Curve - A chart formation that illustrates long-term securities having lower yields than short-term securities. This configuration usually occurs during periods of high inflation coupled with low levels of confidence in the economy and a restrictive monetary policy.

Investment - A security or other asset acquired primarily for the purpose of obtaining income or profit.

Investment Company Act of 1940 - Federal legislation that sets the standards by which investment companies, such as mutual funds, are regulated in the areas of advertising, promotion, performance reporting requirements, and securities valuations.

Investment Policy - A concise and clear statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities.

Investment-grade Obligations - An investment instrument suitable for purchase by institutional investors under the prudent person rule. Investment-grade is restricted to those obligations rated BBB or higher by a rating agency.

Letter of Credit - An obligation issued by a bank on behalf of a bank customer to a third party. There are many different kinds of letter of credit. The two (2) most common are commercial letters and standby letters. A commercial or trade letter of credit is a bank promise to pay the third party for the purchase of goods by the bank's customer. A standby letter of credit is a bank promise to pay the third party in the event of some defined failure by the bank's customer, usually, but not always a failure to pay. Standby letters of credit are often used as credit enhancements for securities.

Liquidity - An asset that can be converted easily and quickly into cash.

Local Government Investment Pool (LGIP) - An investment by local governments in which their money is pooled as a method for managing local funds, (i.e., Florida State Board of Administration "SBA").

Mark-to-market - The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.

Market Risk - The risk that the value of a security will rise or decline as a result of changes in market conditions.

Market Value - Current market price of a security.

Master Repurchase Agreement - A written contract covering all future transactions between parties to repurchase—reverse repurchase agreement that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

Maturity - The date on which payment of a financial obligation is due. The final stated maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder. See "Weighted Average Maturity".

Money Market - The market in which short-term debt instruments (bills, commercial paper, bankers' acceptance, etc.) are issued and traded.

Money Market Mutual Fund - Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos, and Federal funds).

Mutual Fund - An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the Investment Company Act of 1940 and must abide by the following Securities and Exchange Commission (SEC) disclosure guidelines:

A. Report standardized performance calculations.

B. Disseminate timely and accurate information regarding the fund's holdings, performance, management and general investment policy.

C. Have the fund's investment policies and activities supervised by a board of trustees, which are independent of the adviser, administrator or other vendor of the fund.

D. Maintain the daily liquidity of the fund's shares.

E. Value their portfolios on a daily basis.

F. Have all individuals who sell SEC-registered products licensed with a self-regulating organization (SRO) such as the National Association of Securities Dealers (NASD).

G. Have an investment policy governed by a prospectus which is updated and filed by the SEC annually.

Mutual Fund Statistical Services - Companies that track and rate mutual funds, e.g., IBC/Donoghue, Lipper Analytical Services, and Morningstar.

National Association of Securities Dealers (NASD) - A self-regulatory organization (SRO) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.

Net Asset Value - The market value of one share of an investment company, such as a mutual fund. This figure is calculated by totaling a fund's assets which includes securities, cash, and any accrued earnings, subtracting this from the fund's liabilities and dividing this total by the number of shares outstanding. This is calculated once a day based on the closing price for each security in the fund's portfolio. (See below.)

[(Total assets) - (Liabilities)]/(Number of shares outstanding)

No Load Fund - A mutual fund which does not levy a sales charge on the purchase of its shares.

Nominal Yield - The stated rate of interest that a bond pays its current owner, based on par value of the security. It is also known as the "coupon", "coupon rate", or "interest rate".

Offer - An indicated price at which market participants are willing to sell a security or commodity. Also referred to as the "Ask price".

Open Market Operations - Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Par - Face value or principal value of a bond, typically $1,000 per bond.

Portfolio - Collection of securities held by an investor.

Positive Yield Curve - A chart formation that illustrates short-term securities having lower yields than long-term securities.

Premium - The amount by which the price paid for a security exceeds the security's par value.

Prime Rate - A preferred interest rate charged by commercial banks to their most creditworthy customers. Many interest rates are keyed to this rate.

Principal - The face value or par value of a debt instrument. Also may refer to the amount of capital invested in a given security.

Prospectus - A legal document that must be provided to any prospective purchaser of new securities offering registered with the SEC. This can include information on the issuer, the issuer's business, the proposed use of proceeds, and the experience of the issuer's management, and certain certified financial statements.

Prudent Person Rule - An investment standard outlining the fiduciary responsibilities of public funds investors relating to investment practices.

Qualified Public Depository - Per F.S. 280, means any bank, saving bank or savings association that:

A. Is organized and exists under the laws of the United States, the laws of this State or any other State or territory of the United States;

B. Has its principal place of business in this State or has a branch office in this State which is authorized under the laws of this State or of the United States to receive deposits in this State.

C. Has deposit insurance under the provision of the Federal Deposit Insurance Act, as amended, 12 U.S.C. 1811 seq.

D. Meets all requirements of F.S. 280

E. Has been designed by the Treasurer as a qualified public depository.

Rate of Return - For fixed income securities (bonds and preferred stock), current yield, that is, the coupon or contractual dividend rate divided by the purchase price. For common stock, dividend yield, which is the annual dividend divided by the purchase price.

Regular Way Delivery - Securities settlement that calls for delivery and payment on the third business day following the trade date (T+3); payment on a T+1 basis is currently under consideration. Mutual funds are settled on a same day basis; government securities are settled on the next business day.

Reinvestment Risk - The risk that a fixed-income investor will be unable to reinvest income proceeds from a security holding at the same rate of return currently generated by that holding.

Repurchase Agreement (repo or RP) - An agreement of one (1) party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

Reverse Repurchase Agreement (Reverse Repo) - An agreement of one (1) party to purchase securities at a specified price from a second party and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specified date.

Rule 2a-7 of the Investment Company Act - Applies to all money market mutual funds and mandates such funds to maintain certain standards, including a thirteen (13) month maturity limit and a ninety (90) day average maturity on investments, to help maintain a constant net asset value of one dollar ($1.00).

Safekeeping - Holding of assets (e.g., securities) by a financial institution.

Secondary Market - A market made for the purchase and sale of outstanding issues following the initial distribution.

SEC RULE 15C3-1 - See Uniform Net Capital Rule.

Securities & Exchanges Commission - Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Security - A transferable financial instrument that evidences ownership or creditorship, whether in physical or book entry form.

Serial Bond - A bond issue, usually of a municipality, with various maturity dates scheduled at regular intervals until the entire issue is retired.

Sinking Fund - Money accumulated on a regular basis in a separate custodial account that is used to redeem debt securities or preferred stock issues.

Structured Notes - Notes issued by government sponsored enterprises (FHLB, FNMA, SLMA, etc.) and corporations which have imbedded options (e.g. call features, step-up coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by fluctuation of interest rates, the volatility of the imbedded options, and shifts in the shape of the yield curve.

Swap - Trading one (1) asset for another.

Term Bond - Bonds comprising a large part or all of a particular issue which come due in a single maturity. The issuer usually agrees to make periodic payments into a sinking fund for mandatory redemption of term bonds before maturity.

Total Return - The sum of all investment income plus changes in the capital value of the portfolio. For mutual funds, return on an investment is composed of share price appreciation plus any realized dividends or capital gains. This is calculated by taking the following components during a certain time period. (Price Appreciation) + (Dividends paid) + (Capital gains) = Total Return

Treasury Bills - Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one (1) year and issued in minimum denominations of $10,000. Auctions of three (3) and six (6) month bills are weekly, while auctions of one (1) year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

Treasury Notes - Intermediate U.S. government debt securities with maturities of one (1) to ten (10) years and issued in denominations ranging from $1,000 to $1 million or more.

Treasury Bonds - Long-term U.S. government debt securities with maturities of ten (10) years or longer and issued in minimum denominations of $1,000. Currently, the longest outstanding maturity for such securities is thirty (30) years.

Uniform Net Capital Rule - SEC Rule 15C3-1 outlining capital requirements for broker/dealers.

Volatility - A degree of fluctuation in the price and valuation of securities.

"Volatility Risk" Rating - A rating system to clearly indicate the level of volatility and other non-credit risks associated with securities and certain bond funds. The ratings for bond funds range from those that have extremely low sensitivity to changing market conditions and offer the greatest stability of the returns ("AAA" by S&P; "V-1" by Fiche) to those that are highly sensitive with currently identifiable market volatility risk ("ccc-" by S&P, "V-10" by Fitch).

Weighted Average Maturity (WAM) - The average maturity of all the securities that comprise a portfolio. According to SEC rule 2a-7, the WAM for SEC registered money market mutual funds may not exceed ninety (90) days and no one security may have a maturity that exceeds 397 days.

When Issued (WI) - A conditional transaction in which an authorized new security has not been issued. All "when issued" transactions are settled when the actual security is issued.

Yield - The current rate of return on an investment security generally expressed as a percentage of the security's current price.

Yield Curve - A graph showing the relationship at a single point in time between the available maturities of a security or similar securities with essentially identical credit risk and the yields that can be earned for each of those available maturities. A graphical depiction of the term structure of interest rates at any given point in time. Yield curves may be constructed for different instruments.

Yield-to-call (YTC) - The rate of return an investor earns from a bond assuming the bond is redeemed (called) prior to its nominal maturity date. Yield Curve - A graphic representation that depicts the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity. A normal yield curve may be alternatively referred to as a positive yield curve.

Yield-to-maturity - The rate of return yielded by a debt security held to maturity when both interest payments and the investor's potential capital gain or loss are included in the calculation of return.

Zero-coupon Securities - Security that is issued at a discount and makes no periodic interest payments. The rate of return consists of a gradual accretion of the principal of the security and is payable at par upon maturity.

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ap6180.01

SALES SURTAX INTEREST

6180.01 - **SALES SURTAX INTEREST**

Sales surtax is part of the Board's portfolio and shall be invested in accordance with Board Policy 6144.

Net interest earned on the 2014 sales surtax fund and the 2020 sales surtax fund shall be separately recorded each fiscal year, reported to the Independent Citizens Oversight Committee (ICOC) and summarized in the ICOC Annual Report to the Board.

Net interest earned shall be allocated and used in accordance with Board Policy 6180.01.

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TEMPORARY TRANSFER OF SALES SURTAX CASH BETWEEN GROUPS

6180.03 - **TEMPORARY TRANSFER OF SALES SURTAX CASH BETWEEN GROUPS**

The following procedure outlines the steps required to implement a temporary transfer of sales surtax funds between groups (facility renewal, educational technology, District school security).

A. Project Management staff prepares a proposal request that includes:

1. Justification for the request relative to the criteria in Policy 6180.03.

2. Cash flow analysis projecting the use of funds and the schedule for the replenishment of funds. The agreed upon schedule for the temporary transfer and the replenishment will be collaboratively determined based on the resource needs of both groups and the sales surtax revenue projections.

3. Evaluation of the effect of the temporary transfer on the projects scheduled in the group providing the resources.

B. Proposal is reviewed and approved by the senior staff member representing the groups from which and to which the funds are being transferred.

C. Proposal is reviewed by the Independent Citizens Oversight Committee (ICOC) and its recommendation is provided to the Board.

D. Proposal is considered by the Board.

Following approval, the Finance Department provides accounting support to implement the temporary transfer and the replenishment of funds.

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SCHOOL INITIATED PROJECT FUNDING MATCH PROCEDURES

6340 – **SCHOOL INITIATED PROJECT FUNDING MATCH PROCEDURES**

A. **DEFINITIONS**

For the purposes of these Administrative Procedures, the following definitions apply:

1. Applicant: The principal of the school or designee.

2. Review Committee: The committee appointed by the Superintendent to review applications for the School Initiated Project funding match.

3. School Initiated Project: A capital improvement project initiated by a school.

4. School Initiated Project Agreement: The School Initiated Project Agreement form submitted by the school for consideration and approval by applicable District staff.

5. School Initiated Project Funding Match Application: A School Initiated Project Submission Form that identified that the applicant is applying for District match funds.

6. School Initiated Project Match Funding: The capital funds approved by the Board for the District match to assist in funding School Initiated Projects.

7. Title 1 School: Designation determined by the District for the school year of the application period.

B. **APPLICATIONS**

1. Applications for School Initiated Project matching funds shall be submitted on the most current version of the School Initiated Project (SIP) Project Submission Form.

2. The School Initiated Project (SIP) Matching Fund Application form will be reviewed by the applicable District staff including, as applicable, the Principal Supervisor, Educational Technology, District Security, Environmental Health and Safety, Building Official, Plant Operations and Maintenance, Procurement, Budgeting and Facilities Services.

3. The School Initiated Project Matching Fund Application must include documentation that the full amount of the school's share of the project cost is in a District account.

4. Incomplete applications may be considered or returned without review at the discretion of the Review Committee.

5. The application cycle will be in the Fall of each year (October 1 – October 31). An additional application cycle may open in the Spring of each year (February 1 – 28) if all funds are not allocated in the Fall cycle.

6. A school may resubmit an application that was not funded in a prior application period.

7. A school may only submit one (1) project per application cycle, including any unfunded application resubmitted from a prior cycle.

C. **REVIEW COMMITTEE**

1. The Review Committee shall consist of one (1) representative from each of the following divisions.

    a. Curriculum and Instruction;

    b. Facilities Services;

    c. Financial Services;

    d. Government and Community Relations;

    e. Student Services;

    f. Operations;

    g. Chief of Schools; and

    h. Purchasing (Non-Voting Member).

2. The Review Committee shall be appointed by the Superintendent.

    a. each representative on the Review Committee shall be a current employee of The School Board of Brevard County, Florida;

    b. be recommended to the Superintendent by the Division Assistant Superintendent; and

    c. all members of the Review Committee shall serve until replaced.

3. A Chairperson and a Vice Chairperson/Secretary shall be elected by a majority of the Review Committee at the first meeting of each fiscal year. The Facilities Services Division will provide support services to the Review Committee.

4. Review Committee Meetings shall be conducted in accordance with Roberts Rules of Order.

5. A minimum of four (4) voting members must be present to constitute a quorum.

6. The Review Committee should endeavor to meet during the first ten (10) business days following each application period. Special meetings may be called by the Chairperson.

7. The Review Committee may request applicants to clarify their application at a meeting.

8. <u>Decisions:</u>

    a. Funding decisions shall be approved by a majority of the Review Committee members present.

b. All decisions by the Review Committee are final and are not subject to an appeal.

c. The applicant and the Board shall be notified of funding decisions within five (5) business days of the Review Committee's final approval meeting.

D. **MATCH FUNDING**

1. Matching funds are to be used for capital projects, not furniture, fixtures, and equipment (FFE).

   Exceptions may be considered by the Review Committee upon endorsement by the applicable Cabinet member.

2. The Review Committee may award up to fifty percent (50%) of the project cost up to a maximum of $25,000.

3. The Review Committee may award up to seventy-five percent (75%) of the project cost up to a maximum of $37,500 for Title 1 schools only.

4. District match funding not used in an application period or fiscal year shall carry forward to the following application period or fiscal year.

5. The school must provide their project funds within ten (10) business days of being notified of the award.

   The award may be reallocated to another project if the school's matching funds are not available in a timely manner.

6. The value of in-kind services is not an eligible source of school project funds.

7. District funds shall not be released until the school has expended its funds. Purchase orders may be dual funded.

8. A purchase order should be issued within one-hundred twenty (120) days of the Review Committee's approval.

   The award may be reallocated to another project if the purchase order is not issued in a timely manner.

9. An applicant who fails to provide their funds or issue a purchase order in the allotted time frame may reapply for District match funds in a subsequent cycle.

E. **MATCH FUNDING DETERMINATION**

1. The Review Committee shall consider the following criteria for match fund determination:

   a. Improving facility equity across the District;

   b. Instructional applicability;

   c. Access to or use of, the project by students, other schools, the local community, etc;

   d. Availability of other District resources;

   e. Free & Reduced Lunch ratio of the school;

   f. Enhanced safety and security;

g. Amount of and frequency of prior match funding received by the school;

h. Title 1 designation; and

i. Projects for which there are no other source of funds.

2. A project may receive partial funding.

3. The Review Committee may decline to approve District matching funds for a School Initiated Project if, in the opinion of the Review Committee, the use of District funds for the project is not in the best interest of the District. Such applications may be amended and resubmitted for consideration during a subsequent application period.

F. **CONDITIONS**

1. The project must comply with all School Initiated Project requirements to receive matching funding.

2. The project must comply with all District procurement requirements to receive match funding.

3. Annual maintenance, repairs, and replacements of the capital asset at the end of its useful life may be the responsibility of the school and will be noted in the response to the School Initiated Project matching fund application.

Revised 10/19/23

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ap7100

STUDENT ACCOMMODATION PLAN PROCEDURES

7100 - **STUDENT ACCOMMODATION PLAN PROCEDURE**

A. **SCOPE**

This procedure outlines the process for developing the District's annual Student Accommodation Plan.

B. **DEFINITIONS**

1. Student Accommodation Plan (SAP):

   The SAP is a planning tool that compares projected student enrollment to projected school capacities for the next school year. The SAP is prepared by the Facilities Services, Planning and Project Management Department (Facilities Planning) every spring and approved by the School Board of Brevard County (Board) prior to the summer break. After the SAP is approved, it is implemented throughout the District.

2. Florida Inventory School Houses (FISH):

   The Florida Inventory of School Houses (FISH) is the database used by the Department of Education for all spaces in Florida public educational facilities. FISH capacity is the number of students that may be housed in a facility at any given time, based upon the number of existing satisfactory student stations multiplied by a Utilization Factor. The FISH system includes both permanent student stations and relocatable student stations, referred to as total capacity.

C. **RESPONSIBILITY**

Facilities Services' Director of Planning and Project Management.

D. **APPROVAL AUTHORITY**

Assistant Superintendent of Facilities Services; Superintendent; School Board of Brevard County, Florida.

E. **PROCEDURE**

1. General:

   Facilities Planning is the lead department in the creation of the SAP. Assistant Superintendents and School Principals, Financial Services and Transportation Services play an important role in the development of the SAP.

2. SAP Information Request and Task Milestone Schedule:

   Facilities Planning will develop and publish an SAP Information Request Letter and Task Milestone Schedule to initiate the annual SAP planning cycle. The letter and schedule are distributed to the Assistant Superintendents and all applicable educational program managers.

3. Data Used in the Development of the SAP:

   a. Controlled Open Enrollment: In accordance with Florida Law, a parent/legal guardian of a student under the age of eighteen (18), or an eligible student who lives in the District or in any other school district in the State of Florida, may seek to enroll in a public school in the District that has not reached ninety-five percent (95%) total capacity, subject to the maximum class size to F.S. 1003.03, and Section 1, Article IX of the Florida Constitution.

Refer to Policy 5121 for program and eligibility requirements. In addition, the Superintendent or the Superintendent's designee may "freeze" a school to new incoming Education Location Option (ELO) students when in the best interest of the District. (See Controlled Open Enrollment, Policy 5121).

b. Estimated School Space Needs: Assistant Superintendents and educational program managers will respond to the Information Request letter by estimating their need for space to accommodate students for the following year based on membership projections, program needs and legislative requirements (e.g., Class Size maximums).

Principals submit forms for the use of relocatable classrooms to their Assistant Superintendents for approval and submission to Facilities Planning. The forms document the need for additional relocatable classrooms, the continued use of existing relocatable classrooms or notification that one or more relocatable classrooms are no longer needed.

c. Policy 5120, Assignment within District: The Board shall determine annually the school attendance areas of the District and shall expect the students within each area to attend the school so designated. The Board shall adhere to the rule-making requirements set forth in Bylaw 0131 and F.S. Chapter 120 when creating or revising school attendance boundaries. In accordance with Policy 5120 - Assignment within the District, the Superintendent periodically reviews existing school attendance boundaries and recommends to the Board changes advisable in the best interest of the students pertaining to safety, transportation, financial and administrative efficiency, the effectiveness of the instructional program, and a diverse and educationally sound balance of student populations.

d. Student Membership Count: Financial Services collects the Fall student membership count in October, which is used as the "official" student membership for the School District for that school year.

e. Student Membership Projections: In November of each year, Facilities Planning, in collaboration with Financial Services, Human Resources, and Assistant Superintendents, provides student membership projections for the next five (5) school years.

f. Florida Inventory School Houses (FISH): The SAP uses the student capacity data, both permanent and relocatable, contained in the FISH database in January of each year.

F. **SAP Development and Approval**

1. Assistant Superintendents, along with school principals respond to the request for information from Facilities Planning to provide estimated school space needs, evaluating the need for relocatable classrooms at each school.

2. Facilities Planning will take the estimated school space needs, Controlled Open Enrollment student data, current-year student membership count, student membership projections and FISH data and create the SAP draft.

3. Facilities Planning will distribute the SAP draft to the Assistant Superintendents and educational program managers for review.

4. Assistant Superintendents and educational program managers will provide comments and recommendations to Facilities Planning.

5. Facilities Planning will evaluate the comments and recommendations and consult with Assistant Superintendents and educational program managers to modify the SAP.

6. Facilities Planning will create the final draft SAP.

7. Facilities Planning will provide the Superintendent with the final draft SAP for review and approval.

8. Facilities Planning will modify the SAP as necessary to incorporate the Superintendent's recommendations.

9. Facilities Planning will prepare an Agenda Item for approval of the SAP by the Board.

10. The Board will review and approve, or request modifications and approve, the SAP.

11. Facilities Planning will post the approved SAP on the Planning & Project Management page of the School District's website.

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Revised 4/26/22

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SCHOOL ATTENDANCE BOUNDARY CHANGE PROCEDURES

7110 - **SCHOOL ATTENDANCE BOUNDARY CHANGE PROCEDURE**

A. **SCOPE**

This procedure outlines the process for changing school attendance boundaries.

B. **DEFINITIONS**

1. Assignment within District: The Board shall determine annually the school attendance areas of the District and shall expect the students within each area to attend the school so designated, except as provided in Policy 5120 and *Controlled Open Enrollment* Policy 5121.

2. Boundary Change Team: A team comprised of Brevard Public School employees including, as appropriate: Assistant Superintendents, school principals, educational program managers, Financial Services, Facilities Services Planning and Project Management (Facilities Planning), Transportation Services, Student Services, and Human Resources. The team evaluates the need for attendance boundary changes and prepares proposals for the Board each year, when necessary, to address new schools, over-capacity schools, program changes or school closings.

3. Controlled Open Enrollment: In accordance with Florida Law, a parent/legal guardian of a student under the age of eighteen (18), or an eligible student who lives in the District or in any other school district in the State of Florida, may seek to enroll in a public school in the District that has not reached ninety-five percent (95%) total capacity, subject to the maximum class size to F.S. 1003.03, and Section 1, Article IX of the Florida Constitution. Refer to Policy 5121 for program and eligibility requirements. In addition, the Superintendent or the Superintendent's designee may "freeze" a school to new incoming Education Location Option (ELO) students when in the best interest of the District. (See *Controlled Open Enrollment* Policy 5121).

4. Criteria and Guidelines for Attendance Boundary Changes: In coordination with Policy 5120, the Board directs that the assignment of students within the District be consistent with the best interest of the students and the best use of the resources of this District. The Board shall adhere to the rule-making requirements set forth in Bylaw 0131 and F.S. Chapter 120 when creating or revising school attendance boundaries. The Superintendent may recommend attendance boundary changes to the Board such changes as may be justified by the criteria defined in Policy 5120, *Assignment within District*.

5. Florida Inventory School Houses (FISH) Capacity: The Florida Inventory of School Houses (FISH) is the database used by the Department of Education for all spaces in Florida public educational facilities. FISH capacity is the number of students that may be housed in a facility at any given time, based upon the number of existing satisfactory student stations multiplied by a Utilization Factor. The FISH includes both permanent student stations and relocatable student stations, referred to as total capacity.

6. Student Membership Count: Financial Services determines student enrollment for the Fall FTE count in mid-October of each year, which is used as the "official" student membership for the School District for that school year.

7. Student Membership Projections: Financial Services and Facilities Planning work together to provide the projected student enrollment for the next five (5) school years. The Office of the Chief of Schools, along with school principals estimate their need for space to accommodate students based on school programs and student enrollment projections.

C. **RESPONSIBILITY**

Facilities Services' Director of Planning & Project Management.

D. **APPROVAL AUTHORITY**

Assistant Superintendent of Facilities Services; Superintendent; School Board of Brevard County.

E. **PROCEDURE** (See Form 7110 F1, Form 7110 F4)

1. General: The Superintendent periodically reviews existing school attendance boundaries and recommends to the Board changes advisable in the best interest of the students pertaining to safety, transportation, financial and administrative efficiency, the effectiveness of the instructional program, and a diverse and educationally sound balance of student populations. Facilities Planning facilitates the Boundary Change Team in the annual boundary change process. The Boundary Change Team analyzes data and makes recommendations for attendance boundary changes.

2. Schedule: The process begins with the "six (6) day count" of students in mid-August and continues through approval by the Board at a Public Hearing in January. Any changes that are approved go into effect the following school year.

3. Preliminary Proposals: Preliminary proposals are developed by the Boundary Change Team annually, when school attendance boundary changes are necessary to address new schools, over-capacity schools, program changes or school closings. Preliminary proposals may include temporary exceptions to the proposed attendance boundary changes for specific student groups such as rising sixth or eighth graders. The proposals are developed on the following basis:

    a. Student Membership Count as of the Fall FTE count. Because students must be geocoded into a GIS software package in order to evaluate the effects of attendance boundary changes, the current year's data is assumed to be consistent for the following school year when the changes take effect, in accordance with Policy 5120 and Policy 5121.

    b. Student Membership Projections are used to analyze the effects of five (5) year projected enrollment trends on the preliminary proposals.

    c. Florida Inventory School Houses (FISH) data as of the Fall FTE Count is used to determine a school's Capacity Utilization.

    d. Rule-making requirements set forth in Bylaw 0131 and F.S. Chapter 120 are followed when creating or revising school attendance boundaries.

4. Cabinet Review: The preliminary proposals drafted by the Boundary Change Team are sent to the Cabinet for review and comment, then modified as necessary to incorporate any comments/corrections.

5. Recommended Changes: Once evaluated by the Boundary Change Team and Cabinet, recommended proposals for attendance boundary changes, including temporary exceptions are submitted to the Board by the Superintendent.

6. Board Workshop: Recommended proposals for attendance boundary changes are reviewed and discussed by the Board at a Workshop. The Board may suggest modifications or request additional information. The proposals are then modified as necessary by the Boundary Change Team to incorporate any comments/corrections.

7. Public Input: Methods used to gather information from the communities of the potentially affected schools will be customized per proposal and may include, but is not limited to; direct mailings, surveys, focus groups, social media, and public meetings. Staff from the Boundary Change Team will evaluate the community feedback and revise recommendations, if needed. In addition, all proposals for attendance boundary changes, incorporating the comments

from the Board Workshop are:

a. Published on the School District's website, and social media sites.

b. Submitted to the Capital Outlay Committee for review and comments (as required by the Interlocal Agreement for Public School Facility Planning and School Concurrency). The boundary Change Team evaluates and modifies the proposals, as necessary.

8. Final Review: The Boundary Change Team performs a final review and may modify their recommendation prior to submitting the final proposal to the Board.

9. Submittal: The final recommended proposals for attendance boundary changes are submitted by the Superintendent to the Board for approval.

F. **Approval**

1. Information Agenda: Recommended proposals for attendance boundary changes, including temporary exceptions are reviewed and discussed by the Board as an Information Agenda Item at a Board Meeting. The Board may delete, modify or request additional attendance boundary change proposals or alternate versions of a proposal for an attendance boundary change. The proposals are then modified as necessary by the Attendance Boundary Team to incorporate any comments/corrections prior to the Action Agenda meeting.

2. Action Agenda: Attendance boundary changes, including temporary exceptions, are reviewed by the Board as an Action Agenda Item. The Board takes action on temporary exceptions and authorizes the Superintendent to advertise for a Public Hearing at least twenty-eight (28) days prior to the public hearing.

3. Public Hearing: Recommended proposals for attendance boundary changes are approved by the Board at a Public Hearing no sooner than twenty-eight (28) days following the published notice for a Public Hearing. Proposals may include special considerations.

G. **Implementation**

The approved attendance boundary changes are incorporated into the Student Accommodation Plan and implemented for the following school year.

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ap7110A

SCHOOL CLOSURE PROCEDURE

7110A - **SCHOOL CLOSURE PROCEDURE SCOPE**

This procedure outlines the process for closing a school.

DEFINITIONS:

A. **Action Agenda:** An action agenda item is individually considered by the Board at a scheduled Board meeting. Although some action agenda items can be approved by the Board at the meeting, those items requiring a public hearing, such as a school closure, can only be authorized to be heard at a public hearing no sooner than twenty-eight (28) days following the meeting. The public has an opportunity to provide input to the Board during the "Public Comments" portion of the meeting per F.S. 286.0114.

B. **Capital Outlay Committee Capacity:** A committee composed of representatives of local governments, established by the *Interlocal Agreement for Public School Facility Planning and School Concurrency*.

C. **Community Meetings:** Meetings held by School District staff in the areas of potentially affected schools to present information regarding potential school closings and gather input from the community for consideration by the Board.

D. **Information Agenda:** An information agenda item can be discussed by the Board at a scheduled Board meeting, but no action can be taken on the item at the meeting. The public has an opportunity to provide input to the Board during the "Public Comments" portion of the meeting per F.S. 286.0114.

E. **Public Hearing:** A public hearing is a specific agenda item at a scheduled Board meeting required by the policy adoption process. The public has an opportunity to provide input to the Board prior to the adoption of the policy per F.S. 286.0114.

F. **Board Meeting:** A scheduled meeting of the Board to conduct business.

G. **Board Workshop:** An ad hoc meeting of the Board to address a specific issue. Public comments are not taken at these meetings.

H. **Staff Recommendations:** School District staff recommendations of schools to be considered for closure, based on the AP 7110B - School Closure Analysis Procedure.

RESPONSIBILITY

Superintendent and Senior Staff.

APPROVAL AUTHORITY

The Board.

PROCEDURE

A. **General:** When considering school closures, the Board shall utilize: (1) School District staff recommendations based on Form 7110B F1 - Criteria and Guidelines for School Closure Analysis; (2) recommendations received from the Capital Outlay Committee (representing local governments); and (3) comments and/or recommendations received from the community at community meetings and Board meetings.

B. **Schedule:** Unless otherwise requested by the Board, the process begins with receipt by the Board of School District staff recommendations, typically in September, and continues through approval by the Board at a public hearing in January.

C. **Board Workshop:** School District staff recommendations regarding potential school closures are reviewed and discussed by the Board at a workshop. The Board may accept, reject or modify the recommendations, or request additional recommendations.

D. **Release of Information:** For those recommendations approved for further consideration by the Board, school closure analysis information and proposals for attendance boundary changes associated with each potential school closure are published on the School District's website, sent to the Capital Outlay Committee and sent to the media.

E. **Local Government Input:** The Capital Outlay Committee (COC), representing local governments, may submit written recommendations regarding the potential school closures based on their established evaluation process and criteria for consideration by the Board. In addition, a representative of the COC will be provided an opportunity to present the consensus recommendations of the COC at the meeting at which the action item is heard.

F. **Community Input:** Parents and other members of the community will be provided specific information regarding the potential school closures by School District staff at a community meeting in the area of each potentially affected school. Comments and/or recommendations provided by the community at the meetings will be presented to the Board for their consideration.

G. **Information Agenda:** School District staff recommendations, Capital Outlay Committee recommendations, and comments and/or recommendations from the community regarding potential school closures are reviewed and discussed by the Board as an information agenda item at a Board meeting. The Board may accept, reject or modify the recommendations, or request additional recommendations.

H. **Action Agenda:** Recommendations regarding potential school closures, with modifications as requested, are reviewed and discussed by the Board as an action agenda item at a Board meeting. The Board may accept, reject or modify the recommendations, or request additional recommendations. The Board authorizes the Superintendent to advertise for a public hearing.

I. **Public Hearing:** Recommendations regarding potential school closures, with modifications as requested, are approved by the Board at a public hearing.

IMPLEMENTATION

Approved school closures are implemented beginning with the following school year.

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ap7110B

SCHOOL CLOSURE ANALYSIS PROCEDURE

7110B - **SCHOOL CLOSURE ANALYSIS PROCEDURE**

SCOPE

This procedure outlines the process for analyzing a school to be considered for closure.

DEFINITIONS

A. **Capacity**

1. Design Capacity:The maximum number of students designed to be housed at the school based on the satisfactory factored permanent capacity, scheduled on a traditional calendar, contained in the FISH database at the time of the Full-Time Equivalent (FTE) survey in October of the current school year.

2. Total Capacity: The maximum number of students designed to be housed at the school based on the satisfactory factored permanent and relocatable capacity, scheduled on a traditional calendar, contained in the FISH database at the time of the Full-Time Equivalent (FTE) survey in October of the current school year.

B. **Capacity Utilization:** A school's capacity utilization is determined by dividing the number of projected students by the school's total capacity.

C. **Criteria and Guidelines for School Closure Analysis:** Criteria and guidelines used to analyze schools that may be considered for closure.

D. **Florida Inventory School Houses (FISH) Capacity:** The database used by the Department of Education for all spaces in Florida public educational facilities. FISH capacity is the number of students that a school is designed to house, scheduled on a traditional calendar, based on the number of existing satisfactory student stations multiplied by a utilization factor. The FISH includes both permanent student stations and relocatable student stations.

E. **Out-of-Area Student:** A student that does not attend the school that serves the area in which s/he resides. See Policy 7120 for restrictions and exceptions.

F. **Student Enrollment:** The number of students enrolled at the school during the Full-Time Equivalent (FTE) survey in October of the current school year, which is used as the "official" student membership for the School District for that school year.

G. **Student Enrollment Projections:** The number of students projected to be enrolled at the school for the following five (5) school years, published by Financial Services each November.

RESPONSIBILITY

Facilities Services' Director of Planning & Project Management.

APPROVAL AUTHORITY

Assistant Superintendent of Facilities Services; Superintendent.

PROCEDURE

A. **General:** Facilities Services Planning is the lead department in providing data for school closure analysis. A selection team, composed of area superintendents, Financial Services, Transportation Services, Curriculum & Instruction and Human Resources, evaluates the data and makes recommendations regarding school closure analysis.

B. **Schedule:** Unless otherwise requested by the Board, the process begins in August and concludes with a recommendation to the Board, typically in September. This process is followed by AP 7110A - School Closure Procedure, which begins with this recommendation and concludes with a public hearing in January of the following year.

C. **Preliminary Recommendations:** Preliminary school closure analysis recommendations are developed by the selection team based on Form 7110B F1 - *Criteria and Guidelines for School Closure Analysis*. Proposals for attendance boundary changes made necessary by a school closure are developed for each analysis in accordance with AP 7110 - *School Attendance Boundary Change Procedure*.

D. **Senior Staff Review:** The preliminary school closure analysis recommendations are sent to the Superintendent and his/her senior staff for review and comment, then modified as necessary by Facilities Services Planning to incorporate any comments.

E. **Staff Recommendations:** School closure analysis recommendations are submitted to the Board by the Superintendent.

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SCHOOL CONCURRENCY MANAGEMENT PROCEDURES

7130.01 - **SCHOOL CONCURRENCY MANAGEMENT PROCEDURES**

The Board recognizes the need to define the procedures for administering school concurrency applications and reviews to meet the obligations of the Board as required by the Interlocal Agreement for Public School Facility Planning and School Concurrency and related legislative requirements as amended from time to time.

DEFINITIONS

For the purposes of this administrative procedure, the following definitions apply:

A. **Adjacent Concurrency Service Area:** A concurrency service area which is contiguous to the boundary of another concurrency service area along one side to the extent practicable, taking into account water bodies, limited access interstate corridors, and similar geographic limits. Concurrency service areas based on spot zoning that do not include a school within shall not be utilized in concurrency reviews for adjacency purposes.

B. **Applicant:** The contact person authorized by the property owner to apply for school concurrency.

C. **Capacity Determination Letter (CDL):** A letter prepared by the Board resulting from a school impact analysis (SIA) identifying if existing FISH Capacity is available to serve a residential project. This letter is the Board response to a school capacity determination application and establishes availability at that present time only and neither vest nor reserves FISH Capacity for the developer and is non-binding in nature.

D. **Capacity Elements:**

1. **Permanent Student Stations:** The number of student stations in permanent structures (buildings) identified as being satisfactory in the FDOE FISH Inventory.

2. **Relocatable Student Stations:** The number of student stations in relocatable structures identified as being satisfactory in the FDOE FISH Inventory.

3. **Florida Inventory of School Houses (FISH) Capacity:** The Florida Inventory of School Houses (FISH) is the database used by the Florida Department of Education for all spaces in Florida public education facilities. FISH Capacity is calculated on the Department of Education's measure of satisfactory student stations in both permanent and relocatable structures multiplied by a utilization factor. The Board's utilization factors are 100% for elementary, ninety percent (90%) for middle, ninety percent (90%) for junior/senior high schools, and ninety-five percent (95%) for high schools. The utilization factors may be amended by the Florida Department of Education. By definition the FISH Capacity is a factored capacity and the terms may be used interchangeably in this agreement and in supporting documentation.

4. **Factored Capacity:** By definition the factored capacity is the FISH Capacity and the terms may be used interchangeably in this agreement and in supporting documentation.

E. **Capacity Enhancement Agreement:** A binding and enforceable agreement between the developer, the Board, and the local government with jurisdiction over the approval of the development order to mitigate the additional demand on public school facilities potentially created through the approval of a preliminary development request.

F. **Concurrency Evaluation and Finding of Nondeficiency (CEFoN) or equivalent:** Once the Board has issued a school capacity determination letter (SCADL) confirming the existence of FISH Capacity, the local government may issue a CEFoN, or equivalent, and the FISH Capacity for the development is reserved or vested for that development for the life of the CEFoN.

G. **Developer:** Any person or governmental agency undertaking any residential construction.

H. **Development Order:** Any order granting, or granting with conditions, an application for a development permit.

I. **Final Development Request:** A final development request is the last procedure in the local government planning process that is required before a development proposal with a residential component applies for building permits. Final development requests may include final plat applications, site plan applications, conditional use applications, engineering review applications as well as other development requests that are functionally equivalent.

J. **Interlocal Agreement for Public School Facility Planning and School Concurrency (ILA):** The agreement between the Board and Brevard County and its cities which includes details about the uniform school concurrency process. This administrative procedure uses the abbreviation, ILA to refer to this agreement.

K. **Local Governments:** Brevard County and its cities.

L. **Preliminary Development Request:** A preliminary development request is the initial application for land use, zoning, and/or development code compliance that begins the local government planning process for any development proposal with a residential component. Preliminary development requests may include rezoning applications, comprehensive plan amendments, transmittal of large scale comprehensive plan amendments to the State of Florida, preliminary plat applications, site plan requests, PUD applications, DRI applications, as well as other development requests that are functionally equivalent.

M. **Proportionate Share Mitigation:** A developer improvement or contribution identified in a binding and enforceable agreement between the developer, the Board and the local government with jurisdiction over the approval of the development order to provide compensation for the additional demand on public school facilities created through the residential development of the property, as set forth in F.S. 163.3180(6).

N. **School Board** – For purposes of this administrative procedure, Board is used interchangeably with the term School District and includes the elected officials, governing board, and staff.

O. **School Capacity Availability Determination Letter (SCADL):** A letter prepared by the Board resulting from an SIA identifying if FISH Capacity is available to serve a residential project. This letter is the Board response to a concurrency determination application and if FISH Capacity exists, and the local government issues a CEFoN or equivalent, the proposed development's FISH Capacity is reserved or vested.

P. **School Impact Analysis (SIA):** A formal description of a residential project subject to school concurrency review submitted by a developer through a school facility planning and concurrency application for Board review in accordance with Section

13.2 of the ILA.

Q. **School Facility Planning and Concurrency Application:** An application for a school impact analysis (SIA) to be undertaken by the Board submitted by a developer for either a school capacity determination (non-binding) or a concurrency determination commitment (binding) which reserves or vests space for students generated by a specific development. In this administrative procedure, the term school concurrency application is used interchangeably.

R. **Spot Zone:** A school attendance boundary area considered part of, but geographically detached from, the boundary area that includes the school facility. The boundaries of spot zones are not considered when establishing CSA's for concurrency evaluation.

S. **Student Generation Multiplier (SGM):** The student generation multiplier is the ratio of students per residential unit based on the type of school and the type of residential unit as described in Appendix "A".

SCHOOL CONCURRENCY APPLICATION

A. A standard application shall be developed by the Board as part of this administrative procedure. The application shall provide input from the applicant, the property owner, and the local government. The application shall outline the information and documentation required to be submitted to the Board. The school concurrency application is formally called the "School Facility Planning and Concurrency Application" which is a request for the Board to perform a school impact analysis.

B. The local government shall determine if the applicant for a development
request is required to submit a school concurrency application based on the criteria outlined in the ILA. The local government shall determine the type of school concurrency application, provide information about the development request, and review the school concurrency application for completeness and accuracy. The applicant shall submit the school concurrency application to the Board through the local government.

C. The ILA defines the preliminary development requests and the final development requests that are required to apply for school concurrency. The ILA and the school concurrency application delineate the required documentation.

D. The local government shall coordinate with the applicant to submit the required documentation and fees to the Board for a school concurrency application.

SCHOOL CONCURRENCY REVIEWS

A. Based on the determination by the local government, the type of school concurrency application is established and the appropriate review shall be performed by the Board.

B. The Board shall review a completed school concurrency application in a timely manner as defined in the ILA.

C. The Board performs a school impact analysis for both preliminary development requests and final development requests that have submitted a school concurrency application. The school impact analysis uses the student generation multiplier and the capacity elements to calculate available FISH Capacity for a particular school concurrency service area (CSA) and potentially the adjacent school concurrency service areas. The resulting action is based on the type of development request/school concurrency application:

1. Preliminary development requests will result in a capacity determination letter (CDL) to be issued by the Board which establishes school capacity availability at that present time only and neither vests nor reserves FISH Capacity for the developer and is non-binding in nature.

2. Final development requests will result in a school capacity availability determination letter (SCADL) to be issued by the Board and if FISH Capacity exists, and the local government issues a CEFoN or equivalent, the proposed development's FISH Capacity is reserved or vested.

D. A school concurrency application may request the conversion of a capacity determination to a concurrency determination if there is available FISH Capacity and the capacity determination letter was issued within the same Board reporting year. The same school impact analysis is applicable and the Board issues a SCADL.

E. An exemption review may be requested if a residential development has an unexpired preliminary plat or site plan approval or the functional equivalent for a site specific development order prior to the commencement date of the school concurrency program.

F. Previously vested school capacity availability determination letters that have an expiration date may apply for a time extension if they do not receive a concurrency evaluation and finding of nondeficiency (CEFoN) or equivalent from the local government prior to the Board SCADL expiration date.

G. An exemption review may be requested if a residential development has an unexpired preliminary plat or site plan approval or the functional equivalent for a site specific development order prior to the commencement date of the school concurrency program.

H. In the event that a school impact analysis determines that there is not sufficient FISH Capacity to accommodate a development request, the applicant may choose to enter into a mitigation process. The resulting agreement is based on the type of school concurrency application:

1. Preliminary development requests may be mitigated by entering a capacity enhancement agreement.

2. Final development requests may be mitigated by entering a proportionate share mitigation agreement.

I. No application for a school concurrency review shall be processed if submitted without information as outlined in the ILA and school concurrency application, and/or without the application fee(s).

1. Application requirements are outlined in the ILA.

2. A standard school concurrency application is included in this administrative procedure.

3. A concurrency fee schedule is included in AP 7130.02, as approved by the Board.

IMPLEMENTATION FLEXIBILITY

The Board provides to the Superintendent flexibility in the implementation of this administrative procedure due to extenuating circumstances. The Superintendent shall notify the Board of any exceptions.

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SCHOOL CONCURRENCY REVIEW FEES

7130.02 - **SCHOOL CONCURRENCY REVIEW FEES**

FEE ANALYSIS

The fee(s) associated with the school concurrency review process shall reflect the cost of the School District resources and staff time, as well as any professional consultant expenses that may be employed in the process. The Board shall adopt a standard concurrency fee schedule as part of this administrative procedure and may review and update those fees as needed.

FEES ASSOCIATED WITH REVIEW TYPES

The review types listed in this section are described in AP 7130.01, School Concurrency Management Procedures. The following paragraphs list the general tasks and responsibilities of the Board to implement the school concurrency process.

A. **Preliminary Development Requests as Determined by Local Government:** Fees associated with this review cover the costs for District staff to assess the information provided by the developer and the local government, and make recommendations. Development information is uploaded into the concurrency database, calculations are performed, the school impact analysis is documented and a capacity determination letter is issued. Staff sets up the necessary administration, and insures that all required documentation from the developer and the local government are in order.

B. **Capacity Enhancement Agreement:** Fees associated with establishing this agreement cover the costs related to negotiations involving senior District staff, professional consultants, and necessary administration efforts.

C. **Final Development Requests as Determined by Local Government:** Fees associated with this review cover the costs for District staff to assess the information provided by the developer and the local government, and make recommendations. Development information is uploaded into the concurrency database, calculations are performed, the school impact analysis is documented and a school capacity availability determination letter (SCADL) is issued. Staff sets up the necessary administration, and insures that all required documentation from the developer and the local government are in order.

D. **Proportionate Share Mitigation:** Fees associated with establishing this agreement cover the costs related to negotiations involving senior District staff, professional consultants, and necessary administration efforts.

E. **Exemption Review:** Fees associated with this review include analysis of documents submitted by the applicant, requests for additional information from local governments and applicants, research of historical documentation in Board records and local government records, and the issuance of an exemption letter. Staff sets up the necessary administration, and insures that all required documentation from the developer and local government are consistent and in order.

F. **Time Extension:** Fees associated with this review include analysis of documents submitted by the applicant, review of Board records, and analysis of current trends. Staff sets up the necessary administration and issues a letter regarding the time extension request.

G. **Appeals:** Fees associated with the appeal process shall cover costs related to negotiations involving senior District staff, professional consultants, and necessary administration efforts.

FEE COLLECTION

The non-refundable school concurrency review fee(s) associated with review(s)of a proposed development shall be submitted by the developer to the local government having jurisdiction. The fees remitted to the local government(s) shall be made payable to the Board. The local governments shall collect school concurrency review fees, and forward to the Board at the same time that the school concurrency application is submitted to the Board.

IMPLEMENTATION FLEXIBILITY

The Board provides to the Superintendent flexibility in the implementation of this administrative procedure due to extenuating circumstances. The Superintendent shall notify the Board of any exceptions.

CONCURRENCY FEE SCHEDULE

Review/Negotiation	Type	Cost
School Capacity Determination	Preliminary Development Request (CDL)	$200
Capacity Determination Conversion to Concurrency Determination	Previously Reviewed in the same Board Reporting Year	$200
Concurrency Determination	Final Development Request (SCADL)	$400
Exemption Letter	See Section 13.1(d)2. of the Interlocal Agreement	$100
Time Extensions	All	$100
Proportionate Share Mitigation Agreement	All	$3,000
Appeals	All	$1,000
Capacity Enhancement Agreement	All	$3,000

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ap7217

WEAPON SITUATION - INCIDENT - STUDENT/EMPLOYEE WITH A GUN - DISPLAYED

7217 - **WEAPON SITUATION - INCIDENT – STUDENT/EMPLOYEE WITH A GUN – DISPLAYED**

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• This is primarily a law enforcement ACTION MATTER.	• This is primarily a law enforcement ACTION MATTER.	• Notify Area Superintendent, District Communications, Director of District and School Security
• Pre-plan with the law enforcement jurisdiction at the school site.	• Closest adult call 911 immediately.	• Prepare letter home to all parents to dispel rumors, calm fears.
• Parents and students sign drug and weapon policy at registration (Grades K-12/Adult Registration Addendum)	• Give as much information as possible-type of weapon, location of person with gun, name if known, description of person.	• Cooperate with police.
• Establish a lock down code.	• Adult on scene MAY ACT depending on the circumstance:	• Brief staff.
• Post search and seizure information.	• Give loud order to all students to "clear the area now."	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Instruct student on dangers and consequences of weapons.	• Calmly ask person with weapon to "put the gun down."	• Critique incident.
• Establish a "response team" and alternates.	• Keep person in sight and order all other students to safety.	
• School staff and teachers should report threats immediately to the School Resource Officer or local law enforcement.	• Calmly ask person to place the gun on the ground on the ground and step back from it.	
• Be aware of and report any employee workplace	• The gun may be picked up by an administrator	

violence potential.	only at their discretion.	
• Student/employees shall report all violations.	• Two administrators should be on scene.	
• Support Appendix #66 – Children and Family Services (former HRS)/Law Enforcement – Student Interview Procedures (Arrest On Campus)	• If the situation dictates, one secures the weapon/one secures the suspect.	
• Support Appendix #70 – Chain of Command.	• WAIT FOR POLICE IF THE PERSON IS VIOLENT-THREATENING-OR THEIR ACTIONS MAY PLACE OTHERS OR YOU IN DANGER.	
• Support Appendix #71 – Emergency Phone Numbers.	• Determine if medical attention is needed. • Notify parents.	
• Support Appendix #80 – Sample Letters/Memos and Sample Media Statement	• Turn investigation over to local police. • Request assistance from Guidance Counselors and School Crisis Team • Locate and document any witnesses or other parties.	

WEAPON SITUATION - INCIDENT – STUDENT/EMPLOYEE WITH A GUN – CONCEALED

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• This is primarily a law enforcement ACTION MATTER.	• This is primarily a law enforcement ACTION MATTER.	• Obtain witness statements as soon as possible.
• Pre-plan with the law enforcement jurisdiction at the school site.	• Have student/employee disclose location and type of weapon.	• Contact Area Superintendent and Office of District and School Security.

• Parents and students sign drug and weapon policy at registration (Grades K-12/Adult Registration Addendum).	• Call 911.	• Notify District Communications.
• Develop a mechanism for anonymous reporting by students and others.	• Notify Administrator in charge immediately with: student/employee name, grade, type of weapon, location of weapon, location of student/employee.	• Critique incident and change as needed.
• Student/employees shall report all violations.	• School-based response team and the police access the situation.	• Prepare written reports.
• Offer classes to students that will enhance "weapon awareness" _ DARE, GREAT, etc. may be used.	• STOP – PLAN - ACT	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Post signs regarding search and seizure police	• Initiate appropriate response to weapon location and parent notification.	• Critique incident.
• Establish a trained "response team" comfortable with securing a weapon.	• Isolate student/employee from others	
• Support Appendix #66 – Children and Family Services (former HRS)/Law Enforcement – Student Interview Procedures (Arrest on Campus).	• If the weapon is taken away from student by the administrator and/or police or if the weapon is in a book bag, on the person of the student, or in some other moveable article, the student should NOT hand WEAPON to staff member. DO NOT ALLOW STUDENT TO TOUCH THE WEAPON. Administrator should attempt to secure the weapon in a safe area so it can be stored safely until police or Office of District and School Security arrive.	

• Support Appendix #70 – Chain of Command.	• Locker or area should be opened by school or law enforcement officer.	
• Support Appendix #71 – Emergency Phone Numbers.	• If a weapon is located by an Administrator prior to arrival of police, it should be placed carefully into a box on a towel or cloth and bring it to the office until police arrive.	
• Have a plan to follow through with procedures for consequences to include criminal charges.	• DO NOT STICK IT IN YOUR POCKET OR ATTEMPT TO UNLOAD IT, REMOVE A MAGAZINE OR OPEN IT. "WAIT FOR POLICE."	
• Support Appendix #80 – Sample Letters/Memos and Sample Media Statement.	• DO NOT CARRY A RECOVERED WEAPON SO IT CAN BE EASILY SEEN BY STUDENTS.	

WEAPON SITUATION - INCIDENT – DISCHARGE OF FIREARM

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• This is primarily a law enforcement ACTION MATTER.	• This is primarily a law enforcement ACTION MATTER.	• Prepare written report(s) of incidents.
• Pre-plan with the law enforcement jurisdiction at the school site.	• Call 911	• Prepare written notification/letter to be sent home to parents.
• Parents and students sign drug and weapon policy at registration (Grades K-12/Adult Registration Addendum)	• Call for an administrator. • Call for resource officer or local law enforcement.	• Counsel students are needed.
• Train custodians to be eyes and ears of the school.	• Give as much information as possible – weapon, type, injuries, location of incident, name of person with weapon.	• Brief staff of incident to dispel erroneous information.

• Have pre-determined School Crisis Team members and alternates.	• Secure students/employees away from immediate threat.	• Support Appendix #70 – Chain of Command.
• Stay abreast of gang or violence threats – talk to local police.	• Determine if medical attention is needed.	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Offer classes from DARE or other officers on weapons to students and staff.	• DO NOT provoke person with weapon!	• Review incident with school administration and critique overall efforts. Change as needed.
• Establish a "LOCK DOWN" procedure.	• Locate and document witnesses or any other parties.	
• Post "search and seizure" information.	• Initiate lock down.	
• Be aware of and report any employee/student site violence potential.	• Manually override bell for class change or make P.A. announcement.	
• Students/employees shall report all violations.	• As soon as feasible, separate witness to obtain written statements.	
• Support Appendix #66 – Children and Family Services (former HRS)/Law Enforcement – Student Interview Procedures (Arrest on Campus)	• Notify Area Superintendent and Public Information Officer.	
• Support Appendix #71 – Emergency Phone Numbers.	• Notify Office of District and School Security	
• Support Appendix #80 – Sample Letters/Memos and Sample Media Statement Phone Numbers.		

WEAPON SITUATION - INCIDENT – DISPLAYED KNIFE

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• This is primarily a law enforcement ACTION MATTER.	• This is primarily a law enforcement ACTION MATTER.	• Prepare written reports based on facts, observations, statements.
• Pre-plan with the law enforcement jurisdiction at the school site.	• Call police and/or notify School/Resource Officer.	• Contact Area Superintendent.
• Parents and students sign drug and weapon policy at registration (Grades K-12/Adult Registration Addendum)	• Once information is received, two school personnel should assess threat level of student and setting.	• Follow appropriate discipline plan.
• Teachers review handbook with students.	• Administrator gives loud order to "clear the area" if in a crowd.	• Meet with parents.
• Dean reviews School Board Policy the second day of school.	• Student is called to by name – to "drop the weapon".	• Prepare for media/notify District Communications.
• Post search and seizure information. • Instruct students on dangers and consequence of weapons.	• If non-threatening situation, one Administrator secures the knife when it's laid down on the ground. Instruct student to back away. Wait for police if needed.	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Students/employees shall report all violations.	• Determine and call medical assistance as needed.	• Critique/review handling of incident.
• Support Appendix #70 – Chain of Command.	• Remove student to a safe area.	

• Support Appendix #71 Emergency Phone Numbers	• Identify, isolate and document any witnesses, victims or other parties involved. • Notify the parents. • Notify Office of District and School Security. • Follow District procedures for consequences to include criminal charges.	

WEAPON SITUATION - INCIDENT – STUDENT WITH KNIFE CONCEALED

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• Pre-plan with the law enforcement jurisdiction at the school site.	• If needed, before approaching student – School Resource Officer or local police agency should be called.	• Prepare written report of incident.
• Parents and students sign drug and weapon policy at registration (Grades K-12/Adult Registration Addendum)	• Once information is received – TWO school personnel should assess threat level of student and setting.	• Notify Area Superintendent.
• Teachers review handbook with students.	• If administrator in charge determines situation can be handled safely and calmly, student should be isolated.	• Counsel students as needed.
• Dean reviews School Board policy the second day of school with all students.	• If the knife is taken away from student by the administrator and/or police, the student should NOT hand knife to staff member. DO NOT ALLOW STUDENT TO TOUCH THE KNIFE. Administrator should attempt to secure the weapon in a safe area so it can be stored safely until police or Office of District and School Security arrive.	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.

• CPI training should be offered to staff members interested.	• If weapon is in a locker, Administrator removes the knife and secures it with police or to the front office.	• Review incident and critique overall efforts.
• Post search and seizure information.	• Notify parents.	
• Administration should have working knowledge of student histories.	• Notify Office of District and School Security.	
• Support Appendix #70 – Chain of Command	• Notify Director of District and School Security.	
• Support Appendix #71 – Emergency Phone Numbers.	• Follow District procedures for consequences. • Locate, identify and document any witnesses. • DO NOT CARRY A RECOVERED WEAPON SO IT CAN BE EASILY SEEN BY STUDENTS.	

Technical Change 1/17/08

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ACQUISITION OR DISPOSITION OF PROPERTY

7300 - **ACQUISITION OR DISPOSITION OF PROPERTY**

A. Definition of Property

F.S. Chapter 274, and Board Policy 7300, provide the authority under which we must maintain our inventory records system. Non-consumable items with a capitalized value equal to or greater than the value defined in F.S. 274 and a normal life expectancy of one (1) year or more must be placed on the District's property records inventory. State law also requires that this property be inventoried no less than annually.

All capitalizable assets purchased from District funds, from internal funds, or donated to the District must be reported to the Accounting Services Department/Property Control Group in order that the item might be tagged and placed in the property records inventory.

B. Acquisition of Property

1. When purchasing property through budgetary funds, utilizing a School District Requisition, the purchase will be flagged for a property tag.

    a. A tag will be sent to your school or department to be placed on the property as directed under the District's Property Records Guidelines.

    b. Care must be taken to provide the correct object code when making a property purchase. If the correct code is not used, the Accounting Services Department/Property Control Group may not detect the need for a tag to be issued. It is the school's responsibility to assign one of the following object codes:

Object Code	Description
621	Audio-visual materials
641	Furniture, fixtures & equipment
643	Computer hardware
691	Computer software

    c. The following information must be provided to the District's Accounting Services Department/Property Control Group to ensure proper property identification:

        1. date of receipt

        2. serial number, if applicable

        3. model number

        4. property location, including room number, if applicable

5. any other detail that would assist in the proper identification and tracking of the property in the District

If this information is not included with the original paperwork, the Accounting Services Department/Property Control Group will request this information from you at the time the tag is sent to your school or department.

d. When purchasing computer upgrades and/or additional memory for existing computers, you must identify the computer that is enhanced by these upgrades. These items increase the value of the computer in which they are placed and must be tracked with the upgraded system.

e. All schools and departments are required to implement a system to identify and track the location of all software purchased.

2. When property is acquired through the use of Internal Funds or by donation, the:

a. Tangible personal property purchased or acquired by donation, as defined in F.S. Chapter 174.01, becomes the property of the District and is subject to procedures for property control.

b. A completed Property Purchase form is required to be generated when items that meet the criteria for fixed assets are purchased or received as a donation.

c. The original form is forwarded to the District's Accounting Services Department/Property Control Group. A copy of this form should be retained in the paid bill files of the school acquiring the item.

d. If the item is purchased from internal funds, a copy of the check, purchase order and of the invoice must be attached to the original form.

e. All expenditures for the purchase of buildings, remodeling, renovation, repairs, alteration to the facilities or attachment of permanent fixtures to the property shall require prior approval from the Superintendent or designee.

3. Equipment Trade-In

The District must provide approval before any tagged and capitalized property may be considered surplus property. This approval requirement also applies to the trade-in of tagged and capitalized property. Prior to trading in any property, the procedures below must be followed:

a. Send a memorandum to the Director of Warehousing, listing the property record numbers and types of equipment to be traded in, including the amount to be provided for the trade in.

b. If approval is given, the item will be presented to the Board for approval of disposition via trade in.

c. Following approval by the Board, written notification will be sent from the Director of Warehousing.

d. Property tags must be removed and sent to the Director of Warehousing, under whom Property Surplus operates. If the property has been tagged using the new bar code tags, a special tag will be provided by the Property Surplus Department to affix over the bar code tag.

4. Transfer or Movement of Property Within District

An electronic asset transfer is required to be completed by both the sending and receiving sites for all tagged property to document the movement of property within the District. It is recommended that a Distribution Center Request (DCR-1) form be used to document the movement of untagged items as a matter of good business practice.

An electronic asset transfer or a DCR-1 should be completed for any of the following:

a. property sent to the warehouse complex for surplus

b. requests for property to be transferred from one site to another permanently or on a loan or other non-permanent basis

c. property sent to another site to be stored

d. special requests such as in-house furniture moves, tables for science fairs, chairs for graduation, and the pick-up of obsolete textbooks

5. Theft and Property Damage

Schools and departments should report any theft, property damage or vandalism to law enforcement, obtain a case number, complete an incident report, and turn in the documentation to the Office of District and School Security and a copy to the Accounting Services Department / Property Control Group. The asset number and/or serial number of any tagged assets involved in the incident should be included in the law enforcement and District reports. The property custodian's signature should be included in the law enforcement and District reports. After receiving copies of the reports, Property Control personnel will then list these items as stolen on the school's or department's property inventory.

6. Equipment Out on Loan or Out for Repair

a. A signed form to indicate who has the equipment and to provide information as to the current location should properly document equipment and other items borrowed from the District by employees, students, and/or others.

b. A sample form is included in the Internal Funds Manual and a form should be developed on the letterhead of the school or department from which the equipment is loaned. This form serves as written documentation before equipment is removed from District property. **A file of these forms should be maintained and be available for audit at any time.**

c. When items are out for repair, schools or departments should keep written documentation of date released for repair and to whom, along with the description and property number on it.

7. Obsolete Property

When a principal or Director determines an item is either obsolete or of no value, the school shall proceed to transfer the property to the warehouse complex for surplus or some other site for storage.

a. The property is transferred through the use of an electronic asset transfer (for tagged property) or a DCR-1 form (for untagged property).

b. The school or department should not dispose of the property without proper authorization. **The property disposition must be approved by the Board prior to disposition of the property.**

Revised 4/1/09
Revised 2/11/10

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ACQUISITION OR DISPOSITION OF PROPERTY

7310 - **ACQUISITION OR DISPOSITION OF PROPERTY**

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691	Computer software

    c. The following information must be provided to the District's Accounting Services Department/Property Control Group to ensure proper property identification:

        1. date of receipt

2. serial number, if applicable

3. model number

4. property location, including room number, if applicable

5. any other detail that would assist in the proper identification and tracking of the property in the District

If this information is not included with the original paperwork, the Accounting Services Department/Property Control Group will request this information from you at the time the tag is sent to your school or department.

d. When purchasing computer upgrades and/or additional memory for existing computers, you must identify the computer that is enhanced by these upgrades. These items increase the value of the computer in which they are placed and must be tracked with the upgraded system.

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d. If the item is purchased from internal funds, a copy of the check, purchase order and of the invoice must be attached to the original form.

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c. Following approval by the Board, written notification will be sent from the Director of Warehousing.

d. Property tags must be removed and sent to the Director of Warehousing, under whom Property Surplus operates. If the property has been tagged using the new bar code tags, a special tag will be provided by the Property Surplus Department to affix over the bar code tag.

4. Transfer or Movement of Property Within District

An electronic asset transfer is required to be completed by both the sending and receiving sites for all tagged property to document the movement of property within the District. It is recommended that a Distribution Center Request (DCR-1) form be used to document the movement of untagged items as a matter of good business practice.

An electronic asset transfer or a DCR-1 should be completed for any of the following:

a. property sent to the warehouse complex for surplus

b. requests for property to be transferred from one site to another permanently or on a loan or other non-permanent basis

c. property sent to another site to be stored

d. special requests such as in-house furniture moves, tables
for science fairs, chairs for graduation, and the pick-up of obsolete textbooks

5. Theft and Property Damage

Schools and departments should report any theft, property damage or vandalism to law enforcement, obtain a case number, complete an incident report, and turn in the documentation to the Office of District and School Security and a copy to the Accounting Services Department / Property Control Group. The asset number and/or serial number of any tagged assets involved in the incident should be included in the law enforcement and District reports. The property

custodian's signature should be included in the law enforcement and District reports. After receiving copies of the reports, Property Control personnel will then list these items as stolen on the school's or department's property inventory.

6. Equipment Out on Loan or Out for Repair

   a. A signed form to indicate who has the equipment and to provide information as to the current location should properly document equipment and other items borrowed from the District by employees, students, and/or others.

   b. A sample form is included in the Internal Funds Manual and a form should be developed on the letterhead of the school or department from which the equipment is loaned. This form serves as written documentation before equipment is removed from District property. A file of these forms should be maintained and be available for audit at any time.

   c. When items are out for repair, schools or departments should keep written documentation of date released for repair and to whom, along with the description and property number on it.

7. Obsolete Property

   When a principal or Director determines an item is either obsolete or of no value, the school shall proceed to transfer the property to the warehouse complex for surplus or some other site for storage.

   a. The property is transferred through the use of an electronic asset transfer (for tagged property) or a DCR-1 form (for untagged property).

   b. The school or department should not dispose of the property without proper authorization. T**he property disposition must be approved by the Board prior to disposition of the property.**

Revised 4/1/09
Revised 2/11/10

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ap7320

ACQUISITION OR DISPOSITION OF PROPERTY

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2. serial number, if applicable

3. model number

4. property location, including room number, if applicable

5. any other detail that would assist in the proper identification and tracking of the property in the District

If this information is not included with the original paperwork, the Accounting Services Department/Property Control Group will request this information from you at the time the tag is sent to your school or department.

d. When purchasing computer upgrades and/or additional memory for existing computers, you must identify the computer that is enhanced by these upgrades. These items increase the value of the computer in which they are placed and must be tracked with the upgraded system.

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b. A completed Property Purchase form is required to be generated when items that meet the criteria for fixed assets are purchased or received as a donation.

c. The original form is forwarded to the District's Accounting Services Department/Property Control Group. A copy of this form should be retained in the paid bill files of the school acquiring the item.

d. If the item is purchased from internal funds, a copy of the check, purchase order and of the invoice must be attached to the original form.

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c. Following approval by the Board, written notification will be sent from the Director of Warehousing.

d. Property tags must be removed and sent to the Director of Warehousing, under whom Property Surplus operates. If the property has been tagged using the new bar code tags, a special tag will be provided by the Property Surplus Department to affix over the bar code tag.

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An electronic asset transfer or a DCR-1 should be completed for any of the following:

a. property sent to the warehouse complex for surplus

b. requests for property to be transferred from one site to another permanently or on a loan or other non-permanent basis

c. property sent to another site to be stored

d. special requests such as in-house furniture moves, tables for science fairs, chairs for graduation, and the pick-up of obsolete textbooks

5. Theft and Property Damage

Schools and departments should report any theft, property damage or vandalism to law enforcement, obtain a case number, complete an incident report, and turn in the documentation to the Office of District and School Security and a copy to the Accounting Services Department / Property Control Group. The asset number and/or serial number of any tagged assets involved in the incident should be included in the law enforcement and District reports. The property

custodian's signature should be included in the law enforcement and District reports. After receiving copies of the reports, Property Control personnel will then list these items as stolen on the school's or department's property inventory.

6. Equipment Out on Loan or Out for Repair

   a. A signed form to indicate who has the equipment and to provide information as to the current location should properly document equipment and other items borrowed from the District by employees, students, and/or others.

   b. A sample form is included in the Internal Funds Manual and a form should be developed on the letterhead of the school or department from which the equipment is loaned. This form serves as written documentation before equipment is removed from District property. **A file of these forms should be maintained and be available for audit at any time.**

   c. When items are out for repair, schools or departments should keep written documentation of date released for repair and to whom, along with the description and property number on it.

7. Obsolete Property

   When a principal or Director determines an item is either obsolete or of no value, the school shall proceed to transfer the property to the warehouse complex for surplus or some other site for storage.

   a. The property is transferred through the use of an electronic asset transfer (for tagged property) or a DCR-1 form (for untagged property).

   b. The school or department should not dispose of the property without proper authorization. **The property disposition must be approved by the Board prior to disposition of the property.**

Revised 4/1/09
Revised 2/11/10

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BUILDINGS AND GROUNDS SECURITY

7440 - **BUILDINGS AND GROUNDS SECURITY**

A. Distribution of Keys

The Office of District and School Security will distribute facility keys, for the employees of the Educational Services Facility, the principal (or their designee) of each school, and the maintenance department. Only those staff members who are responsible for the operation of a particular space shall receive a key. Each of those staff members are responsible for limiting further distribution only to those persons who have established a definite need for keys through the use of a written key control plan, in order to fulfill their assignments.

In general, staff members shall be provided only the key to the space(s) they use and to other areas in which they have a legitimate responsibility. The appropriate office will maintain a file of master keys. Any un-authorized person found to have a master key or a duplicate in his/her possession shall be held in violation of this guideline.

B. Security

In order to be properly protected against theft:

1. staff members are expected to obtain room, desk, and closest keys from the school office at the beginning of the school term;
2. no money or valuables are to be left unsecured in the room;
3. at no time shall students be given keys for their use;
4. staff members must keep possession of their keys;
5. staff members should secure valuables at all times;
6. prior to leaving school each day, staff members must close windows and close doors to their rooms;
7. staff members are responsible for the equipment and supplies in their classrooms or offices. Should any items "disappear", the principal must be notified immediately.

C. Use of Video Surveillance Equipment

The principal is responsible for installing and maintaining video cameras for periods of time designated by the principal:

1. Inside locations are selected by the school safety and security committee consistent with a demonstrated need on the school campus.

2. Outside locations are selected by the school safety and security committee consistent with a demonstrated need on the school campus.

3. A monitoring system is to be installed in the school and is to be monitored as directed by the principal.

4. The principal is also responsible for establishing and maintaining signs in locations near the cameras, particularly in areas where there is reasonable expectation of privacy such as lavatories, so that staff, students, and visitors are aware of these devices.

5. The videotapes are to be retrieved from each camera at least daily and submitted to the principal or their designee, they will make the decision as to whether a tape needs to be saved or may be reused according to public records requirements.

6. The principal shall ensure that a tape showing student behavior is viewed only by those who are authorized.

7. Any disciplinary action against a student or staff member resulting from evidence garnered from the tapes will be in accordance with the procedures described in the student handbooks or in a negotiated agreement.

Technical Change 1/17/08

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SCHOOL BUILDING EMERGENCIES

7440A - **SCHOOL BUILDING EMERGENCIES**

CRIME OR VIOLENCE SITUATION – INCIDENT – CRIMINAL MISCHIEF (VANDALISM)

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• Have written policy for those who are caught in the act of vandalism to include restitution and consequences.	• Arrange with custodial staff to have a plan for removing all graffiti before start of next school day.	• Principal conducts appropriate follow up to make sure restitute has been made.
• Instill a commitment from school staff that first act of criminal mischief (vandalism) will be dealt with.	• Graffiti should be photographed and turned over to police.	• If act of vandalism is an expellable offense make sure appropriate paperwork is completed.
• Instill in teachers and enforce with students respect for property.	• When vandalism is observed it is immediately reported to the appropriate administrator.	• Teachers and staff should monitor and report physical damage to the building and parking lot area.
• Complete the monthly clean campus report.	• If vandalism is of nature to constitute criminal charges it should be reported to local police.	• Complete clean campus report.
• Utilize school security alarm system.	• Graffiti that is visible should be removed immediately after police release crime scene.	• File District Vandalism Report.
• Have local police conduct crime Prevention Survey.	• Notify Area Superintendent and District Public Information Officer.	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Support Appendix #70 – Chain of Command.		
• Support Appendix #71 – Emergency Phone Numbers		• Critique Incident.

FACILITY EMERGENCIES – MAJOR FIRE/EXPLOSION

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• Conduct evacuation drills ten (10) per year, two (2) within the first two weeks of school.	• Administration shall immediately call 911.	• Damage Assessment Report.
• Evaluate and update evacuation plans after each evacuation drill.	• Sound the alarm and evacuate.	• Complete clean-up of facility.
• Contact Local Fire Department, have them do pre-plan of facility.	• Initiate nearest fire pull station.	• Prepare written notification/letter to be sent to parents.
• Contact District Fire Marshall for any assistance with pre-plan.	• All students and employees are to be moved to safe locations and accounted for.	• Prepare after Action Report, forward to Area Superintendent and Office of Safety Management.
• Support Appendix #71 – Emergency Phone Numbers.	• Administration stands by to communicate with Fire Department.	• Support Appendix #70 – Chain of Command.
• Support Appendix #80 – Sample Letters/Memos and Sample Media Statement.	• Describe location, conditions and actions being taken.	• Support Appendix #77- Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Support Appendix #81 – Victim Log Sheet.	• **PERSON ON FIRE:** smother fire by rolling victim on ground by water deluge, or as last resort by dry chemical fire extinguisher.	• Critique incident.
• Support Appendix #88 – Workers' Compensation Injury Reporting.	**WARNING – DO NOT:** • use water • attempt to fight fires involving toxic • chemicals or strong oxidizers, • attempt to fight fires involving explosives	

	• Contact District Personnel: Public Information Officer, Area Superintendent, and Office of Public Safety.	
Refer to Appendix/B- "Discovery, Reporting and the Control of Fires" in the "Comprehensive Safety and Health Program" plan – School Board of Brevard County, Dated July 1, 1997.	**Refer to Appendix/B- "Discovery, Reporting and the Control of Fires" in the "Comprehensive Safety and Health Program" plan – School Board of Brevard County, Dated July 1, 1997.**	**Refer to Appendix/B- "Discovery, Reporting and the Control of Fires" in the "Comprehensive Safety and Health Program" plan – School Board of Brevard County, Dated July 1, 1997.**

FACILITY EMERGENCIES – SMALL FIRE

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• Conduct fire extinguisher training for all employees.	• Contact Fire Department via 911.	• Have expended fire extinguishers.
• Maintain current location map of all fire extinguishers.	• Evacuate all students to safe area, sound alarm then:	• Summary of personnel actions and written action plans.
• Custodian conduct monthly inspection of all fire extinguishers.	• Determine if fire small enough to attempt to extinguish with available extinguisher.	• Complete written report of actions forward to Area Superintendent and Office of Safety Management.
• Conduct annual service of all fire extinguishers.	• Using the correct type of extinguisher attempt to extinguish fire.	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Support Appendix #70 – Chain of Command.	• If after attempting to extinguish fire, it's determined fire is too large or can't be extinguished with available extinguisher, evacuate.	• Critique incident.
• Support Appendix #71 – Emergency Phone Numbers.	• Initiate nearest fire pull station.	

	• Describe location, conditions, and actions being taken.
	• **PERSON ON FIRE:** Smother fire by rolling victim on ground, by water deluge, or as last resort by dry chemical fire extinguisher.
	• **WARNING – DO NOT:**
	  ○ use water on electrical fires,
	  ○ attempt to fight fires involving toxic chemicals or strong oxidizers
	  ○ attempt to fight fires involving explosives	

Refer to Appendix/B – "Discovery, Reporting and the Control of Fires" in the "Comprehensive Safety and Health Program" plan – School Board of Brevard County, Dated July 1, 1997.	**Refer to Appendix/B – "Discovery, Reporting and the Control of Fires" in the "Comprehensive Safety and Health Program" plan – School Board of Brevard County, Dated July 1, 1997.**	**Refer to Appendix/B – "Discovery, Reporting and the Control of Fires" in the "Comprehensive Safety and Health Program" plan – School Board of Brevard County, Dated July 1, 1997.**

FACILITY EMERGENCIES – DOORS THAT WON'T LOCK/RE-KEYING DOORS

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• Identify all door and locking mechanism, Interior and Exterior, and Out Buildings.	• Report lost keys immediately.	• Follow work order until closure.
• Prepare Emergency Contact Form that identifies the Master Keys and contact person.	• Document all statements from persons who have responsibility for keys.	• Summary of personnel actions and written action plans.
• Update Contact Form at least annually and send to Local Police, Local Fire Department, Office of Safety Management, and	• Identify inoperable locking assembly and door hardware.	• If theft occurs, local Police for Case Report and Case Report number.

District Public Safety Office.		
• Insure maintenance of door closures, locks, and door adjustments.	• Prepare work order request form.	• Contact Office of Public Safety and provide Case Report number.
• Review "Custodial Standards" regarding mechanical conditions of door locks.	• Assess the value of potential loss, by theft, in the affected room(s).	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Maintain updated key control procedures.	• Move high value items (i.e., cameras, television, VCR's Computers, etc.) that can be moved to an alternative secure location.	• Critique incident.
• Support Appendix #70 – Chain of Command.	• Provided the door cannot be secured, and is identified after hours, contact should be made with the Maintenance Emergency Telephone number at 633-3600.	
• Support Appendix #71 – Emergency Phone Numbers.		
• Support Appendix #78 – Key Control Procedures.		
Refer to "Custodial Standards Manual" prepared by the Office of Plant Operations, dated May 1985.	**Refer to "Custodial Standards Manual" prepared by the Office of Plant Operations, dated May 1985.**	**Refer to "Custodial Standards Manual" prepared by the Office of Plant Operations, dated May 1985.**

FACILITY EMERGENCIES – STRUCTURAL FAILURE/BUILDING COLLAPSE

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• Post and review evacuation route.	• Conduct evacuation as necessary using pre-planned routes and alarms.	• Assessment Report.

• Conduct evacuation drills as required utilizing secondary egress routes as well as primary.	• Notify Emergency Services by use of 911.	• Summary of personnel actions and written action plans.
• Contact Fire and Police Departments to assist in the documentation of pre-planning for emergency operations.	• Immediately account for all students and employees – with written accountability.	• Complete written report of actions forward to Facility Services.
• Maintain current as built drawings of facility.	• Activate Parent Notification Plan if necessary.	• Insure the facility is secure to avoid further damage to the building or harm to personnel.
• Prepare to disperse students to parents or another location.	• Setup and Identify Command Post for School Based and Emergency Management Personnel.	• Support Appendix #70 – Chain of Command.
• Prepare to evacuate the disabled.	• Contact District Personnel: Public Information Officer, Area Superintendent, Director of Public Safety.	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Contact Red Cross for training.		• Critique incident.
• Support Appendix #71 – Emergency Phone Numbers.		
• Support Appendix #80 – Sample Letters/Memos and Sample Media Statement.		
• Support Appendix #81 – Victim Log Sheet.		
• Support Appendix #88 – Workers' Compensation Injury Reporting.		
Refer to Appendix/H- "Site Evacuations" in the "Comprehensive Safety and Health Program" plan-School Board of Brevard County, Dated July 1, 1997.	**Refer to Appendix/H- "Site Evacuations" in the "Comprehensive Safety and Health Program" plan-School Board of Brevard County, Dated July 1, 1997.**	**Refer to Appendix/H- "Site Evacuations" in the "Comprehensive Safety and Health Program" plan-School Board of Brevard County, Dated July 1, 1997.**

UNIQUE SITUATION – INCIDENT – AIRPLANE CRASH ON OR NEAR CAMPUS

Pre – Plan Action	Immediate Action	Follow up Action
• Principal to contact Airport Directors annually.	• Call 911.	• Fire, Police will now control disaster scene.
• Consider the path of advertising airplanes.	• Front office calls Airport contact person.	• Activate alternate school site as needed.
• School shall exchange list of contact persons names and phone numbers.	• Determine nature of injuries and damages.	• Activate counseling team.
• Have LIFE FLIGHT visit the school. Set up landing zone area.	• Determine what evacuation procedures if any need to be implemented – Implement Disaster Plan.	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Determine if school is in flight path.	• Call is made to District Office – assistance is requested.	• Support Appendix #81 – Victim
• Obtain an aerial photo view of school campus.	• Arrangements are made for bus transportation home as needed.	• Support Appendix #88 – Workers' Compensation Injury Reporting.
• Have School Emergency Kit ready in the front office.	• All students are kept inside from P.E.	• Critique incident.
• Identify campus gas and water shut off valves.	• Written documentation of student accountability prior to any release.	
• Establish alternate off campus evacuation routes and an alternate area in the event road in or out is blocked.	• Utilize form letter for persons answering phone.	
• Have adequate supply of extra meals on hand in cafeteria.	• Obtain additional persons to answer phones.	

• Support Appendix #70 – Chain of Command.	• Teachers escort their classes to buses due to large amount of visitors on or near campus. Release students only to authorized persons.	
• Support Appendix #71 – Emergency Phone Numbers.	• Prepare for large numbers of parents to call or arrive at school.	
• Support Appendix #80 – Sample Letters/Memos and Sample Media Statement.	• Principal/District Public Information Officer talk to the media as soon as possible to dispel concerns.	
• Have evacuation maps posted.	• If persons are injured, assign designee to keep list by name of what hospital taken to, what time and how transported.	
• Evaluate evacuation maps for accuracy.	• Notify District Office of Public Safety. • Assign clearly marked media area.	

UNIQUE INCIDENTS AND SEVERE WEATHER – TORNADO OR SEVERE STORMS

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• Determine safest areas to utilize in event of storm – Document and post.	• Monitor the Public Broadcasting System and the NOAA Weather Alert.	• Assessment Report.
• Conduct training for all employees.	• Place adult watchers outside to monitor the storm.	• Summary of personnel actions and written action plans.
• Insure that the Notification is in Place and Operational (Be aware of NOAA Weather Alert).	• Evacuate all students and personnel from portables.	• Complete written report of actions forward to Area Superintendent.

• Develop a Special Alarm for Tornado Warning.	• Do use lower floors and interior areas.	• Office of Safety Management, Office of Public Safety.
• Understand severe lightning strikes are considered a hazard to life and safety.	• If there are severe lightning strikes, the Principal should wait for this hazard to pass before allowing students to get on buses. Bus drivers will notify others that buses will be late.	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Train students and personnel in self-protective posture.	• Do not use Gymnasium, Auditoriums, Cafeterias, and other areas with wide roof spans.	• Critique incident.
• Publish and train personnel concerning the difference between a Tornado Watch and a Tornado Warning.	• Send all student and personal to designated areas.	
• Keep First Aid Supplies Convenient.	• Expect bus drivers transporting students to consider the building to be a suitable shelter.	
• Have use of portable building contingencies.	• Notify District Public Information Officer.	
• Support Appendix #70 – Chain of Command.		
• Support Appendix #71 – Emergency Phone Numbers.		
• Support Appendix #85 – "Schools as Shelters" Training Materials.		
Refer to Appendix/F-"Hazardous Weather" in	Refer to Appendix/F-"Hazardous Weather" in	Refer to Appendix/F-"Hazardous Weather" in

the "Comprehensive Safety and Health Program" plan-School Board of Brevard County, Dated July 1, 1997.	the "Comprehensive Safety and Health Program" plan-School Board of Brevard County, Dated July 1, 1997.	the "Comprehensive Safety and Health Program" plan-School Board of Brevard County, Dated July 1, 1997.

UNIQUE INCIDENTS AND SEVERE WEATHER – HURRICANE

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• Conduct training for all employees.	• Meet and coordinate with American Red Cross Personnel and officials from Brevard County Emergency Management.	• Assessment Report.
• Select a location for a crisis communication center.	• Complete the American Red Cross Self-Inspection Worksheet/Off Premise Liability Checklist.	• Summary of personnel actions and written action plans.
• Shelter Coordinator will supply Organization Chart to the Area Director designating all persons who will assist in a disaster.	• Sign the Facility Agreement with the American Red Cross.	• Complete written report of actions forward to Facility Services within twenty-four hours to address/re-occupancy.
• Shelter Coordinator will work closely with the Directors of Communications, Maintenance, Food Supply and Office of Public Safety.	• Shelter Coordinator notifies the Shelter Support Team.	• Personal assets will be evaluated for necessary repairs and operations.
• Keep First Aid Supplies in a convenient location.	• Shelter Coordinator is the specific school representative assigned to assist the American Red Cross Shelter Manager and/or the "Special Needs" shelter manager.	• Complete written report of actions forwarded to Area Superintendent, Office of Safety Management, Office of Public Safety.
• Plan for backup communications in case phone and PA system fail.	• The American Red Cross Shelter Manager opens the Shelter and prepares to receive evacuees, with the exception of "Special Needs" shelters.	• Assist the American Red Cross and Brevard County Emergency Management with short-term and long-term recovery process.
• Have use of portable building contingency.	• Assist with the registration and room assignment.	• Support Appendix #70 – Chain of Command.

• Have a statement that clerical employees can read to callers.	• Insure entrances and exits to the facilities are not blocked by traffic.	• Support Appendix #71- Emergency Phone Numbers.
• Special Note – The Appendix for Hurricanes "Disaster Plan" is published on annual basis. It is the responsibility of the school site Administrator to place the "Disaster Plan" in the Comprehensive Plan.	• Insure access to food and water supply.	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• The American Red Cross will provide shelter managers for each shelter site (other than "Special Needs" shelters).	• Review most current "Act Sheet" with regard to "open" shelters and damage assessments.	• Support Appendix #85 – "Schools as Shelters" Training Materials.
• The American Red Cross is responsible for the activation, operation, maintenance and deactivation of designated public shelters (other than "Special Needs" shelters).	• Make contact with Area Superintendent to control rumors and receive updated information.	• Critique Incident.
• The American Red Cross is the primary agency responsible for public shelters (other than "Special Needs" shelters) under the Federal Response Plan.		
• Brevard County Emergency Management is responsible to establish and maintain a comprehensive emergency plan.		
• Brevard County Emergency Management is responsible for selecting managers for "Special Needs" shelters.		

UNIQUE INCIDENTS AND SEVERE WEATHER – FLOODING

Pre – Plan Action	**Immediate Action**	**Follow up Action**

• Conduct training for all employees.	• Monitor the Public Broadcasting System and the NOAA Weather Alert.	• Assessment Report.
• Have contingency plan to release students from school early or to put students in an alternative school/building site.	• Evacuate flooded area with special considerations for portables.	• Summary of personnel actions and written action plans.
• Identify flood prone and low laying areas.	• Assess damaged areas.	• Complete written report of actions forwarded to Facility Services.
• Coordinate proper response plans with the Maintenance Department.	• Use school resources, if available to start cleanup of flooded areas.	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Identify alternative areas for students and personnel to rooms not effected by flooding.	• Activate Parent Notification Plan if necessary.	• Critique incident.
• Keep First Aid Supplies in a convenient location.	• Contact Transportation if early release of students is necessary.	
• Contact Animal control for a pre-event meeting.	• Contact District Maintenance personnel for corrective actions.	
• Support Appendix #70 – Chain of Command.	• Contact District Personnel: Public Information Officer and Area Superintendent.	
• Support Appendix #71 – Emergency Phone Numbers.	• Assess areas because flooding increases animal activities (i.e., raccoons, snakes, rats, alligators, etc.) from their natural habitats.	
• Support Appendix #85 – "Schools as Shelters" Training Materials.		
Refer to Section 10.5C – in the "Comprehensive Safety and Health Program" plan-School Board of Brevard County, Dated July 1, 1997.	**Refer to Section 10.5C – in the "Comprehensive Safety and Health Program" plan-School Board of Brevard County, Dated July 1, 1997.**	**Refer to Section 10.5C – in the "Comprehensive Safety and Health Program" plan-School Board of Brevard County, Dated July 1, 1997.**

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DAMAGE

7440.02 - **DAMAGE**

CRIME OR VIOLENCE SITUATION – INCIDENT – CRIMINAL MISCHIEF (VANDALISM)

Pre – Plan Action	**Immediate Action**	**Follow up Action**
• Have written policy for in those who are caught vandalism to the act of include restitution and consequences.	• Arrange with custodial staff to have a plan for removing all graffiti before start of next school day.	• Principal conducts appropriate follow up to make sure restitute has been made.
• Instill a commitment from school staff that first act of criminal mischief (vandalism) will be dealt with.	• Graffiti should be photographed and turned over to police.	• If act of vandalism is an expellable offense make sure appropriate paperwork is completed.
• Instill in teachers and enforce with students respect for property.	• When vandalism is observed it is immediately reported to the appropriate administrator.	• Teachers and staff should monitor and report physical damage to the building and parking lot area.
• Complete the monthly clean campus report.	• If vandalism is of nature to constitute criminal charges it should be reported to local police.	• Complete clean campus report.
• Utilize school security alarm system.	• Graffiti that is visible should be removed immediately after police release crime scene.	• File District Vandalism Report.
• Have local police conduct crime Prevention Survey.	• Notify Area Superintendent and District Communications.	• Support Appendix #77 – Record Keeping Process and Procedures for Critical Incident Response Reports and Training Documentation.
• Support Appendix #70 – Chain of Command.		
• Support Appendix #71 – Emergency Phone Numbers		• Critique Incident.

Technical Change 1/17/08

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ap7510

USE OF DISTRICT FACILITIES

7510 - **USE OF DISTRICT FACILITIES**

Purpose

Board property, facilities, and equipment are intended primarily for public educational purposes and shall not be adapted to a use which hinders or inhibits said purpose. However, they may be made available for community or other public use when such use is deemed compatible with the purpose of public education. All school and community-oriented groups and organizations are encouraged to use school facilities. Approval for use of facilities shall be secured at least ten (10) business days in advance of the requested use from the school principal or appropriate administrator assigned to facilities for each location. The Board shall adopt a fee schedule for use of facilities.

Use by School-Oriented Organizations and Non-School-Oriented Groups Category of Facilities User(s)

To better assist the school, in collecting proper fees and certificates of insurance, this section is being created to clarify which groups must submit facility use agreement forms and certificates of insurance pursuant to Board policy and clarifies when and which groups should be charged due to their use of District facilities. After reading this section thoroughly, should the administrator still have questions regarding the category descriptions the Office of Risk Management should be contacted. In all cases with the exception of direct school or District programs found in Category I, a completed facility use agreement form is required prior to all use of facilities. The form, certificate of insurance, and all required use fees must be submitted to the school principal a minimum of ten (10) business days prior to the group's use. For consistency in facility use fee rental payments, all use/rental charges shall begin when the facility user/renter enters the school building, competition/practices facilities, other ancillary property, and/or the pool gate and these charges shall end once the facility user/renter exits the building, competition/practices facilities, other ancillary property, and or the pool gate is locked at the end of use unless administration approves a change otherwise. The facility user/renter may be charged an additional fee for utilities, personnel costs, or a cleaning deposit as outlined in the guidelines below.

Category I

Any District-owned and operated school, support/fund-raising organization to a District-owned and operated school, or group/company contracted by a District-owned and operated school/department that provides the delivery of educational services and programs to District students as its priority. In other words, this category would include any group whose main purpose is to benefit the Board or the students that attend its owned and operated schools as its direct mission. Examples of these groups include but are not limited to school-related activities; school parent-teacher-student organizations; District in-service workshops; school directed Florida High School Athletics activities (FHSAA); school-approved District-sponsored and non-District-sponsored student clubs; school-based intramural activities; athletic officials' meetings; school directed before and after school childcare programs; school-directed night or weekend activities. School or District use including school-related athletic activities are not required to, but upon request, may complete a facility use agreement form. All non-District sponsored student clubs pursuant to Board Policy 5730 and all school support groups such as athletic officials, PTO/PTA/booster clubs are required to complete a facility use agreement form and submit a certificate of insurance or evidence that they self-insure their exposures pursuant to Board Policy 9211 (athletic officials and non-District-sponsored student clubs are not required to submit a certificate of insurance). No school-related entity is required to pay for use, utilities, or personnel costs; the only exception to this would be when a school employee is required to work overtime to accommodate another school's use or when any of the District's performing arts theatre managers are required to hire additional staff to support a school function. In this case, the school or organization seeking use is responsible to reimburse these costs to the facility being used. All groups using a performing arts theatre must complete a theatre use form.

Category II

Any of the following organizations whose participants include students that attend District-owned and operated schools: government youth organizations, not-for-profit and non-District related (NFP/NDR) community youth educational or recreational activities, NFP/NDR national or local youth clubs or groups, NFP/NDR youth athletic teams, NFP/NDR youth service clubs conducting general recreational activities, NFP/NDR entities that provide students with community service hours for their assistance during fund-raising activities on campus, parent initiated student clubs that meet on campus, community affairs, or public hearings for which no admission charge is made during the use of school facilities. These groups shall complete a facility use agreement form and submit a certificate of insurance or in the case of governmental organizations evidence that they self-insure their exposures pursuant to F.S. 768.28. Unless the organization has an agreement describing exactly how cost are to be charged differently, these groups are responsible to pay a reduced facility use fee from that of a Category III facility user and all utility expenses as well as required school personnel and/or any additional clean-up costs when the use takes place before the start of the school day or after the last class each school day, during the weekend, or at any time school is not in session.

Category III

K-12 public or private charter schools, K-12 private schools, K-12 parochial schools, out of county/State schools using facilities without District participation, colleges/universities, governmental agencies or governmental direct support agencies, community or homeowner groups, churches, not-for-profit/non-youth clubs or organizations, non-school related labor unions, for-profit school age participant only organizations, or other for-profit organizations that need space for a periodic event where use of school property is not the main source of income (less than twenty-five percent (25%)) annually for the business. These groups shall complete a facility use agreement form and submit a certificate of insurance or in the case of governmental organizations evidence that they self-insure their exposures pursuant to F.S. 768.28. These groups are responsible to pay a facility use fee and all utility expenses as well as required school personnel and/or any additional clean-up costs when the use takes place before the start of the school day or after the last class each school day, during the weekend, or at any time school is not in session. Businesses can or that:

A. charge participants a fee, tuition, collect donations, contributions, or offerings.

B. conduct fund-raising activities, meetings or services for non-profit organizations, child centered organizations, religion, or ideology; or

C. do not meet the criteria as a Category I or Category II user.

Category IV

For-profit business enterprises or other similar ventures that utilize school property for a large percentage (twenty-five percent (25%) or more) of its annual revenue or any organization that does not meet the criteria listed in Category III. These organizations may utilize District buildings and property and as such use may have the potential to earn a profit or loss from the use of District facilities. These organizations may only utilize school property during the time students are not in a school building during the normal school day or after normal school hours when students are engaged in extra-curricular activities sponsored by the District. There may be exceptions to this rule, but only if the principal and the school's Area Superintendent approve the use and all adults employed by or cater to that Category IV organization sign in at the front office, have a current level II background screen, and appropriate District identification card displayed on their person at all times. These groups shall complete a facility use agreement form and submit a certificate of insurance. These groups are responsible to pay a facility use fee and all utility expenses as well as required school personnel and/or any additional clean-up costs when the use takes place before the start of the school day or after the last class each school day, during the weekend, or at any time school is not in session.

Performing Arts Theatre Use

The host school has until the end of the first student week of school to book their shows including all drama productions, band concerts, choral concerts, assemblies, graduation programs, etc., for the year. All other schools have until the end of the third student week of school to book the performing arts theatre for their use. Neither the host school nor other schools need to provide show names or decisions on what they will be performing, but they should have their dates of use determined during this period. Thereafter the performing arts theatre may be made available to the public for use on a first come, first served basis. The public's use of the performing arts theatre may include Category II or III users. For performing arts theatre use purposes only, Category III may include "for-profit" entities so long as these organizations abide by all Board policies, District rules, and school rules. Once the performing arts theatre is booked by any Category I, II, or III entity, the use cannot be canceled by the host school unless the user is found violating Board policy, District rules, school rules, or the Superintendent finds that the use is obnoxious or inimical to the best interests of the Board.

Pool Use

A. All Category II, III, or IV entities desiring to use district pools are required to pay the adopted fee schedule and utility cost when renting the pool. The following rules are required of all Category II, III, or IV users when leasing a District pool: Pools may only be rented to qualified instructors and coaches associated with national swimming, diving, or water polo organizations such as, but not limited to USA Swimming, USA Diving, Amateur Athletic Association Swimming, etc., and rental must be for the sole purpose of advancing the sport of swimming, diving, water polo, or other similar water related sports. The only exception to this section would be use by the Brevard County Parks and Recreation due to the District's long-term recreation agreement.

B. Pool renters must retain the services of an American Red Cross or YMCA certified lifeguard (certification must include the following at a minimum – lifeguard training, CPR, and First Aid) at all times when participants are on the pool deck and/or in the pool. The lifeguard's sole duty is to provide lifesaving supervision to the occupants in the pool or those on the pool deck; therefore, the instructor/coach and the lifeguard must not be the same person. The pool renter is responsible for all costs associated with retaining and employing of the lifeguard. The lifeguard may be a non-paid volunteer or paid individual. The pool renter must provide a copy of the lifeguard(s) certification upon submitting a facility use agreement form and as necessary when a change in lifeguard occurs during the term of the pool rental.

C. An adult instructor/coach or lifeguard shall be present supervising participants/spectators from the moment they enter the pool deck and pool and shall remain until all participants/spectators leave the area, and the gates locked.

D. Because pool use by outside entities are not supervised by District staff and use typically begins and ends after staff has left for the day, the pool renter must submit a weekly schedule of use subject to the following:

1. The schedule must be in a calendar format (Monday through Sunday) listing the hours of use each day and the calendar must be submitted in person or by e-mail to the principal or their designee.

2. The principal or their designee shall utilize the user's weekly schedule to create the appropriate charge sheet that will be presented to the user for payment. The user shall pay for the use of the pool as listed on the charge sheet.

E. Pools shall not be rented to any individual or group for the sole purpose of holding a party or other similar activity.

F. Failure to follow any of these rules shall result in a denial of use.

Private Music Lessons offered by Non-Contracted and Non-Affiliated Independent Contracted Music Instructors

To aid in the advancement of the District's music programs, independent contracted music instructors may use District facilities to provide private lessons and tutoring to students that attend district schools. School facilities will be made available to these individuals only when schools are in session. All lessons must conclude no later than ninety (90) minutes after the last class of the

day. In order to allow this facility, the use of the independent contracted music instructor will be considered a “school support group” as described in the Category I section. These individuals must complete a facility use agreement form and submit a certificate of insurance and follow all other requirements of a non-district sponsored or contracted entity if these individuals do the following:

- The independent contract music instructor must take and pass the district’s required background screen.
- The independent contract music instructor must supervise the students they instruct at all times and until the parent or guardian of the student come to school and retrieve their child.
- Independent contract music instructors are contracted by the student and their parents therefore the financial arrangements for the cost of instruction are between the student/parent and the instructor. The District will not be involved in the payment or collection of these fees.
- The District will take no role in supervising on or off campus or directing these music lessons while the independent contract music instructor is using district facilities. The independent music instructor and the parent/guardian are responsible for the supervision of the student at all times.

The intent of this section is to advance the District’s music program only, but consideration can be made for other curricular related subjects to be allowed access to schools in a similar manner as described in this section if there is a curricular need at the school level and all of the above requirements are followed without modification.

Period or Term of Use

All use in Categories I, II, III, or IV shall coincide with the District's fiscal year from July 1st to June 30th. If a user desires to use a facility beyond June 30th each year, a new application for use along with all other user-required documents must be completed and submitted to the school principal for approval.

Policy Concerning the Use of Equipment and Facilities

Rental

Equipment, other than the normal furnishings or a particular facility, is not available for rental except by special permission of the Superintendent. No property or equipment shall be used for any of the following purposes:

A. commercial or personal gain by District employees using their position to secure a special privilege in the use of District facilities, property, or equipment

B. programs involving any form of gambling or illegal activity

C. private teaching except by institutions of higher learning

D. activities in violation of a Board policy or Board administrative procedure

E. by any organization or party which believes in or teaches, directly or indirectly, the overthrow of the governments of the United States, the State of Florida, and/or Brevard County

Intent

The intent of this policy may not be circumvented by any agency or organization through use of The School Board of Brevard County and the Brevard Board of County Commissioners Recreation Agreement, or similar agreements.

Denial of Use

The Superintendent may deny use of facilities or equipment to any agency or organization whose purpose in using District facilities and/or equipment is considered by the Superintendent to be obnoxious, inimical to the best interests of the Board, or incompatible with this rule.

Insurance and Indemnification

The following requirements are applicable to all Category I, II, III, and IV entities, with the exception of schools and non-curriculum student organizations meeting under Federal Equal Access Act listed in Category I.

Unless stated otherwise, all non-governmental Category I, II, III, and IV users shall provide a certificate of insurance evidencing general liability coverage under an occurrence basis policy, with minimum limits of $1,000,000 per occurrence and $1,000,000 or more in aggregate, combined single limit covering bodily injury, property damage, personal injury, premises, operations, products, completed operations, independent contractors, and contractual liability. There shall be no exclusions for contracted liability. Coverage must be written by a carrier which has and maintains a rating of "A" or better and a financial size category of "VII" or better according to A.M. Best Company. The Board shall be named as a certificate holder and additional insured for claims arising out of any and all facility use under this policy.

All governmental users shall provide evidence of insurance or self-insurance to the limits set forth in F.S. 768.28.

Except as prohibited by F.S. 768.28, all Category I, II, III, and IV users shall agree to indemnify, defend, and hold the Board; its officers, agents, servants, employees, and Superintendent; harmless from any and all liability for any and all injuries or damage to any user or their associated participants, visitors, guests, and so forth including intentional acts which occur on any property or in any facility made available to the user by the Board pursuant to the facility use agreement and which occurs during the course of any program or activity sponsored by the user. This agreement to indemnify and hold harmless includes an obligation to indemnify and hold the Board harmless for liability for any negligence on the part of the Board. The user's promise to indemnify and hold harmless also includes an obligation to assume full responsibility and expense for investigation (pre-suit, suit, trial, appeal, and post appeal proceedings), litigation, judgment, and/or settlement of any complaint, claim (including claims for intentional or negligent acts or omissions) or legal action.

Weapons on School Property

All persons are prohibited from bringing weapons of any kind onto school property. This prohibition applies to all persons that use or lease district facilities and their guests and applies to churches, community groups, individuals, etc. Exceptions to the Board’s

prohibition from carrying a handgun, weapon or firearm in the school safety zone of any elementary or secondary school, into any administration building, as well as into any Board meeting, any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District are outlined in Policy 5772 and Policy 7217.

General Terms and Procedures

The facility used by groups and organizations shall be at a time not needed for the conducting of regular school programs and for purposes not conflicting with Board rules and administrative directives.

Long-term agreements in excess of one (1) year for the use of school facilities shall be executed by written contract and approved by the Board.

The facility shall be used as equipped for Board use unless special arrangements are pre-approved. The appropriate Board employees or technical personnel shall operate school kitchens, performing arts theatre equipment, and any other technical equipment as determined by the facility administrator. Charges shall be assessed for the actual hourly rate, including applicable fringe benefits, of the personnel assigned.

The principal or administrator of the facility and/or equipment being used shall ensure all appropriate reservation requirements are filed through Facilitron.

Rental fees for school facilities and equipment shall be distributed as follows:

A. returned to school cost center fifty percent (50%) use fees

B. returned to District forty-five percent (45%) use fees

C. returned to the maintenance department (five percent (5%)) use fees

D. returned to 0000 site/cost center (100%) utility fees

E. returned to District labor budget (100%) administrative or custodial labor

Performing arts theatre charges shall be returned to the cost center at a rate of eighty-five percent (85%), with ten percent (10%) returned to the District and five percent (5%) returned to the Maintenance department.

Any agency or organization shall be required to pay for any and all damages arising from its use of school facilities and/or equipment by separate check to The School Board of Brevard County.

Groups wishing to use a school's general area (i.e., parking lot, playgrounds, outside hall corridors, non-competitive soccer/baseball fields or open spaces, etc.) are required to complete an application for use of school building facilities and are required to meet the

same applicable liability requirements as other users of school facilities. Individuals desiring to do the same, at the discretion of the school principal may be required to complete an application for use.

The school principal or other individual charged with the responsibility to care for or schedule a facility may require a security deposit as deemed appropriate to any category of user.

Application

To apply properly for use, the user shall verify that the school is able to accommodate the requested use and that such use is acceptable by Board policy. The school can provide the user with blank application for use forms and estimate a cost for use. Once the user is aware of availability, costs, and any other request by the school they shall complete a facility use agreement form, obtain and provide a certificate of insurance, and prepare a check for all required facility use charges payable to The School Board of Brevard County to the school where the use will take place (a minimum of ten (10) business days in advance of the use). Schools obtain blank use agreement forms from the print shop.

Once the user submits all preliminary forms, the facility administrator will classify the group as a Category I, II, III, or IV and will approve or disapprove the request for use based on the school's ability to schedule their building properly and when necessary, with appropriate school personnel. Once the items listed above are met to the satisfaction of the school, the facility administrator shall notify the applicant if they can use the facility and they shall then sign the completed facility use form.

The school shall then deliver all of the above documents to the Office of Risk Management. The Director of Risk Management will verify that the use agreement and the certificate of insurance meet the requirements as indicated in these procedures. Once the Director of Risk Management or designee verifies the use agreement and certificate of insurance meets the District's requirements s/he will sign the use agreement form. The school shall retain a copy and the other copy should be provided to the user. The Director of Risk Management or designee will submit the payment for the use of school facility to accounting for processing.

If approved at this level, the funds will be deposited, and the funds will be allocated to the correct accounts. Custodial services are included in the basic facility usage fee during normal school hours. A representative or custodian from the school shall be on the school grounds when the use involves a building that would be locked and not in use otherwise. When use takes place outside normal business hours the user is required to pay for any required school representative or custodian costs. Charges made for extra representatives or custodial services, described above, shall be the hourly rate of that individual plus applicable fringe benefit costs. The payment for personnel and utility costs starts thirty (30) minutes prior to use and ends thirty (30) minutes after the use ends. A qualified employee (cafeteria worker) must be present when the user requests use of major equipment in the cafeteria. The employee's presence does not imply that they can guarantee the safe operation of equipment or machinery by the user. The employee is present to supervise and protect Board property only. Charges will be assessed for the actual hourly rate, including applicable fringe benefits, for the employee on duty during the use.

Any group required to pay a cleaning deposit shall pay these costs by separate check payable to The School Board of Brevard County.

Any cancellations or changes in usage or payments should be forwarded in writing to the Director of Risk Management.

Application for Performing Arts Theatres

Application for District performing arts theatres is the same as above with the following exceptions:

A. The applicant should contact the theatre manager to obtain booking information and obtain a performing arts use agreement.

B. Once all documents have been obtained, (i.e., the theatre use agreement, certificate of insurance, and the facility use charge sheet) the theatre manager must send all documents to the Office of Risk Management. The facility use charge fees will be deposited into the performing arts theatre supply budget.

C. Any cancellation or change in usage or payments should be reported to the Office of Risk Management for property rental fee reimbursement or additional fee payment as necessary.

Fee Schedule for Facilities and Equipment

Custodial, cafeteria, and technical employee charges shall be assessed when these services are required because of use of facilities. Charges will be the actual labor costs of the employee including overtime and an additional forty percent (40%) for fringe benefits.

When administrators or other exempt employees are required to be present during the use of a Board facility by an outside agency after their regular work hours during the week, on the weekend, or during administrative holidays such outside users shall be charged for this service, the affected employees shall be reimbursed at a rate of $25.00 per hour. Instructional personnel are not allowed to be a representative of the facility.

Charges for use of the school facilities or theatre and equipment shall be consistent within the District as follows:

SCHOOL FACILITIES (per hour)	**Category II Use Cost**	**Category III Use Cost**	**Category IV Use Cost**	**Utility Cost**
School Facilities (per hour use)				
Small Room (teacher workroom)	$13.20	$26.40	$52.80	$18.90
Medium Room (classroom, portable classroom)	$18.00	$36.00	$72.00	$18.90
Large Room (library, cafeteria, multipurpose room)	$28.80	$57.60	$115.20	$18.90
Middle School Gymnasiums	$36.00	$72.00	$144.00	$22.05
High School Gymnasiums/Large Auditorium w/Stage	$42.00	$84.00	$168.00	$22.05
Competitive Football Stadium (day use)	$43.20	$86.400	$172.80	
Competitive Football Stadium (night use)	$43.20	$86.40	$172.80	$36.75

Competitive Baseball/Softball Game Field (day use)	$39.60	$79.20	$158.40	
Competitive Baseball/Softball Game Field (night use)	$39.60	$79.20	$158.40	$36.75
Practice fields (football, soccer, baseball, etc.) (list 1 for requested use per day)	$18.00	$36.00	$150.00	
Tennis/Basketball Courts Outside (list 1 for requested use per day)	$18.00	$36.00	$150.00	
Parking Area Use (list 1 for requested use per day)	$30.00	$60.00	$180.00	
Shower/Locker Rooms Only	$14.40	$28.80	$57.60	$5.25
Kitchen (in addition to cafeteria)	$18.00	$36.00	$72.00	$12.60
Swimming Pools (per hour)	$3.60	$6.00	$12.00	$10.50
School Equipment (per use, per day)				
Electric Scoreboard	$15.60	$26.40	$52.80	$2.10
Public Address System	$15.60	$26.40	$52.80	$2.10
Media Equipment (projector, CD player, etc.)	$4.80	$7.20	$14.40	$1.05
Video Equipment	$9.60	$14.40	$28.80	$2.10
Specialty Theatre Facilities Only - (per day)				
(BHS, CBJSH, EGHS, MIHS, SHS & THS Only)				
For-Profit and Adult Non-Profit Org. (up to five (5) hrs per day)	$165.00	$180.00	$180.00	$26.25
For-Profit and Adult Non-Profit Org. (> five (5) hrs up to twelve (12) hrs)	$825.00	$900.00	$900.00	$157.50
Youth Related Profit and Non-Profit Org. (up to five (5) hrs per day)	$82.50	$90.00	$90.00	$26.25
Youth Related Profit and Non-Profit Org. (> five (5) hrs up to twelve (12) hrs)	$412.50	$450.00	$450.00	$131.25

Sound, Light, Stage, Crew, Ticket people	$14.30	$15.60	$15.60	
Piano/Elec/Choral Riser/Orc Shell/Stage Mon (list 1 for each)	$27.50	$30.00	$30.00	
Wireless Microphone (list 1 for each)	$27.50	$30.00	$30.00	$2.10
Follow Spot (list 1 for each)	$33.00	$36.00	$36.00	$2.63
Fog Machine/Snow Machine (list 1 for each)	$44.00	$48.00	$48.00	$3.15
Projection Screen (list 1 for each)	$33.00	$36.00	$36.00	$1.05
Hazer (list 1 for each)	$88.00	$96.00	$96.00	
Intelligent Light (list 1 for each)	$165.00	$180.00	$180.00	

Using Buildings without Heating, Ventilation, and Air Conditioning

We highly recommend that all groups pay for and use the schools heating, ventilation, and air conditioning (HVAC) system when in our buildings. Doing so will help facilitate the transfer of air and make the occupants more comfortable during the time they are in our buildings. However, should any classification of facility users II, III, or IV choose to reduce their cost of using District facilities by eliminating the use of HVAC this is acceptable. The school principal in instances such as this should explain on the facility use agreement form that the facility user has chosen to reduce the cost of utilities as HVAC will not be used. In cases such as this the user must still pay the full facility use charge for their category of user, but utilities will be reduced to just $5.00 per hour. There must be a utility charge to cover the cost of running lights in building. The site administrator can contact the Office of Risk Management to obtain a facility use cost sheet with these reduced rates in order to properly calculate these costs.

* All labor cost, special equipment, or special request requiring additional cost to the Board for the theatre's use shall be calculated on an individual basis and charged to the renting organization.

Use agreements may be obtained from the principal or designee if utilizing school grounds and/or equipment. Schools are to obtain blank use forms from the District print shop through a printing requisition.

Performing arts theatre use agreements may be obtained from the theatre manager.

All requests for exceptions to any procedure as described herein shall be submitted in writing to the Superintendent or his/her designee a minimum of fifteen (15) business days prior to requesting use of District facilities.

Individuals or Entities Denied Facility Use

Individuals or entities denied access to use District facilities at the school level have the right to seek redress of the denial. To do so the individual or entity must draft a letter outlining why they feel they should be allowed access to use District facilities. This letter should also include the following at a minimum:

A. the names, address, telephone, and e-mail address of the individual or entity seeking facility access.

B. a detailed description of the organization including its corporate make up such as officers, administrative staff, volunteers, number of participants, etc.

C. the individual or entities tax status with regard to profit or not-for-profit.

D. a statement as to what facility was sought and for what purpose.

E. a statement as to why they believe the school denied them access and/or a copy of any written correspondence to this effect from the school.

F. a statement as to why the individual or entity feels that they were wrongly denied access.

Once the above letter is complete, the individual or entity should submit it to the school's Assistant Superintendent of Leading and Learning for re-consideration. If Leading and Learning does not find in the individual or entities favor, the individual or entity may request reconsideration to the Superintendent. If use remains denied at the Superintendent level, the individual or entity may request a hearing on the matter during the next scheduled Board meeting. The same information must be submitted to the Board and they will deliberate on the issue make a final decision. All decisions of the Board shall be final.

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MEDIA BROADCAST OF STUDENT ATHLETIC COMPETITIONS

7511 - **MEDIA BROADCAST OF STUDENT ATHLETIC COMPETITIONS**

A. General Information

The School Board of Brevard County hereafter known as SBBC welcomes responsible media organizations to report and promote the District's student athletic competitions. The SBBC is a member of the Florida High School Athletic Association hereafter known as FHSAA which has rules and regulations in place regarding the release of information about FHSAA business and activities, the issuance of media credentials and broadcast rights for radio and television to FHSAA State Series contests, as well as general operating procedures for news media at FHSAA State Championship events. All other regular season competitions shall be governed by this policy as the FHSAA does not control the media's reporting of regular season events. Print editors and broadcast directors should carefully review FHSAA policies and procedures applicable to their organization regarding State Series events and this policy regarding non- State series events.

B. Requesting Access to Broadcast Athletic Contests at a School

1. Requests by the media to film, record, broadcast, and internet stream a sporting event must be submitted to the school's administration a minimum of ten (10) days in advance via a completed facility use agreement form as found in Board Policy 7510 along with a full typed written outline describing what the broadcasting company desires to film/broadcast, how many representatives from the media organization are required to be on site to support the broadcast, where the broadcast representatives desire to be stationed during the competition, the broadcast media's desires with regard to access to coaches and players, and the amount and extent of equipment that will be on campus during the broadcast (the media organization will be considered a category III user for purposes of Board Policy 7510). The outline must state that the broadcasting company has fully read, understands, and agrees to abide by all requirements found in Board Policy 7511 and the administrative procedures for this policy. The outline must be signed by a principal from the media organization that has the authority to obligate the company to all rules and requirements found in this policy and procedure. It is the responsibility of the individual media organization to confirm that his or her request has been received.

2. The decision to allow the media to access the school to film, record, broadcast, or internet stream a sporting event is the sole discretion of the Superintendent or his/her representative which in most cases is the school principal. Submission of a completed facility use agreement and description of activities does not guarantee the media representative(s) will have access to film, record, or broadcast the event. All requests to film, record, or broadcast will be reviewed and must be approved by the Superintendent before access will be granted. The media organization must abide by all access changes or limitations to the competition required by the Superintendent. The Superintendent will notify any individual broadcast organization whose request has been denied.

3. Only those representatives whose requests are submitted by the advertised deadline and are approved will be granted access to the school grounds to film, record, and broadcast the event. Access will be granted on a first come, first served bases. Late requests may be submitted, but due to time constraints may not be granted. Proper photo identification of all media representatives will be required of individuals allowed on campus. Media organization representatives who wish to have access to a school during normal school hours or who wish to have direct access to students to perform interviews thirty (30) minutes or more prior to or thirty (30) minutes or more after the athletic contest must complete a level II background screen. Media organization representatives shall not be granted access to locker or shower rooms at anytime.

4. The decision to allow the media organization's access to competitions will be made on a space-available basis to representatives of daily newspapers who are covering the event; television personnel who are directly involved in covering the event for a newscast production; broadcast crews of a radio station self- originating an approved play-by-play broadcast of the event; non- daily newspapers whose primary circulation area includes a school participating in the event; non-originating radio stations providing on-air updates of the event; student-based media of member schools participating in the event; and Internet sites, specialty publications and out-of-state media subject to additional restrictions below. Sporting events are limited to two (2) for daily newspapers, one (1) television station, two (2) self-originating radio stations and student-based media of participating schools, one (1) non-daily newspapers, and one (1) non-originating radio station, Internet site, out-of-state media and specialty publications. Requests for media access beyond the categories listed above and/or above the specified may be granted by the Superintendents, but all such requests must be made in writing and include an explanation of the necessity for additional access. The media organization shall provide a copy of their broadcast to the school in the same format used (including all commercials) to broadcast the event to the public. The School Board of Brevard County retains the right to film, record, photograph, and broadcast any of its events on the District's website and TV station.

5. Requests from Internet sites must be submitted no later than two (2) weeks in advance of the event to allow the Superintendent's staff with the time to review the site and it's content to determine credibility. Each request will be considered on a case-by-case basis according to the following guidelines:

    a. Internet sites must update news content daily and have a demonstrated record of sustained coverage of high schools sports.

    b. Internet sites must have a unique registered domain name ending in one of the recognized extensions (.com, .cc, .edu, .net, .org).

    c. Parallel Internet sites owned and operated by traditional media (i.e., newspapers, radio stations and television stations) may be granted access if the request is for the purpose of reporting unique content that only can be accomplished by the granting of access. In instances where space is limited, such access may be counted as part of the traditional media organization's' allotment.

    d. Internet sites must furnish, upon request, certifiable traffic numbers from an established auditing firm (i.e., Nielsen), or from its service provider. Hit counters on pages will not fulfill these requirements. The following information may be requested: the average number of "unique viewers/visitors" to the site in the last thirty (30), sixty (60), and ninety (90) days; the average number of "page views" by each visitor; and the name and telephone number of the auditing firm or service provider to discuss and ensure the accuracy of the numbers.

6. Requests from specialty publications (magazines and other periodicals) must be submitted no later than two (2) weeks in advance of the event to allow the Superintendent's staff time to review the publication and it's content to determine credibility. Specialty publications must have a demonstrated record of sustained coverage of high school sports. Specialty publications must declare their coverage plans so that the Superintendent's staff can determine the legitimacy of the request, if the content to be printed does not duplicate existing content already being provided, or if the content to be printed violates rights already granted by the SBBC to another party.

7. Out-of-state media organizations must have a circulation area that includes the community of a participating school. All other out-of- state media organizations must explain the necessity for their coverage of the event.

8. Media representatives who receive access approval must be on assignment for a specific media organization. Requests for access by freelance reporters, freelance photographers, correspondents or stringers must be submitted on their

behalf by the media organization for which they are working.

9. The following organizations and/or individuals will not be granted access:

    a. Publications or Internet sites operated by recruiting or scouting services.

    b. Personal page Internet site publishers.

    c. Internet sites intending to merely report information already available on the school or District's website.

    d. Specialty publications that provide only recruiting lists or lists of outstanding teams.

    e. Any publication or Internet site deemed to be in poor taste or incompatible with the mission of interscholastic athletics as determined by the SBBC and the school.

10. Access will not be granted to commercial photographers. Photographers wishing to cover an athletic event must be on assignment from recognized news or broadcasting organization and be using professional camera equipment. The SBBC prohibits the sale of photographs from regular season events, and will not allow access to any photographer whose photos will be used for any purpose other than news media or reporting coverage.

11. Access or complimentary tickets for spouses, friends, etc. of news media or broadcasting company representatives will not be provided. Individuals who attend an event with a credentialed news media representative will be required to purchase a ticket.

12. Access granted to a broadcasting company to school facilities is non-transferable and may be used only by those representatives to whom they are approved. Any media organization that wishes to change the name(s) of its reporting representatives may do so in writing to the Superintendent's staff prior to the event. Unauthorized use, sale or other transfer of access to broadcast will subject the bearer to ejection from the event and the indefinite denial of access to broadcast future events.

13. Should any representative granted access to broadcast become verbally or physically confrontational or abusive for any reason, refuse to cooperate or comply with the conditions of the access granted, or any established guideline/request for conduct required by the Superintendent, coaches, and referees during the event shall have their rights to permitted access revoked and the offending representative removed from the premises immediately. In all such cases, the Superintendent will report the incident to the representative's employer and will reserve the right to withhold approval of future requests for access to broadcast by the representative as well as his/her employer.

14. Those granted access to broadcast and their employees assume all risks incurred to the performance by the bearers for their services and assume all risks incidental to SBBC-related events whether occurring prior to, during or sequential to the actual playing of the contests.

15. Any use of news and editorial content or photographs/electronic images for entertainment and commercial purposes not previously approved is strictly prohibited without prior written consent of the SBBC and the FHSAA.

16. The accredited media organization and bearer shall indemnify, defend and hold the SBBC, its officers, agents, employees harmless, from and against any and all expenses, lawsuits, damages, costs and liabilities (including reasonable attorney fees and expenses) incurred by, arising from, or in connection with:

    a. the unauthorized use of news and editorial content or photographs/electronic images, whether such unauthorized use is by the bearer, the accredited media organization designating the bearer to use the credential on its behalf, or some third party to whom the bearer distributes news and editorial content or photographs/electronic images;

    b. any injuries resulting from acts or omissions by the bearer or some third party to whom the bearer directly or indirectly distributed news and editorial content or photographs/electronic images;

    c. any cameras, wires, cables, computers, telephones or any other equipment brought to the premises by the bearer, or

    d. the use of any news and editorial content or photographs/electronic images or any other matter other than coverage of the SBBC athletic contests.

    NOTE: Should approval be granted to use news and editorial content or photographs/electronic images for entertainment or commercial use, the media organization and/or bearer agrees to obtain all necessary licenses, consents or releases permitting the use of any party's proprietary material, including, but not limited to, any party's copyrights, trademarks, rights of publicity, rights of privacy or other proprietary or personal rights, however denominated, included in any photograph/electronic image taken or other material obtained in connection with the access granted to broadcast. The broadcasting company and/or bearer is solely responsible for determining which licenses, consents and releases shall be obtained.

17. Unless prohibited by contract the media organization must grant the SBBC and its assignees to utilize the media organization and/or bearer's voice, image and likeness in connection with any broadcast, other recording or print reproduction of the event without compensation.

18. The media organization and/or bearer assumes all risk and danger incidental to any SBBC competition event, whether occurring prior to, during or sequential to the event, and releases the SBBC and all agents thereof from any and all liabilities resulting from such cases.

19. The right to access and broadcast competitions is the property of the SBBC and may be revoked at any time at the sole discretion of the SBBC and will automatically terminate if any term hereof is breached. The media organization and/or bearer that breaches the conditions of use is subject to legal liability as well as all costs incurred in enforcing the terms of these conditions including but not limited to reasonable attorney fees.

C. Broadcast Policy

1. A media organization wishing to broadcast a competition must make appropriate fee payment for the right to broadcast to the Superintendent prior to originating or accepting feed of such a broadcast. Such rights are not exclusive.

    a. A media organization granted broadcast rights may not feed its broadcast to any other media organization(s) without written permission from the SBBC. For the purposes of television, a videotape of an SBBC competition is considered a "feed." Therefore, an over-the air or cable television station, even if granted broadcast rights by the SBBC, may not share a videotape of an SBBC contest without express written permission from the SBBC and payment of appropriate rightsd timeout close to the midpoint of the quarter. Additionally, this television timeout will not preclude either one (1) of the two (2) participating teams from calling a charged timeout near the midpoint of the quarter; and

    b. All charged timeouts called by either team will be a full sixty (60) seconds in duration. It will be the responsibility of the broadcast officials to confer with the referee to see that these guidelines for television timeouts are strictly adhered to.

    c. SBBC and its employees are not responsible for any accidental failures to hold the time outs found in this section.

    d. Should the media organization wish to utilize the time outs as listed in this section, they must pay an additional charge of $500.00 otherwise; the media organization will have no rights to extend time outs or breaks during the contest.

D. Tape-delay telecasts may not be aired earlier than twelve (12) hours following the scheduled starting time of the contest and may not conflict with the playing times of scheduled SBBC contests in the same sport. There is no limit on the number of times these telecasts may be replayed by the media organization approved for such telecasts.

E. The use of audiotape, videotape and/or film by a media organization granted broadcast rights for any purpose other than for complete playback of the contest(s) for which it was approved, or for the use of excerpts for regularly scheduled newscasts is expressly forbidden. Any other use of the verbal description and/or video account of the contest(s) must be approved in writing by the SBBC.

F. SBBC approval of broadcasts of SBBC contests is final. Host schools will permit all broadcasts approved by the SBBC, and admit to the facility without charge personnel originating these broadcasts upon presentation of the proper documentation.

G. The broadcasting company must make all arrangements for seating and equipment setup with the host athletic director, coach, or referee. The media organization must assume all expenses in connection with the broadcast, and must provide all equipment necessary for the broadcast. This includes arranging for broadcast lines with the appropriate telephone company.

H. Personnel originating approved broadcasts who are to be admitted to the facility without charge must not exceed four (4) persons. The host school athletic director must make every effort to provide these personnel with seating which provides them with an unobstructed view of the playing area.

I. In facilities where seating is limited in the press box or broadcast booth, the host school athletic director should provide seating to one (1) principal media organization covering each participating school. Thereafter, seating in the press box or broadcast booth should be provided on a first-come, first-served basis. A media organization must understand that it may be necessary for it to set up operations in the spectator seating area at facilities with limited space in the press box or broadcast booth. The principal media organization for a participating school is considered to be the media organization which has broadcast the greatest number of regular season contests in which the school has participated.

J. The host school athletic director, coach, and/or officials assigned to work the contest will have the authority to require the repositioning of television cameras and videographers if they believe their placement may threaten the safety of the participants or interfere with the conduct of the competition.

K. The media organization must at the discretion of the SBBC incorporate into its broadcast of each SBBC contest a minimum of two (2) announcements concerning the SBBC and/or school activity programs. Script for these announcements and/or cassette copies of professionally pre-produced spots will be provided by the SBBC.

a. The media organization may be present scripted announcements in a manner of the SBBC's choice, and may use sound and/or visual effects as it desires.

b. The two (2) mandatory SBBC announcements must be incorporated into the actual broadcast of the contest. Airing the announcements and disclaimer during a pregame and/or postgame show will not satisfy the requirements of this policy.

L. The media organization must incorporate into each broadcast the following disclaimer establishing its broadcast rights as granted by the SBBC:

"BROADCAST RIGHTS TO THIS SCHOOL BOARD OF BREVARD COUNTY AND (NAME OF SCHOOL) ATHLETIC CONTEST HAVE BEEN GRANTED TO (THE MEDIA ORGANIZATION) BY THE SCHOOL BOARD OF BREVARD COUNTY AND IS INTENDED SOLELY FOR THE ENJOYMENT OF OUR (LISTENING/VIEWING) AUDIENCE. ANY REBROADCAST, RETRANSMISSION OR OTHER USE OF THIS PRODUCTION WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SCHOOL BOARD OF BREVARD COUNTY IS PROHIBITED."

The disclaimer must be incorporated into the actual broadcast of the contest. Airing the disclaimer during a pregame and/or postgame show will not satisfy the requirements of this policy.

M. Announcers are expected to handle broadcasts with efficiency and without introduction of objectionable comments such as vulgarity or criticism directed toward an official, coach, team, player, school or other entity. Reports of any accidents, injuries or other incidents should be minimized and factual, in order to prevent undue anxiety on the part of viewers. Announcers should also make every effort to correctly pronounce the names of individual participants.

N. The terms "sponsor", "sponsorship" or other like terms that imply or refer to the presentation and support of the activities under the jurisdiction and control of the SBBC by entities other than the SBBC must not be used during any broadcast of an SBBC athletic contest unless expressly approved, in writing, by the SBBC. Announcers may not refer to or use words that imply a sponsorship of any SBBC athletic contest by a commercial advertiser without the expressed written consent of the SBBC.

O. The media organization must abide by each and all terms and conditions of this policy. Failure to do so may result in the immediate revocation of the media organization's immediate broadcast access rights, and denial of future broadcast rights for a period to be determined by the Superintendent. The SBBC reserves the right to discontinue at any time a media organization's broadcast of a SBBC athletic contest if previous broadcasting is considered by the SBBC to have been in poor taste or incompatible with the educational dignity and propriety of the SBBC, the Florida High School Athletic Association and its member schools. The host school principal or contest manager will have the authority to act on the behalf of the Superintendent and the SBBC in enforcing this policy during all athletic contests at his/her facility.

P. A media organization which broadcasts a SBBC athletic contest without prior written approval of the SBBC may be denied future broadcast rights for a period to be determined by the Superintendent.

Q. A media organization which broadcasts a SBBC athletic contest must agree to hold the SBBC and its member schools harmless because of any injury to person or property on the premises. The media organization must further agree to assume all responsibility for any damages which are a direct result of the activities of the broadcast. The media organization must also agree to indemnify and defend all claims made against the SBBC for damages occasioned by the media organization of whatever nature.

R. Venue of any civil action arising out of this policy will lie in Brevard County, Florida.

S. The SBBC reserves the right to amend this policy and administrative guideline at any time and in any manner deemed necessary. No exception to this policy may be made by a media organization, host school principal or contest manager except by written permission of the SBBC or the FHSAA.

Payment of Rights Fees

A. A media organization granted broadcast rights to a SBBC contest must pay access rights fees as follows:

1. Live radio broadcast – $50.00 (per event), tape-delay radio broadcast - $25.00 (per event)

2. Live Internet stream $250.00 (per event), tape-delay Internet stream $150.00 (per event)

3. Live telecast – $750.00 (per event), tape-delay telecast $400.00 (per event). The broadcasting company must pay all rights fees, both for itself as well as $25.00 for each media organization to which it feeds its signal. Payments of rights fees must be by company check made payable to the SBBC. Payment of rights fees must be received in the school's administrative offices not later than thirty (30) calendar days following the event broadcast. A $25.00 late fee shall be assessed if payment is not received by the thirty (30) day deadline.

4. Media organization's that request access to broadcast a game must pay the full fee as outlined above unless they submit a written request to withdraw their application to have access to broadcast the athletic contest a minimum of fifteen (15) days in advance of the athletic competition.

B. A media organization which feeds its broadcast to another media organization(s) is solely responsible for collecting reimbursement for its $25.00 feeder fee payment to the SBBC from each media organization to which the originating media organization feeds its broadcast. Any fees charged by an originating media organization to accepting broadcast companies will be in addition to SBBC rights fees.

C. A $30.00 returned check fee will be assessed to any media organization whose payment of rights fees is returned due to insufficient funds. Additionally, such media organization will be denied broadcast rights to future SBBC athletic contests until such time as payment of access rights fees and any other fees assessed by the SBBC is made to the satisfaction of the SBBC.

D. A media organization must pay all costs of collection to include reasonable attorney's fees if it becomes necessary for the SBBC to place the account for collection and bills incurred. Venue of any such civil action relative to the collection of rights fees shall lie in Brevard County, Florida.

Commercials and Sponsors

A. A media organization must submit the names of all sponsors on the Broadcast Application Form, and must be able to produce in writing upon request of the SBBC any and all commercials used during the broadcast.

B. The SBBC reserves the right to reject any and all applications for broadcast access rights, whether sponsored or unsponsored. The SBBC reserves the right to approve or reject the product or service which desires to sponsor the broadcast.

C. Advertisements for the following are prohibited:

1. promotions for the possession, use or sale of alcoholic beverages, tobacco products, harmful drugs, firearms and contraceptives;

2. bars, taverns and cocktail lounges or other establishments that serve alcoholic beverages;

3. exotic dance clubs;

4. political issues;

5. 900 call-ins for personal services, betting services, scouting services or other 900 call-ins which are in poor taste or are incompatible with the educational dignity and propriety of the FHSAA State Series or the Florida High School Athletic Association;

6. pari-mutuels, excluding the Florida Lottery; and

7. any other business, product, service or ideal that is incompatible with the educational dignity and propriety of the FHSAA State Series, the Florida High School Athletic Association and its member schools.

D. Combination businesses such as drug stores, grocery stores, department stores, hardware stores, hotels and restaurants which dispense alcoholic beverages, tobacco products, harmful drugs, firearms and contraceptives may be acceptable as sponsors provided no part of the advertising messages for these establishments refer to the dispensing of such products; or to a bar, tavern, cocktail lounge or other facility dispensing such products.

E. While advertisements for political issues are prohibited by this policy, political candidates may be acceptable as sponsors provided no part of their political advertisements raise controversial political issues.

F. Advertisements of the type prohibited in Item E-3(a-g) above are prohibited from use at any time during the broadcast from the time the pregame show begins until the completion of the postgame show. Advertisements of this type are prohibited from use in pregame and/or postgame shows whether such pregame or postgame shows originate from the site of the contest or from the studio of the originating media organization. At no time during the broadcast may a listing of broadcast sponsors be read which includes the name of such business, product or service listed in Item E-3(a-g) above and referred to in this note.

G. Sponsorship of a broadcast does not provide for display of sponsor banner(s) and/or other promotional items and such display is prohibited. Originating media organization name identification banners, however, are permitted.

H. Commercial announcements may not occupy time when actual competition is taking place. A media organization must, as near as possible, limit its commercial announcements to timeouts and other times when the contest is not in progress.

I. Media organization's may not use or allow to be used during a broadcast, both live and tape-delay, any commercial announcement that implies a sponsorship of any SBBC athletic contest without the expressed written consent of the SBBC. Example: Language may be used which indicates that contest coverage "is brought to you by _____," "is sponsored by _____," or "_____ is a sponsor" of this tournament coverage. Broadcast companies may not allow advertisers to claim that they are sponsors of SBBC athletic contests.

J. The SBBC will exercise immediately its responsibility to cancel all broadcast access rights for the particular contest and subsequent contests of any media organization found to have violated the provisions of this section of the policy. The host school principal or contest manager will have the authority to act on behalf of the Superintendent in enforcing the provisions of this section of the policy.

News Film Crews

A. A film crew not to exceed three persons from an over-the-air television station or cable TV system will be allowed access, without charge, to an SBBC athletic contest to shoot news film clips for use as part of the media organization's regular news telecast or other special news programs. The media organization may not air a total of more than three (3) minutes of such footage. Any use of such footage must include visual credit to SBBC.

B. The media organization must not sell, loan or give away any part of the footage shot and must use it only for the purpose set forth above unless permission for its use otherwise is granted in writing by the SBBC.

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ap7530.01

CELLULAR PHONES

7530.01 - **CELLULAR PHONES**

The District recognizes that a cell phone, in some cases, may aid an employee in their employment as well as benefit an employee's department. Each department is responsible for determining when an employee needs to conduct business using a cell phone in order to fulfill job responsibilities.

The District's exemption from Federal excise tax presumes that cell phone use is intended for business and not personal use. Therefore, cell phone purchases and contracts, where the District is the official billing entity, should be approved only for those situations where the District intends for the phone to be used for District business entirely, with the exceptions of emergency use.

The Office of Financial Services must approve all cellular phone purchases and contracts, where the District is the official billing entity. Cellular phone contracts should be selected to reflect the level of business use. For example, when an employee's business use will average sixty (60) minutes per month, a sixty (60) minute per month contract should be selected. Cellular billing should be monitored monthly to confirm District vs. personal usage. Contracts should be reviewed on an annual basis and adjusted, as necessary, to reflect the average business use. If an employee, for emergency purposes, makes a personal call that results in additional charges to the District, the employee is required to reimburse the District by check for the related charges.

Routine calls home during the commute between work and home are considered personal calls.

The District discourages use of a cellular phone when a desktop phone could be used, due to the reduction of service minutes otherwise available for District business and unnecessary costs to the District.

The principles of this procedure are applicable to pagers and as well as cellular phones.

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COMPUTER TECHNOLOGY AND NETWORKS

7540A - **COMPUTER TECHNOLOGY AND NETWORKS**

The Superintendent shall be responsible for the management of the District's technology system and for making the arrangements for any network which may be used to enhance the educational program and/or operations of the District.

S/He shall be responsible for implementing the procedures established for program development the selection of materials and equipment, and the District's purchasing procedures. In addition, the building principal or District administrator shall make sure that the appropriate agreement Form 7540.04 F1 or Form 7540.03 F1 is complete for each staff member and student who will have access to District technology and any networks.

All tentative agreements with networks or technology agencies are to be submitted to the Superintendent for review and approval.

It is essential that staff members and students be provided the following information concerning the use of the Internet. This can be done through written procedures, professional development seminars, faculty and student meetings, and introductory remarks at the beginning of a course in which the Internet may be used.

A. Use of the Internet is to be related to one or more courses of study and is not to be used by staff or students for discriminatory or unlawful purposes. Further, use of the Internet for recreational or personal purposes is allowed on a limited basis during lunch breaks with approval from supervision. All student use is to be supervised by a staff member or approved volunteer who has signed the Staff Network and Internet Acceptable Use and Safety Agreement Form 7540.04 F1.

B. Because of the vast amount of information that can be retrieved from the worldwide network, teachers are responsible for training students to use proper research skills when retrieving information. It is inappropriate, costly, and a waste of valuable instructional time for staff and/or students to download large quantities of information that has not been checked ahead of time for accuracy, relevancy, and probable usage. It may be helpful, therefore, for teachers to conduct some controlled exercises with students on how to differentiate between websites that are "attractive but superficial or irrelevant" from those that are attractive, substantive, and relevant.

C. Staff members need to have back-up plans or contingency procedures in place for times when the Internet may not be accessible. Since the Internet is primarily a data-gathering mechanism, alternative sources for needed data should be available so that students can accomplish the purpose of the instruction within the established time period.

D. Prior to disseminating information across the Internet about a student such as name, address, or other identifying data including pictures, signed parental permission forms must be on file.

E. The Student and Staff Network and Internet Acceptable Use and Safety Agreement that students and staff members must sign prohibits the use of the Internet for unethical purposes or to obtain information that could be considered obscene, pornographic, or unsuitable for children. If a question of interpretation arises concerning the definition of these terms, the building principal or District administrator shall have the authority to determine whether the web site is appropriate. Prior to

accessing or allowing access to information that the staff member is unsure about, s/he should consult with the building principal or District administrator.

F. As students and/or staff member's complete projects, which reflect unusual and creative applications of technology, the projects should be shared with the building principal or District administrator so that proper publicity can be created as appropriate to the project.

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Revised 9/07

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ap7540B

AT-HOME ACCESS TO DISTRICT TECHNOLOGY

7540B - **AT-HOME ACCESS TO DISTRICT TECHNOLOGY**

The District will allow staff members to access District technology and the Network/Internet through the use of home computers in accordance with the following procedures:

A. The District access availability time will be unlimited with the exception of scheduled maintenance.

B. The District will not provide on-site support; help desk support is limited to normal operating hours.

C. The District will provide log-on instructions.

D. Access is available at no charge.

E. The District will not be responsible for:

1. any virus that a home-user may obtain while accessing the Network/Internet through District technology;

2. any content that a home-user may access through the Network/Internet;

3. any copyright violations that may be incurred while accessing the Network/Internet through District technology;

4. loss of or damage to any equipment of the home-user.

F. The District will not allow a home-user to establish personal e-mail accounts through District technology.

G. The user will follow all District Acceptable Use policies and Internet/e-mail policies for staff, i.e., home, or out of office use should be as if the laptop was still at the District.

AP 7540.04

H. Confidential data, to include student records, any finance data, HR data, SSN's, must be protected at all times to prevent the unauthorized modification, disclosure, or destruction. (i.e., Encryption and strict use of access controls to include: family members or friends do not have the right to log on to this device at anytime for any reason.) (i.e., home, or out of office use should be as if the laptop was still at the District.)

I. Personal laptops or other non-approved servers, computers, are not allowed to be connected to the District network without change management approval as they increase the risk of a security incident. (i.e., They must have approved OS (no Win 95/98, Unix, Linus). The OS must be patched to prevent the latest threats. The approved anti-virus must be installed and have the latest signatures. Finally, any home PC, USB device, or Ipod can come into our environment with any number of unknown issues, some of which include: spyware, worms, Trojans, key loggers, botnets, peer to peer file sharing software, pornography, or any other illegal or unlicensed software. These items if not carefully controlled, will circumvent the many enterprise wide and costly protection mechanisms that have been put in place to protect our data and information systems.

The Assistant Superintendent of Information Systems Services is responsible for creating an Authorized Network and Internet Acceptable Use Policy which clearly states that when a person uses District technology to create a web site or page which is hosted on District servers, s/he acknowledges that the District is entitled to any and all proprietary rights related to said web site and/or pages.

Revised 2/15/07

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PERSONAL USE OF DISTRICT TECHNOLOGY

7540C - **PERSONAL USE OF DISTRICT TECHNOLOGY**

The following procedures will govern the personal use of District technology by staff members as well as use for school purposes by either staff or students while at home. No personal, that is, non-school, use of District technology may be made by any student at any time.

A. Form 7540.01 F1 - *Permission to Use/Import Software* is to be submitted to the site manager before any personal software is brought to school. In addition, the staff member must provide either the licensing agreement from the manufacturer or a proof of purchase. The staff member must also confirm to the site manager that s/he has analyzed the content of the software. The staff member should retain a copy of the form.

B. A staff member or a student may start a project using District owned software at school or personal software at home and produce a copy of the project or document. The District will not provide District owned software for use on personal computers at home. When the project is completed, the staff member or student should notify the site manager to find out whether or not the District wishes to keep a copy for reference or for use by others. No staff member or student should expect to retain any proprietary rights related to the design on any web site or pages hosted on the District's servers.

C. Prior to making a copy of any District owned software, a staff member or student should contact site manager to find out whether or not there is any licensing agreement associated with that software, and if so, whether the license allows the staff member or student to load the material on his/her home computer. If reproduction is allowed, the staff member or student is to complete a check-out form (see Form 7540 F1) in which s/he agrees to make only one copy and only for personal use and not for use by others. If the license does not allow this, then no copy is to be made.

D. No staff member or student will be allowed access to the Internet or other networks without first signing the Student or Staff Network and Internet Acceptable Use and Safety Agreement (Form 7540.03 F1 or Form 7540.04 F1). All student use of the Internet must be under the supervision of a staff member or approved volunteer.

E. Each staff member and student will be provided a password for use with District technology with the provision that the password is not to be shared with others. The existence of a password does not guarantee confidentiality or privacy and the District retains the right to use any person's password to monitor the type of use that is being made of District technology.

F. With regard to personal e-mail, staff members may use it to send and/or receive personal messages providing such use

1. is limited to non-duty time

2. does not involve the conduct of any personal, discriminatory, or unlawful business (including commercial purposes, advertising, and political lobbying).

3. Students are not allowed to send or receive personal e-mail messages.

G. Unauthorized Personal Uses

Employees are expected to conduct themselves professionally and to refrain from using school office equipment for activities that are inappropriate. Misuse or unauthorized personal use of school office equipment includes:

1. Use for commercial purposes or in support of "for-profit" activities or in support of other outside employment or business. Use of the Internet is similar to use of a school gym or library after school. Professionals are encouraged to use these facilities for personal and professional growth, which must not be confused with financial gain.

2. Engaging in any non-school fund-raising activity not authorized by the Superintendent/designee.

3. Endorsing any product or service, participating in any lobbying activity not authorized by the Superintendent/designee as part of the employee's job, or engaging in any prohibited partisan political activity.

4. Any personal use that creates the perception that the communication was made in one's official capacity as a school employee, unless appropriate school approval has been obtained.

5. Any use at adds with the School District's mission or policies. This includes posting school information to external newsgroups, bulletin boards or other public forums without authority.

6. The unauthorized acquisition, use, reproduction, transmission, or distribution of any controlled information including computer software and data, the includes private information, copyrighted, trade marked, or material with other intellectual property rights (beyond fair use), proprietary data, or exported controlled software or data.

7. Any use that is in violation of copyright laws and regulations.

8. Any use which violates the *Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida.*

9. Any personal use that could cause congestion, delay, or disruption of service or damage to any school system, software, or equipment. For example, greeting cards, video, sound, or other large file attachments can degrade the performance of the entire network. "Push" technology on the Internet and other continuous data streams would also degrade the performance of the entire network and be an inappropriate use.

10. Using the school systems as a staging ground or platform to gain unauthorized access to other systems.

11. The creation, copying, transmission, or retransmission of chain letters or other unauthorized mass mailings regardless of the subject matter.

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COMPUTER SOFTWARE DEVELOPMENT (DISTRICT DEVELOPED OR PROPRIETARY)

7540D - **COMPUTER SOFTWARE DEVELOPMENT (DISTRICT DEVELOPED OR PROPRIETARY)**

Administrative Procedures

The purpose of a computer acquisition procedure is to formalize a uniform standard for computer software development throughout the District. This procedure mandates endorsement and support by the Superintendent. This computer software acquisition procedure covers all computer software developed by the District. The District can have more than one (1) type of District-developed computer software. The types of software will depend on its source. Each computer source will require its own software acquisition procedure. Sources/Types for District-sponsored/developed computer software include the following:

A. District written/created software

B. contract personnel written/created software

C. vendor written turn-key software

D. centralized District-sponsored/developed software

This procedure's objective is to provide acquisition uniformity for District-developed software. This also covers all proprietary software, including development and contracting. The sole ownership of the program's source coding ratifies the programs as proprietary. There will be procedure standards for proposing and recommending benchmarks, vendor selection, and contracting. Components of software will be approved for payment after passing the qualification criteria test. The purchase of object code only software is limited to the defined purchase agreement specifications that come with the software.

Software Procedures

Each type of software will have its own software procedure requirements. These are in addition to the general procedures for all software:

A. District Written Proprietary Software

All programming will be done in the approved programming language. All programs written using District software, hardware, and any other District- owned resources belong to the District. Programming documentation and operation manuals will follow established standards (Form 7540G F1 required).

B. Contract Written Proprietary Software

All contracted programmers will employ the same programming standards and procedures as do District employed programmers. Documentation, test data, and drafted work information will be the property of the District. The District is the sole owner of source-coded programs (Form 7540G F1 required).

C. Turn-Key System Contracting

This is a vendor developed turn-key system, including development cost. The program(s) source code belongs to the District. The District will have the copyright and/or patent rights to the developed turn-key system software. The Superintendent can approve other contract arrangements. Any third-party, add-on software used will be identified. The limitations of the use of the third-party software will be defined. Its warranties, restrictions, and operations will be fully identified (Form 7540G F1 required).

D. Centralized District-Sponsored/Developed Software

_____

_____

General Inventory Management Procedure for Software

Educational Technology (ET) is responsible for maintaining and enforcing a District-wide computer software inventory management program. The Assistant Superintendent of ET is responsible for maintaining and enforcing this procedure. A technology committee will be formed and chaired by the Assistant Superintendent of ET. A monthly update of any added or deleted software programs used on District hardware will be made to the computer software inventory management database. The approved computer software list is a screening device for current computer software acquisitions. The committee will be responsible for approving new software. The technology committee will maintain the approved computer software list. The technology committee can grant a waiver when special software needs arise. The special software items will be added to the software inventory management database but not placed on the approved computer software list. There is no requirement for this software to be supported by ET.

All departments will comply fully with this procedure. Software that is not identified by the software inventory management database will be flagged for each computer that is not in compliance. Any software that does not meet contractual agreements will be removed from all computers employing the software. Any employee intentionally placing a software virus on any District system will be reported to the Office of District Security and the Office of Human Resources/Labor Relations. All virus recovery costs may be charged to the employee. Court action will be pursued when appropriate.

Proprietary Developed Software

Proprietary developed software may be from more than one (1) source. Required software that is not listed on the software inventory management database or available for purchase or lease may need to be developed. When the developed proprietary software becomes operational, this information will be put into the software inventory management database file. The technology committee will make the decision if the software will be listed on the approved computer software list. The source of the software will be identified on the approved computer software list. This will allow potential users to contact the developers for information about the software. The District can have its proprietary software developed by more than one (1) method.

District-Written Proprietary Software

District-developed software will follow the District's procedure for District-designed/written software.

End-User Developed Software

End-user developed software will follow the District's procedure for software development. Resources of the ET Department will be available as time permits from the various units as required. Monies may be budgeted to departments for such development. Some users can develop their own software. Depending on the area of operation, there can be different levels of skills available. Depending on the District culture, this activity by users can vary. At times it would not only be faster to accomplish the task, but possibly more economical.

A. The Inception Process

The end-user department head is required to approve user-developed software within their jurisdiction. The user's department head should receive a memo, from the person requesting it, defining the need for the unavailable software. The department head can also be the originator of the memo. The memo will be part of the project documentation. This is required before any effort is spent in the development of the software.

User-developed software will be done at the user's own expense. ET will be contacted before any effort is spent producing end-user developed software. The user's manager will be informed what software is available that may assist the project. Also, user management will be informed of what is available from the software inventory management database. Not all District-used software is listed on the approved computer software list. Computer programs may be available that can be used as is or with some modification. Information is available about third-party add-on module software. This module software can be part of the program being developed and save programming time. When users are writing their software, they may find a need for third-party software. This software must meet District software acquisition procedure requirements.

B. End-User Resources

Consulting resources will be provided by ET, as time is available. User management will determine what kind of assistance will be required. The amount of assistance available from ET should be known before pursuing the project. If ET does not have time available, they can provide vendor sources for user assistance. The payment for this service will be paid from the user's budget, unless other provisions have been made. ET will assist end-user management with vendor negotiations.

C. Developing End-User Software

The user will employ an approved software compiler. The user should contact the help desk with any problems with the compiler software. If the help desk person cannot be of assistance, s/he will provide a person to whom the problem may be referred. Writing user computer programs will follow the procedures for programming methods provided by ET.

D. End-User Software Documentation

A copy of the project, including source code, software, and the supporting documentation will be sent to the technology committee. The committee will examine and test the computer software under the leadership of the ET programming representative on the committee. They will determine if the new software warrants being listed on the approved computer software list.

E. End-User Project

When the decision is made to proceed with development of the software, it will become a user project. The project may be a simple one (1) person effort, but it will have its own identity and contain a project documentation folder. The project work time and any expenses incurred will be recorded and placed in the folder. The software will use test data made available for program testing by the user. At no time will operation data files be used for testing. When such test data is needed, file or database information will be down loaded to the computer system that will use the data. At no time will the software testing be done online with any network operating system. Testing will be done at the District facilities using the District's resources. No test data or programs will be taken from the District site without the permission of the Assistant Superintendent of ET.

F. End-User Software Completion

After testing is completed, all software documentation will be brought up-to-date. Test results will be part of the documentation. Any operation manuals needed for the operation of the software will be written and tested by users who do not have any knowledge about the new software. After extensive successful testing has been completed, the user may employ the software within their operation. The manager of the user department will write an authorizing memo to permit the software to be used in his/her department. The memo will contain information as to how well the software met its objective. A copy of the memo will be placed in the documentation folder and a copy sent to the technology committee which will update the software inventory management database from this information.

G. End-User Software Installation

Installation is placing into operation the user-test software that either replaces existing programs or is completely new. When discontinued software is replaced by a new user system, the options include the following:

1. Phased

   In a phased installation, the new system is installed in a modular fashion or phases. When one (1) phase is identified as operational and accepted, the next part of the installation can begin.

2. Direct

   Direct installation is a complete, one (1) time conversion or installation. The old system is replaced completely by the new. User staff has to be totally involved with the installation and operation of the new system software.

3. Parallel Conversion

   This type of user installation is most often used. It is the safest and most preferred method of installing a new software system, but the most costly. If after comparing output results and the database status of both systems the results are

compatible, the user installation is considered complete. When existing software is being replaced, new software installation can occur as phased or direct installation. This kind of installation has the advantage of users not having to unlearn an old system. The end users are familiar with the unit's objective and input problems -- this is the advantage of installing a new user-programmed system.

H. User Follow-Up Procedures

The user developer of the software will forward a copy of the project documentation folder and the software -- both the source and object coded programs -- to the technology committee. The copies will include both a hard copy of the program software and the operating program on disk. A copy of the operations manual, for user operation, will be sent with the copy of the documentation folder. The technology committee may elect to make the user developed software available throughout the District by placing it on the approved computer software list. Other District units may use the software. The approved computer software list will identify who developed and first used the software. The ET Applications member of the technology committee will retain the software folder and the programs in a user developed software file. The file will contain user-developed software found on the approved computer software list and software that is not on the list, but is in the software inventory management database.

I. Other Users' Involvement

If the software will be used as part of a system employed by other users, approval will be required by the technology committee and the ET Department. To insure that there will not be a problem with any integrated operating software or database, a copy of the software folder is sent to the manager of the ET Applications Group for their study. S/He will review the information with the manager of ET Computer Operations. The programming unit's representative on the committee must confirm that the software meets the District's information technology standards. Any ET unit manager may request a duplicate copy of the software folder. With the approval of the ET Manager of Applications, the help desk will support the software.

J. Software Maintenance

End-user developed software will require maintenance at one (1) time or another during its lifetime. The user who wrote the original programs should do the maintenance. If the person who wrote the original program is no longer available, there are options to consider.

1. Selected Maintenance Person

A selected maintenance person in the user department who has had programming experience should perform the maintenance. The experienced person should be familiar with the program language used for writing the original software programs.

2. ET Applications Maintenance

Contact the ET Manager of Applications for his/her assistance. Depending on the involvement of the maintenance task, the state of the user program documentation and the availability of programmers will be considered before a decision can be made. If no one is available to perform the maintenance, assistance may be offered to a user department person assigned to do the maintenance.

3. Vendor-Contracted Maintenance

Contract the maintenance with a vendor. The vendor can be paid by the hour or provide an estimated project cost. When considering the vendor route, the Manager of ET Computer Operations will be contacted to assist with the procurement of a vendor maintenance contractor. After the software maintenance has been completed and tested, the user software documentation will be updated. Any user operations procedures affected by the maintenance will require updating the user operations manual. A copy of all documented changes will be sent to the Manager of ET Computer Operations. A cover memo from the person who did the program maintenance will be sent with documentation. The memo will cover why and how the maintenance was done and any other information that would assist with any maintenance needs in the future.

ET Developed Software

ET developed software is the responsibility of the ET Department. Resources of the ET Department will be allocated on a prioritized basis. At times it would not only be faster, but also cost effective to utilize District-developed software.

A. New Software Development Study

A study to be conducted for the development of new software requires a formal request by approved user management and/or ET managers. The request will provide the following information:

1. When results of the study are to be expected.

2. What software may be available that can be purchased and used as is or modified for this application? Will the sources be proprietary or what will have to be purchased or contracted for?

3. When is the project to be completed and in operation?

4. The amount of money allowed for the study.

5. What user personnel are to be contacted?

6. What will be the estimated cost to acquire the system and have it operational?

7. If the software will require in-house development, what resource costs and calendar time will be needed?

After the requested information is returned and studied, the ET Applications Manager will summarize the information in a memo for applications software; the ET Operations and User Services Manager will summarize the information in a memo for operating systems and related software; both will be sent to the Assistant Superintendent of ET who will decide what course of action the ET will take with the project. The reply can be a memo or E-mail. These procedures are for projects that do not have

their own budget-resources are provided from existing budgets. Major system projects, with their required software development, will be provided with its own budget when annual budgets are granted. Completed software will meet the following requirements before placed in service and listed in the software inventory management database:

1. Have all programs been tested with appropriate software test data?

2. Has all programming documentation been completed and approved by the ET Applications Manager?

3. All operation manuals will be completed and approved by the users.

4. Backup and recovery procedures will be completed, documented, and tested.

5. Any required user training is completed, within two (2) weeks, before the software will be used.

6. Requesting management has signed that the software is now accepted for operation.

B. Software Maintenance

Updating current software being used by ET's operations or user application operations will require maintenance. A software maintenance request will be sent to the ET and contain the following information:

1. The completion date needed for the required program changes.

2. What software programs will be modified?

3. What the modifications will contain. Any I/O changes will have attached the current and new I/O layouts.

4. The charge codes for the systems and reprogramming time spent on the changes.

5. What operations personnel will be contacted?

6. What will be the estimated cost to modify the application programs?

After the requested information is returned and studied, the ET Applications Manager will schedule the software maintenance. Completed software maintenance will meet the following requirements before being placed in service:

1. Have all programs tested with user provided software test data?

2. Have all programming documentation been completed?

3. All operation manuals will be updated and approved by the users.

4. Backup and recovery procedures will be completed, documented, and tested.

5. Any required user training is completed within two (2) weeks before the changes will be used.

6. Requesting management has signed that the software is now accepted for operation.

Contract Written Proprietary Software

Software development may be contracted for user or ET operations. Unless the District has already a blanket vendor contract for software development, competitive bids will be solicited from three (3) or more software contracting vendors. The vendors will be provided with information for contract bid proposals. At a minimum, the request for bid proposals will contain the following information:

A. Who the contact person will be for more information and for submitting their bid proposal.

B. Will the contract call for maintenance or new programs?

C. What type of application will be programmed? Examples would be billing, payroll, inventory control, etc.

D. If maintenance programming is required, in what language is the software written?

E. What language is desired for the new software to be written? If the vendor has an alternate one it would like to propose, what would be the benefits?

F. Will the bids requested be for contract hour or a project? For projects bids, vendors who are interested will be provided with the detail information. It is advisable that the project be well defined before requesting project bids.

G. The due date for bids.

H. The expected start and finish dates.

I. What are the skill levels of the people that will be working for the vendor?

J. What is the dollar amount of their bid?

Requesting managers will contact the ET for assistance with the District protocol for such acquisitions. A large project with an unproven vendor is not advisable. Vendor confidence is built over time. The software-programming vendor will need to have other clients to qualify as a vendor and not be the District's employee. After the bids are received they will be reviewed. Any individual or accumulative purchase in excess of $25,000 will require approval by the Board and signature of the Superintendent. With budget money available, a contract and/or purchase order will be completed. The purchase order will reference the date of the Board's approval, if required. If a contract is drawn, the District's legal representative should review it before the authorized person signs it. Vendor programming can be done in one (1) of two (2) ways -- hourly billed programming or by project contract.

A. Hourly Contracting

When the programming effort is paid by the hour, enough money should be available to complete the task. It would be wise to have a contingency reserve set aside. For new program development, running out of money presents a far greater problem than a maintenance task. A partly completed program is more difficult to finish by individuals who did not start the project. The purchase order will identify that the vendor will be paid for hours worked. Purchasing requisitions will identify how the vendor will bill, either lump sum or partial payments. If something other than a monthly check is issued, the arrangement should be made known to Accounts Payable.

1. Programming

The programming can be done in-house or at the vendor's location. The programmers will submit a weekly report of hours worked by day. Each day, the work effort and persons contacted in regards to that days work effort would be recorded. If contact is not related to that day's work effort, why is it being billed? A daily log will be kept for the detail supporting information for the weekly report. The log may be manually kept and will be the property of the District. It will be submitted weekly to the District's contact person. The vendor (for its own records) may want to make a copy of this log.

2. District Contact Person

The District's software vendor's contact person should examine each week's vendor billing information before approving payment. The daily detailed information will be examined weekly. As more time passes, it becomes harder to confirm detailed information. If need be, a contact may be made with the vendor to explain any questions that may arise. This action should not wait for too long. Vendors' memories are not any better than anyone else's.

3. Vendor Payment

Paying the vendor requires a purchase order. The purchase order may be in the form of a blanket purchase order, which allows the purchase order to be paid by Accounts Payable in installments as approved by the person approving the purchase order. The vendor will submit a bill to the District contact person for payment. The bill will be confirmed to be correct. Approval will be noted, dated, and signed and then sent to the Accounts Payable. A copy of the bill will be made for filing. The dollar amount left that was allotted for the task will be noted on the copy before it is filed. If it appears that the task will not be completed before the allocated funds run out, this should be reported to the contact person's superior.

B. Project Contracts

Contract programming by project is for a well-defined programming project with detailed acceptance criteria. No vendor timekeeping is required. The project will have a calendar finish date.

1. Project Tasks

The tasks within the contracted project will be plotted on a Gantt chart. The completion date of each task will be reported in writing, dated, and signed by the vendor. It will be sent to the ET contact person for the project. If it is a user project, the information will be provided to the user vendor contact person. A copy of the Gantt chart will be signed and dated for each completed week of the project. The chart will represent the work plotted for the work week, Monday through Friday, and will be provided to the designated District contact person who will receive it by the following Wednesday.

2. Project Contract

A contract will be drawn for the project. It will define in detail what is to be accomplished. After the legal representative of the District approves the contract, an authorized person will sign it. A purchase order with a copy of the contract attached will be sent to Purchasing. Purchasing will send a purchase order to the vendor who will need the purchase order number for a billing reference. Input and output documents will detail the I/O information furnished to the vendor. Printed program source and object codes will be provided no later than one (1) week after it is shown as completed on the Gantt chart. Test data will be provided by the user for detail testing of all conditions that can be expected. Examples of output testing will be provided to the District contact person along with a printed copy of the actual test data used.

3. Liquidated Damages Clause

The contract will contain a liquidated damages clause. The clause will state the liquidated damages for each workday the project is late in its completion. If the user would benefit from an early completion date, a bonus could be written into the contract for each workday it is finished early. The bonus would be added to the contract after all other things are agreed upon. This is to avoid any padding of days by the vendor.

4. Bill Payment

An invoice/bill will be sent to the District contact person. The District will have thirty (30) days to confirm that all conditions of the contract have been met. Any work added to the project by the District will be paid by issuing a separate purchase order and following the same procedure as the original project contract. When the project is accepted as complete, Accounts Payable will be notified by sending the invoice/bill to Accounts Payable with a noted approval, date, and approving authority signature. When the vendor is paid it will be with one (1) check for the purchase orders. If there are any disputes with the vendor that cannot be resolved, the legal representative of the District will be contacted for further resolution.

Turn-Key System Contracting

System contracting is for a major system effort with its own budget. This will be part of the annual budgeting procedure of the District. System contracting today is often for end-user system applications. If the new system requires hardware acquisitions, the software will be the driving force of the project. The system with its intended software will determine what hardware is needed.

A. Computer Acquisitions

Computer hardware acquisitions will follow the procedures established -- AP 7540F - Computer Hardware Acquisitions. If older desktop computers and file servers that are currently in use are used, the hardware will be more obsolete when the system and programming effort is complete.

B. Source of Contract

A system development may be contracted for user or ET operations. Unless the District has already a blanket vendor contract for software development, competitive bids will be solicited from three (3) or more vendors. The vendors will be provided with information for contract bid proposals. At a minimum, the request for system bid proposals will contain the following information:

1. Identify contact person for more informational needs and for submitting bid proposal.

2. Identify kind of application system. Identify areas of the District that will be affected.

3. Identify language the new software will be written in. If the vendor has an alternate one it would like to propose, what are the benefits?

4. Identify if the vendor, the information systems unit, or an end-user department will do the systems maintenance.

5. Identify if the bids requested will be for contract hour or a systems project. For systems projects bids, vendors who are interested will be provided with a detail proposed system documentation. It is advisable that the project be very well defined before requesting project bids.

6. Identify current computer hardware that will be used for the proposed system. Identify new hardware recommendations.

7. The due date for bids.

8. The expected start and finish dates.

9. Identify the skill levels of the people that will be working for the vendor.

10. Identify the costs for the bid. Bids are reviewed after they are received. Any individual or accumulative purchase in excess of $25,000 will require approval by the Board and signature of the Superintendent. With budget money available, a contract and/or purchase order will be completed. The purchase order will reference the date of the Board's approval, if required. If a contract is to be drawn, the District's legal representative will review it before the authorized person signs it.

C. End-User Systems

User management will contact the ET Department for assistance with the District protocol for systems contracting. The ET Department will work with user management. ET staff may be contacted for their assistance.

D. More Information

Vendors will want to study any current operations and require more information before a contract can be negotiated. The time required for this process depends on the complexity and size of the system involved.

E. Vendor Staff Needs

The vendor's employees may require a desk and telephone. There will be a need for a conference room from time-to-time. If the District requires ID tags, they should be provided to each vendor employee assigned to the systems project.

F. Vendor Contracting

Vendor systems contracting can be done in one (1) of two (2) ways: billed hours or a contract sum for systems project. Each has its own benefits and disadvantages.

G. Hourly Contracting

The programming effort is paid by the hour. To ensure that there will be enough money budgeted for the system project, the vendor should provide some sort of estimate. Let them know this is needed for the budget request, even though the billing will be done on an hourly rate. It would be wise to have a contingency reserve set aside. A systems project running out of money presents a problem that may not be resolved until more funds are found or until the next budget year.

1. Purchase Orders

The purchase order will identify what the vendor will bill for hours worked. Purchasing requisitions will identify how the vendor will be paid, either lump sum or monthly payments. If other than a monthly check is issued, the arrangement should be made known with Accounts Payable.

2. Vendor Record Keeping

Vendor personnel will not always be working at the District site. Their work time will be recorded wherever they are. The systems analysts, programmers, and other vendor personnel will submit a weekly report of hours worked by day. Each one (1) of the people working on the project can command different hourly pay scales. They will record their work effort and persons contacted with regard to that day's job effort. If contact is not related to that day's work effort, why is it being billed? A daily log will be kept for the detailed information of every vendor's employee whose service will be billed. This is the supporting information for the weekly billing report. The log may be manually kept and a copy provided to the District. It will be submitted weekly to the District's contact person. The vendor, for his/her own records, may want to make a copy of this log. It would be helpful if any telephone or E-mail references were made in the log.

3. Vendor Work Verification

The District's project contact person will examine each week's vendor billing information. It will be compared with the employee's logs before approving payment. The daily detailed information will be examined weekly. As more time passes, it becomes harder to confirm the detailed information. Any vendor contact should be made as soon as possible to explain any questions that may arise.

4. Paying Vendor Contractor

Paying the vendor will require a purchase order. The purchase order may be in the form of a blanket purchase order, which allows the purchase order to be paid by Accounts Payable in installments as approved by the person signing the purchase order. The vendor will submit a bill to the District contact person for payment after it is confirmed to be correct. Approval will be noted, dated, and signed and then sent to Accounts Payable. A copy of the bill will be made for filing. The dollar amount left that was allotted for the task will be noted on the copy before it is filed. If it appears that the task will not be completed before the allotted funds run out, this should be reported to the contact person's superior.

H. Project Contracts

Contract programming by project is for a well-defined programming project with detailed acceptance criteria. No vendor timekeeping is required. The project will have a calendar finish date.

1. Gantt Charts

The tasks within the contracted project will be plotted on a Gantt chart. The completion date of each task will be reported in writing, dated, and signed by the vendor. It will be sent to the ET contact person. If it is a user project, the information will be provided to the end-user project contact person. A copy of the Gantt chart will be signed and dated for each completed week of the project. The chart will represent the work plotted for the work week, Monday through Friday, and will be provided to the designated District contact person who will receive it by the following Wednesday.

2. Project Contract

A contract will be drawn for the project. It will define in detail what is to be accomplished. After the legal representative of the District approves the contract, an authorized person will sign it. A purchase order with a copy of the contract attached will be sent to Purchasing, which then sends a purchase order to the vendor who needs the purchase order number for a billing reference. Input and output documents will detail the I/O information furnished the vendor. Printed program source and object codes will be provided no later than one (1) week after it is shown as completed on the Gantt chart. Test data will be provided by the user for detail testing of all conditions that can be expected. Examples of output testing will be provided to the District contact person along with a printed copy of the actual test data used.

3. Liquidated Damages Clause

The contract will contain a liquidated damages clause. The clause will state the liquidated damages for each workday the project is late in its completion. If the user would benefit from an early completion date, a bonus could be written into the contract for each workday it is finished early. The bonus would be added to the contract after all other things are agreed upon. This is to avoid any padding of days by the vendor.

4. Vendor Payment

An invoice/bill will be sent to the District project contact person. The District will have thirty (30) days in which to confirm that all conditions of the contract have been met. Any added work to the project by the District will be paid by issuing a separate purchase order and following the same procedure as the original project contract. When the project is accepted as complete, Accounts Payable will be notified by sending the invoice/bill to Accounts Payable with a noted approval, date, and approving authority signature. When the vendor is paid, it will be with one (1) check for the purchase orders. If there are any disputes with the vendor that cannot be resolved, the legal representative of the District is contacted for further resolution.

Approved Computer Software List

The approved computer software list contains software that is approved for District acquisition, including approved software operating systems and District-developed software. To discourage the use of any unapproved software, help desk support will not be provided to any unauthorized software. The list is primarily a screening device for new software acquisitions. Authorized software can still be running that is not on the approved computer software list, but will be found on the software inventory management database. The software inventory management database lists all software that is permitted to be in use and by whom. There will be proprietary software that can be on the software inventory management database (i.e., software developed by members of the District and own by the District). Users who may have a problem with this software will contact the person(s) who developed the software. There will be a list of third party add on application software the District has purchased and is on the management software database. This software has very limited use and is not supported by the help desk. If help is required, the ET Department should be contacted.

Help Desk

The help desk will support purchased software as long as it is on the software inventory management database. The software inventory management database lists all software that is permitted to be used and by whom. This database would be the source with which users can be identified for help desk assistance. Also supported will be user-written software, with or without third party purchased add on software if it is on the approved software list. One (1) or more purchased add on third party products can be combined with an in-house written program. If the help desk has any problem with this kind of software, the caller will be referred to the ET Applications staff. The ET Applications staff will be the reference source for third party purchased add on applications software. This software is not intended to be a computer program unto itself. It is intended to be used within a main program; therefore, it will not be the responsibility of the technology committee to provide any approved list for this kind of software. This kind of software purchase by the ET Applications staff will be reported to the ET Applications Manager. This information is required to update the software inventory management database.

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VOICE MAIL

7540E - **VOICE MAIL**

It is the policy of the District to provide professional and personal service to each customer and to each department within the District. Our goal is to provide prompt and professional human contact first. The voice mail system represents a technology capable of enhancing the professional service the District provides to its customers through the efficient processing of calls. Its use is not to replace call handling by human intervention and whenever possible, calls should be forwarded to another line to avoid over usage of voice mail. Its use is reserved solely for the purpose of providing an electronic message service. This service is intended to enhance the administration of each department without adequate administrative assistance and to provide middle and upper level managers with a message service that may be accessed twenty-four (24) hours per day, seven (7) days a week. Abuse of this system to avoid providing professional and personal service to each customer and department will not be tolerated.

A. A designated point of telephone contact (POC) for each department shall be available during business hours to handle all telephone calls.

B. Should a caller not be able to connect to a desired party, the caller shall be able to access the secretary who will return the call to the POC for disposition of the call.

C. At the discretion of the caller, every effort should be made by the POC to locate the called party. If not available: the caller may be routed to voice mail to leave a message or may leave a message with the POC who is responsible for disposition of the message.

D. Use of voice mail shall be monitored within each department. Indications that the voice mail system is being used to avoid human intervention or that messages are not answered promptly, shall result in the removal of voice mail service.

E. It is the responsibility of each department to become totally familiar with this policy.

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COMPUTER HARDWARE ACQUISITIONS

7540F - **COMPUTER HARDWARE ACQUISITIONS**

The purpose of the computer acquisition procedures is to formalize a uniform standard for computer hardware acquisitions throughout the district. This procedure mandates the endorsement and support by the Superintendent.

The computer hardware acquisition procedure covers all computers, computer-related hardware, and supply items used by the District. The District is composed of departments that are under the authority of the person that mandates the computer acquisition procedures.

This procedure objective is to provide the guidelines for: proposing and recommending benchmarks, maintaining uniform standards, vendor contacting, vendor selection, vendor communications, and issuing purchase orders. This also covers receiving the hardware, testing, and approval for payment to the vendor. It will be the responsibility of the Information Systems Services (ISS) generating the procedures to provide this information and subsequent changes to all school/department heads within the District. School/Department heads that currently do not have any computer equipment shall also receive a copy of this procedure.

A Technology Committee will be chaired by the ISS Operations Manager to assist in the monitoring of this process. All schools/departments will comply fully with the procedures. Current acquisitions are required to be on the Approved Computer Hardware List. In cases of special hardware needs not on the list, a waiver may be granted by the Assistant Superintendent of ISS.

Inventory Process

The Office of Internal Audit is responsible for maintaining and enforcing a District-wide computer hardware inventory program. The Associate Superintendent of Financial Services will assign the computer hardware inventory responsibility to the Office of Internal Audit. All schools/departments will comply fully with the District's procedures for transfer and disposal of property.

Needs Analysis for Major Systems Acquisitions

Definition of Major Hardware Acquisitions

Any projects that affect more than one school/department, and/or do not have any budgeted funds allocated for such a system, are identified as major computer systems acquisitions by the Assistant Superintendent of ISS. User managers will send a memo to the Assistant Superintendent of ISS and a copy to the Superintendent. This memo will address the needs for a major computer system acquisition. The memo can originate from one or more user management person(s) or the school/department head. The memo will cover the following issues:

A. The District's area(s) that will be affected by the new system.

B. A defined need for the acquisition.

C. Estimated costs, savings expected, and the anticipated life span of the proposed system.

D. The maximum calendar time allowed for the expected system to be operational.

E. A priority ranking will be provided for this project as compared to others under study or development.

Analysis of New System Request

The Assistant Superintendent of ISS will review the requesting memo. ISS will evaluate the merits of doing a preliminary systems needs study and the status of the total District's budget situation. ISS will send a reply memo to the requesting manager indicating denial or approval for a feasibility study. If approved, a preliminary systems needs study will be done and the memo will provide the following information:

A. When results of the study are to be expected.

B. The people and monetary resources provided for the study.

C. Identify the user personnel to be contacted.

D. What level of confidentiality is expected of the preliminary systems needs study.

Feasibility Study

An analysis of the users' area(s) can assist the feasibility study before it is under taken. Gather as much information about the school/department(s) as possible before conducting a formal study. Contact the user personnel identified in the memo received for the assigned project. Examine current procedural documentation. Follow up with a study of the actual procedures followed by the employees of the schools/departments. The operating procedure study should include input and output documents. All existing files will be documented. These include hard copy and computer files. Computer files and their sources will be documented, including the following:

A. Data files only on given computers.

B. Data files on local area networks.

C. Identify the local area network server's databases.

D. Data used from other sources.

The current systems operation studied should provide the following information needed for a final systems design to be completed later:

A. System flowcharts.

B. Dataflow diagrams.

C. Document flowcharts.

D. Data dictionary.

E. Current procedure flowcharts.

F. Any work sampling studies done.

G. Current operations costs (i.e., direct costs and indirect costs).

H. Generated reports and/or computer monitor displays.

An evaluation of the proposed system is made for its justification. The feasibility will be determined by several factors:

A. The Operation Feasibility

Operation feasibility analysis determines if the solution will meet end-user requirements: Does the solution fit into the end-user operational environment and meet the requirements of an acceptable time schedule? It ascertains meeting the user's human factors requirements and also fits into the district's strategic plan.

B. The Technical Feasibility

Technical feasibility analysis determines if the solution is technically practical: Is the technology available or soon to be available and can the end-user and the facilities accommodate the solution?

C. Economic Feasibility

Economic feasibility analysis determines if the solution meets measurements of cost effectiveness. It is justified by a cost/benefit analysis. There can be situations that may override economic feasibility. This is when government legislation, customer requirements, or union contracts mandate that it will be done.

When it is completed, the feasibility study will be sent to the Assistant Superintendent of ISS for approval. When the Assistant Superintendent of ISS approves the feasibility study, a cover memo will be attached to the report and sent to all user managers involved in the original needs request. If the feasibility study is not approved, a copy will be returned to the authors of the study with recommendations noted on the document. A cover memo will be written and attached to the returned study reviewing why the study was being rejected and what is needed for it to be approved. The required changes and/or additions to the study will be done. If needed, a revised study will be resubmitted for the final approval of the Assistant Superintendent of ISS.

Final Systems Design

The final approved system design will be one of the following:

A. A turn-key system provided and operated by a third-party vendor.

B. A turn-key system provided by a vendor.

C. District-acquired hardware with a third party providing the software.

D. An in-house produced software with a District-acquired computer hardware.

E. An in-house produced software with a District-acquired computer hardware with vendor assistance.

Whatever system design and installation designated by the Assistant Superintendent of ISS, action will be initiated to begin the implementation. Each of the noted installations has their own merit. It is up to the systems designer to rank the recommendations. User management approval is required for the final systems design and operation. The priority placed by management will determine the priority of the project. The new major computer system will determine the resources and time frame with which it will be installed. The systems designer that performed the feasibility study will (at a minimum) be available to assist the project's completion. The Assistant Superintendent of ISS and the head of the requesting school/department determine the degree the project is supported by the current resources. A project manager will be appointed to manage the project's completion.

Systems Installation

Major computer systems acquisitions occur to either replace current operating systems or to obtain non-existing operation. There are advantages for both. Schools/Departments with current operating systems can provide knowledgeable workers who are familiar with the tasks and objectives that are to be attained. There will, however, be operations to unlearn that will provide varying degrees of problems. A proposed new system operation for a non-existing operation does not have the problem of workers unlearning the old system skills. There are basically two (2) types that are available within this group. One is a totally new integrated computer system-it presents the most challenge. Systems most often have to become operational all at once, and bugs must be worked out on the fly. The other type is a major computer system, which can be segmented. It allows for phasing in one segment at a time and debugging it before going on to the next segment. This system provides for far less problems. New computer installations, which are not replacing a current operation, offer better learning environments. The employees do not have to unlearn an old system while

learning a new computer system that does not yet have all the bugs worked out. They usually have a closer attachment to the new computer system. Scheduling employees for user training for brand new systems can be less of a problem. Current systems in operation can be replaced with a new system in the following ways:

A. Run both systems in parallel until the new system is operational.

B. Install the new system in segments. Do not go on to a new segment until the last segment is operational.

C. Cut over to the new system as the old system is stopped at the same time.

Running parallel systems is the most costly but is the safest way to go. Implementing a new operation, while stopping the old system, is the least costly, if it works.

Computer Hardware Budgets

Computer budgeting can be done in several forms. Hardware budgets are allocated for the entire process of designing and placing the computer system into operations. This is a budgeted item that may cover one or more budget years. Other budgeted hardware acquisitions are most often found in different budgeting forms. There are several options with which to acquire computer hardware. One or more may be employed by the district. Itemize computer hardware budgets require school/department heads to itemize each computer hardware item as part of their budgeting request.

Technology Committee

The chairperson of the committee will be the ISS Operations Manager and will appoint members from the programming, operations, and network technology areas. Representatives will also be appointed from Purchasing, Budget, and Curriculum. The committee will provide information required for the maintenance of the approved computer hardware list. No less than monthly will an update of any added or deleted hardware be made to the Approved Computer Hardware List. An asset management hardware status report will be issued quarterly. The report will be made available to committee members one week before committee meeting. Minutes of each monthly and special meeting will be kept. Any hardware that is not on the current approved Computer Hardware List will be flagged. The approved Computer Hardware List is a screening device for current computer hardware acquisitions. The information will be current and available via online access or published listings. In cases of special one-time hardware needs, which are not on the approved computer hardware list, a waiver may be granted for the acquisition. A request will be sent to the chairperson of the Technology Committee. The chairperson will bring the request before the Technology Committee. The committee will reply to the request. The reply memo will be sent to the Assistant Superintendent of ISS for final approval. Approved memos will be signed by the Assistant Superintendent of ISS, and sent on to the person requesting the hardware. Disapproved requests will be returned to the committee for their follow up action. These special hardware items will be added to the asset management database when placed into service.

District or Department Budgets

A. Defining Needs

The school/department head will provide a list of computer hardware, with expected costs for the items. This information is required for the itemized computer budget. As a preliminary step before submitting the budget request, the department head should contact the ISS Operations Manager to confirm current prices and approval granted by the approved computer hardware list. Schools/Departments with itemized computer budgets may want to change the hardware requirements of yet not expended items. The school/department head can appeal to the Associate Superintendent of Finance who may approve of changing the items within the itemized computer budget. This may be done as long as the total dollars allocated to the purchase of these items is not exceeded. This would be done on a per item bases. The starting point for the distribution of computer hardware would be a school/department head originating a memo requesting the equipment. The memo sent to the ISS Operations Manager should contain the following information:

1. The reason for the request.

2. The date that it is needed.

3. What, if any, other equipment it will be replacing, and the dispossession of the equipment the computer hardware will replace.

4. Is the request to satisfy a temporary or permanent need? If the need is temporary, when will it be expected to be returned?

B. IT Hardware Loans

The Operations Manager will review the request in light of other approvals to the same school/department. If it is not approved, a memo to that effect will be sent to the person asking for the hardware, and the reason for refusing the request. The memo may be in the form of a hard copy memo or e-mailed to the person. A copy of the memo will be stored with the request file for that department. If the loan of equipment is available and approved, it will be issued from the reserve equipment stock. Whichever school/department provides the equipment will submit a completed district Distribution Center Request "DCR-1" Form to Warehouse Services documenting the relocation of the hardware and maintain a follow-up file. Such further information as recording who signed for the equipment, the school/department to which it is to be loaned, and the expected return date information must be filed by return date. The expected return dates will be followed up by the person making the loan. If the computer hardware is borrowed from another school/department the ISS Operations Manager will be informed of the loan.

C. Stocked Hardware

If the information systems department maintains a stock of computer hardware, the Operations Manager will issue the hardware from the stock supply. They will update the computer inventory stock file for the items taken from stock. The Operations Manager will post an approval and date and sign the memo. They will also record on the memo the proper item name and tag number of the hardware. The original copy the memo will be filed and a copy will be returned to requesting school/department manager.

D. Hardware Purchasing

Computer hardware that must be purchased is selected from the Approved Computer Hardware List. The list is approved by the Assistant Superintendent of ISS. The Assistant Superintendent of ISS approves additions or deletions to the list. The list will

contain the current or last purchase price of each item. Any significant price changes or pending change information will be sent to the ISS Operations Manager. The ISS Operations Manager will review all purchase requests based on hardware stock needs or a memo from a user manager. If the needs of the user manager cannot be met, the user manager will be contacted by the ISS Operations Manager. The user manager may appeal their needs to the Assistant Superintendent of ISS who will make the final judgment. The procurement process will follow District policy and administrative procedures for purchasing. There may or may not be competitive bids awarded for the item. The ISS Operations Manager along with the Office of Purchasing Services will determine the need for competitive bids, and provide information for any vendor contacting.

E. Accepting Purchased Hardware

The school/department is responsible for following published District policy and administrative procedures for receiving purchased items. All purchased hardware with a purchase price in excess of $750.00 will be tagged with a District property identification tag. The inventory program within the Office of Internal Audit will assign and record all property tag numbers.

Procurement Process

District procurement policies and procedures are established by the District's Office of Purchasing Services. Purchasing Services provides a service for the entire District, just as ISS provides a service to the same district. Working with Purchasing Services, each school/department is the user. Purchasing Services will not necessarily be the only contact for vendors. This will depend on the type of items requested.

Computer Hardware Purchasing

All purchase orders for computer hardware will be reviewed and approved by ISS and Purchasing Services to assure these purchases are for standard computer hardware items listed on the Approved Computer Hardware List and their compliance with the District's purchasing policies and procedures.

Vendor Contracting Procedures

Major systems acquisitions projects can involve more than one vendor. The Office of Purchasing Services can be of assistance even before the project starts. Before contracts are signed, they must be reviewed by ISS and then submitted to the Office of Purchasing Services for action and/or School Board approval. The Superintendent of Brevard Public Schools or the Associate Superintendent of Financial Services are the only persons that may sign District contracts. The project manager with the assistance of Purchasing Services should send out several "Request For Quotes" to vendors from the Approved Computer Hardware List. Information as to the objective should be noted along with the system design, expected volumes, and completion date. "Request For Quotes" protocol will include the vendor contact person representing the District and the expected presentation date of their proposal. With large- quantity hardware needs, Purchasing Services will send selected vendors "Request For Bids". Purchasing Services will be given the technical specifications for the hardware, along with the date needed. The returned information will be studied by the Technology Committee, who will make recommendations. The Assistant Superintendent of ISS will provide the final recommendation to Purchasing Services for submittal to the Board for approval and contract award.

Computer Hardware Disposal

The Superintendent is authorized to dispose of obsolete instructional and other property by selling it to the highest bidder, by donation to appropriate parties, or by proper waste removal. Property which is not suitable for School District use shall be disposed of in accordance with State statutes. Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

A. repair parts for the equipment no longer readily available

B. repair records indicate equipment has no usable life remaining

C. obsolete and/or no longer contributing to the educational program

D. some potential for sale at surplus

E. creates a safety or environmental hazard

The school/department will transfer the equipment to Warehouse Services. The Principal or Director will submit a completed district Distribution Center Request (DCR-1) form to Warehouse Services for processing and disposal of the equipment.

The school/department should not dispose of the equipment without proper authorization. The equipment disposition must be approved by the Board prior to disposition of the equipment.

For specific questions pertaining to equipment disposition, contact the Office of Warehouse Services.

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ap7540G

COMPUTER SOFTWARE ACQUISITIONS (PACKAGED-TURN KEY SOFTWARE)

7540G - **COMPUTER SOFTWARE ACQUISITIONS (PACKAGED-TURN KEY SOFTWARE)**

Administrative Procedures

The purpose of a computer acquisition procedure is to formalize a uniform standard for computer software acquisition throughout the District. This procedure mandates endorsement and support by the Superintendent. The computer software acquisition procedure covers all packaged computer software used by the District. Types of purchased software include the following:

A. purchased operating system software

B. purchased package software

C. leased software

D. bootlegged software

E. pirated software

This procedure's objective is to provide acquisition uniformity for District purchased software. There will be procedure standards for proposing and recommending benchmarks, vendor selection, and contracting. Purchased software will be approved for payment after passing the qualification criteria test. The purchase of object code only software is limited to the defined purchase agreement specifications that come with the software.

Software Procedures

Each type of software will have its own software procedure requirements. These are in addition to the general procedures for all software:

A. Purchased Packaged Operating Systems Software

There will be standard, uniform, operating system software. All systems in operation will be licensed. The Educational Technology Department will identify the authorized operating system software (Form 7540G F1 required).

B. Purchased Packaged Program Software

Only approved program software is permitted. All systems in operation will be licensed. The Form 7540G F1 will be utilized to ensure software approval by the District before acquisition. Modifications will be done at the vendor's discretion. These modifications will be provided and identified by the version number on Form 7540G F1.

C. Leased Software

Software is only marketed by lease arrangements. All systems in operation will be licensed. (Form 7540G F1 required)

D. Bootlegged Software

Bootlegged software will not be loaded on any District computer. **Repeated violations of this procedure are grounds for dismissal.**

E. Pirated Software

Pirated software will not be loaded on any District computer. **Violations of procedure are grounds for dismissal.**

General Inventory Management Procedure for Software

Educational Technology (ET) is responsible for providing a District-wide computer software inventory program. The Assistant Superintendent of ET is responsible for providing and maintaining this procedure. ET will develop and maintain a list of "Unauthorized" software. This list will be utilized to produce a report for site managers of any 'Unauthorized' software found on District network attached systems. All new software acquisitions must use the approval Form 7540G F1 Computer Software Acquisitions (Packaged- Turn Key Software). Software purchases will not be approved by the purchasing department unless this form has been completed.

All departments will comply fully with this procedure. Software that is identified by the software inventory management report as unauthorized will be flagged and given to the site manager for investigation and removal. Any software that does not meet contractual agreements will be removed by the site manager from all computers employing the software. Bootlegged and pirated software is not authorized, and will be removed by the site manager from any computer in which it is found. Any District-owned software pirated by an employee and sold will be reported to the Office of District Security and the Office of Human Resources/Labor Relations.

Purchased Package Software (Operating and Program)

This section covers the purchase and control of microcomputer software. These are nonproprietary programs. The manufacturer of the software is the owner of the source and object programs. When the operating (object) program and instructions are packaged for sale, it is to be used by one (1) computer. The purchaser of this software has limited claims to the software. Most often the software, registration card, and instructions are in a box sealed with a shrink-wrap material.

Unauthorized Software

Unauthorized software creates unnecessary risk for the District. The site manager is responsible for policing all site computers for any unauthorized software installed on District computers whether it is in use or not. Each computer and server should be checked no less than once a year. Educational Technology will provide a method to produce a report that lists all software installed on a computer noting any "unauthorized" software. All identified unauthorized software will be immediately removed by the site manager. Any serious violations will be reported to the site principal/department head and the ET department.

Two (2) reports are used for this process. These reports are available to site technicians to produce as needed to support the "Unauthorized Software" processes of the District:

A. report on all installed software on a computer (limited to one computer because of amount of data produced)

B. report on KNOWN UNAUTHORIZED software

Anti-virus Procedures

The District employs anti-virus software on every computer connected to the District network. Downloading of any Internet software without specially granted permission is absolutely prohibited. If any virus is detected on a computer, the machine will be disconnected from the network. The help desk will be notified as soon as possible. The recovery process will be done by the site technician or ET personnel.

Software Purchasing

All purchasing of new software will adhere to the Districts software acquisition procedure which includes an approval process through the Educational Technology, Purchasing and Curriculum and Instruction departments.

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REMOTE CONNECTIVITY ACCESS PROCEDURE

7540K - **REMOTE CONNECTIVITY ACCESS PROCEDURE**

Purpose

To allow approved users the ability to connect to the Board network when the user is outside the District's private WAN/LAN.

Eligible Users

Board employees are eligible users of remote connectivity services upon their supervisor's approval, as well as educational technology's approval. Educational technology is limited to these services by the number of licenses available as well as security requirements by the custodians of applications that users are attempting to connect to remotely.

If other approved entities such as vendors or auditors require the use of remote connectivity, that entity is required to contact educational technology through its help desk and submit a completed Remote Connectivity Access Form (Form 7540K F1). If approved, the user will be provided with the instructions to access the network remotely for the defined period of the transaction.

Remote Connectivity Services

Depending on the client available to the remote user, the District offers Virtual Private Network (VPN) as a remote connectivity option.

Each option has its limitations and one may be better suited than another depending on the user and their available hardware.

Responsibilities

Educational technology has the responsibility to:

A. approve remote connectivity requests with acceptable justification;

B. create approved user login and password;

C. provide instructions to assist site technicians and/or qualified users with the setting up of remote connectivity functions which includes VPN, DialVPN on remote computers requesting access.

Please keep in mind that remote connectivity services is another method for accessing the Board's WAN/LAN network. This service is another option such as frame relay or dial-in services, it only provides the connection. Depending on the site administrator's preferences, the following is the acceptable options for providing remote connectivity services:

A. End users shall be provided with appropriate documentation and software for the installation of remote access software.

B. The District shall reasonably test remote access software, but assumes no liability on personal computers with the installation of remote access software.

Appropriate Use

Remote connectivity services are to be used strictly for Board approved business.

Policy Non-Compliance

Users who violate the terms of said procedure shall be denied the privilege of using Board technology and may be subject to disciplinary action, civil action, and/or criminal prosecution.

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ap7540N

WIRELESS SECURITY ACCESS PROCEDURE

7540N - **WIRELESS SECURITY ACCESS PROCEDURE**

Purpose

The purpose of this procedure is to define standards, procedures, and restrictions for connecting to the Board's internal network(s) or related technology resources via any means involving wireless technology. This can include, but is not limited to, access from the following:

A. wireless gateways on Board premises;

B. third-party wireless Internet service providers (also known as "hotspots").

The policy applies to any equipment used to access Board resources, even if said equipment is not Board-sanctioned, owned, or supplied. For example, use of a public library's wireless network to access the corporate network would fall under the scope of this policy.

The overriding goal of this policy is to protect the Board's technology-based resources (such as data, computer systems, networks, databases, etc.) from unauthorized use and/or malicious attack that could result in loss of information, damage to critical applications, loss of revenue, and damage to the public image. Therefore, all users employing wireless methods to the technology resources must adhere to company-defined processes for doing so.

Scope

This policy applies to all Board employees, including full-time staff, part-time staff, contractors, freelancers, and other agents who utilize company-owned, personally-owned, or publicly-accessible computers to access the organization's data and networks via wireless. Wireless access to enterprise network resources is a privilege, not a right. Consequently, employment at the Board does not automatically guarantee the granting of wireless access privileges, although a valid AUP shall provide wireless access privileges.

Any and all work performed on Board computers by any and all employees through a wireless access connection of any kind is covered by this policy. Work can include, but is not limited to, E-mail correspondence, web browsing, utilizing intranet resources, and any other company application used over the Internet.

All wireless access will be centrally managed by the Board's educational technology department and will utilize encryption and strong authentication measures (a minimum of 128 bit WEP key). Addition of new wireless access points within corporate facilities will be managed at the sole discretion of educational technology. Non-sanctioned installations of wireless equipment, or use of unauthorized equipment within the organizational campus is strictly forbidden.

Supported Technology

All wireless access points within the corporate firewall will be centrally managed by the Board's educational technology department and will utilize encryption, strong authentication, and other security methods at educational technology's discretion. Although educational technology is not able to manage public wireless resources, end-users are expected to adhere to the same security protocols while utilizing this equipment. Failure to do so can result in immediate suspension of all network access privileges so as to protect the company's infrastructure.

The following table outlines the Board's recommended minimum system requirements for a computer, workstation, or related device to wirelessly connect to the Board's systems. Equipment that does not currently meet these minimum requirements will need to be upgraded before wireless connection can be sanctioned by educational technology.

	PC and PC-Compliant Computers	Macintosh Computers	Handhelds, PDAs, and Portables
Operating System(s)	Windows 2000	OS 9.0	Pocket PC
CPU (Type, Speed)	Intel/AMD Pentium III	N/A	N/A
Disk Space	1 GB	1 GB	N/A
Wireless NIC Type(s) (Manufacturer/Model #)	Cisco Dell HP	Apple	Cisco Dell HP
Wireless Standard(s) (802.11a, b, g, or other)	802.11 b/g	802.11 b/g	802.11 b/g

Eligible Users

Information technology will define a list of traffic types that are acceptable for use over a wireless connection. More sensitive business activities will be similarly defined and will be limited to non-wireless environments. An application form (Form 7540N F1) shall be approved and signed by the employee's unit manager, supervisor, or department head before submission to the information technology department.

In the event that expenses are incurred and leadership has approved reimbursement, all expense forms for reimbursement of costs (if any) incurred due to the need for wireless access for business purposes (i.e., Internet connectivity charges) must be submitted to the appropriate unit or department head. Financial reimbursement for wireless access is not the responsibility of the information technology department. If this class of access is foreseen to be needed, contact the leader to request assistance to fill out a business case.

Policy and Appropriate Use

It is the responsibility of any employee of the Board who is connecting to the organizational network via wireless to ensure that all components of his/her wireless connection remain as secure as his/her network access within the office. It is imperative that any wireless connection used to conduct Board business be utilized appropriately, responsibly, and ethically. Failure to do so will result in immediate suspension of that user's account. Based on this, the following rules must be observed:

A. General access to the organizational network through the Internet by residential remote users through the Board's network is permitted. However, access to the network is limited to Board business only.

B. Employees using wireless access methods will, without exception, use secure remote access procedures. This will be enforced through public/private key encrypted strong passwords in accordance with the Board's password policy. Employees agree to never disclose their passwords to anyone, particularly to family members if business work is conducted from home.

C. All remote computer equipment and devices used for business interests, whether personal or company-owned, must display reasonable physical security measures. Users are expected to secure their corporate-connected machines when they are physically at their machines, as well as when they step away. Computers will have installed whatever anti-virus software deemed necessary by the Board's educational technology department. Anti-virus signature files must be updated in accordance with existing company policy.

D. Remote users using public hotspots for wireless Internet access must employ for their devices a company-owned personal firewall, VPN, and any other security measure deemed necessary by the information technology department. Information technology will support its sanctioned hardware and software, but is not accountable for conflicts or problems whose root cause is attributable to a third-party product.

1. Hotspot and remote users must disconnect wireless cards when not in use in order to mitigate attacks by hackers, war drivers, and eavesdroppers.

2. Any time a computer is hardwired to the network, wireless cards must be disabled.

E. Employees, contractors, and temporary staff will make no modifications of any kind to company-owned and installed wireless hardware or software without the express approval of the Board's educational technology department. This includes, but is not limited to, split tunneling, dual homing, non-standard hardware, or security configurations.

F. Employees, contractors, and temporary staff with wireless privileges must ensure that their computers are not connected to any other network while connected to the Board's network.

G. The wireless access user agrees to immediately report to his/her manager and the Board's educational technology department any incident or suspected incidents of unauthorized access and/or disclosure of company resources, databases, networks, and any other related components of the organization's technology infrastructure.

H. The wireless access user also agrees to and accepts that his/her access and/or connection to the Board's networks may be monitored to record dates, times, duration of access, data types, and volumes, etc., in order to identify unusual usage patterns or other suspicious activity. As with in-house computers, this is done in order to identify accounts/computers that may have been compromised by external parties.

I. Educational technology reserves the right to disable without notice any access port to the network that puts the company's systems, data, users, and clients at risk.

Policy Non-Compliance

Users who violate the terms of said procedure shall be denied the privilege of using the Board's technology and may be subject to disciplinary action, civil action, and/or criminal prosecution.

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ap7540.01

TECHNOLOGY PRIVACY

7540.01 - **TECHNOLOGY PRIVACY**

A. Each staff member and student will be provided a password for use with District technology resources provided the individual agrees not to share the password with others. The passwords used for access to the school's domain or access to the District's centralized database systems should remain private with the specific user. The existence of a password does not guarantee confidentiality or privacy and the Board retains the right to use any person's password to monitor the type of use that is being made of the District technology resource.

B. District centralized application systems resets for security or audit purposes must be conducted by a request from the site administrator (principal/department head) through the Office of Educational Technology Help Desk. Requests for password resets by password owners may be done at any time through the Office of Educational Technology Help Desk. Passwords are not to be registered.

C. The District has implemented a password reset tool that allows users to reset their own passwords. To reset your password visit https://passwordreset.brevard.k12.fl.us/AIMS/PS/default.aspx. The site administrator (e.g., principal/department head) has the ability to request a password reset for their employees.

D. This password reset tool is to only be used by the user of the password being reset. Under no circumstances is this password reset tool to be used to gain access to another user’s account.

E. Neither staff members nor students are to use District technology resources for recreational, personal, discriminatory, or unlawful purposes. District technology resources are only to be used for purposes related to the Board’s educational mission and goals, program, or operational needs.

F. Use of all other District technology resources shall be in accordance with Board Policies.

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WEB-PAGE SPECIFICATIONS

7540.02 - **WEB-PAGE SPECIFICATIONS**

These procedures, AP 5723, AP 7540A and Form 7540.03 F1, Form 7540.04 F1, and Form 7540 F4 will apply to all web pages supported on the School Board servers, whether created by schools, departments, staff, students, or other persons. The Superintendent or his/her designee retains final editorial authority over all content placed on the Board's servers and displayed on the Board's web site. The Superintendent or his/her designee has the right to remove pages or links from any web page based upon his/her determination of inappropriate content.

The District's web site(s) is/are intended to serve as instructional, communication, and public relations tools. The web pages aim to provide timely, supportive, and educational information to the students, staff, and community. The web site(s) are created in order to provide easy access to a wide variety of rich media and educational resources that directly support student achievement, professional development, and accessible, the District will strive, to the extent technologically and emphasizing content and providing information on web pages designed with accessibility in mind. Individuals responsible for designing, developing, and create web sites that allow persons with disabilities identified at the end of this document to access the information and content on the District's web site. By following the web page design criteria set forth below, the designers and authors of the District's web site can improve the opportunities for persons with disabilities to access the information and content contained on the web pages that make up the District's web site(s).

First Page of the School Building Website(s)

The first page of the individual school's web site(s) should contain:

A. the index or table of contents for the site;

B. contact information, including the school's name, address, and phone number, the name of the building principal, and a map/directions to the building;

C. the webmaster and e-mail address of the person responsible for the site;

D. a date when the page was last updated or modified;

E. index.html;

F. a link to the Board’s web site;

G. identification of (or a link to) the Board's agent to receive notification of claimed copyright infringement (including name, mailing address, telephone number, fax number, and e-mail address);

H. links to appropriate disclaimers.

Organization of Site Structure

A. Use a large-scale, commonly understood navigation scheme (i.e., the overall plan or file structure) should provide quick access to information and help the user understand how the information is organized. It is recommended that a storyboard be used to plan the website.

B. Each page should be designed with the audience and goal in mind.

C. Maintain a simple, consistent page layout. A basic page format should be used, e.g. use the same background, locate navigation tools in the same place on the page, have consistent link appearance, and have consistent font size and type. Be consistent on all pages.

D. The website may include areas such as staff information, student projects, calendar, school information and mission statement, technology plan, and geographical information.

E. There should be a "mail to" link that provides a means of feedback on all main pages.

F. Avoid parallel columns. (Though newer screen readers can now handle columns, older voice output systems read across the screen and jump from column to column.)

G. Design pages so that users do not have to scroll from left to right to see the entire page.

Keep Your Website Current

A. Pages should be checked regularly to ensure that links are working and meet Board standards. Check to make sure all internal and external links work properly.

B. Remove expired date-related items.

C. Maintain and update files by removing unneeded or outdated files.

Grammar and Spelling

A. All pages should be grammatically correct.

B. All words should be spelled correctly - web pages should be spell checked.

Navigation Tools

Position navigational aids throughout documents and document groups. For example, all pages should include a "back to" main menu in order to provide a link back to the web site index or home page, or a "skip to main content" link in the upper left corner that allows users to jump past repetitive navigation options.

Backgrounds

A. Keep backgrounds simple, and use high contrast to allow easy viewing of content. Light colors are better. Select backgrounds that make text easy to read.

B. Keep background tiles small.

C. Backgrounds should be in GIF format.

D. Re-use background images, pages will reload quicker and the user will be able to view pages with ease.

E. Do not use a background to convey information.

F. Do not "name" your colors. Use the hexadecimal number for colored backgrounds. If using a tiled image, make the background color approximately the color of the tiled image.

G. Avoid low-contrast color combinations or colors that may not be recognized by lower-resolution screens.

Intellectual Property

A. All website authors must follow all applicable and existing intellectual property laws (copyright and trademark) pertaining to the use of text, images, video, audio/sounds, and hyperlinks to other web sites/pages. (see AP 2531)

B. The Board retains proprietary rights to web sites/pages hosted on its servers, absent written authorization to the contrary.

Naming Structure

A. Use all lower-case letters for names of documents and graphics.

B. Do NOT use any spaces or other symbols in naming HTML documents or graphics.

Graphics/Video/Audio

A. Smaller is better, images should be less than 50k.

B. Images need to be in GIF or JPEG format.

C. Provide short, simple, and meaningful alternative text for all graphical features. Use the "alt" tag to describe your picture for text-only browsers.

D. Use GIF format for drawings and line art.

E. Use JPEG format for photographic color images.

F. Re-use graphics when appropriate. When graphics are re-used, they remain in the computer and will load more quickly onto a web page.

G. Avoid using flashing content, as it may cause seizures in susceptible users.

H. Provide transcripts, descriptions, or captions for video and audio files to assist persons with visual and hearing disabilities.

HTML Standards

It is reasonable to expect that users will see your page using a variety of browsers including Internet Explorer and Mozilla Firefox.

A. Test web pages on a variety of browsers, including text-only browsers, and at a variety of screen resolutions to confirm the text pages look right to the greatest number of users.

B. Check your website on multiple platforms, and test pages on small screens to confirm the pages do not bleed off the screen.

C. Use standard, universally recognized HTML tags - do not use tags which are specific to one (1) browser.

D. Use HTML syntax checkers to search your site for programming mistakes.

Frames and Special Formats

Do not use frames pages. If you do and you link to external content, make sure you are not infringing on any copyrights associated with the web site/page to which you are linking. Additionally, if you use frames, make alternative versions of those pages that persons with disabilities can use. To make them accessible to screen reader devices, add meaningful titles to each frame so the user can navigate between them easily.

Provide text-based delivery alternatives for as much information as possible. Do not rely solely on special formats (ex., Adobe Acrobat) that can be more difficult for text and voice systems to read.

Use of Student Names, Pictures, Original Work, and E-Mail Addresses

The District Board will allow the use of photographs of students, names of students, and displaying original work of students on websites in accordance with the following procedures:

- Identifiable photographs of students and/or student's first names may be placed on the Internet only after the appropriate release form has been signed by the parents or guardians.
- Last names of students and students' e-mail addresses should never be used.
- Original work by students such as art work, poetry, essays, performances, etc., may be placed on the website only after the appropriate release form has been signed by the parents or guardians.

Prohibited Uses

Under no circumstances may a web page hosted on the Board's servers be used for commercial purposes, advertising, political lobbying, or to provide financial gains for any individual. Included in this prohibition is the fact no web pages contained on the District's web site may:

A. include statements or other items that support or oppose a candidate for public office; the investigation, prosecution, or recall of a public official; or passage of a tax levy or bond issue;

B. link to a web site of another organization if the other web site includes such a message;

C. communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization;

D. include defamatory, libelous, or obscene matter;

E. promote alcoholic beverages, cigarettes, or other tobacco products or any illegal product, service, or activity;

F. promote illegal discrimination on the basis of race, color, religion, natural origin, disability, age, or ancestry.

Additionally, no web pages may contain obscene, profane, vulgar, sexually explicit, defamatory, harassing or abusive language, or be utilized to intimidate or bully another person.

Content for the District's Website(s)

All subject matter on web pages must relate to curriculum, instruction, school-authorized activities, general information, supporting student safety, growth, and learning, or public information of interest to others. The following information/content will/may be addressed in the District's web site(s):

A. School Information

Contact Information

1. Name

2. Physical address

3. E-mail

4. Web address

B. School Background

1. History

2. Mission

3. Song

4. Logo

C. Virtual School Tour

1. Directions

2. Map

3. Photos

4. Classrooms

5. Video

6. Live cams

D. School Accomplishments

1. Awards

2. Achievement

3. Grants

4. Special Thanks

E. School Announcements

1. Events

2. Schedules - including bus schedules

3. Calendars

4. Timeliness

5. Lunch Menus

F. News and Information

1. Agendas and Minutes

2. Newspaper

3. Electronic Magazines

4. Announcements - closings (e.g., storm days)

5. Employment Opportunities

G. School Policies and Procedures

1. Mission

2. Philosophy

3. Handbooks

4. Curriculum Guides

5. Policies

6. Programs

H. People Information

1. Staff/Administration

a. Principal Welcome

b. Directory (name, position, contacts)

2. Teacher Pages

Directory (name, position, contacts)

3. Class or Grade Level Pages

a. Classroom

b. Projects

c. Assignments

d. Themes

e. Field Trips

4. Student Pages

a. Project Posting

b. Sharing

c. Links to personal pages (off-site)

I. Support Departments

1. Content Area Departments

2. Library/Media

3. Technology

4. Health Services

5. Bus Routes

6. Art and Music

7. Sports

8. Clubs

9. After School Programs

10. Special Programs (special education, etc.)

J. Curriculum Connections

1. Student Resources

a. Assignments

b. Course Information

c. Projects

d. Popular/Relevant links (developmentally appropriate, curriculum relevant content)

2. Teacher Resources

a. Lesson Plans

b. Professional Development

c. Popular/Relevant Links

3. Parent Resources

a. Parenting Resources

b. Popular/Relevant Links

4. Curriculum Materials

Online curriculum materials - lessons, activities, homework

5. Grades

K. Community Information and Outreach

1. Local Information

a. Weather

b. Geography

c. Demographics

d. Culture

e. Events

f. Attractions

g. Library

2. Local Resources

a. Natural and Historical Resources

b. Business and Nonprofit Contacts

3. Business Connections

a. School Supporters

b. Grants

c. Free Advertising

4. Call for Participation

a. Volunteers

b. Wish List

c. Funding Needs

d. Gather Information/Feedback from parents and community

Neither staff nor students may publish on the District's web site(s) personal pages or pages for individuals or organizations not directly affiliated with the District.

Website Evaluation

Before releasing or publishing a web site/page, the site administrator or designee shall conduct a web site/page evaluation to assess the following criteria: age appropriateness (appealing and readable); content (relevant, accurate, complete, objective, current, clear and concise, informative, appropriate, links working); intellectual property issues (sources cited; sponsoring organization identified (i.e., class, school, activity); release obtained; format (accessible, navigation, searchable, functional/useable, download speed, pages dated as to creation/update).

Disclaimers

Links to the following disclaimers shall be utilized as appropriate on the District's web pages:

"The links in this area will let you leave the District's web site(s). The linked sites are not under the control of the District and the District is not responsible for the contents of any linked sites, or any links contained in a linked site, or any changes or updates to such sites. The District is providing these links to you only as a convenience and the inclusion of any link does not imply endorsement of the site by the District."

Student Developed Web Pages

All web pages created by students and student organizations on the District's computer system will be subject to treatment as District- sponsored publications. Accordingly, the District reserves the right to exercise editorial control over such publications.

Domain Name and Copyright

The District has registered its domain name(s) for the purpose of exclusive Internet identification. The District asserts copyright and/or other intellectual property rights in its domain name, District identification, District logo, and all content on the District's web site(s). All rights are reserved. Outside parties, including parents, patrons, or outside organizations may not use District and/or school domain names in connection with the publication of web content. Under no circumstances shall any party use District and/or school domain names to promote political issues, causes, or candidates.

General Disclaimer

Information provided on the website carries no express or implied warranties as to accuracy, timeliness, or appropriateness for a particular purpose; in addition, the Board disclaims owner responsibility for content errors, omissions, or infringing material, and disclaims owner liability for damages associated with user reliance on information provided at the site.

Events

Visitors rely on information on the web site at their own risk. Times and dates are subject to change and spectators or audiences are strongly encouraged to contact the school for the most recent schedule.

Examples of Disabilities and How They Affect People's Abilities to Perceive and Use Web Sites/Pages

A. Visual Disabilities

1. Blindness - people with no sight typically browse the Internet using voice-output software or refreshable Braille hardware. Such devices "read" what is on the screen to the user.

2. Low Vision - individuals who have limited vision may use screen enlarging software.

3. Color blindness - to perceive color differences on a computer monitor, individuals with color blindness need high contrast. Also, designers/developers/authors should be mindful of the forms of color blindness when choosing color schemes. Typical color blindness involves the inability to distinguish between red and green, blue and green, or blue and yellow; some people see black and white only.

B. Auditor Disabilities

1. Deafness - people who cannot hear, experience a web site/page only through its text, graphics/images, and video.

2. Hard of hearing - individuals with limited hearing may use sound- enhancing peripherals.

C. Physical/Motor Disabilities

People with physical disabilities or limited motor skills may have difficulty with the following computer-related tasks:

1. Detailed manipulation of input devices such as a mouse or roller ball.

2. Holding down multiple keyboard keys simultaneously.

D. Cognitive/Language Disabilities

Typical problems for people who have cognitive disabilities or disabilities that affect their language skills include the following:

1. Difficulty with spatial reasoning and/or visualization skills.

2. Difficulty with reading and/or understanding written text (ex., persons with dyslexia).

Persons wanting to learn more about web accessibility standards and procedures should consult with the following Internet sources:

The Access Board (www.access-board.gov) - Federal agency dedicated to accessible design.

World Wide Web Consortium (www.w3.org) - organization developed "Web Content Accessibility Guidelines 1.0."

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STUDENT NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY

7540.03 - **STUDENT NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY**

Students are encouraged to use the Board's computers, network, and Internet connection ("network") for educational purposes. Use of the network is a privilege, not a right. When using the network, students must conduct themselves in a responsible, efficient, ethical, and legal manner. Unauthorized or inappropriate use of the network, including, any violation of these procedures, may result in cancellation of the privilege, disciplinary action consistent with the student handbook, and/or civil or criminal liability. All students will by default have internet access unless the AUP Opt Out Form is signed (Form 7540.03 F1). Parents are encouraged to discuss their values with their children and encourage students to make decisions regarding their use of the Internet that is in accord with their personal and family values, in addition to the Board's standards.

Smooth operation of the Board's network relies upon users adhering to the following procedures. The procedures outlined below are not exhaustive, but are provided so that users are aware of their general responsibilities.

A. Students are responsible for their behavior and communication on the network, which includes the internet!

B. Students may only access the network, Internet and any applications by using their assigned network account. Use of another person's account/address/password is prohibited. Students may not allow other users to utilize their account/address/password. Students may not go beyond their authorized access.

C. Students may not intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to other users, or misrepresent other users on the network.

D. Students may not use the network to engage in "hacking" or other illegal activities (e.g., software pirating; intellectual property violations; engaging in slander, libel, or harassment; threatening the life or safety of another; stalking; transmission of obscene materials or child pornography; fraud; sale of illegal substances and goods).

1. Slander and libel are terms defined specifically in law. Generally, slander is "oral communication of false statements injurious to a person’s reputation," and libel is "a false publication in writing, printing, or typewriting or in signs or pictures that maliciously damages a person’s reputation or the act or an instance of presenting such a statement to the public." (The American Heritage Dictionary of the English Language. Third Edition is licensed from Houghton Mifflin Company. Copyright © 1992 by Houghton Mifflin Company. All rights reserved.) Students shall not knowingly or recklessly post false or defamatory information about a person or organization. Students are reminded that material distributed over the Internet is "public" to a degree no other school publication or utterance is. As such, any remark may be seen by literally millions of people and harmful and false statements will be viewed in that light.

2. Students may not use the network to harass others. Foul and abusive language, the posting of obscene images or texts, posting of information that injures another, sexual comments or images, racial slurs, gender-specific comments or any comments that would reasonably offend someone on the basis of age, sexual orientation, religious or political beliefs, national origin, disability is prohibited.

E. Transmission of any material in violation of any State or Federal law or regulation, or Board policy is prohibited.

F. Any use of the network for commercial purposes (e.g., purchasing or offering to sell personal products or services by students), advertising, or political lobbying is prohibited. This provision shall not limit the use of the network by students for the purpose of communicating with elected representatives or expressing views on political issues.

G. Use of the network to engage in cyberbullying is prohibited. ""Cyberbullying" is defined as the use of information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging (IM), defamatory personal websites, and defamatory online personal polling websites, to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others." [Bill Belsey (http://www.cyberbullying.ca)]

Cyberbullying includes, but is not limited to the following:

1. posting slurs or rumors or other disparaging remarks about a student on a web site or on weblog;

2. sending e-mail or instant messages that are mean or threatening, or so numerous as to drive up the victim's cell phone bill;

3. using a camera phone to take and send embarrassing photographs/recordings of students;

4. posting misleading or fake photographs of students on websites.

Note: Students are not permitted to post to any website or take or send any pictures with any device without their teacher's approval.

H. Students are expected to abide by the following generally-accepted rules of network etiquette:

1. Be polite, courteous, and respectful in your messages to others. Use language appropriate to school situations in any communications made through the network. Do not use obscene, profane, lewd, vulgar, rude, inflammatory, sexually explicit, defamatory, threatening, abusive or disrespectful language in communications through the network (including, but not limited to, public messages, private messages, and material posted on web pages).

2. Do not engage in personal attacks, including prejudicial or discriminatory attacks.

3. Do not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a student is told by a person to stop sending him/her messages, the student must stop.

4. Do not post information that, if acted upon, could cause damage or a danger of disruption.

5. Never reveal names, addresses, phone numbers, or passwords of yourself or other students, family members, teachers, administrators, or other staff members while communicating on the Internet. This prohibition includes, but is not limited to, disclosing personal identification information on commercial websites.

6. Do not transmit pictures or other information that could be used to establish your identity without prior approval of a teacher.

7. Never agree to get together with someone you "meet" on-line without parent approval and participation.

8. Check e-mail frequently, and diligently delete old mail on a regular basis from the personal mail directory to avoid excessive use of the electronic mail disk space.

9. Students should promptly disclose to their teacher or other school employee any message they receive that is inappropriate or makes them feel uncomfortable, especially any e-mail that contains pornography. Students should not delete such messages until instructed to do so by a staff member.

I. Use of the network to access, process, distribute, display or print child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors is prohibited. As such, the following material is prohibited: material that appeals to the interest in nudity, sex, and excretion; material that depicts, describes or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and material that lacks serious literary, artistic, political or scientific value as to minors. If a student inadvertently accesses material that is prohibited by this paragraph, s/he should immediately disclose the inadvertent access to the teacher or building principal. This will protect the user against an allegation that s/he intentionally violated this provision.

J. Malicious use of the network to develop programs that harass other users or infiltrate a computer or computer system and/or damage the software components of a computer or computing system is prohibited. Students may not use the network in such a way that would disrupt its use by others. Students must avoid intentionally wasting the District's computing resources. Students may not bypass or attempt to bypass the District’s technology protection measure. IE: Internet/CIPA Web filter Students must immediately notify the teacher or building principal if they identify a possible security problem. Students should not go looking for security problems, because this may be construed as an unlawful attempt to gain access.

K. All communications and information accessible via the Internet should be assumed to be private property (i.e., copyrighted and/or trademarked). All copyright issues regarding software, information, and attributions/acknowledgement of authorship must be respected. Rules against plagiarism will be enforced.

L. Downloading of information onto the Board's hard drives is prohibited, without prior approval from the site manager. If a student transfers files from an internet website or USB device, CD, DVD or any electronic media to any District Computer; the student must check the file with a virus- detection program before opening the file for use. If a student transfers a file or software program that infects the network with a virus and causes damage, the student will be liable for any and all repair costs to make the network once again fully operational.

M. Students must secure prior approval from a teacher before joining any website, including social networking sites like facebook. Furthermore students should not post personal messages to any website without permission from their classroom teacher.

N. Students may use real-time electronic communication, such as chat or instant messaging, only under the direct supervision of a teacher or in moderated environments that have been established to support educational activities and have been approved by the Board, Superintendent, or building principal.

O. Privacy in communication over the Internet and the network is not guaranteed. In order to verify compliance with these procedures, the Board reserves the right to monitor, review, and inspect any directories, files and/or messages residing on or sent using the network. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.

The following notice will be included as part of the computer log-on screen:

"NOTICE AND CONSENT FOR MONITORING"

"Unauthorized or improper use of this computer system and/or network is strictly prohibited. Use of any computer system, network and Internet connection must comply with the District's Computer and Internet Acceptable Use and Safety Policy. This computer system, including all related equipment, networks, and network devices (specifically including Internet access), are provided only for communication, processing, and storage of school/education-related information and/or for authorized School District use. These systems and equipment are subject to monitoring for all lawful purposes including, but not limited to, to ensure proper functioning and management of the system to protect against improper or unauthorized use or access, and to verify the presence or performance of applicable security features or procedures and operational security. Monitoring includes active attacks by authorized employees and/or agents of the School District to test or verify the security of the system. During monitoring, information may be examined, recorded, copied, and/or used for authorized purposes. All information, including personal information, placed on or sent over the system may be monitored. Such monitoring may result in the acquisition, recording, and/or analysis of all data communicated, transmitted, processed, or stored in this system by a user. Unauthorized use may subject you to disciplinary action and/or criminal prosecution. Evidence of unauthorized or improper use collected during monitoring may be used for administrative, criminal or other adverse action. Use of this computer system, authorized or unauthorized, constitutes consent to monitoring for these purposes."

P. Use of the Internet and any information procured from the Internet is at the student's own risk. The Board makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the network will be error-free or without defect. The Board is not responsible for any damage a user may suffer, including, but not limited to, loss of data, service interruptions, or exposure to inappropriate material or people. The Board is not responsible for the accuracy or quality of information obtained through the Internet. Information (including text, graphics, audio, video, etc.) from Internet sources used in student papers, reports, and projects should be cited the same as references to printed materials. The Board will not be responsible for financial obligations arising through the unauthorized use of the network. Students or parents of students will indemnify and hold the Board harmless from any losses sustained as the result of misuse of the network by the student.

Q. Disclosure, use and/or dissemination of personal identification information of minors via the Internet is prohibited, except as expressly authorized by the minor student's parent/guardian.

R. Proprietary rights in the design of websites hosted on the Board's servers remains at all times with the Board.

S. File-sharing is strictly prohibited. Students are prohibited from downloading and/or installing file-sharing software or programs on the network. Online file sharing can cause the Districts systems to become infected with data stealing Malware, Malicious Software. It can also cause the Districts confidential data to be leaked out onto the internet!

T. Students may not establish web-based e-mail accounts on commercial services through the network (e.g., Gmail, Hotmail, Yahoo mail, etc.). Students may not access any web-based e-mail accounts not established for the student by the District/School. Any cloud computing services that require a user account must be District/School approved.

U. Since there is no central authority on the Internet, each site is responsible for its own users. Complaints received from other sites regarding any of the District's users will be fully investigated and disciplinary action will be taken as appropriate.

V. Preservation of Resources and Priorities of Use: Computer resources are limited. Because space on disk drives and bandwidth across the lines which connect the network (both internally and externally) are limited, neither programs nor information may be stored on the system without the permission of the site manager. Each student is permitted reasonable space to store web, and personal files. The Board reserves the right to require the purging of files in order to regain disk space. Students who require access to the network for class- or instruction-related activities have priority over other users. Students not using the network for class- related activities may be "bumped" by any student requiring access for class- or instruction-related purpose. The following hierarchy will prevail in governing access to the network:

1. Class work, assigned and supervised by a staff member.
2. Class work, specifically assigned but independently conducted.
3. Personal correspondence (e-mail – checking, composing, and sending).
4. Training (use of such programs as typing tutors, etc.).
5. Personal discovery ("surfing the Internet").
6. Other uses – access to resources for "other uses" may be further limited during the school day at the discretion of the building principal.

Non-educational game playing is not permitted at any time.

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Revised 2/15/07
Revised 9/07
Revised 6/08
Revised 7/12/11

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STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY

7540.04 - **STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY**

Staff members are encouraged to use the Board's computers, network, and Internet connection ("network") for educational and professional purposes. Use of the network is a privilege, not a right. Staff members must conduct themselves in a responsible, efficient, ethical, and legal manner. Unauthorized or inappropriate use of the network, including any violation of these procedures, may result in cancellation of the privilege, disciplinary action consistent with the applicable collective bargaining agreement and Board policy, and/or civil or criminal liability. Prior to accessing the network, staff members must sign the Staff Network and Internet Acceptable Use and Safety Agreement. The signed agreement is to be archived at the user's local site and follow the user whenever they permanently relocate to another school or work site.

Smooth operation of the Board's network relies upon users adhering to the following procedures. The procedures outlined below are not exhaustive, but are provided so that users are aware of their general responsibilities.

A. Staff members are responsible for their behavior and communication on the network.

B. Staff members may only access the network by using their assigned network account. Use of another person's account/address/password is prohibited. Staff members may not allow other users to utilize their passwords. Staff members may not go beyond their authorized access.

C. Staff members may not intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to other users, or misrepresent other users on the network.

D. Staff members may not use the network to engage in "hacking" or other illegal activities (e.g., software pirating, intellectual property violations; engaging in slander, libel or harassment; threatening the life or safety of another; stalking; transmission of obscene materials or child pornography; fraud; sale of illegal substances or goods).

1. Slander and libel are terms defined specifically in law. Generally, slander is "oral communication of false statements injurious to a person’s reputation," and libel is "a false publication in writing, printing, or typewriting or in signs or pictures that maliciously damages a person’s reputation or the act or an instance of presenting such a statement to the public." (The American Heritage Dictionary of the English Language Third Edition is licensed from Houghton Mifflin Company. Copyright © 1992 by Houghton Mifflin Company. All rights reserved.) Staff members shall not knowingly or recklessly post false or defamatory information about a person or organization. Staff members are reminded that material distributed over the Internet is "public" to a degree no other school publication or utterance is. As such, any remark may be seen by literally millions of people and harmful and false statements will be viewed in that light.

2. Staff members may not use the Network to harass others. Foul and abusive language, the posting of obscene images or texts, posting of information that injures another, sexual comments or images, racial slurs, gender- specific comments or any comments that would reasonably offend someone on the basis of age, sexual orientation, religious or political beliefs, national origin, disability is prohibited.

E. Transmission of any material in violation of any State or Federal law or regulation, or Board policy is prohibited.

F. Any use of the network for commercial purposes (e.g., purchasing or offering for sale personal products or services by staff members), advertising, or political lobbying is prohibited.

G. Staff members are expected to abide by the following generally accepted rules of network etiquette:

1. Be polite, courteous, and respectful in your messages to others. Use language appropriate to school situations in any communications made through the network. Refrain from using obscene, profane, lewd, vulgar, rude, inflammatory, sexually explicit, defamatory, threatening, abusive or disrespectful language in communication through the network (including, but not limited to, public messages, private messages, and material posted on web pages).

2. Do not engage in personal attacks, including prejudicial or discriminatory attacks.

3. Do not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a staff member is told by a person to stop sending him/her messages, the staff member must stop.

4. Do not post information that, if acted upon, could cause damage or a danger of disruption.

5. District staff is allowed to send student information internally for official school business. Use initials whenever possible when sending outside our network via the Internet. Teachers, parents, and guardians are encouraged to use our e-mail system to communicate with one another which will help to unite educators and parents as we work together to address each individual student's needs.

   Be sure that any individuals to whom you send student information, regardless of the format used, have a "legitimate educational interest" in that student. It is permissible to send student name, address, Terms ID, birth date, and other identifying information to people on our District e-mail who have a legitimate need for it.

6. Check e-mail frequently, and diligently delete old mail on a regular basis from the personal mail directory to avoid excessive use of the electronic mail disk space.

H. Use of the network to access, process, distribute, display or print child pornography and other material which is obscene, objectionable, inappropriate or harmful to minors is prohibited. As such, the following material is prohibited: material that appeals to a prurient interest in nudity, sex and excretion; material that depicts, describes or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals, and material that lacks serious literary, artistic, political or scientific value as to minors. If a staff member inadvertently accesses material that is prohibited by this paragraph, s/he should immediately disclose the inadvertent access to the building principal. This will protect the staff member against an allegation that s/he intentionally violated this provision.

I. Malicious use of the network to develop programs that harass other users or infiltrate a computer or computer system and/or damage the software components of a computer or computing system is prohibited. Staff members may not use the network

in such a way that would disrupt its use by others. Staff members should refrain from intentionally wasting limited resources. Staff members may not bypass or attempt to bypass the Board's technology protection measure. Staff members must immediately notify the building principal if they identify a possible security problem. Staff members should not go looking for security problems (unless that is a component of their job description), because this may be construed as an unlawful attempt to gain access.

J. All communications and information accessible via the Internet should be assumed to be private property (i.e., copyrighted and/or trademarked). All copyright issues regarding software, information, and attributions/acknowledgement of authorship must be respected.

K. Downloading of information onto the Board's hard drives is prohibited, without prior approval from the site administrator. If a staff member transfers files from information services and electronic bulletin board services, the staff member must check the file with a virus-detection program before opening the file for use. Only public domain software may be downloaded. If a staff member transfers a file or software program that infects the network with a virus and causes damage, the staff member will be liable for any and all repair costs to make the network once again fully operational.

L. Privacy in communication over the Internet and the network is not guaranteed. In order to verify compliance with these procedures, the Board reserves the right to monitor, review and inspect any directories, files and/or messages residing on or sent using the network. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.

The following notice will be included as part of the network log-on screen:

"The Board's computers, network, and Internet system is to be used for educational and professional purposes. Users are reminded that all network use, including Internet use, is monitored by the District."

M. Use of the Internet and any information procured from the Internet is at the staff member's own risk. The Board makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the network will be error-free or without defect. The Board is not responsible for any damage a user may suffer, including, but not limited to, loss of data, service interruptions, or exposure to inappropriate material or people. The Board is not responsible for the accuracy or quality of information obtained through the Internet. Information (including text, graphics, audio, video, etc.) from Internet sources used in class should be cited the same as references to printed materials. The Board is not responsible for financial obligations arising through the unauthorized use of the network. Staff members will indemnify and hold the Board harmless from any losses sustained as the result of misuse of the network by the staff member. Use of the network by staff members will be limited to those staff members who have signed a release of claims for damages against the Board.

N. Disclosure, use and/or dissemination of personal identification information of minors via the Internet is prohibited, except as expressly authorized by the minor student's parent/guardian on the Student Network and Internet Acceptable Use and Safety Agreement Form.

O. Staff members own the copyright to works created outside the scope of their employment responsibilities and without the use of Board resources. Staff members may post such work on the District web site to facilitate access by students and/or staff. Notice of such posting and claim of ownership must be provided to the building principal. By posting such work on the District's web site, the staff member agrees to grant a non-exclusive license or permission for any staff or student within the District to freely use such work. The Board shall own the copyright on any works created by staff members within the scope of their employment responsibilities.

P. Staff members are reminded that personally identifiable student information is confidential and may not be disclosed without prior written parental permission. It is the responsibility of staff members to protect any District data kept on staff member equipment (PC, laptop, portable drives, CD's, floppies, etc.). Due diligence must be exercised in keeping this information secured. Protection (physical and/or software) measures should be used when transporting any critical data from or between District sites.

Q. File-sharing is strictly prohibited. Staff members are prohibited from downloading and/or installing file-sharing software or programs on the network.

R. Since there is no central authority on the Internet, each site is responsible for its own users. Complaints received from other sites regarding any of the District's users will be fully investigated and disciplinary action will be taken as appropriate.

S. Preservation of Resources: Computer resources are limited. Because space on disk drives and bandwidth across the lines which connect the network (both internally and externally) are limited, neither programs nor information may be stored on the system without the permission of the site principal. Each staff member is permitted reasonable space to store e-mail, web, and personal files. The Board reserves the right to require the purging of files in order to regain disk space.

T. Staff members are required to limit student exposure to commercial advertising and product promotion when developing the District or classroom web sites or giving other assignments that utilize the Internet.

1. Websites with extensive commercial advertising may be included on the District or classroom websites or designated as a required or recommended site only if there is a compelling educational reason for such selection.

2. Staff members may make use of high-quality, unbiased online educational materials that have been produced with corporate sponsorship. Staff members may not make use of educational materials that have been developed primarily for the purpose of promoting a company and/or its products or services.

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Revised 4/28/09

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ELECTRONIC MAIL PROCEDURES

7540.05 - **ELECTRONIC MAIL PROCEDURES**

Purpose:

The purpose of this procedure is to assign responsibility and provide procedures related to establishing, operating, maintaining, and accessing e-mail services.

The Superintendent or designee is responsible for providing policy and procedural guidance for establishing, operating, and maintaining the Board's E-mail services. The considerable benefits gained by Internet/E-mail to convey information quickly must be balanced by comprehensive use of risk management procedures and the adherence to the procedures below. Each user is personally responsible for protecting and properly using the user identification codes and access to their E-mail account from any workstation. If E-mail with inappropriate content is discovered, the originator's supervisor shall be informed for appropriate disciplinary actions.

A. Utilization of E-mail by District employees is strongly encouraged for communication purposes. The following are Internet E-mail technical requirements:

1. Do not open attachments from unknown people or sources.

2. When in doubt, confirm with the sender before opening any attachment.

3. If an attachment is unintentionally opened and the computer behaves strangely, contact the site technician immediately.

4. Use of the Board's E-mail for any purpose other than official District business shall be limited and shall not interfere with assigned duties.

B. Prohibited uses of the Internet and/or E-mail shall include but not be limited to the following:

1. Illegal, fraudulent, or malicious activities.

2. Partisan political activity, political or religious advocacy, or activities on behalf of organizations having no affiliation with the District, the State of Florida, the United States Government, or a bona fide professional non-profit educational organization or advocacy group.

3. Activities whose purposes are for personal or commercial financial gain which may include, but not be limited to chain letters, solicitation of business or services, gambling, or sales of personal property.

4. Unauthorized fundraising or similar activities, whether for commercial, personal, or charitable purposes, unless specifically authorized by the Superintendent or the Board.

5. Accessing, storing, processing, displaying, possessing, printing, or distributing offensive or obscene material such as pornography, hate literature, sexually offensive, or other inappropriate information.

6. Annoying or harassing another person by sending undesirable E-mail or displaying uninvited websites or by using lewd or offensive language in an E-mail message.

7. Making racist or sexist comments or any other statements which demean a person because of his/her race, sex, sexual orientation, national origin, age, disability, color, or religion.

8. Any other usage that may create a potential legal liability for the Board or compromise the Board in any way.

9. Illegal or unethical messages, or those that are not in good taste or that may be offensive or abusive to any person or entity, such as, those containing sexually explicit or obscene messages, racial or ethnic slurs or language that could be constructed as harassing or insulting.

10. Surveys, contests, pyramid schemes, chain letters, junk E-mail, spamming, or any duplicative or unsolicited messages (commercial or otherwise).

11. Defame, abuse, harass, stalk, threaten, or otherwise violate the legal rights (such as rights of privacy and publicity) of others.

12. Advertise or offer to sell or buy any goods or services for any personal purpose.

13. Mail files that contain viruses, Trojan horses, worms, time bombs, cancelbots, corrupted files, or any other similar software or programs that may damage the operation of another's computer or property of another.

14. Harvest or otherwise collect information about others, including E-mail addresses.

15. Create a false identity for the purpose of misleading others.

16. Spoof E-mail messages.

17. High-priority E-mails are only to be used in EMERGENCY situations. The utilization of this feature increases the load on the Board's E-mail server.

18. Do not use Board E-mail to communicate with friends and family throughout the work day, except in case of emergency, and when they cannot be reached by phone.

19. Using the District E-mail to subscribe to:

    a. daily jokes

    b. daily horoscopes

    c. daily recipes

    d. vacation destination information

    e. similar items of information or amusement

C. Signature Blocks

1. E-mail messages from employees should contain the following information within the signature block:

    a. employee's name

    b. position/title

    c. building; address; phone number

2. Employees' signature blocks may not include quotes, regardless of the source (e.g., no quotes from famous historical figures, Biblical figures, or anyone else).

Usage Restrictions:

A. Confidential information should never be transmitted utilizing e-mail.

B. Use of distribution lists can be regulated by the site administrator or a person's supervisor and are only to be used when it is necessary to convey information to every member of a group.

C. If utilizing a District-wide or building-wide distribution lists, it is the responsibility of the sender to know where the information will be sent.

D. Personal encryption of E-mail is prohibited.

E. E-mail may not include information that violate copyright restrictions.

F. Attachments in excess of 20 MB internally externally may not be transmitted. Any file transfers greater than stated must be done in an alternative manner (e.g., physical disk such as CD, FTP, etc.). Attachments that do not conform to Board procedures may not be transmitted.

Spamming:

The Board can immediately terminate any account which it believes, in its sole discretion, is transmitting or is otherwise connected with any spam or other unsolicited bulk E-mail. Spamming or sending mail to ALL users is not acceptable unless an emergency or system maintenance notification warrants this action.

Complaints Received Electronically:

Any incoming message containing a complaint, allegation, or improper conduct, or expression of dissatisfaction over the handling of funds or an account must be immediately brought to the site manager’s attention.

Monitoring:

The Board can monitor E-mail messages that employees send and receive. The Board makes no guarantees concerning the privacy of electronic mail. Server logs and rejected messages may be read at the Board’s discretion. The Board will also cooperate with law enforcement agencies and any other source that makes a legal request for E-mail stored on the Board's servers or backup devices.

E-mail monitoring will include monitoring for the improper use of confidential data that is not to be transmitted via E-mail or any unsecured transfer method. This type of data monitoring includes Social Security numbers and bank account numbers.

Mailbox Creation Requirements:

A. Requests from the site manager must be sent via E-mail using the "Help Desk" E-mail account or a hard copy request by mail. The following information is required to create an E-mail account.

1. Last Name – as defined on the human resources system

2. First Name – as defined on the human resources system

3. Alt-ID - to validate user as a valid District employee

4. Official School or Site Name

5. Department – as defined by Finance Division

6. Title of Employee – as defined by assigned Human Resources job code

7. Telephone Number

B. All non-employee accounts must be approved by the site manager.

Specific Account Restrictions:

A. Each E-mail user is responsible for keeping his/her E-mail account at a manageable size.

B. All server E-mail folders except "Deleted Items", "Junk Mail", and "Sent Items" will retain email until deleted or the 50 GB overall storage limit is reached. "Deleted Items" and "Junk Mail" will be removed after thirty (30) days and "Sent Items" will be removed after ninety (90) days if not moved to a different folder.

C. If a mailbox is not maintained beyond the recommended levels, the mailbox could become corrupt or be unusable until the appropriate maintenance is implemented.

D. Maximum Size of Mailbox – 50 GB

E. Maximum Size of Attachments – 10 MB internally, 5 MB externally

F. Deletion of Mailboxes

1. The supervisor of the terminated employee is responsible for initiating the request for transferring any information from the terminated employee's E-mail to the supervisor's or designee's mailbox.

2. The terminated personnel's mailbox shall be deleted within thirty (30) days of the receipt of the termination notice from the District's Human Resources Department or upon the notification by the employee's supervisor, whichever is earlier.

G. Software used to automatically check the calendaring function cannot be set to monitor more frequently than once in every five (5) minutes.

Retention of Electronic Mail:

Electronic messages created or received in connection with official business that is used to "perpetuate, communicate, or formalize knowledge" are considered public records and are subject to all public access and records management laws and regulations. However, not all E-mails are considered public records. It is important for employees to know the distinction between E-mails that are public records and transitory E-mail messages so they can satisfy the relevant legal requirements in all cases.

Public Record E-mail:

Florida's Public Records Law:

Florida's public records law, listed in F.S. Chapter 119, defines public records as:

"All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of physical form, or characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

The Florida Supreme Court interprets this definition to encompass all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge. All of these materials, regardless of form, are open for public inspection unless the legislature has specifically exempted them from disclosure. One Florida court has held that "information stored in a computer is as much a public record as a written page in a book or a tabulation in a file stored in a filing cabinet".

How the Law Affects You as a BPS Employee:

E-mail created or received by BPS employees in connection with official business, which perpetuates, communicates or formalizes knowledge, is subject to the public records law and open for inspection. This includes Yahoo, Hotmail, or any other commercial Email

applications you might be using. It is for these reasons that BPS highly recommends you never use personal Email to conduct official District business.

Subject Lines:

Fill in the subject line on the E-mail to help the recipient identify and file messages and to aid in the filing of OUT box messages that must be retained for the appropriate retention period. Subject lines should be as descriptive as possible.

FRCP:

A. What is FRCP?

The U.S. Supreme Court approved on April 12, 2006 what may be the most far-reaching change for the handling of e- mails as evidence in all Federal courts. The "Amendments to the Federal Rules of Civil Procedure" (FRCP) has significant impact because, among other things, it defines what is acceptable for discovery and disclosure in legal cases.

B. How does the FRCP impact IT?

The FRCP creates an extremely broad description of what "electronically stored information" must be disclosed, places a time limit for the disclosure, and stipulates a "good-faith" test on retention schedules.

On October 2, 2008 the District implemented an automatic Email Archiving system. This system captures all emails sent and received via the District Email Server.

It is the District's responsibility to assure the proper archiving of public records is functioning to comply with State statutes and the new FRCP. If you have any questions please contact a member of the Educational Technology Help Desk.

If the personal folders being used to transfer E-mails are located on the workstation, the user is responsible for the periodic backup of these folders.

The following E-mail folders hosted on the mail servers, also known as user mailboxes, are NOT subject to deletion: Calendar, Contacts, Tasks, and Journal.

Revised 5/04
Revised 12/05
Revised 2/15/07
Revised 9/07
Revised 10/08
Revised 7/28/16

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MOBILE COMPUTING DEVICE ASSIGNMENT AND USE PROCEDURE

7540.08 - **MOBILE COMPUTING DEVICE ASSIGNMENT AND USE PROCEDURE**

The purpose of these procedures are to assign responsibility and provide procedures related to the use of mobile computing devices.

The Superintendent or designee is responsible for providing policy and procedural guidance for establishing, operating, and maintaining the Board's mobile computing device services. The considerable benefits gained by mobile computing to convey and process information quickly must be balanced by responsible use and security of these devices and the data that resides on them. Each user is personally responsible for protecting and properly using this equipment.

A. Mobile Usage Requirements

Utilization of mobile technology by District employees is encouraged for Board business. The following are mobile computing usage requirements:

1. The device is assigned by a school or department and made available for use as long as it is used for work-related activities requiring its use.

2. The user is allowed to take the device home to work on school or District related activities.

3. Only copies of software authorized by the Board are to be loaded on the device and may only be installed after proper authorization by department or school administration. See Form 7540.01 F1 *Permission to Use/Import Software*.

4. Assignee is responsible for the appropriate use and care of the device and all associated equipment.

5. Assignee will be required to present the device for inspection during the annual inventory audit of property owned by the school system.

6. Assignee will exercise due diligence in safeguarding the device and associated equipment from loss, damage, and theft. This would include such precautions as storing the device in a locked cabinet when not in use, not leaving the device in a car, and properly securing during meetings/conferences. If it is found that due diligence was not exercised in keeping this property secured, assignee could be held financially response been put in place to protect District data and information systems.

7. At the appropriate time for replacement, or at termination of employment (whichever occurs earlier), assignee will return the device to the department or school for reassignment or removal from active inventory, whichever is applicable. Assignee will not be held financially responsible for any repairs resulting from normal and ordinary use of such equipment.

8. Assignee must read, understand, and sign Form 7540.08 F1 *Mobile Computing Device Assignment and Use Agreement Form* before receiving mobile computing equipment.

B. Applicable Policies

The user will follow all District AUP and internet/e-mail policies for staff (i.e., home, or out of office use should be as if the

laptop was still at the District).

1. AP 7540.04 - *Staff Network and Internet Acceptable Use and Safety*

2. AP 7540.05 – *Electronic Mail Procedures*

C. Confidential Data

This includes student records, any finance data, HR data, and SSN's must be protected at all times to prevent the unauthorized modification, disclosure, or destruction (i.e., encryption and strict use of access controls to include: family members or friends do not have the right to logon to this device at anytime for any reason) (i.e., home, or out of office use should be as if the laptop was still at the District).

D. Personal Laptops and Other Mobile Devices

Personal laptops or other non-approved servers, computers, wireless communication devices (WCD), USB drives or any other mobile electronic devices are not allowed to be connected to the District network without change management approval from the Educational Technology Department as they increase the risk of a security incident (i.e., they must have approved Operating System (OS). The OS must be patched to prevent the latest threats. Approved anti-virus must be installed and have the latest signatures. Finally, any home PC, USB device, or wireless communication devices (WCD) can come into the District environment with any number of unknown issues, some of which include: spyware, worms, trojans, key loggers, botnets, peer to peer file sharing software, pornography, or any other illegal or unlicensed software. These items if not carefully controlled will circumvent the many enterprise wide and costly protection mechanisms that have been put in place to protect District data and information systems.

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ap7540.09

DISTRICT IT INCIDENT RESPONSE PROCEDURE

7540.09 - **DISTRICT IT INCIDENT RESPONSE PROCEDURE**

The purpose of this procedure is to assign responsibility and provide procedures related to the handling of computer security incidents. This procedure contains the process steps for identifying, responding, reporting, and resolving computer security incidents. An incident is defined as "the act of violating an explicit or implied security policy". SANS definition is "an adverse event in an information system, and/or network, or the threat of the occurrence of such an event".

The Superintendent or designee is responsible for providing policy and procedural guidance for establishing, operating, and maintaining the Board's incident response procedure.

Identification and Reporting of Information Security Incidents

A. ESF users and schools should inform the helpdesk if they are receiving complaints about virus's, worms, SPAM, phishing emails, etc.

B. The Helpdesk will then make Network Ops and Systems and Security aware. (What is the normal amount of reported SPAM daily? Is it up significantly today? Is the malware type a High threat worm?) An SI type Heat Ticket for a "Security Incident" should be opened.

C. Based on the number of complaints and the severity of threats, Network Ops and Systems and Security will determine if a District-wide notification needs to be placed.

D. Depending on the type of malware the District is being targeted with, Network Ops and Systems and Security will coordinate a response to users and sites on how to manage the incident.

IE: The District may choose a notification only for low threats, for higher level threats the District may need to do notifications as well as updating District protection measures, AV signatures, firewall rules, websense, or immediate email blocking of the offending sites.

E. Per instructions from Network Ops and Systems and Security the Helpdesk will send out the notifications to schools, ESF, department secretaries, etc., as necessary to inform District users on how to respond.

Responding to Information Security Incidents

A. Preparation

The goals of initial response are to:

1. verify an incident has truly occurred;

2. was a policy violated (http://www.neola.com/brevardco-fl/);

3. determine what attacks were used to gain access and identify which systems and data were accessed by the intruder;

4. determine what an intruder did after obtaining access.

B. Identification

1. Receive Alert and Review Finding

Technology specialists are notified of a suspected security event. Begin by reviewing the details of the event. What type of alarm is it? Is only one system affected or are multiple systems?

2. Start Logbook

The next step is to start a logbook. The logbook is used to document everything; all people interviewed, what happened, which systems were involved, what action was taken, what tools and commands were used, and what the results were.

The first entry in your logbook should include an incident notification checklist:

a. who is calling/paging;

b. date/time;

c. phone;

d. nature of incident (virus, DOS, defacement, theft, unusual activity);

e. when did the incident occur;

f. how was the incident detected;

g. who discovered the incident;

h. when was the incident detected;

i. what is the immediate and future impact to client;

j. is it a business critical machine;

k. targeted computer(s):

1. hostname;

2. OS;

3. IP address(es);

4. location;

5. attacking computer(s);

6. IP address(es).

3. Review Results of Existing Security Tools Output

See details in technician handbook.

4. Request Logs

See details in technician handbook.

C. Containment

Once the issue is reported and identified, then the technician specialist must isolate the threat (i.e., unplug the network cable, block host from the router, filters, etc., VLAN segmentation on a network switch, or change administrative passwords). It may

be that technician specialists just need to alert users to take a specific action or just to be aware of a specific threat.

D. Eradication

If a worm is detected and identified, then technician specialists may apply the proper eradication methods (i.e., if worm x is in fact identified, then there is likely a vendor removal solution). See http://www.mcafee.com/us/threat_center/default.asp and http://vil.nai.com/vil/default.aspx.

Remove malicious software by implementing actions on McAfee's site for suspected or identified malware then verify applicable released patches from McAfee, operating security patches, etc., are applied.

E. Recovery

Continue to monitor the situation, keeping in mind the actual identified threat. Symantec and McAfee sites provide complete information on just what a given piece of malware does and how to remove them. Make sure all affected users are aware of what happened and what to look for. (see http://www.mcafee.com/us/threat_center/default.asp and http://vil.nai.com/vil/default.aspx)

F. Lessons Learned

After things calm down and all systems appear to be stable, technician specialists need to try and understand how the District got infected with this piece of malware* in the first place. Was it a user's lack of awareness (i.e., someone brought in an infected USB drive or laptop and connected it to the LAN)? Did someone open an unsolicited e-mail? Did someone browse to a risky web site? Was the District attacked from the outside? Was the attack or incident an internal event only? How could it have been prevented? Complete an Information Security Incident Response Form 7540.09 F1. The District information security analyst will perform periodic information security reviews and report issues to senior management.

*Malware or malicious software is software designed to infiltrate or damage a computer system without the owner's informed consent.

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DISTRICT WEB SERVICES PROCEDURE

7540.10 - **DISTRICT WEB SERVICES PROCEDURE**

Purpose

The purpose of this procedure is to assign responsibility and provide procedures related to the use of District web services.

The Superintendent or designee is responsible for providing policy and procedural guidance for establishing, operating, and maintaining the Board's web services. The considerable benefits gained from (web services) which include blogs and other global communications that serve to convey and process information must be balanced by responsible use and security of these systems and how the content is managed on them to reduce liability to the District and exposure of inappropriate materials to students. Each user is personally responsible for protecting and properly using these systems.

Additionally, educators are encouraged to use blogs to:

A. promote the School District and the education profession as a critical and successful community institution;

B. establish productive communication between the classroom and home by providing ongoing information about instructional goals, expectations, policies, and requests for support;

C. provide students with information that will help them be successful learners.

Utilization of web services by District employees is encouraged for Board business. Teacher bloggers will not use their blogs to:

A. conduct or promote outside business activities;

B. promote or advertise for commercial products unrelated or related to instruction;

C. defame or cause defamation of the character of any individual, organization, or institution;

D. divulge any personal information about students or jeopardize their safety in any other way;

E. participate in any other activities that is in direct conflict with the student or staff AUP or any other applicable District policies intended to protect data, students, and reduce liability to the District.

Global Communications (GC) User Procedures

Global communications are alternative forms of electronic communications that are not e-mail. This includes list servers, blogs, discussion groups, chat rooms, etc.

Utilization of GC services is encouraged for employees that distribute e-mail on a regular schedule to a specific group of people. Only approved GC servers shall be supported by educational technology.

The following is a list of GC requirements:

A. GC services are for official use only.

B. Only Board employees shall act as GC administrators.

C. All GC services shall be moderated by the GC administrator.

D. Employees wishing to become GC administrators must have their principal/supervisor assign them accordingly. The principal/supervisor will contact the help desk to create service request assigning the person. Information needed are the name of the GC service (e.g., list, blog, discussion group) and the person authorized to administer the service.

E. Guest feature is to be turned off.

F. Posting from non-members is to be rejected.

G. The news group function is to be disabled.

H. Disable the allow visitors functions to be able to read archives.

I. Non-members are not allowed to view any information (except for blogs).

J. All messages that are processed through a GC are public records and can be viewed through the public records request process.

K. The GC must be configure as follows:

1. GC's open to the public must be moderated.

2. The owner of a GC session shall monitor the session and ensure proper decorum.

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ELECTRONIC DATA CONFIDENTIALITY PROCEDURE

7540.11 - **ELECTRONIC DATA CONFIDENTIALITY PROCEDURE**

The purpose of these procedures are to assign responsibility and provide procedures related to the use of Data Encryption in mobile computing devices. The Superintendent or designee is responsible for providing policy and procedural guidance for establishing, operating, and maintaining the Board's mobile computing device services. The considerable benefits gained by mobile computing to convey and process information quickly must be balanced by responsible use and security of these devices and the data that resides on them. Each user is personally responsible for protecting Confidential District Data.

A. Confidential Data

This includes student records; any finance data, HR data, and personally identifiable information (PII) which must be protected at all times to prevent the unauthorized modification, disclosure, or destruction. See applicable policies below.

B. Personal Laptops and other Wireless Communication Devices (WCD)

Computing devices as they apply to these procedures consist of any devices that store, process, or send/receive confidential data, including the following: personal laptops, wireless communication devices (WCD), storage devices, or any other mobile electronic devices.

C. Mobile Encryption Requirements for Confidential Data

The minimum standard for encryption should meet or exceed AES-256.

D. Applicable Policies

1. Policy 7540.04 - *Staff Network and Internet Acceptable Use & Safety*

2. Policy 8330 - *Student Records*

3. Policy 8350 – *Confidentiality*

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ap7540.12

NETWORK ACCESS FROM PERSONALLY-OWNED COMPUTERS OR OTHER WEB- ENABLED DEVICES

7540.12 - **NETWORK ACCESS FROM PERSONALLY-OWNED COMPUTERS OR OTHER WEB- ENABLED DEVICES**

District Board members, employees, students, contractors, vendors, and agents, of the District may use their personal computer or web-enabled device of any type to access the internet while they are on-site at any District facility, provided:

A. Has been approved by the Principal or Designee

B. The individual granted access complies, without exception, with the Acceptable Use Policy for appropriate use of the District's wireless access points.

C. Access for connecting to the District's internet access point using a personal computer, will Use BPSSTUDENT WIRELESS ACCESS POINT.

The District recommends any and all users connecting to any of our network resources to keep their operating systems patched for the latest vulnerabilities and to always use an up to date antivirus protection application such as: Microsoft Security Essentials, McAfee, Symantec, AVG, Malwarebytes.org. or similar antivirus protection. To learn more about Information Security best practices please visit http://www.brevardschools.org/infosec/index.html.

Establishment, and subsequent enforcement, of District standards is intended to minimize the potential exposure to the District from damages, including, but not limited to, the loss of sensitive District data, illegal access to confidential data, damage to the District's intellectual property, damage to the District's public image, and damage to the District's critical internal systems, from unauthorized use.

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ap7540.13

UTILIZATION OF THE DISTRICT'S WEBSITE PROCEDURE

7540.13 - **UTILIZATION OF THE DISTRICT'S WEBSITE PROCEDURE**

Access to the District's Websites via the Internet is provided to Board members, District employees, students as well as contractors, vendors, and agents of the District. These users are permitted to use their personally-owned or District-owned computer or workstation and/or web-enabled devices to remotely (i.e., away from District property and facilities) access the District's web server and resources provided via the District's Website. This policy is limited to remote access via the District Website that are used to do work on behalf of or for the benefit of the District, including, but not limited to, reading or sending e-mail, reviewing District-provided intranet web resources and access to the District Applications.

Each Board member, District employee, student as well as contractor, vendor or agent of the District utilizing access via the District's Website must adhere to the following standards and regulations:

A. The individual may only access secured District resources using his/her assigned username and password. The individual must not allow other persons, including family members, to use his/her user name and password. The user may not go beyond his/her authorized access.

B. The District highly recommends any access to resources that contain confidential information (IE: A3, DSDS, etc) be accessed only through protected "secure" access. Public networks such as "Internet Cafés or Libraries" or unsecured wireless access should be avoided when accessing these systems. Contact Educational Technology for the most up to date Technology offerings to remotely access confidential data.

C. Use of the District's "secured" Website resources is contingent upon the individual abiding by the terms and conditions of the District's Network and Internet Acceptable Use and Safety policy and procedure. Users are required to sign the applicable agreement form (Students Form 7540.03 F1 or Staff Form 7540.04 F1) prior to being permitted to use "secured" Website resources.

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INSPECTION OF PUBLIC RECORDS

8310 - **INSPECTION OF PUBLIC RECORDS**

The Board recognizes its responsibility to maintain the public records of this District and to make such records available to residents of Florida for inspection and reproduction.

"Public Records" are defined by F.S. 119.011(1), as:

> *all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.*

Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or a designee. Reasonable time is defined as during the regular business hours of the office in which such records are maintained, provided that advance notice of such intended inspection has been given the custodian of the records not less than two (2) working days before the inspection. Inspection cannot be delayed longer than two (2) weeks unless agreeable with the person making the request.

When an individual asks to copy a public record, agencies have the right to charge the fee prescribed by law. The fee for duplicated copies of letter-sized photocopies should be no more than fifteen cents ($.15) per one-sided copy; the fee for legal-sized photocopies should be at maximum twenty cents ($.20) per one-sided-copy and one dollar ($1.00) per page can be charged for a certified copy of a public record. There cannot be a fee charged to an individual if only inspection takes place and no photocopies are produced. However, if the nature or volume of public records requested to be inspected, examined, or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by District personnel, in addition to the actual cost of duplication, a special service charge based on the actual labor cost incurred by the department or school may be charged. No public record may be removed from the office in which it is maintained, except by a Board officer or employee in the course of the performance of his/her duties.

Not every record generated by local and State government is open for inspection. The public records exempt from viewing are covered in F.S. Chapter 119.07(3)(b) – (z) including but not limited to the following:

A. Active criminal investigation information.

B. Information revealing the identity of a confidential informant or source.

C. Criminal investigation information that identifies the victim of crime of sexual battery, lewd or lascivious act, or a victim of child abuse is exempted from disclosure.

D. Any document that reveals the identity, home, or employment telephone number, home or employment address, or personal assets of the victim of a crime is exempted.

E. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, correctional or probation officers, personnel of the Department of Children and Family Services whose duties include investigating criminal activities, personnel of the Department of Health whose duties include investigating child abuse or neglect, firefighters, justices of the Supreme Court, district court of appeal judges, circuit court judges, county court judges, former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors, county and municipal code inspectors and code enforcement officers who have submitted a written request for confidentiality to the custodial agent. Home addresses, telephone numbers, social security numbers, and photographs of the spouses and children of the above people are also protected by exemption.

F. Sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals.

G. Any financial statement required of a prospective bidder in order to submit a bid or proposal.

H. Computer software obtained by an agency under a licensing agreement which prohibits its disclosure and identifies the software as a trade secret.

I. All records that relate to an active complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital status.

J. Medical information pertaining to a prospective or current employee is exempt unless permission to disclose is given by the person to whom the information pertains or the person's legal representative pursuant to court order.

K. The social security numbers of all current and former employees are exempt from public record viewing.

L. The audit report of an internal auditor before the audit becomes final is exempt from viewing. When the audit report is released to the District, it becomes public record.

The above is a summarized listing of exemptions and is not intended to replace or interpret the actual law in F.S. Chapter 119.07(3) (b) – (z). Government records are open to public inspection unless otherwise exempted. Only the legislature can grant such an exemption. The Superintendent, or his/her designee, is authorized to grant or refuse access to the records of this District in accordance with the intent of this policy. However, an exemption from inspection does not exempt the records from the requirement of retention and disposition. All District records will be maintained in accordance with general records schedules GS1-L, GS1-S and GS7.

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STUDENT RECORDS

8330 - **STUDENT RECORDS**

Student records shall be maintained in accordance with Board Policy 8330 and State/Federal laws and regulations.

The student record is the legal record for each student who is or has attended schools within the District. All information contained in the student record must be factual, verifiable and of a constructive nature. The Board shall collect, maintain and use only information necessary for legally mandated District functions.

Educational Records, as defined in Section 99.3 of the Family Educational Rights and Privacy Act, means those records, files, documents and other materials which: (1) contain information directly related to a student, and (2) are maintained by the Board or by a party acting for the Board. "Record" means any information or data recorded in any medium, including but not limited to: handwriting, print, tapes, films, microfilm, and microfiche, and electronic/digital formats.

The term, Educational Records, does not include:

A. records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:

1. are in the sole possession of the maker thereof; and

2. are not accessible or revealed to any other individual except a substitute;

For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his/her position.

B. records maintained by a law enforcement unit of the District that were created by that law enforcement unit for the purpose of law enforcement.

C. records relating to a student who is eighteen (18) years of age or older, or is attending an institution of postsecondary education, which are:

1. created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity; and

2. created, maintained, or used only in connection with the provision of treatment to the student; and

3. not disclosed to anyone other than individuals providing the treatment; except, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice.

For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the educational agency or institution.

D. records which contain only information relating to a person after that person was no longer a student in the District. An example would be information collected by the Board pertaining to the accomplishments of its alumni.

The student's school record shall contain the following information that shall be retained permanently:

A. name, address and telephone listing of parent

B. enrollment data to include validated birth record, proof of residency, immunization records and social security number or computer number

C. attendance records

D. grades and/or transcripts

E. standardized and/or mandated achievement test data, including proficiency test records which include the date each student meets the proficiency level for the test administered

F. date of graduation and/or transfer or withdrawal

The student's school record shall contain, if applicable to the individual, the following information, to be retained for a period not less than five (5) years beyond the date of high school graduation:

A. health and medical information; emergency medical authorization forms may be destroyed upon the annual receipt of the forms as required by law

B. court order on parental rights and responsibilities and/or custodial or guardianship arrangements, including any court orders regulating access of a parent to school records

C. awards and recognitions

D. information and/or data relevant to the identification, evaluation and/or placement of students in accordance with the Individuals with Disabilities Education Act, Section 504 of the 1973 Rehabilitation Act, or other applicable State laws and regulations

E. reports and such other confidential information generated by professionals or agencies outside the District relevant to the student's educational program

F. such other verifiable, factual and relevant information to be used in making decisions regarding the student's educational program, including disciplinary records.

RESPONSIBILITY

The Custodian of Records (COR) shall be the principal who may delegate certain responsibilities to the school secretary. The COR is responsible for maintaining the confidentiality of directory information, if the parents have so requested, and other information in the educational record. The COR is responsible for the implementation of this District's policies and procedures regarding confidentiality, including informing all personnel in this District who collect, maintain, use or otherwise have access to student records of this District's policies and procedures on confidentiality. S/He shall also maintain a current list of the locations of all records held for each student in his/her school.

The District's Records Officer (DRO) shall prepare an annual notice to parents/adult students which shall inform them of their rights to:

A. inspect and review the student's educational records;

B. request an amendment to the records if the parent or adult student believe the information to be inaccurate or misleading;

C. limit the disclosure of personally identifiable information defined as directory information within Policy 8330 or to such other disclosures not required by law;

D. request a hearing if the District refuses to amend records believed by the parent to be misleading or inaccurate and to file a complaint with the Department of Education if the parent is dissatisfied with the results of the hearing;

E. obtain a copy of the District's policy on student records.

The notice may be in the form of a section of the local newspaper, District's newsletter, and/or the student handbooks.

Ongoing Maintenance of Records

A. Public Listing of Authorized Employees

1. Each COR shall maintain a current listing of those employees and other persons authorized to access personally-identifiable information housed at the location specified.

2. Each COR shall post and maintain the listing for public inspection at his/her respective location.

B. Types and Location of Records

1. The CRO shall prepare a listing of the types and locations of records collected, maintained, or used by the District, and the name of the COR at each location.

   The list shall be provided to parents/adult students upon request.

2. The student record shall be stored in secured facilities or equipment. The records shall be available only to those specified in policy or these guidelines.

C. Consent to Disclose Information

1. Whenever there is a request for a copy of information from a student's record, the COR shall obtain written and dated consent, prior to disclosure of records, from parents/adult students which includes:

   a. the records that may be disclosed;

   b. the purpose for which the disclosure may be made;

   c. the party or class of parties to whom the disclosure may be made;

   d. whether or not the parents/adult students wish to have a copy of the records disclosed and/or, if the student is not an adult student, whether the District should provide that student with a copy of the disclosed record.

   Signed permission should be obtained from adult students prior to allowing their parents access to the records, provided the student is not considered a dependent under Section 152 of the Internal Revenue Code.

2. Prior consent will not be needed if:

   a. the disclosure is to other District personnel who have a legitimate educational interest (as defined by Board policy) in the information;

   b. the disclosure is to another school, School District, or postsecondary institution, as stated in Board policy;

   c. the disclosure is for an emergency; (see guidelines on page 10)

   d. the disclosure concerns the juvenile justice system and its ability to serve, prior to adjudication, the student whose records are released, providing there is a standing order issued by the juvenile court having jurisdiction over the student or the parents have signed a release as a condition for entering into the jurisdiction of the juvenile court;

   e. the disclosure is authorized by other sections of the Family Education Rights and Privacy Act (FERPA).

3. No person shall release to a parent of a student who is not the custodial parent or any other person any information about the school to which the student has transferred or that would enable the parent who is not the custodial parent to locate the student if the school to which the student has transferred informs this District that the student is under the care of a shelter for victims of domestic violence.

Parents: Disclosure, Inspection, Review of Records

The COR shall permit parents/adult students, upon request, to retrieve information from and to inspect and review, records relating to the student's education and maintained by the District. The following conditions shall apply:

A. At times, agencies or individuals outside the District provide the District with information necessary and relevant to the student's education. Psychological or medical information should be provided to a parent in the presence of an appropriately-licensed professional who can properly explain the information. Such information may be provided to the District only with the written consent of the parent. Upon parental request the District will notify the parent with the date and source of any record generated outside the District so that parents may access these records through the originator.

B. If any educational record includes information on more than one (1) student, the parents/adult students shall have the right to review and inspect only the records relating to the student, or to be informed of that specific information.

C. The request for a review must be honored without unnecessary delay and before any meeting regarding an individualized educational program or hearing relating to the identification, evaluation, or placement of the student and in no case later than forty-five (45) days from receipt of request.

D. The parents/adult students have a right to have their representative inspect and review the records upon submission of a signed and dated written consent which:

1. specifies the records which may be disclosed;

2. states the purpose of disclosure;

3. identifies the party or class of parties to whom the disclosure may be made.

E. The District shall presume that either parent has the authority to disclose, inspect, and review the student's records unless a court order indicates otherwise or unless otherwise prohibited by law.

If the parents/adult students request an opportunity to inspect and review records, a written request is necessary.

F. The parents/adult students are to complete the District's Request for Information Form 8330 F5 prior to receiving copies of any record.

The COR shall arrange a mutually-agreeable time for the review with the parents/adult students.

G. Subject to the limitations within the law, policy and/or guidelines, the COR shall provide parents/adult students with copies of any information in the student's educational records and shall respond to reasonable requests for explanation and interpretation of the records. Signed permission should be obtained from adult students prior to allowing their parents access to the records. Copies of the records, except for test protocols, shall be provided for the current cost of duplication unless that fee effectively prevents the parents/adult students from exercising the right to inspect and review the records. Copies of test protocols will be provided only under the following circumstances:

1. the parent is physically unable to come to the school to view the protocols;

2. if the principal believes the protocols should be sent to an appropriately-licensed outside professional;

3. if the parent is preparing for a hearing under Article 7 or section 504.

H. If the parents/adult students request disclosure of specific information by telephone, the COR shall not disclose requested information.

Third Party: Disclosure, Inspection/Review, and/or Copies of Records

When authorized, the COR shall permit inspection and review of a student's educational records, disclose specified information, or provide copies of educational records only after the requesting party has agreed not to share the information with a third party unless the parents/adult students have so consented or the particular circumstances meet the requirements of the Family Education Rights and Privacy Act (FERPA) on third-party disclosure.

Amendments of Records

The COR shall provide parents/adult students with the opportunity to amend records when they believe that any of the information regarding their student is inaccurate, misleading, or violates the student’s privacy.

A. Upon receipt of a written request to amend records, the COR shall ascertain the specific information that is requested to be amended and the reason for the change.

The COR shall decide whether or not to amend the record.

B. If the COR decides not to amend, the parents/adult students shall be so informed of the decision as well as of their rights to a hearing. The parents/adult students also have the right to place a statement in the records commenting on the contested information in the records and/or stating s/he disagrees with the decision of the COR. Such a statement shall be maintained with the contested part of the records as long as the records exist and shall be disclosed as part of any record disclosure.

C. Unless specified otherwise in law, third parties seeking to access confidential information in a student's record that has been generated by a professional or agency outside the District may access these records only through the originator and in compliance with the laws governing disclosure.

D. If the District and parents/adult students agree to the requested amendments, the COR shall make necessary changes in the student record and send the parents/adult students written confirmation that the changes have been made.

E. If the parents/adult students request a Records Hearing, the Superintendent shall:

1. select the Records Hearing Officer (RHO) (who may be an official of the District who does not have a direct interest in the outcome of the hearing);

2. direct the person selected as the RHO to arrange a hearing with the parents/adult students within ten (10) business days from the date of the hearing request or at a mutually agreed time.

The RHO shall inform the parents/adult students that they shall be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted or represented by individuals of their choice, including an attorney, at their own expense.

The RHO is responsible for maintaining the student's record during the appeal process so that no information is lost or destroyed.

F. The Records Hearing Officer shall conduct the hearing by:

1. introducing the participants;

2. reviewing the agenda for the hearing;

3. identifying the records in question;

4. reviewing the items for which amendment is being requested;

5. allowing the parents/adult students and/or their representative to present evidence related to the issues;

6. allowing the District's representative(s) to present evidence related to the issues;

7. recording the evidence presented by both parties;

8. allowing each party a reasonable period of time to question the evidence of the other party;

9. adjourning the hearing.

G. No later than ten (10) business days from the conclusion of the records hearing, the RHO shall summarize and send a copy of the findings to the Superintendent.

H. The Superintendent, within ten (10) business days after receiving the findings of the Records Hearing Officer, shall make a decision, based solely upon the evidence presented at the hearing, and send to the parents/adult students:

1. a letter stating the decision and the justification for the decision;

2. a copy of the RHO's Report;

3. copies of the amended records, if any;

4. a notification of the right to place a statement in the record commenting on the contested information or stating why s/he disagrees with the decision.

EMERGENCY RELEASE

The COR may release any personally-identifiable information (without parent's/adult student's consent) to appropriate parties in connection with a health/safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Upon receipt of a request for emergency information, the COR, shall ascertain whether the request constitutes a health/safety emergency and, if so, provide the requested information immediately.

TRANSFER OF RECORDS TO OTHER DISTRICTS

Transfer of student records must be within twenty (20) days of request and shall not be withheld from the school for a student's failure to pay any fees, fines, or charges imposed by this District.

The COR shall transfer a student's records to another school when requested by the District in which the student intends to enroll, provided the Board notifies the parents of the transfer, informs the parents of their right to get a copy of the document, and affords

the parents an opportunity for a hearing to challenge the content of the record.

A copy of the cover letter sent to the School District shall be retained in the student's file.

If parents/adult students request a copy of the records being transferred, they shall be provided at the District's standard fee.

If a student is under the care of a shelter for victims of domestic violence, release of information is limited by law.

DISCLOSURE FOR STUDENT FINANCIAL AID

The COR may release, without parents' consent, student information regarding financial aid for which a student has applied or which a student has received, provided that personally-identifiable information from the education records of the student may be used only:

A. to determine the eligibility of the student for financial aid;

B. to determine the amount of financial aid;

C. to determine the conditions which will be imposed regarding the financial aid;

D. to enforce the terms or conditions of the financial aid.

DESTRUCTION AND REVIEW OF RECORDS

If a student is identified as a student with a disability under the Individuals with Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act of 1973, the COR shall:

A. maintained the student's educational records for five (5) years after termination of special education programs, services, and/or graduation; and

B. only destroy such educational records after notifying the parents/adult students that the information is no longer needed to provide educational services and will be destroyed.

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ANIMALS ON DISTRICT PROPERTY PROCEDURES

8390 – **ANIMALS ON DISTRICT PROPERTY PROCEDURES**

A. General Information

1. A service animal is any dog, or miniature horse if deemed appropriate, that is individually trained to perform specific tasks for the benefit of an individual with a disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The tasks may include, but are not limited to, guiding a person who is visually impaired or blind; alerting a person who is deaf or hard of hearing; pulling a wheelchair; assisting with mobility or balance; alerting and protecting a person who is having a seizure; retrieving objects; or performing other special tasks. A service animal is not a pet. The use of a service animal could be a reasonable accommodation for a student with a disability on a school campus.

2. Service animals do not include animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being. The work or tasks performed by a service animal must be directly related to the student's (handler's) disability. Unless the animal is individually trained to do something that qualifies as work or a task, the animal is a pet or support animal and does not qualify for coverage as a service animal.

B. Approval Process for a Service Animal to Be On District Property

1. Parent/Legal Guardian completes the Request/Agreement to Use a Service Animal form and submits the form to the Principal. If the student is eighteen (18) years of age or older and emancipated, the student must complete this request form.

2. The parent/ legal guardian provides a copy of the current health certificate or report of examination to include current vaccination compliance from a Doctor of Veterinary Medicine. The District shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

3. A service animal is personal property and cannot be brought onto a school campus without prior written approval from the District's designated Service Animal Review Team (SART) consisting of the Principal, Area Superintendent, and the District Section 504/ADA Coordinator. If the student is not the primary handler for the service animal, the handler must be qualified to be on a school property and must have passed the appropriate background checks if that handler is routinely around other students on School District property. When the school receives the written request, the SART team reviews the documents and either approves or disapproves the request.

4. The Principal or designee may ask the following questions:

    a. Is the animal required because of a disability?

    b. What work or task(s) has the animal been trained to perform?

These two (2) questions may not need to be asked when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). The Principal or designee may not ask additional questions in regard to the student's disability and need for a service animal other than the two (2) questions noted above.

C. School Establishes a Plan

1. After the SART approves a student's use of a service animal on a school campus, the school will work with the animal's owner to:

    a. Familiarize the service animal to the campus prior to the actual start date.

    b. Orient the service animal to the school faculty and students.

    c. Establish an educational program to educate others on proper behavior etiquette around a service animal.

    d. Establish a place for the service animal to urinate/defecate.

    e. Establish an evacuation plan to include the student with the service animal and practice this plan in accordance with emergency evacuation plan procedures.

D. Identification and Handling Requirements

1. The service animal must not in any way interfere with the educational process on the school campus. The behavioral expectations for the service animal and standards by which the request to use the service animal on a school campus will be evaluated are as follows:

    a. Animal is clean and does not have a foul odor.

    b. Animal is under control of its handler.

    c. Animal does not urinate or defecate in inappropriate locations.

    d. Animal shall not make unsolicited contact with persons while on school property or on the school bus.

    e. Animal's conduct does not disrupt the normal course of school business.

    f. Animal works without unnecessary vocalization.

    g. Animal shows no aggression toward people or other animals.

    h. Animal does not solicit or steal food or other items from persons while on school property including the school bus.

    i. Animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use such device or the use of such device would interfere with the service animals safe, effective performance of work or tasks. When a harness, leash, or other tether cannot be used due to the handler's disability or interference of such device, then the service animal must be under the handler's control through another method such as voice control, signals, or other effective means.

    j. Animal has been specifically trained to perform its duties in public and is accustomed to being out in public.

    k. Animal must be able to lie quietly beside the handler without blocking aisles, doorways, etc.

l. Animal is trained to urinate or defecate on command.

m. Animal stays within twenty-four (24) inches of the handler at all times unless the nature of a trained task requires it to be working at a greater distance.

2. The District has the discretion to exclude or remove the animal from the property if:

a. the animal is out of control and the handler does not or cannot take effective action to control it; or

b. the animal is not housebroken.

E. Transporting a Service Animal

1. Brevard Public Schools recommends that best practices for transporting a service animal be followed as found in the Florida Association for Pupil Transportation (FAPT), Service Animals on School Buses – Best Practices Guide (June 2004). The recommendations from FAPT are as follows:
   a. The service animal's owner is responsible to provide information to the driver and bus assistant regarding what critical commands are needed for daily interaction and emergency/evacuation.

   b. The animal's owner is responsible to provide an orientation to students riding the bus with the service animal regarding its functions and how students should interact with the animal.

   c. It is recommended that the service animal be positioned on the floor, at the student's feet. A representative of the Transportation Office will meet with the animal's owner to determine whether the service animal should be secured on the bus with a harness, leash, or other tether.

   d. The bus driver and attendant need to know the critical verbal commands for the service animal. The animal's owner is responsible to provide this information to the bus driver and bus assistant. The service animal should practice the bus evacuation drills with the student.

   e. Situations that would cause cessation of District bus transportation of the service animal:

      i. The service animal bites someone.

      ii. The service animal's behavior poses a direct threat to the health or safety of others.

      iii. The service animal urinates or defecates on the bus.

      iv. The service animal does not remain in the designated area.

   f. If transportation is suspended due to any of the above reasons, transportation could be reinstated after additional training or medical issues are resolved. Parent/Legal Guardians are informed of these procedures prior to the first day of transportation.

F. Brevard Public Schools does not provide service animals and does not assume responsibility for training, daily care, or healthcare of service animals. The provision of a service animal is not documented on an Individual Educational Plan (IEP), Educational Plan (EP), or a Section 504/ADA Accommodation Plan. Upon disapproval of a student's use of a service animal on a school campus by the SART, the parent/legal guardian has the right to appeal per the IDEA Procedural Safeguards or the Section 504/ADA Procedural Safeguards, as appropriate.

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NON-SERVICE ANIMALS PROCEDURES

8390.01 – **NON-SERVICE ANIMALS PROCEDURES**

A. General Information

1. Animal handler - BPS staff or contract vendors that are trained and certified with District approval.

2. Non-service animal – Per Policy 8390, and only in support of District functions, a therapy dog that has been trained, evaluated, and certified as a therapy animal pursuant to industry standards by an organization that certifies animals as appropriate animal therapy.

B. Approval Process for Non-Service Animal on District Property

1. Animal handler completes Form 8390.01 F1 and submits the form. The non-service animal must not in any way interfere with the educational process on District property. The behavioral expectations for the non-service animal and standards by which the request to use the non-service animal on a District property will be evaluated are as follows:

   a. Animal is clean and does not have a foul odor.

   b. Animal is under control of its handler.

   c. Animal does not urinate or defecate in inappropriate locations.

   d. Animal shall not make unsolicited contact with persons while on District property.

   e. Animal's conduct does not disrupt the normal course of school business.

   f. Animal works without unnecessary vocalization.

   g. Animal shows no aggression toward people or other animals.

   h. Animal does not solicit or steal food or other items from persons while on District property.

   i. Animal shall have a harness, leash, or other tether, unless the use of such device would interfere with the non-service animal's safe, effective performance of work or tasks.

   j. Animal has been specifically trained to perform its duties in public and is accustomed to being out in public.

   k. Animal must be able to lie quietly beside the handler without blocking aisles, doorways, etc.

   l. Animal is trained to urinate or defecate on command.

m. Animal stays within twenty-four (24) inches of the handler at all times unless the nature of a task requires it to be working at a greater distance.

C. Removal and/or Exclusion of a Non-Service Animal

1. If the non-service animal demonstrates that it is not under the control of its handler, is not house broken, or the animal poses a direct threat to the health and safety of others, the Principal or designee is responsible for the following:

a. The Principal or designee will document in writing to the Office of Student Services or designee any behavior of the non-service animal that s/he is considering as reasons for the recommendation of being removed and/or excluded from District property.

b. A meeting will be scheduled with the handler to address concerns regarding the non-service animal and possible recommendation for removal and/or exclusion from District property.

c. The Principal or designee will notify the Superintendent or designee in writing when a non-service animal is being recommended for removal and/or exclusion and immediately document the reason for the removal and/or exclusion.

d. The Principal or designee will notify the handler via letter that the non-service animal is removed and/or excluded from District property.

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EARLY WARNING SIGNS OF VIOLENCE

8410 - **EARLY WARNING SIGNS OF VIOLENCE**

Single word communities like, Jonesboro, Arkansas; Pearl, Mississippi; Conyers, Georgia; Santee, California; and Littleton, Colorado, the home of Columbine High School, remind every parent, teacher, student, and administrator that communities have to work hard to prevent violence on the campus.

When a student commits a violent act at school, everyone in the school community ask certain questions over and over. Did the child do or say anything that should have alerted us to an impending crisis? Did we miss an opportunity to help?

According to the document *Early Warning, Timely Response: A Guide to Safe Schools,* prepared by U.S. Department of Education, there are some early warning signs in most cases of violence – certain behavioral and emotional signs that, when viewed in context, can signal a troubled child. Some early warning signs include:

A. Social withdrawal.

B. Excessive feelings of isolation or rejection.

C. Being a victim of violence.

D. Feelings of being picked on and persecuted.

E. Low school interest and poor academic performance.

F. Expressions of violence in writings and drawings.

G. Uncontrolled anger.

H. Patterns of impulsive and chronic hitting, intimidating, and bullying behaviors.

I. History of discipline problems.

J. History of violent and aggressive behavior.

K. Intolerance for differences and prejudicial attitudes.

L. Drug or alcohol use.

M. Affiliation with gangs.

N. Inappropriate access to, possession of, and use of firearms.

Unlike early warning signs, imminent warning signs indicate that a student is very close to behaving in a way that is potentially dangerous to self and/or to others. Imminent warning signs may include:

A. Serious physical fighting with peers or family members.

B. Severe destruction of property.

C. Severe rage for seemingly minor reasons.

D. Detailed threats of lethal violence.

E. Possession and/or use of firearms and other weapons.

F. Self-injurious behaviors or threats of suicide.

When warning signs indicate that danger is imminent, safety must always be the first consideration. Action must be taken immediately by school officials and possibly law enforcement officers when a child:

A. has presented a detailed plan (time, place, method) to harm or kill others – particularly if the child has a history of aggression or has attempted to carry out threats in the past.

B. is carrying a weapon, particularly a firearm, and has threatened to use it.

It is important to remember that early warning signs (as opposed to imminent danger signs) are simply indicators that a student may need help. School-site staff and others must avoid inappropriately labeling individual students because they appear to fit a stereotype. *Early Warning, Timely Response* offers the following caveats:

A. Do no harm. First and foremost, the intent should be to get help for a child early. The early warning signs should not be used as a rationale to exclude, isolate, or punish a child. Do to use it as a checklist for formally identifying, mislabeling, or stereotyping children.

B. Avoid stereotypes. Be aware of false cues – including race, socioeconomic status, cognitive or academic ability, or physical appearance.

C. View warning signs within a developmental context. Children and youth at different levels of development have varying social and emotional capabilities. They may express their needs differently in elementary, middle, and high school.

D. Understand that troubled children typically exhibit multiple warning signs, and with increasing intensity over time.

Finally, it is important that school communities use their knowledge of early warning signs to address problems before they escalate into violence. School leaders and community members should encourage others to raise concerns about observed early warning signs and to report all observations of imminent danger signs immediately.

In situations where students exhibit threatening behaviors:

A. Parents should be involved as soon as possible. Inform parents of your concerns immediately, and listen to them when early warning signs are observed. Parents need to know what school-based interventions are being used with their children, and how they can support their success.

B. Seek assistance from appropriate agencies, such as child and family services and community mental health centers. Eligible students should have access to special education services, and classroom teachers should be able to consult school psychologists, other mental health specialists and counselors.

C. Simplify staff requests for urgent assistance. Children who are at risk of endangering themselves or others cannot be put on waiting lists.

D. When determining an appropriate course of action, consider the child's age, cultural background, and family experiences and values. Decisions about interventions should be measured against a standard of reasonableness to ensure the likelihood that they will be implemented effectively.

The District encourages staff, families, and students to raise concerns about observed warning signs so we all can help to reduced disruption, bullying, fighting, and other forms of aggression in our schools and in the community.

Early Warning, Timely Response: A Guide to Safe Schools offers a wealth of material designed to help school communities identify early warning signs. The full text of this publication is available on-line from the U.S. Department of Education at http://www.ed.gov/offices/OSERS/OSEP/earlywrn.html.

If you want more information about early warnings, please contact your principal or call the Office of District and School Security, 633- 1000 ext. 233.

Technical Change 1/17/08

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CRISIS INTERVENTION: INDIVIDUAL AT THE SCHOOL SITE

8410A - **CRISIS INTERVENTION: INDIVIDUAL AT THE SCHOOL SITE**

DAY ONE:

Principal has the discretion to respond with on-site school counselors or District resources.

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LIGHTNING SAFETY AND OUTDOOR ACTIVITIES

8420.01 - **LIGHTNING SAFETY AND OUTDOOR ACTIVITIES**

All teachers, coaches, and administrators responsible for District-sponsored or otherwise authorized outdoor activities, including, but not limited to, recess, classes, field trips, marching band and athletic practices, and contests shall comply with the following procedures in planning for and responding to the threat of lightning:

A. An alternate, safe location for sheltering participants shall be identified prior to scheduling any outdoor activities so that it can be provided for participants in the event of severe weather. Prior to the beginning of each school year, shelter locations shall be established for all reoccurring outdoor activities.

The best shelter commonly available against lightning is a fully enclosed building with plumbing and wiring. When sheltering in buildings, move to central areas away from windows, if possible. Stay away from plumbing fixtures, electrical wiring and appliances, and corded telephones. If a fully enclosed building is not available, a vehicle with a solid metal roof and metal sides (e.g., school bus, van, car), with the windows rolled up is the next best option.

B. To avoid the potential threat of lightning, weather forecasts and knowledge of local weather patterns should be considered before scheduling outdoor activities.

C. Each morning prior to the commencement of outdoor activities and periodically thereafter, if appropriate, available resources such as local and national weather sources shall be used to determine if severe weather is forecast for the area.

D. If severe weather is forecast, approaching or present, the following codes will apply:

1. Weather Code 1 - Severe weather is forecast. *Issue alert notice.*

2. Weather Code 2- Severe weather is approaching. *Notify staff, students, and visitors. Move students to safe shelter.*

3. Weather Code 3 - Severe weather is fast approaching, possibly a tornado. *Notify staff, students, and visitors. Move students away from windows.*

4. Weather Code 4 - Severe weather is rapidly approaching or present. Tornados have been sighted in the area. *Direct students and staff to get into the "tornado position" immediately.*

E. Conservative decisions will be made whenever severe weather is forecast or observed, with highest priority given to the safety of students, staff and other campus/site occupants. If there is any question concerning the safe conduct of an outdoor activity, it shall be delayed, suspended, or postponed.

F. If severe weather is forecast or observed, a Lightning Monitor must be designated and shall use the "30-30 Rule", other available resources and observations in order to provide prompt notification to persons outdoors should sheltering be appropriate.

1. Use of the "30-30 Rule" is mandatory when local weather information is not readily available (i.e., local media outlets, National Weather Center, internet weather service applications/apps.)

    a. If the time between seeing lightning and hearing thunder is thirty (30) seconds or less, the outdoor activity shall not begin or if it is already in progress, the activity shall be suspended immediately. Persons outdoors shall be notified to seek proper shelter and students and staff shall move there immediately. *If the lightning can't be seen, just hearing thunder means the thunderstorm is close.*

    b. The person(s) responsible for the outdoor activity shall wait thirty (30) minutes or more after thunder is last heard before allowing students and staff to leave proper shelter.

2. The use of mobile device weather applications is permitted to be used to support the 30/30 Rule. The applications are available to the public for the purpose of lightning strike monitoring for outdoor activity safety. Graphical data shows the distance of lightning away from the school may be used to assist in early identification of possible inbound weather and associated lightning strike frequency and location.

    Information from hand-held lightning detectors shall not be substituted for use of the "30-30 Rule" or a lightning prediction and warning system in making a decision to begin or suspend an outdoor activity. Because the performance of some commercially-available detectors may not be designed, manufactured, tested, maintained or used properly, they may only be used as an adjunct to, not a replacement for, compliance with the "30-30 Rule". While hand-held lightning detectors are not being recommended, use of both the "30-30 Rule" and a hand-held detector may provide added assurance that a correct decision is being made.

G. If a thunderstorm or electrical storm occurs in the area prior to the start of or during any outdoor athletic contest, the principal or his/her designee of the school involved in the contest shall request that the official interrupt or postpone the contest if the "30-30 Rule" or other information (i.e., streaming online weather data) suggests that a lightning hazard exists. It is the responsibility of the host school principal or his/her designee to notify persons outdoors to seek proper shelter. Sufficient time must be afforded for the evacuation, which will depend on the location of the event, the number of persons involved, the distance to suitable shelter, the behavior of the storm, etc.

*Florida High School Athletic Association (FHSAA) Handbook Policy 32 is incorporated by reference as applicable to athletic events under FHSAA governance. (2024-2025): (***32.1 Storms.** If a thunderstorm or electrical storm occurs in the area prior to the start of or during any outdoor contest, the officials must immediately contact the principal or his/her designee of each school involved in the contest to determine if the contest should be played as scheduled, delayed, suspended, or postponed. If the principal or his/her designee of either of the schools involved requests that the contest be interrupted or postponed, with the exception of FHSAA State Championship Series events, the officials must immediately honor such request. If the principal or his/her designee of only one of the competing schools is available, with the exception of FHSAA State Championship Series events, his/her request must be honored. The FHSAA administrative staff, State Finals host and officials shall manage any inclement weather situations at FHSAA State Finals events.

32.1.1 For the benefit of member schools, the NFHS offers a Lightning Guideline to assist in inclement weather situations.

32.2 Safety is Paramount. The safety and welfare of all concerned is of paramount importance. In no case may an official deny a request by a principal or his/her designee to delay, suspend or postpone an outdoor contest due to inclement weather or imply that the contest will be forfeited as a result of such a request.

32.2 Suspended Contests. A suspended contest shall be resumed from the point of interruption, unless National Federation Rules, FHSAA Bylaws and/or Policies determine that the contest is a completed contest based on where the contest is at the point of interruption.

H. If outdoors, thunderstorms are in the area, and appropriate shelter is not available, avoid dangerous locations/activities (e.g., elevated places, open areas, tall isolated objects, water activities). Do **NOT** permit students to go under trees or stadium seating structures to stay dry in thunderstorms.

I. If outdoors, the threat of lightning is imminent, and appropriate shelter is not available, use the "lightning crouch" as a last resort.

1. If in a group, individuals should spread out, with several body lengths between each person. If one (1) person is struck, others may not be hurt and can give first aid.

2. Each person should put their feet together, squat down, tuck their head, and cover their ears.

J. If a person is struck by lightning, provide first aid. Start CPR or rescue breathing, as appropriate. Have someone call 9-1-1. Use an Automatic External Defibrillator (AED) if available and appropriate. (Use of an AED is governed by Policy 8452 and AP 8452.)

K. Schools shall educate students and staff on lightning safety and can facilitate public lightning safety education by sponsoring outreach events in conjunction with local authorities.

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ap8452

AUTOMATED EXTERNAL DEFIBRILLATOR

8452 - **AUTOMATED EXTERNAL DEFIBRILLATOR**

These guidelines govern the placement and use of Automated External Defibrillators (AEDs), maintenance and testing of AEDs, and training. An AED is a medical device designed to analyze the heart rhythm and deliver an electric shock to victims of ventricular fibrillation to restore the heart rhythm to normal. Ventricular fibrillation is the uncoordinated heart rhythm most often responsible for sudden cardiac arrest. Sudden cardiac arrest occurs when ventricular fibrillation takes place or when the heart stops beating altogether. Without medical attention, the victim collapses, loses consciousness, becomes unresponsive, and dies. Many victims have no prior history of heart disease and are stricken without warning.

Any School District employee or volunteer using a School District AED is subject to the immunities established in Florida law.

AED Safety Coordinator

A school based administrator or designee will perform the duties of AED "Safety Coordinator".

Placement

Each public school that is a member of the Florida High School Athletic Association (FHSAA) is required by Florida law to have an operational AED on school grounds. The location of all AEDs on school grounds must be registered with a local emergency medical services medical director.

Each building principal must identify a location for the storage of any AED assigned to the school building. The location for storage of an AED should be made in consultation with the Safety Coordinator and must be a location which is obviously visible to expected users in the event of an emergency and which is accessible outside of normal school hours. Upon installation, the Safety Coordinator must notify all area emergency medical services of the locations of all AEDs. Further guidelines for the placement of AEDs are set forth below.

If an AED is made available for use outside of regular school hours at a site other than a normal fixed location, such as at an athletic contest, then the AED may be transported by any expected user to such a location. The individual responsible for transport must inform all other expected users regarding the location of the transported AED upon arrival.
When placing AEDs on school grounds, the building principal and Safety Coordinator should consider placing AEDs to the extent practicable:

A. in convenient areas where they can be accessed in the event of an emergency within three (3) to five (5) minutes;

Response time should be calculated based upon how long it will take for a lay responder or rescuer with an AED and walking at a rapid pace to reach a victim.

B. where electric-powered devices are used;

C. near athletic fields, stadiums, arenas, and practice locations;

D. near the cafeteria and gym;

E. in a secure location that prevents or minimizes the potential for tampering, theft, and/or misuse and precludes access by unauthorized users;

F. in an easily accessible position (e.g., placed at a height so those shorter individuals can reach and remove, unobstructed access);

G. in a location that is well marked, publicized, and known among trained staff;

Periodic "tours" of locations are recommended.

H. near a telephone that can be used to call backup, security, or 911.

It is recommended that additional items necessary for a successful rescue be placed in a bag and be stored with the AED. The following are items that may be necessary for successful utilization of the AED:

A. simplified directions for CPR and use of the AED;

B. non-latex protective gloves;

C. appropriate sizes of CPR face masks with detachable mouthpieces, plastic or silicone face shields, one-way valves, or other type of barrier device that can be used in mouth to mouth resuscitation;

D. pair of medium sized bandages;

E. spare battery and electrode pads;

F. two (2) biohazard or medical waste plastic bags;

G. pad of paper and pen for writing; and

H. absorbent towel.

No later than July 1, 2027, each public school, including charter schools, must have at least one (1) operational AED on school grounds. The defibrillator must be available in a clearly marked and publicized location. Schools must maintain the defibrillator according to the manufacturer's recommendations and maintain all verification records for such defibrillators. Appropriate school staff must be trained in first aid, cardiopulmonary resuscitation, and defibrillator use. The location of each defibrillator must be registered with a local emergency medical services medical director.

PULSE Plan

Each public school shall develop a plan for urgent life-saving emergencies (PULSE) that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds. Each PULSE must integrate evidence-based core elements and consider those elements recommended by the American Heart Association for schools responding to cardiac emergencies. School officials shall work directly with local emergency service providers to integrate the PULSE into the community's emergency responder protocols.

Maintenance and Testing

All School District AEDs must be maintained and tested according to the manufacturer’s guidelines.

Training

All employees or volunteers who are reasonably expected to use an AED must obtain appropriate training, including completion of a course in cardiopulmonary resuscitation (CPR) or a basic first aid course that includes CPR training, and demonstrated proficiency in the use of an automated external defibrillator.

Procedures for Use During School Hours

A. After assessing the symptoms described above, a responsible adult shall alert the main office either by calling the main office on any school phone or by sending a runner to the building principal. The responsible adult shall provide the main office with information regarding the location of the medical emergency, the symptoms of the individual, and detailing any safety issues related to the scene.

B. The principal or a designee shall immediately contact emergency medical services by calling 911 and shall contact and dispatch a trained expected AED user from the school building to the location of the emergency.

C. The principal or designee shall retrieve the AED for delivery to the scene.

D. Upon arrival, the trained expected AED user must assess the symptoms of the person and assess whether the person meets the criteria for use of the AED.

E. The trained expected AED user should administer CPR or the AED in accordance with training until arrival of emergency medical services personnel.

F. The trained expected AED user, in consultation with the building principal, must complete a School District incident report, including the names of the responding emergency medical services personnel and any relevant facts relating to the incident. The incident report will be retained in the files of the School District.

G. After use, the AED should remain off unless needed for an additional emergency.

Procedures for Use Outside of Regular School Hours

A. After assessing the symptoms described above, a responsible adult shall alert a trained AED user, including any member of a coaching staff or the Safety Coordinator. The responsible adult shall provide the trained expected AED user with information regarding the location of the medical emergency, the symptoms of the individual and detailing any safety issues related to the scene.

B. The trained expected AED user shall immediately designate another responsible individual to contact emergency medical services by calling 911 and shall immediately respond to the location of the emergency.

C. The trained expected AED user shall retrieve or designate another responsible individual to retrieve the AED for delivery to the scene.

D. Upon arrival, the trained expected AED user must assess the symptoms of the person and assess whether the person meets the criteria for use of the AE

E. The trained expected AED user should administer CPR or the AED in accordance with training until arrival of emergency medical services personnel.

F. The trained expected AED user, in consultation with the building principal, must complete a School District incident report, including the names of the responding emergency medical services personnel and any relevant facts related to the incident. The incident report will be retained in the files of the School District.

G. After use, the AED should remain off unless needed for another emergency.

COLLECTION OF DATA FOLLOWING THE USE OF AN AED

Immediately following a medical emergency and the use of an AED, the trained AED user must report the details of the incident to the building principal and the Safety Coordinator. Thereafter, the Safety Coordinator will contact the prescribing medical practitioner for the purpose of conducting a case review.

PROCEDURES FOLLOWING A CRITICAL EVENT

Following an incident involving the use of an AED, the Safety Coordinator will convene an informal stress debriefing for all individuals involved in the incident.

Within a reasonable period of time after an incident involving the use of an AED, the Safety Coordinator must convene a meeting of all individuals involved in the incident to review the procedures as set forth herein and to make recommendations for any amendments to these procedures.

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ap8453

GUIDELINES AND PROCEDURES CONCERNING DIRECT CONTACT COMMUNICABLE DISEASES

8453 - **GUIDELINES AND PROCEDURES CONCERNING DIRECT CONTACT COMMUNICABLE DISEASES**

Definition

For the purpose of this procedure, an infected individual means:

A. an individual who is diagnosed as having adirect contact communicable disease; and/or

B. an individual who is determined to test positive for a direct contact communicable disease but has not yet developed symptoms of the disease.

General Procedures

A. School principals are responsible for ensuring that all building-site employees are provided training. Training will include the following: a description of direct contact communicable diseases and examples of said diseases, methods of transmission and prevention, universal precautions, and confidentiality*.

*An infected individual, student or employee, shall be provided rights of privacy and confidentiality in accordance with Federal and State laws and Board rules. The only individual who can disclose that a student or employee has a direct contact communicable disease is the parent/guardian of the infected student or, in the case of employees, the infected employee.

B. Schools will provide developmentally appropriate instruction related to direct contact communicable diseases.

C. Schools will make "reasonable efforts" to accommodate the special needs of students and employees with a direct contact communicable disease unless the accommodation places "undue burdens" on the school.

D. Any student or employee with a direct contact communicable disease, whose personal behavior and/or medical condition poses imminent risk to the school community, may be requested to provide an evaluation by the individual's private medical provider (physician) or by the Brevard County Health Department. The physician or health department will determine if restricting contact and/or activities or if continuing attendance or employment at the school is in the best interest of the student or employee and the school community.

E. Each school shall adhere to universal precautions.

Procedures for Students

A. Student Admissions - Admissions should not be denied to a qualified student solely on the ground that the student is an infected individual.

B. Student Suspensions, Leaves of Absence, and Withdrawals - A student should not be required to cease attending the school solely on the basis of a diagnosis of infection. Such decisions should be made only after reasonable accommodations have been made and an examination of the facts on a case-by-case basis demonstrates that the student can no longer perform as required, or that the student presents a health risk to himself/herself or the school community.

C. Any student who informs the school that s/he is infected should be accorded confidentiality regarding disclosure of the medical condition, in accordance with established statute or case law.

Procedures for School Employees

A. An infected employee who is not in need of accommodation shall be treated in the same manner as any employee diagnosed as having any other illness, injury, or disability.

B. In instances where an infected employee is unable to fulfill his/her regular responsibilities or portions of these responsibilities, but is able and desires to continue working in a less mentally and physically demanding capacity, the school should make a reasonable effort, if requested, to accommodate the employee's handicap.

C. As in the case of any other illness, injury, or disability, a supervisor who believes an infected employee is unable to perform assigned duties due to the illness, may recommend to the Board that the employee be required to submit to a medical examination to determine if the employee is able to perform the duties of the position. Based upon the medical opinion, applicable procedures will be applied.

D. Any employee who informs the school that s/he is infected should be accorded confidentiality regarding disclosure of the medical condition, in accordance with established statute or case law.

E. An infected employee should be allowed to use accrued sick or annual leave as needed.

F. School District employees, while performing their duties, should be required to conform to the School District policy on direct contact communicable diseases when dealing with infected students or employees. In-service will be provided in the following areas:

1. providing reasonable accommodations;

2. providing for the safety of others (measures to minimize risk of possible infection);

3. protection of persons with a direct contact communicable disease (rights of confidentiality);

4. rights of infected individuals. (Infected individuals will not be unnecessarily limited in participating in educational programs/activities.)

Instructional Program for Students

The primary purposes of instruction in direct contact communicable diseases are to inform students of the threat of the diseases and to provide them with appropriate information to avoid risky situations and to make appropriate decisions. Content will focus on the epidemiology of the diseases and provide students an up-to-date report of medical advances being made in the area of these diseases. The instruction will be presented in developmentally appropriate curricula.

Employee In-Service Programs

It is suggested that each principal/designee collaborate with the local County Health Department School Nursing Supervisor to arrange annual up-to-date in-services for their employees in the school on the subject of direct contact communicable diseases, universal precautions, and confidentiality.

A. Principals will be responsible for providing training to all building-site employees. A designee may present the training, which will consist of defining and identifying and providing examples of direct contact communicable diseases, method of transmission, universal precautions, District policy, and work site considerations.

B. Custodians will receive additional training in disinfection, use of gloves, and disposal of contaminated objects.

C. In-service training component #6 410 001 C, Legal and Health Issues for Teachers and Staff, has been developed to include training objectives for this program.

D. Training will be provided for new staff and as appropriate for trained personnel.

Information for Employees

An ADA (Americans with Disabilities Act) handout, which is applicable to employees, is available from the Office of Human Resources. The ADA handout includes: who is protected by the ADA, an explanation of reasonable accommodations, and employment practices related to the ADA. An accommodation request form and medical release form are also available from the Office of Human Resources.

Universal Precautions for School Settings

A. Definition of Universal Precautions

Universal precautions refer to the usual and ordinary steps all school staff need to take in order to reduce their risk of contracting a direct contact communicable disease (such as HIV or Hepatitis B). They are universal because they refer to steps that need to be taken in all cases, not only when a staff member or student is known to have a direct contact communicable disease. They are precautions because they require foresight and planning, and should be integrated into existing safety procedures.

B. Protocol for Universal Precautions

In response to the increase in Hepatitis B and Human Immunodeficiency Virus (HIV) infections, the Centers for Disease Control have recommended "universal blood and body-fluid precautions". These measures are intended to prevent transmission of these and other infections, as well as to decrease the risk of exposure for care-providers and students. As it is currently not possible to identify all infected individuals, these precautions must be used with every student, regardless of his/her medical diagnosis.

Universal precautions pertain to blood and body fluids containing blood, cerebrospinal fluid, synovial fluid, vaginal secretions, semen, and pericardial fluid. These precautions do not apply to other body products such as saliva, sputum, feces, tears, nasal secretions, vomit, and urine unless blood is visible in the materials. However, these other fluids and body wastes can be sources of other infections and should be handled as if they are infectious.

The single most important step in preventing exposure to and transmission of any infection is anticipating contact with infectious materials in routine as well as emergency situations. Based on the type of possible contact, the care-giver should be prepared to use the appropriate precautions and techniques prior to providing care. Diligent and proper hand washing, the use of barriers, appropriate disposal of waste products and needles, and proper decontamination of these measures will enhance protection of both the care-giver and the student.

C. Hand Washing

Proper hand washing is crucial to preventing the spread of infection. Textured jewelry on the hands or wrists (such as rings and stones) should be removed prior to washing and kept off until completion of the care procedure and hands are rewashed. Use of running water, lathering with soap and using friction to clean all surfaces of remaining jewelry and hands is key. Rinse well with running water and dry hands with paper towels. If soap and water are unavailable, use alcohol hand rinse.

Hands should be washed before physical contact with student and after the contact is completed. Hands should be washed after contact with any used equipment. If hands (or other skin) become soiled with blood or body fluids, they should be washed immediately before touching anything else. Hands should be washed whether gloves are worn or not and after gloves are removed.

D. The Use of Barriers

Barriers include disposable gloves, protective eye wear, masks, and gowns. The use of a barrier is intended to reduce the risk of contact with blood and body fluids for the care-giver as well as to control the spread of infectious agents from student to student. It is essential that appropriate barriers be used when contact with potentially infectious material is possible.

Gloves should be worn when direct care of the student may involve contact with blood and body fluids. For infection control, it is recommended that gloves be worn as well for contact with urine, feces, and respiratory secretions. Gloves should be disposed of after each use and not reused.

1. Gloves should be worn when changing a diaper or catheterizing a student.

2. Gloves should be worn when changing dressings or sanitary napkins.

3. Gloves should be worn when providing mouth, nose, or tracheal care.

4. Gloves should be worn if the care-giver has broken skin on the hands (even around the nails).

5. Gloves should be worn when cleaning up spills of blood (e.g., nosebleeds) or body fluids and wastes, and soiled supplies.

Gowns or aprons may be worn to protect the care-giver's clothing if spattering of body fluids is possible. The apron or gown should be laundered or disposed of after each care session and should not be reused. In addition, protective eye wear and masks should be worn if splashing of body fluids is likely to occur (such as mouth suctioning or a coughing student).

Chux or other waterproof barriers should be used to cover any work surface if drainage or splashing with blood or body fluids is possible. The barrier should be disposed of after each care session and should not be reused.

E. Disposal of Waste

All used or contaminated supplies (including gloves and other barriers) except for syringes, needles, and other sharp implements should be placed in a plastic bag which is then sealed. This bag should be placed in a second plastic bag, which is also sealed. The double-bagged waste can then be thrown in the garbage, out of the reach of children or animals.

Needles, syringes, and other sharp objects should be placed in a metal or other puncture-proof container immediately after use. To reduce the risk of an accidental needle stick or cut, needles should not be recapped, bent, or removed from the syringe before disposal. Once it is full, the container should be sealed, double-bagged, and brought to the school clinic for disposal in a large biohazard container. Health services will call biohazard waste disposal company for proper disposal at least annually. Bodily wastes such as urine, vomit, or feces should be disposed of in the toilet.

F. Clean-Up

Spills of blood and body fluids that are covered under universal precautions should be cleaned up immediately. The CDC method is as follows:

1. wear gloves;

2. mop up the spill with paper towels or other absorbent materials;

3. using a solution of one part household bleach (sodium hypochlorite) in ten parts of water, wash the area well;

4. dispose of gloves, soiled towels, and other waste in sealed double plastic bag in the garbage as outlined above.

Routine environmental clean-up facilities (such as the health room and bathrooms), does not require any modification unless contamination with blood or body fluids covered under universal precautions should occur. If so, the area should be decontaminated using the procedure outlined above. Regular cleaning on non-contaminated surfaces such as toilet seats and table tops can be done with the standard cleaning and removal of obvious soil. It is more effective than extraordinary attempts to disinfect or sterilize surfaces.

G. Laundry

Whenever possible, disposable barriers should be used, if contamination with body fluids or blood is possible. If sheets, towels, or clothing do become soiled, they should be handled as little as possible. Wash with hot water and detergent for at least twenty-five (25) minutes. Cool water washing is also acceptable if an appropriate detergent is used for the water temperature.

H. Accidental Exposure

Accidental exposure to blood, body products, or body fluids places the exposed individual at risk of infection. This risk varies depending on the type of body fluid (blood vs. respiratory vs. feces), the type of infection (salmonella vs. HIV), and the integrity of the skin that is contaminated.

I. Pregnant Women

Pregnant women are at no higher risk of infection that other care-providers as long as appropriate precautions are observed. However, due to the possibility of in utero transmission of viral infections such as Cytomegalovirus (CMV) or HIV, as well as the potential for adverse outcomes with these congenitally acquired infections, pregnant women should be especially careful to observe universal precautions.

Further information regarding universal precautions and infection control is available from the local public health department and in references at the end of this section.

J. Personal Hygiene Emergency Procedures

The purpose of the procedures outlined herein is to establish basic procedures intended to assist students who may be having a personal hygiene emergency. Instances of such emergencies may include, but not be limited to, a bleeding nose, sneezing, coughing, uncontrollable urinating, and sudden bowel movement.

The principal shall ensure that all staff are familiar with this policy and that the provisions of this policy are implemented.

The classroom teacher shall:

1. Reassure and calm the student.

2. Have the student report to the appropriate lavatory facility. In some cases, it may be necessary to have another student or a classroom aide accompany the child.

3. Notify the school nurse.

4. Contact the student's parent/guardian to report the incident, and if necessary, request that the parents come to the school to assist.

5. Request that the parents supply a clean set of clothing to be stored at the school for chronic cases.

6. Report action taken to the headmaster/principal.

The school nurse shall:

1. Meet with the student to recommend the procedure to be followed (i.e., student to be sent back to class, parents to come to school, student to be sent home, etc.).

2. Assist in ensuring that the student is properly cleansed before returning to class, or await the student's parent's/guardian's arrival.

3. Provide supervision and a comfortable surrounding, if the student is awaiting the arrival of his/her parent/guardian or awaiting transportation.

4. Share observations/recommendations with the classroom teacher.

The school custodian shall clean the area where the emergency occurred. Blood, vomit, or any other discharges or any body fluids from any person or child at the school site should be cleaned up as follows: obtain a plastic bag to dispose of all materials used in the clean up.

K. Human Bite Emergency Procedures

The purpose of the procedures outlined herein is to establish basic procedures intended to assist students and staff who have encountered a human bite that breaks the skin.

Each human bite represents a unique set of circumstances and requires an individualized response. In most biting episodes there are no communicable disease extenuating circumstances and the episodes are treated as general universal precautions. There is a heightened sense of urgency when one of the children has a communicable disease. The school nurse is responsible for guiding the response, working with the headmaster/principal and ensuring that the confidentiality is maintained.

1. Review known medical information of both the "biter" and the "bitee". If there is a known communicable disease issue, then the nurse needs to consult with the local health department for more specific guidance. Confidentiality needs to be respected throughout the consultation.

2. Both the biter and bitee should be referred to their primary care provider for further guidance. This may include any or all of the following: risk counseling; hepatitis, HIV testing; etc. The treatment approach is the decision of the primary care provider and the family.

Background Information

In 1997, the CDC published findings from a State health department investigation of an incident that suggested blood-to-blood transmission of HIV by a human bite. There have been other reports in the medical literature in which HIV appeared to have been transmitted by a bite. Severe trauma with extensive tissue tearing and damage and presence of blood were reported in each of these instances. Biting is not a common way of transmitting HIV. In fact, there are numerous reports of bites that did *not* result in HIV infection.

The biter is probably more at risk than the bitee as s/he is exposed to the blood from the wound.

The principal shall ensure that all staff are familiar with this policy and that the provisions of this policy are implemented.

The classroom teacher shall:

1. Reassure and calm the students.
2. Employ universal precautions in evaluating the bite.
3. Notify the school nurse.
4. Contact the student's parent/guardian to report the incident, but only after discussing with the school nurse.
5. Report action taken to the headmaster/principal.

The school nurse shall:

1. Gather the appropriate medical information.
2. Call health services before calling the families if there is known communicable disease issues with one or both of the students.
3. Be liaison to primary care provider, as requested by parent and within the boundaries of confidentiality.

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ap8453.03

BLOODBORNE PATHOGEN AND HAZARD COMMUNICATION TRAINING PROCEDURE

8453.03 - **BLOODBORNE PATHOGEN AND HAZARD COMMUNICATION TRAINING PROCEDURE**

Purpose

To protect District employees and building occupants from potential exposure of Bloodborne Pathogens (BBP) and to provide Hazard Communications (HC) through employee training in the proper use of personal protection equipment and hygiene practices.

Scope

All BPS site based employees must receive annual BBP and HC refresher training. Personnel designated by the site based administrator (principal or director) to clean-up and handle biomedical waste must receive additional training pertaining to proper segregation and labeling of Biomedical Waste (BW). Employees determined to be at risk for exposure to bloodborne pathogens are entitled to receive hepatitis B vaccinations.

Each school and each ancillary school site shall maintain three (3) years of BBP and HC training records and yearly updated site specific *Hazard Exposure Control and Biomedical Waste Plan* documents. The Local Health Department and/or the BPS Office of Environmental Health and Safety (EH&S) have the right to review training records and *Hazard Exposure Control and Biomedical Waste Plan* documents at any time.

Training

All BPS schools and site employees (i.e., faculty, staff, and administrators) shall receive annual BBP and HC training. This is typically accomplished during the staff planning timeframe established just prior to each school year. All newly added employees shall receive the same training within thirty (30) days of first employment with BPS.

BW training must be provided to those employees designated to clean-up blood and bodily fluid spills. The annual *Hazard Exposure Control and Biomedical Waste Plan*, written for each school/site, shall identify (by name) the designated employees assigned the tasks of BW cleanup, handling, containerizing, and storage. All newly added employees shall receive the same training prior to performing any task associated with BW.

The BPS Office of EH&S determines the content of BBP, HC, and BW training. Training is typically provided in the form of audio/visual recorded content.

It is the responsibility of each site based administrator to maintain (and replace as necessary) the training content provided to them.

Each site based administrator is responsible to insure all of their site specific employees receive the necessary training (yearly and upon new employment). Questions pertaining to the training content can be presented to the Office of EH&S for answering.

Each site based employee shall print and sign her/his name on the Training Affidavit Form provided on the BPS Procedures and Forms website. The principal or director shall sign her/his name attesting to the fact that the subject training was provided to her/his employees. Additional Training Affidavit forms can be printed-out and used to document training provided for those employees who missed the main training session (i.e., make-up sessions, mid-term hired employee, etc). The BBP, HC, and BW Training Affidavit Records must be kept with the site's yearly copy of the *Hazard Exposure Control and Biomedical Waste Plan*.

Writing the Hazard Exposure Control and Biomedical Waste Plan

Each school/site is responsible for yearly updating the site specific *Hazard Exposure Control and Biomedical Waste Plan*. This is typically performed during the staff planning time frame, just prior to each school year. The plan format is available on the BPS Procedures and Forms website.

In part, the plan requires determination and record of the following:

A. identify who is at risk of exposure to blood and body fluids, based on job descriptions and work assignment(s);

B. which employees are assigned to clean-up blood and body fluid spills;

C. what type of personal protective equipment is designated for use in spill response;

D. the location where personal protection equipment is stored on campus;

E. the location where spill clean-up equipment is stored on campus;

F. the location where the BW box and sharps container are stored on campus;

G. the name of the business that provides BW transport and treatment/disposal service.

Providing Hepatitis B Vaccination

All BPS employees determined to be at risk of exposure to blood and body fluids are entitled to receive Hepatitis B vaccination. The BPS Office of EH&S shall cover the cost and assist with the coordination of vaccinations.

Applicability

This procedure is written pursuant to the following:

A. BPS Board Policy 8453 – *Control of Bloodborne Pathogens*

B. BPS Environmental Health & Safety Plan

C. F.A.C. 64E-16 (Biomedical Waste)

D. OSHA Bloodborne Pathogen Standards - 29 C.F.R. 1019.1030

E. OSHA Hazard Communication Standards - 29 C.F.R. 1019.1200

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BIOMEDICAL WASTE HANDLING PROCEDURE

8453.04 - **BIOMEDICAL WASTE HANDLING PROCEDURE**

Plant Operations Department 9560 (Office of Environmental Health & Safety)

The Office of EH&S shall do the following:

A. Maintain an operating budget as necessary to pay for contracted Biomedical Waste (BW) containerizing, transport, and disposal services. Review invoices and pay for services rendered.

B. Work with the Brevard Public Schools (BPS) Purchasing Department as necessary to retain professional services from local/regional business through term contracting.

C. Provide guidance and support to schools/sites and perform quality control inspections for compliance.

Schools/Sites

All school and ancillary sites shall do the following:

A. Maintain a BW disposal box and a sharps container box on site. They are typically kept in the Health Clinic or the Administration Office.

B. Order replacement BW containers when needed. The current pick-up and disposal service provider is:

SteriCycle, Inc. Business Registration ID #: 7217

1. To schedule pick-up of a near full (standard fifteen (15) gallon) biomedical waste box and/or a (standard one (1) gallon) sharps container:

   dial 1-866-783-7422 Customer Service, Direct Line –reference Account Number 8199123.

   Upon pick-up, the vendor/driver will exchange the biomedical waste box, but is not permitted to provide a replacement sharps container.

2. To place an order for a replacement sharps container:

dial 1-800-355-8773 (phone option #3: for third-day delivery by mail: reference Account Number 8199123).

C. Make sure both the BW box and the sharps container are readily available for vendor pick up as/when scheduled (during regular school business hours).

D. Make sure the sharps container box remains in a secure location and is not prone to be stolen. According to the Local Health Department, there remains a viable *black-market* for stolen/reused hypodermic needles/syringes.

E. Keep a simple log of approximate weight of the BW box when full. By use of a gravimetric scale, one shall write down the weight and the date when the container is declared full. The reason for this is to determine how much waste is generated monthly from the specific school/site. If the school/site generates more than twenty-five (25) pounds of BW within a month, then the school/site will lose its BW operator exemption status with the local health department, and be subjected to permitting fees and more stringent regulatory requirements imposed by the State/local health department (on a twelve (12) month cycle basis). Transportation and disposal records can be used to verify site specific weight levels over time. Like all other related documentation, disposal weight log data must be maintained on file at the school/site for three (3) years. The school shall keep their copy of the Health Department Certificate of Biomedical Waste Generator Exception (form DH-4089) posted in the school/site health clinic or administration office. Call the local health department and request a replacement exemption certificate if the original certificate becomes illegible due to age, etc. Failure to maintain a BW weight log places the school/site in jeopardy of being declared a non-exempt BW generator, and subject to permitting fees.

Some schools have posted the Biomedical Waste Transporter (service provider's) business license and permit certificates (issued by the Florida Department of Health) on the wall in the school building. Displaying these records is acceptable, but not necessary.

Do not place animal specimen materials in the BW box. This was a practice recommended by the Florida Department of Environmental Protection in 2007 as a means of disposing of science education biological animal waste, though it was never a regulatory requirement for handling animal waste. Adding animal waste to the school/site's BW may result in exceeding the twenty-five (25) pound per month threshold, and compromise the school/site's BW operations exemption status with the local health department. All school science generated animal waste may be discarded as general industry waste (trash) in school dumpsters. Best practice is to contact the EH&S Office and make special arrangements for disposal of science education animal waste in the local landfill.

F. Provide yearly safety training information to all site-based employees who handle BW. It is the site-based administrator's responsibility to determine which site-based employees are designated to handle BW. Any/All newly designated employees shall be provided training prior to assigning them with BW handling tasks. Please see the BPS Bloodborne Pathogen and Hazard Communication Procedure document (AP 8453.03) for more information related to BW safety training.

Best practice is to keep the BW training records with similar training
records associated with the school/site's Hazard Exposure and Biomedical Waste Control Plan and Bloodborne Pathogen Awareness Training and Hazard Communications Awareness Training records.

G. Keep personal protective equipment/supplies (i.e., rubber gloves, goggles, etc) on-hand for designated clean-up staff.

H. Keep spill response clean-up supplies (i.e., paper towels, rags, drysorb granules, diluted bleach, disinfectant, etc) on-hand for expedient clean-up of blood, body tissue, and/or bodily fluids resulting from occupant injury, occupant medical incident, etc.

Contracted Service Provider

The contracted service provider shall:

A. pick-up all containers at all sites during the first two (2) weeks in June (end of each school year) & replace with new/empty container. The school/site shall make sure the clinic room and both containers are readily accessible for vendor pick-up during school business hours;

B. pick-up near full containers whenever contacted by individual school/sites;

The service provider shall pick-up special orders within three (3) business days of being contacted by phone. Upon pick-up, the vendor/driver will exchange the BW box but will not provide a replacement sharps container.

C. provide schools with replacement sharps containers when contacted by phone.

The service provider shall mail replacement sharps containers (vendor/driver will not exchange sharps containers, but will exchange the BW box) within three (3) business days of phone order.

Applicability

This procedure is written pursuant to the following:

A. BPS Board Policy 8453 – *Control of Bloodborne Pathogens*

B. F.A.C. 64E-16 (Biomedical Waste)

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ap8462

PROCEDURES ON CHILD ABUSE, ABANDONMENT, NEGLECT AND CHILDREN IN NEED OF SERVICES

8462 - **PROCEDURES ON CHILD ABUSE, ABANDONMENT, NEGLECT AND CHILDREN IN NEED OF SERVICES**

In compliance with Board policy and State statute, all staff members are required to report to the proper legal authorities any sign of child abuse or neglect. The child may suffer from physical abuse and neglect, sexual abuse, and/or emotional maltreatment. Basically, physical abuse is the nonaccidental, physical injury of a child; physical neglect is the failure to provide proper parental care, support medical attention, and education for a child; sexual abuse is any indecent sexual activity; and emotional maltreatment is failure to provide warmth, attention, supervision, and/or normal living experiences for a child.

For purposes of this policy, the following definitions shall apply:

A. "Abandoned" means a situation in which the parent or legal custodian of a child, or the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. The term "abandoned" does not include a "child in need of services".

B. "Abuse" means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions.

C. "Department" means the Florida Department of Children and Families. "Department" can also mean the Department of Juvenile Justice.

D. "Harm" to a child's health or welfare can occur when any person inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating a physical, mental or emotional injury to a child; the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted.

E. "Neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. Neglect of a child includes acts or omissions.

Mandatory Reports of Child Abuse, Abandonment, or Neglect

Any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the department's central abuse hotline. Such reports may be made on the single Statewide toll-free

telephone number or via fax or web-based report. School teachers, other school officials and school personnel are in the category of required reporters.

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

School teachers or other school officials and personnel are required to provide their names to the hotline staff. The names of reports shall be entered into the record of the report, but shall be held confidential and exempt. Information in the central abuse hotline may not be used for employment screening, but information in the central abuse hotline may be used by the department, its authorized agents or contract providers, the Department of Health, or county agencies as part of the licensure or registration process.

Children in Need of Services

A "child in need of services" is a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also be found by the court:

A. to have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior;

B. to be habitually truant from school, which subject to compulsory school attendance, despite reasonable efforts to remedy the situation; or

C. to have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior.

"Habitually truant" means that:

A. the child has fifteen (15) unexcused absences within ninety (90) calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance, and is not exempt; and

B. activities to determine the cause, and to attempt the remediation, of the child's truant behavior have been completed.

The Department of Juvenile Justice is responsible for all nonjudicial proceedings involving a family in need of services. The circuit court shall have exclusive original jurisdiction of judicial proceedings in which a child is alleged to be a child in need of services.

Child Abuse Prevention Training in the District School System

It is the intent of the Legislature that a primary prevention and training program directed toward preventing the occurrence of child abuse, child abandonment, child neglect, and drug and alcohol abuse be encouraged in the District school system through the training of school teachers, guidance counselors, parents and children.

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SEXUAL OFFENDER/SEXUAL PREDATOR COMMUNITY NOTIFICATION

8470 - **SEXUAL OFFENDER/SEXUAL PREDATOR COMMUNITY NOTIFICATION**

A. The Public Safety Information Act, F.S. 775.21(7) established that all sexual predators who committed their act on or after October 1, 1993 are now subject to **mandatory** community notification and registration requirements.

B. Information on sex offenders or sexual predators may be obtained by contacting FDLE's toll free telephone number **1- 888-FL-PREDATOR (1-888-357-7332)** and through FDLE's Internet website: www.fdle.state.fl.us.

C. Once the Sheriff of the County and the Police Chief of the Municipality are notified by FDLE of a sexual predator's presence, the Sheriff or Police Chief **must** notify the community. **There is no "specified manner" to notify the community.** Notification is now in "any manner deemed appropriate" by the notifying agency head for all sex offenders.

D. The information disseminated to the public MUST include: name, description of the predator, photograph, address (if known), circumstances of the offense(s), and whether the victim was at the time of the offense a minor or an adult.

E. Schools may provide a meeting site for community meetings if requested by the Sheriff or the Chief of Police.

F. See Board Rule 6Gx5-1.11 as follows:

The School Board of Brevard County is committed to assisting the Sheriff and Chiefs of Police with their statutory requirement for mandatory community notification of sexual predators and optional community notification with regard to sex offenders as required by the Public Safety Information Act, 1997.

1. Distribution of Information Provided to School

   a. All posters and/or other information provided directly to schools by the Sheriff or Chief of Police will be maintained by the school for review by parents, students, and other members of the public. The principal will maintain an updated binder system of offenders for review by parents, students, and other members of the public. This is the primary means of notification to schools for the purpose of community notification within each law enforcement jurisdiction.

   b. All posters and/or other information provided directly to the Office of District and School Security by the Sheriff or Chief of Police will be distributed to all schools within the District. The principal will also include this information of offenders in the updated binder system of offenders for review by parents, students, and other members of the public. This is a secondary means of notification to schools for the purpose of community notification within each law enforcement jurisdiction and is meant to be supplemental.

2. Resource Information

The District will provide a supplemental pamphlet to assist parents, students, and other members of the public with phone numbers, websites, addresses of law enforcement agencies, and other appropriate governmental organizations to provide more detail concerning sex offender/sexual predator identification.

3. Public Posting of Sex Offender/Sexual Predator Information

a. An information poster placed in the public area of the school will alert all members of the community that the Sheriff and/or Chief of Police has provided to the school, posters or other information concerning sex offenders, as required by law. The poster will direct members of the public to the updated binder system of offenders, which is maintained in the public area of the school office.

b. School(s) will not display the actual posters of sex offenders/sexual predators in any area of the school.

4. Public Meetings

School(s) will assist law enforcement jurisdictions with public meetings with regard to community notification by providing space for the meetings when such facilities are requested of the principal. The content and general conduct of the meeting is the responsibility of the local law enforcement jurisdiction.

5. Direct Public Notification by Schools

a. It is the legislated responsibility of the Sheriff or Chief of Police to make direct community notification, with regard to sex offenders and/or sexual predators. In an effort to be consistent with the statute, neither the District office nor the schools will engage in direct public notification.

b. Schools will continue to use newsletters and other informational sources to alert parents and students with regard to issues of student safety.

Technical Change 1/17/08

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CRIMINAL BACKGROUND CHECK FOR NON-DISTRICT PERSONNEL

8475 - **CRIMINAL BACKGROUND CHECK FOR NON-DISTRICT PERSONNEL**

Disqualification from Eligibility

A person is ineligible to volunteer in a Brevard Public School, if the person has been convicted of ANY felony offense prohibited under any of the following statutes:

Convicted is defined as a judicial finding of guilt, a plea of guilty, a plea of nolo contender or entering into a pre-trial intervention program, whether or not there is a formal adjudication of guilt or if the case has been dissolved or expunged.

A. Sexual misconduct with certain developmentally disabled clients - F.S. 393.135

B. Sexual misconduct with certain mental health patients - F.S 394.4593

C. Abuse, neglect, or exploitation of aged persons or disabled adults - F.S. 415.111

D. Murder - F.S. 782.04

E. Manslaughter - F.S 782.07

F. Aggravated assault - F.S. 784.021

G. Aggravated battery - F.S. 784.045

H. Battery on a detention or commitment facility staff member or a juvenile probation officer - F.S. 784.075

I. Kidnapping - F.S. 787.01

J. False imprisonment - F.S. 787.02

K. Luring or enticing a child - F.S. 787.025

L. Leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings - F.S. 787.04(2)

M. Leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor - F.S. 787.04(3)

N. Exhibiting firearms or weapons at a school sponsored event, on school property, or within 1,000 feet of a school - F.S. 790.115(1)

O. Possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property - F.S. 790.115(2) (b)

P. Sexual battery - F.S. 794.011

Q. Sexual activity with or solicitation of a child by a person in familial or custodial authority - F.S. 794.041

R. Sexual activity with certain minors - F.S. 794.05

S. Female genital mutilation - F.S. 794.08

T. Lewdness and indecent exposure - F.S. Chapter 800

U. Voyeurism - F.S. 810.14

V. Video voyeurism – F.S. 810.145

W. Coordinating the commission of theft in excess of $3,000 - F.S. 812.014(6)

X. Theft from persons sixty-five (65) years of age or older – F.S. 812.0145

Y. Dealing in stolen property – F.S. 812.019

Z. Robbery – F.S. 812.13

AA. Robbery by sudden snatching - F.S. 812.131

AB. Carjacking - F.S. 812.133

AC. Home Invasion Robbery – F.S. 812.135

AD. Fraudulent Sale of controlled substances – F.S. 817.563

AE. Abuse, aggravated abuse, or neglect of an elderly person or disabled adult – F.S. 825.102

AF. Exploitation of an elderly person or disabled adult – F.S. 825.103

AG. Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person - F.S. 825.1025

AH. Incest – F.S. 826.04

AI. Child abuse, aggravated child abuse, or neglect of a child – F.S. 827.03

AJ. Contributing to the delinquency or dependency of a child - F.S. 827.04

AK. Sexual performance by a child - F.S. 827.071

AL. Extortion – F.S. 836.05

AM. Resisting arrest with violence – F.S. 843.01

AN. Obscenity – F.S. 847

AO. Causing, encouraging, soliciting, or recruiting another to join a criminal street gang – F.S. 874.05

AP. Drug abuse prevention and control, if the offense was a felony of the second degree or greater – F.S. 893

AQ. Sexual misconduct with certain forensic clients and reporting of such sexual misconduct – F.S. 916.1075

AR. Introduction/removal/possession of contraband at a correctional facility – F.S. 944.47

AS. Sexual misconduct in juvenile justice programs – F.S. 985.701

AT. Introduction/removal/possession of contraband at a juvenile detention facility or commitment program - F.S. 985.711

AU. Arson - F.S. 806.01

WILL NOT APPROVE – If offense is less than ten (10) years old. The Office of District Security will consider and carefully review if the conviction date is older than ten (10) years.

Burglary

Felony Battery/Assault (on Board employee or law enforcement officer)

Felony Drug Use – Third Degree Felony only

Possession of a Concealed Weapon – Felony or Misdemeanor

Forgery

Grand Theft

Prostitution

Solicitation of Prostitution

WILL NOT APPROVE – If offense is less than five (5) years old. The Office of District Security will consider and carefully review if the conviction date is older than five (5) years.

Assault

Battery

Battery – Domestic Violence

Felony Drug Use

Drug Possession – Misdemeanor

Paraphernalia Possession – Misdemeanor

Resisting or Opposing an Officer with Violence (RAOWV)

Sale of Alcohol or Tobacco to a Minor

CASE-BY-CASE REVIEW

Disorderly Conduct

Trespass

Petit Theft

Worthless Checks

DUI – 1st Offense Only

Multiple Arrests

Other Criminal Traffic Offenses

Other Crimes

PENDING CHARGES

Candidates with pending charges will be placed in a suspended status until the criminal case has been judicially closed. Candidates with pending misdemeanor traffic offenses may be reviewed at the discretion of the District based upon the nature of the charge.

PROBATION

Candidates currently on probation will not be cleared until all sanctions are complete and documentation from the courts stating probation has ended.

Revised 2/20/23

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ap8600

SAFE DRIVER PLAN

8600 - **SAFE DRIVER PLAN**

I. **Introduction**

A. Statistics indicate the Board can significantly reduce the potential for injuries and lawsuits by initiating a plan that assures the District does not hire or allow any person to drive for the District who does not have an acceptable driving record.

B. All operators and passengers traveling in a School District vehicle shall use the appropriate safety restraint device (seat belt) for that vehicle.

II. **Administration**

A. The Safe Driver Plan Committee (hereinafter "committee") will administer this plan. The committee will be organized and trained to perform the following duties:

1. to determine if an accident was preventable in accordance with the National Safety Council's Safe Driver Awards Program and to make recommendations to the driver's supervisor concerning positive corrective action;

2. review any convictions for driving violations;

3. assess points in accordance with the District's imposed point system.

B. The Safe Driver Plan Committee will consist of ten (10) individuals in the following positions:

1. risk management representative

2. Director of Transportation Services or designee

3. maintenance representative

4. one (1) driver from each transportation operational area (4)

5. warehouse representative

6. one (1) union representative

7. mechanic

8. supervisor or designee of vehicle involved in accident (non-voting)

C. The chairperson of the Safe Driver Plan Committee will be the Director of Transportation Services or his/her designee.

D. The committee shall meet when called by the chairperson.

E. The Director of Transportation Services or his/her designee shall establish a schedule for review of driver's records. The name of the individual will be obliterated on the record before being presented to the committee chairperson.

F. The chairperson shall call the committee together as soon as possible for review of any records with convictions, incidents, or accidents and the committee shall assess points. A majority of the committee members must be present to assess points. A simple majority of the members present must agree on the number of points assessed. The chairperson or designee must be present.

G. The committee will assess the maximum points to be assigned for a moving traffic violation resulting in a citation in a School District vehicle unless there are extenuating circumstances including an appeal by the driver leading the committee to assess fewer points.

H. Points assessed will normally be one-half (1/2) the points to be assigned when the violation occurs in a non-School District vehicle, unless there are mitigating circumstances leading to a higher point assessment.

I. A driver has the right to appeal assessment of points and/or administrative actions relating thereto by requesting a hearing before the Safe Driver Plan Committee. The appeal shall be in letter to the chairperson within five (5) working days of the receipt by the driver of the committee's action, and will state the employee's objection in detail. The committee shall meet and respond to the appeal at the next scheduled meeting. If an appeal is initiated, the action recommended by the committee is suspended until the appeal process is completed. A driver who elects to appeal will have a maximum of five (5) minutes to present his/her appeal to the committee.

J. A driver who elects to complete a defensive driving course at his/her own expense after a moving traffic violation may have his/her points assessment reduced by one-half (1/2) by the committee. The provision does not apply to driving while impaired, driving under the influence, or driving with unlawful blood alcohol level.

K. If the driver does not agree with the committee's final review, the employee has the right to appeal this decision to the Superintendent or his/her designee. The Superintendent's decision is final.

L. Each driver shall be given an opportunity to read this plan and have all his/her questions answered. Each driver shall sign a form indicating that s/he has read this plan.

III. **Plan**

A. In order to qualify for and remain employed by the Board, every driver must establish and maintain an overall driving record which exemplifies careful driving habits and meets the criteria prescribed by this plan. The Director of Transportation Services is responsible for monitoring all driving records. All drivers will report the following to their supervisor:

1. All accidents and violations in which they are involved as the driver of a Board-owned vehicle.

2. All accidents and violations in which they are cited or charged as the driver of a non-Board owned vehicle.

3. All evidence of damage to their assigned vehicle.

4. Suspension or revocation of driver's license. No driver shall be allowed to drive for the Board without a proper license or when such license is under suspension or revocation.

B. The above incidents must be reported on the next duty day.

C. Failure to report as required above, or making a false or misleading report, may be grounds for termination or other disciplinary action.

D. Drivers shall not be assigned points until court action is taken. The effective date of points assigned shall be the date of the first meeting following the date of the conviction.

IV. **Application**

A. This plan will be applicable to all current and prospective drivers of Board vehicles, or personal vehicles while on official Board business. No drivers will be terminated based on their driving record prior to the effective date of this plan. Prospective drivers will not be hired if, according to this plan, they have more than five (5) points in the last year or more than ten (10) points in the last three (3) years, or have been convicted of Driving While Impaired (DWI), Driving Under theInfluence (DUI), or Driving with Unlawful Blood Alcohol Level (DUBAL) in the last seven (7) years. Any inappropriate driving may be cause for non-employment.

V. **The District Imposed Point System**

A. The driving record of all drivers will be reviewed at least annually. The committee shall assign points as convictions occur according to the following schedule. A driver involved in a single accident or event and convicted for more than one (1) violation will receive no more than the maximum points assigned to the highest violation.

	Violation Categories	Maximum Points to be Assigned
0.	Not at fault	0
1.	Unable to determine	0
2.	Failure to observe traffic instruction sign	1
3.	Driving on wrong side of road	2
4.	Improper turn	2
5.	Improper backing on roadway	2
6.	Hitting a fixed object	2
7.	Crossing private property to avoid traffic light or stop sign	3
8.	Following too close	3
9.	Speeding fifteen (15) mph or less, over the posted limit	3
10.	Careless driving/violation of right-of-way	3
11.	Speeding more than fifteen (15) mph over posed limit	4
12.	Reckless driving	4
13.	Failure to observe stop sign	4
14.	Failure to observe red light	4
15.	Improper lane changing	4
16.	Failure to have vehicle under control/failure to use due care	4
17.	Failure to yield	4

18.	Improper passing	4
19.	Failure to stop at railroad crossing (when you are required to do so)	5
20.	Failure to use vehicle safety restraint system	5
21.	Conviction of Driving While Impaired (DWI), Driving Under the Influence (DUI), or Driving with Unlawful Blood Alcohol Level (DUBAL) will result in mandatory recommendation for termination as a driver	10
22.	Operating without a valid driver's license or improper (revoked, suspended, etc.) license (Driver will be assigned non-driving duties until court action is completed.)	10
23.	Leaving the scene of an accident	10
24.	Fleeing or attempting to elude police officer	10
25.	Failure to observe any other established driving law (points will be established 0-10 by the committee using the above schedule as a guide)	10
26.	Any motor vehicle incident or accident indicating evidence of driver negligence, failure to report an incident or accident, results in injuries causing damage to vehicle or property, or demonstrated unsafe driving practices, will be charged to this category (the committee may assess 0-10 points using the above schedule and categories as a guide)	10

B. A majority of the committee must be present to assess points. A simple majority of the committee present must agree on the number of points assessed.

C. The committee may review any conviction involving property damage or personal injury at any time. All incidents/accidents, whether investigated by a law enforcement officer or District personnel, will be reviewed by the committee.

D. The committee will normally assess half the maximum points to be assigned when the violation/crash occurred in a non-District vehicle.

1. An accumulation of points will result in the following administrative action:

Number of Points	Time Period	Action
1 - 2 points within	12 month period	Summary of conference with supervisor, 3 hours of additional training with trainer, may be reflected on employee's evaluation.
3 - 4 points within	12 month period	Oral warning reduced to writing, Six (6) hours of additional training with trainer, will be reflected on employee's evaluation.
5 - 6 points within	12 month period	Letter of reprimand, attend Defensive Driving course at driver's expense, will be reflected on employee's evaluation.
7 - 9 points within	12 month period	Up to three (3) day suspension without pay, will be reflected on employee's evaluation.
10 points within	12 month period	Termination of employment as a driver
15 points within	24 month period	Termination of employment as a driver
20 points within	36 month period	Termination of employment as a driver

E. According to the agreement between the School Board of Brevard County and the International Union of Painters and Allied Trades, Local 1010, Article 11 - Termination of Employment, the term "just cause" as used herein shall include but not be limited to the following reasons. It is agreed that an employee whom the Board determines to have committed any of the acts listed below shall be cause for immediate termination. Stealing, dishonesty, misconduct, or willful neglect of duty.

Revised 7/1/07

Reviewed 2/6/25
Revised 2/13/25

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SCHOOL DISTRICT FEE BASED TRANSPORTATION SERVICE

8610.01 - **SCHOOL DISTRICT FEE BASED TRANSPORTATION SERVICE**

1. **Fee-Based Transportation Program**

   Students residing within two (2) miles of an established bus stop of the school they are currently attending may be provided bus transportation upon payment of a fee established by the Board. This transportation will only be provided if seats are available on existing buses serving the school. The transportation fee must be paid in advance per semester before a student is allowed to ride on a school bus in accordance with the provisions of the administrative procedure.

2. **Fee-Based Student Selection Process**

   A. Parents/Guardians requesting fee-based transportation privileges shall submit an application form (provided) to the school.

   B. Schools will confirm with transportation the number of seats available on the school bus to accommodate fee-based transportation.

   C. The siblings of a student whose Individual Education Plan (IEP) places the student at a District assigned school may apply for and be given courtesy fee-based transportation under the following provisions:

      1. The student with the IEP must have transportation provided as a related service to the District assigned school.

      2. The siblings must be accepted by the school in order to apply for courtesy fee-based transportation service.

      3. Courtesy fee-based transportation shall cease for the siblings at the end of the existing semester if the IEP student no longer requires or terminates transportation to that school.

      4. All other provisions of the fee-based policy apply.

   D. Students requesting fee-based transportation must reapply each semester and each request must be approved by transportation.

3. **School Bus Capacity**

   Students eligible for transportation in accordance with State Board of Education Rule registered to ride the school bus will be considered a student rider regardless of whether the student rides each school day. Transportation will maintain a two (2) seat buffer on each school bus to accommodate new students before determining the space-available status of a bus for fee-based transportation.

4. **Cost of Fee-Based Student Transportation**

   The cost of fee-based transportation will be $2.00 per school day. This will equate to a maximum of $180 for the first semester and $180 for the second semester. No cost to a family will exceed $360 for the first semester or $360 for the second semester. The fee-based cost must be paid in full at the beginning of each semester or when the student is accepted as a fee-based student.

   The fee-based cost will be prorated if the student is accepted during the semester. Students withdrawing from the fee-based

transportation service shall have all remaining money returned from the day the fee-based service was last used. The fee-based refunds will be given to students moving or transferring to a different school. No refunds will be granted due to student sickness or a temporary suspension from riding the school bus. The school shall be responsible for collecting all fee-based money not paid online.

Students identified as free and reduced lunch students shall be offered fee-based school bus transportation at a rate of $1.00 a day. All other provisions of the fee-based system shall apply to the free and reduced lunch students.

Principals may not waive the fee-based cost for a student for any reason.

5. **Fee-Based Student Identification and Tracking**

Students requesting fee-based transportation service shall submit an application form to the school. The school will ensure the fee-based registration form is completed in its entirety.

Transportation will enter the student in the automated school bus routing system as a fee-based student. This information will also be entered into the District Student Information System. Fee-based students will not be counted as eligible riders in state reports. Transportation will maintain files on fee-based ridership.

6. **Fee-Based Student Responsibility**

Students riding a school bus under the fee-based process shall conform to all bus rules and regulations pertaining to school bus transportation as listed in the students' Rights and Responsibilities Handbook. Students will be disciplined for misconduct and may be removed from fee-based transportation at the discretion of the principal for misbehavior on the school bus or at the school bus stop.

7. **Reasons for Removing Fee-Based Students from the School Bus**

A. Any student misbehavior/misconduct may result in the immediate removal of a student from fee-based transportation. The principal will make this determination.

B. When bus capacity increases due to the addition of transportation eligible students, fee-based students will be removed. Parents/Guardians will be given a minimum of five (5) days notice before the fee-based student is removed from the school bus. The order of removal for fee-based students will be "last on – first off."

C. Fee-based student transportation can also be removed due to the deletion of a school bus route or for any other valid reason associated determined by the Director of Transportation.

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Revised 12/12/23

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SCHOOL DISTRICT EMPLOYEE ASSIGNED VEHICLES

8651 - **SCHOOL DISTRICT EMPLOYEE ASSIGNED VEHICLES**

Vehicle Assignment

Vehicle assignments to individual employees should be held to a minimum and kept functionally cost effective. The demands of the School District's operations will sometimes justify overnight vehicle assignments as an efficient and effective means of enabling School District staff to be at various work sites or on emergency call status. In order to minimize operating costs and the potential for vehicle under-utilization, misuse, and abuse, supervisors shall carefully manage vehicle assignments to assure adherence to the policies stated below.

Vehicle Assignment

A. Permanent overnight vehicle assignment is the assignment of a vehicle to an employee to be driven to and from the employee's home and work location on a long-term and continuing basis.

B. Temporary overnight vehicle assignment is the assignment of a vehicle to an employee who on an occasional or infrequent basis to meet a specific official requirement. The vehicle may be driven to and from the employee's home and work location. These assignments should be limited to thirty (30) days or less.

C. Permanent vehicle assignment is the assuagement of a vehicle to an employee(s) within a specific department to meet an official requirement. Personal vehicle assignment vehicles will be parked at the employee's assigned duty station unless the employee's job duties require them to divert to a different work site each day.

D. Permanent overnight vehicle assignment or temporary overnight vehicle assignment shall be approved only when it contributes significantly to the efficiency and effectiveness of School District operations.

E. Approving authorities must give the highest level of scrutiny to the specific merits of each permanent or temporary overnight vehicle assignment request since few, if any, vehicle assignment situations are alike.

F. Employees assigned either a permanent overnight vehicle or permanent vehicle will not be eligible for reimbursement for personal vehicle use associated with District duties unless the District vehicle is inoperable or unavailable.

Request for Approval

A. A permanent overnight vehicle assignment must be requested by that employee's department head. Such request shall then be submitted to the Assistant Director of Transportation Services for review, and then forwarded to the Superintendent or

his/her designee for approval.

B. A temporary overnight vehicle assignment and permanent vehicle assignment must be approved in writing by that employee's department head or his/her designee.

Factors to be considered in determining if a basis for approval exists on a permanent overnight vehicle assignment and permanent vehicle assignment request include, but are not limited to:

A. the employee is on-call and/or has emergency response duties;

B. the employee is assigned duties at multiple work sites;

C. the employee must use a vehicle equipped with a two-way radio or other specialized equipment used by the employee in the performance of the duties of his/her position.

Records and Reports

A. Vehicle utilization/mileage logs will be maintained by all employees assigned District-owned vehicles. Each department head will be responsible for collecting, maintaining, and keeping files for all vehicle utilization/mileage logs. All such records shall be subject to review by the Business and Finance Division and the Transportation Services Division.

B. The Transportation Services Division shall maintain a master file indicating District-wide vehicle assignments by department.

C. Department heads will report to the Superintendent annually each employee who has either a permanent overnight vehicle assignment or permanent vehicle assignment. The reason for the vehicle assignment will be indicated on the report.

D. District employees permanently assigned a District-owned vehicle will complete the District Vehicle Operator Responsibilities Form.

School District Vehicle Operator Responsibilities

A. Operators of District vehicles shall wear seat belts at all times while the vehicle is in motion. All passengers in District vehicles shall wear the appropriate passenger-restraining device.

B. District vehicles shall be operated only by authorized District employees.

C. Non-District employees may be passengers in District-owned vehicles providing prior approval is obtained from the vehicle operator's supervisor.

D. There will be absolutely no smoking by operators or passengers in District-owned vehicles.

E. Operators of permanently assigned District vehicles shall make no modifications, permanent or temporary, to the vehicle. This includes, but is not limited to, any adhesive logo or message-type advertisements.

F. The use of a cell phone device while operating a District vehicle is strongly discouraged.

G. Operators of District vehicles will immediately report to their supervisor any traffic citation received while operating the District vehicle.

H. Permanent overnight vehicle assignment operators will ensure all reporting requirements in accordance with Internal Revenue Service laws are completed annually.

District vehicles are to be used for official School District business only. Personal use of District vehicles is not authorized except for non-recurring personal errands on the way to and from work (if within a reasonable distance on a direct route to and from work) and to and from lunch on a work day. District vehicles will not be operated on non-work days.

Preventative maintenance inspection of each vehicle will be made as scheduled by the Transportation Department.

Gasoline required by out-of-county travel will be secured on School District credit cards provided by the Transportation Department. When using a credit card the vehicle number and mileage will be written on the fuel receipt. The credit card and fuel receipt must be returned to transportation immediately upon the completion of the trip.

Gasoline procurement for District-owned vehicles, when possible, will be made at the transportation fueling sites or other District designated refueling sites.

In the event a vehicle owned by the District is involved in a crash, local law enforcement, supervisor, and shop personnel will be called to the crash scene and a complete report shall be provided as soon as possible to the Director of Transportation and to the Director of Risk Management.

Any District employee who knowingly operates a District-owned vehicle with a suspended or revoked license will be subject to disciplinary action up to and including termination.

All employees who operate District-owned vehicles must comply with the provisions of AP 8600 - Safe Driver Plan.

District employees assigned a vehicle will sign a form indicating knowledge of the rules pertaining to District vehicle use and the employee's agreement to abide by these procedures.

Any misuse of District vehicles by an employee that is reported shall be investigated by the employee's supervisor. A report with findings and recommendations shall be submitted by the supervisor to the Deputy Superintendent within five (5) days of the receipt of the misuse complaint.

Violation of the conditions in this policy will result in disciplinary action, up to and including termination from employment.

The rules and procedures as stated above do not necessarily apply in total to the Superintendent's use of his/her vehicle. Separate vehicles use agreement use policy is including in the Superintendent's contract with the School District.

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TRANSPORTING STUDENTS BY PRIVATE VEHICLE

8660 - **TRANSPORTING STUDENTS BY PRIVATE VEHICLE**

These procedures, in addition to all requirements set forth in Policy 8660, must be followed whenever a staff member will be transporting students by a private vehicle whether it be his/her vehicle or some other person's. This procedure does not apply if the vehicle is a bus or van chartered from a licensed operator.

A. Determine that regular transportation by a school bus is not practical.

B. Make sure that the intended private vehicle is in proper working condition, seat belts are available for each passenger, and the vehicle is insured for liability in an amount not less than $100,000 per person and $300,000 each accident for bodily injury and $100,000 each accident for property damage. A single limit of $300,000 for bodily injury and property damage combined is also permissible.

C. Obtain written consent from each student's parent using Form 8660 F2 - *Parental Consent for Transportation by Private Vehicle*. No student shall be allowed to ride in the vehicle without his/her parent's written consent.

D. Submit Form 8660 F1 - *Request for Transportation by Private Vehicle* to the principal for his/her approval at least two (2) days prior to the trip. Attach the parent consent forms to the request form.

E. Any students under the age of twelve (12) who are transported in a private vehicle are to be seated in the rear seat(s) of the vehicle.

F. If the trip is out-of-town and the transportation is approved, arrange for a copy of each student's Emergency Medical Authorization Form 5341 F1 which is to be kept in the vehicle during the entire trip.

G. Provide the school office with a list of names of the students who will be riding in the vehicle.

H. Upon return of the vehicle to the school, make sure each student has proper transportation home and remain at the school until all students have left school property.

Revised 12/13/23

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ap9211

CONTRIBUTION GUIDELINES FOR K-12 FROM INDIVIDUALS, CORPORATIONS, AND ORGANIZATIONS

9211 - **CONTRIBUTION GUIDELINES FOR K-12 FROM INDIVIDUALS, CORPORATIONS, AND ORGANIZATIONS**

Introduction:

A coordinated effort between the Brevard Schools Foundation and schools will strengthen a school's earning potential, will result in more success, and will reduce duplication of effort.

Recommendations:

A. There is only one K-12 Foundation. The Board has established that foundation as the Brevard Schools Foundation.

1. The Brevard Schools Foundation should coordinate all District-wide fundraising activities.

2. Individual schools have restricted funds in the Foundation to obtain non-profit status.

3. The foundation serves as the fiscal agent for all private gifts.

B. There should be a screening process for new programs produced by corporations for schools.

The following will be used to determine eligibility:

1. <u>Educational Value:</u>

a. Does the program have a real educational purpose?

b. Does the education value out weigh the marketing value to the business/organization?

c. Does the education component enhance District curriculum?

d. Do we really need another program or is this duplication?

2. Business Decision:

a. Who is making money?

b. Is this advertising disguised as a traffic generator for business?

c. Who is promoting it – a marketing department or ad agency?

d. Is this project positioning schools as the unpaid marketing agent for the business?

e. If advertising is involved in the program, does it meet district standards, and is education receiving a real benefit from the partnership?

3. Ethics:

a. Do parents have to make additional purchases? Is there a hidden agenda in the message?

b. Is their advertising imbedded into the program being offered?

c. Is someone making a profit at the expense of the children?

C. There is an established advertising policy.

1. Political advertisements are not permitted.

2. Advertising in school newsletters, athletic fields, etc. should be regulated.

3. Schools are not to be unpaid distribution outlets for business.

4. Advertising should be viewed as such, and not disguised in curriculum, educational materials, school supplies, or awards. If advertising is determined to be acceptable, a fair market value will be charged.

5. The classroom and curriculum will be shielded from advertising.

6. Teachers and schools are not to be placed in a position of product endorsements, directly or indirectly.

D. Contests are to be reviewed and screened.

1. Contests connected to business promotions need to provide a financial benefit to education. Some promoters use student contests for profit.

2. Contests need to provide a quality educational benefit.

3. Contests that place a financial burden on students or schools need to be avoided.

Questions to ask:

Does the benefit outweigh the expense of the contest?

Who is financially benefiting?

Is there a guaranteed benefit for schools?

Are the organizers using the contest to promote an agenda?

How much lead-time are participants given?

Is the contest is an expense to schools and students?

Will the participants really win something or be associated with a prestigious award?

Is some other organization benefiting financially at the expense of education?

E. Incentive programs should have no strings attached:

Recommended criteria and suggestions:

1. Coupon awards that direct students to a point of sale should not be permitted unless the entire family benefits. This is most common when restaurants promote incentive awards.

2. If products are donated to the school for an entire class at no charge or an entire class is invited to a business for an award celebration, at no charge, this also is acceptable.

3. Providing free or discounted food, merchandise or admissions are common coupon-advertising techniques used by marketing departments. These are not charitable gifts, but a form of advertising and should be treated as such.

4. When teachers and schools accept sponsored incentive programs, they are often positioned as giving their indirect endorsement of the product.

F. Program/project requests should be prioritized and based on need.

Suggestions:

1. Projects should support the First in Florida Strategic Plan.

2. Projects should be focused and limited.

3. Review new and re-occurring requests. Each should be accompanied by a budget and evaluated.

4. Established programs with annual donors should be viewed differently than a program in its first or second year. Rule of thumb: established programs have three-year reviews. New programs placed on three (3) year probationary period should be reviewed yearly.

5. Protect your donors. If they are major annual sponsors of a project, do not continue to ask them to support additional programs, seek out other partnerships for funding. The Brevard Schools Foundation can assist in this process.

6. Programs that are controversial or cater to a political agenda are to be avoided.

G. Remain ethical, focused on quality, and results, and avoid:

1. Requesting funds that supplant tax dollars.

2. Requesting funds if an individual could personally benefit.

3. Requesting funding of personnel projects, such as staff get-togethers or staff retirement parties.

4. Accepting donations that require parents to purchase additional goods through incentive awards.

5. Sending multiple requests to the same donor or company asking for additional contributions.

H. The solicitation of District level gifts should be coordinated through the Brevard Schools Foundation.

1. Employees involved in bid process should never solicit funds from vendors.

2. Employees should not solicit sponsorship for retirement parties.

3. Employees should not accept personal gifts from vendors.

4. Employees soliciting funds for personal gain is unacceptable.

5. Employees soliciting funds for political gain is unacceptable

I. The Brevard Schools Foundation should serve as the fiscal agent for grants and lend technical support to school applicants.

State and Federal grants requiring private matches may request assistance from the Brevard Schools Foundation in obtaining such matches. The Foundation has the option of reviewing the grant and determining if obtaining a private match is feasible.

J. Competitive programs are more appealing to donors and increase accountability.

1. Scholarships, grants, and awards should provide an open and fair application process.

2. Selection and judging committees should guard against conflicts of interests.

3. Centralized scholarships, grants, and award programs that provide opportunities for multiple schools will attract larger donations from donors.

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ap9701

DISTRIBUTION OF MATERIALS AND LITERATURE TO STUDENTS

9701 - **DISTRIBUTION OF MATERIALS AND LITERATURE TO STUDENTS**

The by-law and policy fully explains the procedures all outside entities must utilize in order to have their literature distributed to students by the school. This administrative procedure specifically addresses reimbursement of the costs associated with the administration of this policy. Specifically, how the school is to be reimbursed for its costs in complying with this policy.

Board Policy 9701 - *Distribution of Materials and Literature to Students*, Section B number 2 states the following:

> *"The school shall provide these materials to students with a cover letter on official school letterhead that indicates wording to the following at a minimum: "These materials are advertisements from parent initiated student clubs and non-profit community organizations." "You are not required to read or respond to these advertisements, rather they are being provided as a public service and a matter of law to you as a member of our school community." "None of these materials are sponsored by nor endorsed by the District, its agents, or its employees. The views and the information contained in these materials are not an expression of the opinion, belief, or policy of the Board, the District, and/or this school."*

As a result of this section the school will incur copying, handling, and distribution costs associated with the cover letter. The initial policy failed to address how these costs would be resolved. As a result, from the commencement of the 2010-11 school year and each year henceforth, each entity desiring the District to distribute their literature to students in the classroom on their behalf shall pay a $0.05 fee for every student registered to the school where the literature is to be distributed. This fee will be assessed against all parent initiated student clubs and not-for-profit community organizations that desire to have their literature distributed and whose literature is age appropriate and directed to recruit or educate students attending the school as to the outside entities programs or offerings. These organizations are the only organizations eligible to have their literature distributed directly to students or the placement of this literature by staff in the student's backpack. These entities are required to pay the fee if they desire to have their literature distributed within the first fifteen (15) days from the commencement of the school year and at anytime thereafter during the school year if they wish the school distribute literature the first Friday of any month thereafter during the year.

This fee will not be required of PTO/PTA/Booster Clubs or governmental entities as listed in the policy as long as these agencies choose a day other than the outside entities distribution date as schools are not required to print and distribute a cover letter with literature from PTO/PTA/Booster Clubs or governmental agencies. The normal distribution date for outside entities is within the first fifteen (15) days of the start of the school year or the first Friday of each success month during the year. This fee does not apply to any entity (not-for-profit or for-profit whose literature is age appropriate and is meant to recruit or educate students attending the school as to the outside entities programs or offerings) if the literature is not distributed directly to students and is solely placed in a central location at the school for students to retrieve on their own.

The school will divide the $0.05 fee into two (2) separate funding strings: $0.03 will be deposited into the school's accounting string for printing/copying and the remaining $0.02 will be deposited into the schools accounting string for their supply budget.

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ap9702

ADVERTISING ADMINISTRATIVE PROCEDURES

9702 - **ADVERTISING ADMINISTRATIVE PROCEDURES**

This administrative procedure provides guidelines for school administrators and others when requests to advertise are made from outside entities or when a school or department desires to raise funds through direct solicitation of non-Board entities for the purpose of advertising. All individuals seeking to advertise or approve advertising in or on District facilities, in District publications, or in or on any medium associated with the school or District must review Board Policy 9702 to assure all non-school District advertising is in line with policy.

A. The District may enter into advertising agreements with outside non-Board entities or commercial advertising agencies for the purpose of advertising or soliciting advertisements for other not-for-profit or for-profit entities. All schools and departments must abide by any requirement of any contract made at the District level. The dollars generated from District level advertising agreements fall under the control of the Superintendent and can be utilized for any school or District purpose s/he deems appropriate. The Office of District Community Relations is responsible for the negotiation and administration of all District level advertising contracts. These contracts are to be approved by the Superintendent and may at his/her discretion be submitted to the Board for final approval.

B. Agreements for advertising that involve two (2) or more District schools and/or are in excess of, expected to be in excess of, or has a history of revenue in excess of $10,000 will be negotiated by the school's Area Superintendent or the Superintendent that supervises the department director in the same manner as described in C. 1. of this procedure. The Board must approve all contracts with advertising revenue expected to be in excess of, anticipated to be in excess of, or has a history of revenue in excess of $25,000. All funds generated in this manner will be distributed equitably to the internal funds of the schools involved in the contract.

C. School principals or district department directors can enter into advertising agreements so long as these agreements are limited to their school, department location, or area of responsibility. The dollars generated from school or department level advertising agreements fall under the control of the Principal or Director and can be utilized for any school or department level purpose s/he deems appropriate. These agreements are subject to the following:

1. The Principal or Director may sign advertising contracts with outside entities so long as these contracts are limited to one (1) fiscal year and must end on June 30th each year. These contracts must:

    a. not contain any financial or indemnification language obligating the Board in any way;

    b. include language giving the District the right to terminate the contract for any reason;

    c. clearly describe the school's obligation(s) and anticipated or definitive revenue;

    d. clearly describe expected cost(s) to the school if any;

e. not be in conflict with any contract or agreement developed and agreed upon at the District level;

f. not limit advertising of a competitor's product at or on the school or department site;

g. not ask for, require, or solicit the school or a Board employee to endorse their product as part of the advertising or in exchange for advertising the outside entities product;

h. must be signed/approved by the building principal or District department director;

i. may not contract with third party agencies/companies who will solicit advertising on behalf of the school/department without providing the District the opportunity to provide these same services first.

2. The Principal or District department director has the authority to sign individual advertising contracts with revenue or expected revenues of $5,000 or less. Any contract with a specific entity that anticipates advertising revenue in excess of $5,000 or has a history of exceeding $5,000 in advertising revenue from a previous year must be approved by the Board.

3. School principals or District department directors that desire to sign multi-year advertising contracts with non-Board entities must develop a contract with the outside entity that is compliant with C. 1. and 2. of the procedure with the exception of the one (1) fiscal year limitation and submit the contract to the Board for approval.

4. The Principal or District department director has the authority upon acceptance of a gift (in-kind or cash) under $15,000 in value (allocated to the school/department by an outside entity via the Board's foundation or other) to display the donor's name on school site property with prior approval by the Superintendent (or designee) for up to one (1) year. Display of such name/logo shall not be in conflict with any District level advertising initiative.

D. All appropriate Board accounting procedures shall be followed. All advertising revenue collected, earned, or advertising revenue dollars disbursed by school personnel shall be recorded and handled in the school's internal funds as required in Board Policy 6610. Advertising contracts must have a signed/dated contract associated with any acceptance of funds.

The Office of District Community Relations will provide to schools/departments a standardized insertion order to utilize in the sale and management of school-based/departmental advertising campaigns, which should be utilized with every advertising agreement that generates revenue and maintained at the school/department level for the purposes of auditing.

E. No school official, employee, nor the District shall endorse or recommend that school employees or students purchase items advertised by outside entities on District property or in any medium maintained or operated by the District.

F. Donations or gifts (in-kind or cash) in excess of $15,000 (allocated to the school/department by an outside entity via the Board's foundation or other) must be presented to and acknowledged by the Board. These donations or gifts may be advertised as determined by the Superintendent, Principal, or department director.

G. To cooperatively generate the highest revenue on behalf of the District and ultimately, the schools/departments, the Office of District Community Relations will retain jurisdiction over advertising campaigns that provide the greatest benefit to the

District. Schools/Departments should not circumvent these programs and work collaboratively with the District to create a dynamic program to benefit students.

Parameters would include:

1. The District retains the right to advertise exclusively with/through: District and building level web pages, District purchased hardware/software, areas attached to District property, District communications, social and digital media, District facilities, constructed signage, facility naming rights, any royalty or revenue share agreements, and publications sent to students and staff from more than one (1) school/department.

2. Schools should focus their advertising campaigns to their currently established practices that include: fund-raising events, athletic banner displays, building/department produced/distributed publications (year books, school newsletters). When at all possible, coordination between schools for larger advertising campaigns should be facilitated by District Community Relations. In all circumstances, the Office of District Community Relations will collaborate with schools/departments to enhance advertising campaigns began prior to the District established program (prior to July, 2012).

H. To maximize revenue generation while maintaining the highest level of business practice efficiency, it is necessary that the office of District Community Relations operate with flexibility to develop ad rates, while maintaining continuity for all clients. In addition, to maximize business efficiencies, a set protocol for collecting payment is necessary. To establish consistent protocols, the below guidelines should be followed:

1. Rate Cards: For each product line offered, a rate card will be developed and published annually that will include all that are applicable: product line, cost, sizing, frequency, run dates, and duration. Rates will be established based on these considerations: current economic landscape, what the market will bear, past practices, imprints/impressions, and a review of similar rates offered by competitors.

2. Discounts: to increase business practice efficiencies, reduce blank/or white space, promote new product lines, and maximize client ad budgets to be spent on District products, discounts may be implemented. Any contracts negotiated outside established rate discounts will be authorized by the Superintendent.

    a. Quantity Discounts: Multiple issues within a product line increases overall sales of the product line. In addition, business practice efficiencies are gained through quantity sales (one contract developed, one (1) ad developed....). While District Community Relations will seek to obtain the highest level of revenue for each ad contract negotiated, those contracts that include multiple ads in the same product line may receive up to a fifty percent (50%) discount. This figure aligns with local industry standard.

    b. Bundled Package: Advertisers may receive up to fifty percent (50%) off established rate card pricing on packages that include multiple product lines (newsletter, web, signs...).

3. Collections: Each campaign contract will reflect payment due dates, payment routing, method of payment, product line negotiated, and any imposed sanctions for late payment.

Revised 6/22/15

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ap9950

TELEVISION STATION CONTENT PROHIBITIONS

9950 - **TELEVISION STATION CONTENT PROHIBITIONS**

The Brevard Public Schools Television station ("BPS-TV") shall not broadcast the following types of programming:

A. Programming that does not include all necessary copyrighted clearances.

B. Advertising of a commercial (for profit) service or product. Underwriting acknowledgements at the beginning and end of a program are allowed.

C. Endorsements of political issues or proposed ballot items (sample ballots and ballot listings are permitted).

D. Material that would violate any Federal, State, county, or city statute or law.

E. Material that promotes religious beliefs or philosophies.

F. Obscene, indecent, or defamatory material as defined by county ordinance or local community standards.

G. Programming the depicts people in a manner that discriminates or fosters discrimination on the basis of race, color, religion, national origin, family status, age, disability, sexual orientation, veteran status, or any other status or condition protected by applicable State or Federal laws.

Political Content

BPS-TV shall not air political programming or campaigning produced by or on behalf of any candidate for public office. Appearances on BPS-TV by elected officials seeking re-election and candidates seeking election is prohibited for a period of ninety (90) days prior to the election date, except in balanced, non-partisan open forum programming, candidate profile formats, or regularly scheduled government meetings.

Current elected officials who have qualified for election/re-election to any elective office may be shown on BPS-TV within ninety (90) days of an election date only in the performance of their official duties: conducting official business at meetings or incidental appearances in other programming.

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