

POLICY 1.01

CHAPTER SECTION I

ORGANIZATION OF THE DISTRICT SCHOOL SYSTEM

1.01 THE DISTRICT SCHOOL SYSTEM

- A. ~~The District School System~~ Clay County District Schools (“District”) shall include all public schools, classes and courses of instruction and all services and activities directly related to education in the ~~the~~ District which are under the direction of the ~~the~~ District school officials. ~~The organizational structure for the district schools shall be: Elementary, grades PreK-6; Junior High, grades 7-8; High, grades 9-12; and Adult and Community Education.~~
- B. ~~“The District School System shall be considered as a part of the state system of public education. All actions of the District school officials shall be consistent and in harmony with state laws and rules, and regulations, and minimum standards of the State Board of Education. District school officials, however, shall have the authority to provide additional educational opportunities, as desired, which are authorized, but not necessarily required by law.”~~

(Ref. F.S. §§ 1001.31, 1001.32(1)) (Amended ___ / ___ /18)

POLICY 1.02

1.02 THE DISTRICT SCHOOL BOARD

A. Responsibility and Authority

1. The School Board is responsible for the organization and control of the public schools of ~~the Clay County District Schools~~ ("District") and is empowered to determine the policies necessary for the operation and the general improvement of the school system. The School Board shall limit its actions to establishing policies and rules and ~~to meeting~~ the requirements prescribed by federal and state law and rules of the Florida Statutes and State Board of Education Rules and Commissioner of Education. The School Board, after considering recommendations of the Superintendent, shall be authorized to perform duties and exercise those responsibilities which it finds necessary for the improvement of the District in carrying out the purposes and objectives of Florida's Education Code. ~~School Board members have authority only when the School Board is meeting in official session and a quorum is present. The School Board shall not be bound in any way by any action on the part of an individual School Board member or any employee, except when such statement or action is in compliance with the action of the School Board. School Board members may visit the schools and all departments of the District in order to be better informed concerning all phases of the school system.~~
2. The role of ~~the School Board members, as with any legislative body,~~ is to act take official action collectively, not individually. School Board members have authority only when the School Board is meeting in official session and a quorum is present. The authority and responsibility of individual School Board members does not extend to the execution of the policies adopted by the School Board. Individual School Board members have no authority and shall not attempt to act as administrators of the school system. School Board members may visit the schools and all departments of the District in order to be better informed concerning all phases of the school system.
3. All personnel of the school system are responsible, through the Superintendent, to the School Board as an entity and not to individual School Board members.
4. ~~Each~~The individual School Board member is entitled to full information and data necessary in his/her judgment to the proper casting of a his/her vote on any matter which comes before the School Board for action. ~~This right to full information extends to the duty to listen to complaints that citizens bring him/her.~~ Any complaint registered with a School Board member shall be conveyed to the Superintendent. If the complaint merits School Board action, it should be placed on the agenda for its regular or special meeting.
5. The School Board constitutes a body corporate and political subdivision of the State of Florida which officially operates in the name of "The School Board of Clay County, Florida." The School Board is the contracting agent for the District. In all suits against the School Board, service of process shall be on the School Board

Chair, or in his or her absence, the Superintendent, or, in the absence of the Chair and the Superintendent, on any other School Board member. The Chair, the Superintendent, and any School Board member may designate the School Board Attorney to receive service of process in their absence.

(Ref. F.S. §§ 1001.33, 1001.40, 1001.41, 1001.42, 1001.4205 (Amended ___ / ___ /18))

B. Membership of the School Board

The School Board of Clay County consists of five (5) members, each of whom shall be a qualified elector of the district in which he/she serves and each of whom shall be a resident of the residence area from which he/she is elected. Each School Board member shall be nominated and elected for a term of four (4) years by qualified electors of the entire Clay County School dDistrict. Each member of the Board shall serve as the representative of the entire School dDistrict rather than as the representative of the School Board member's residence area.

(Ref. F.S. §§ 1001.34, 1001.363) (Amended ___ / ___ /18)

C. Organization and Officers

1. A Board Chairman and a Board Vice-Chairman shall be elected annually by the School Board at its organizational meeting held on the third Tuesday after the first Monday in November of each year. In an election year, the date of the organization meeting shall coincide with the requirements of section 100.041(3)(a) of the Florida Statutes; provided, however, if a Chair or Vice-Chair vacancy occurs during their term(s) of office in the chairmanship, the School Board shall elect a new Chairman and/or Vice-Chair at its the next regular or of special meeting immediately following the vacancy.
2. The Chairman shall preside over at all School Board meetings, appoint committees, and perform such other duties as may be prescribed by law or by action of the School Board. The Vice-Chairman shall so preside in the absence of the Chairman and shall perform such other duties of the Chairman as required by circumstances. The Chairman and Vice-Chairman shall be bonded as provided by law in the manner prescribed by the State Board of Education. In the absence of the Chairman and Vice-Chairman, a Chairman Pro tem shall be elected by a majority of the Board members present at a Board meeting for the purpose of presiding over such meeting.
3. The Superintendent, as provided by law, shall be the Secretary and Executive Officer of the School Board. At the annual any organizational meeting, the Superintendent shall preside aet as Chairman until the organization of the School Board is completed. The Superintendent may request various personnel employed

by the School Board to provide information and data relative to their work as may be required in the performance of the Superintendent's duties and responsibilities.

(Ref. F.S. §§ 1001.07, 1001.32, 1001.371, 1001.42(h), 1001.49) (Amended ___ / ___ /18)

D. Legal Counsel

The School Board shall obtain an attorney, from outside its own membership, who shall act as legal advisor to the School Board and the Superintendent. The School Board shall provide a written contract for its attorney. Special counsel may be retained to assist the Board Attorney in any litigation or other matters when specifically approved by the School Board.

(Ref. F.S. §§ 1001.41, 1001.43(10), 1012.22, 1012.23, 1012.26) (Amended ___ / ___ /18)

E. Regular and Special Board Meetings and Workshops

1. Time of Meetings Notice and Public Access

- a. The time and date of all regular monthly meetings of the School Board shall be determined at the Board's annual organization meeting in November of each year held on the third Thursday of each calendar month at 7:00 p.m. Future regular Regular meeting dates may be changed by action of the School Board at any previous meeting; provided that each member is notified by letter or by distribution of the minutes showing a record of the change. When a meeting date is changed, the Superintendent shall take appropriate action to inform the public.
- b. Special meetings may be called by the Superintendent, the School Board Chair, or a majority of School Board members. The Superintendent shall provide notice of all such meetings. Special meetings shall be held at the time designated by the Superintendent, School Board Chairman, or when called by a majority of the School Board members as specified in written notice.
- c. Workshop meetings may be called by the Superintendent, School Board Chair, the Superintendent or a majority of the School Board members for the purpose of discussing matters which constitute the business of the school system and which provide the Board with greater knowledge of particular issues. The Board Chair, in collaboration with the Superintendent establishes the agenda for workshops. Each Board member shall be formally notified of such workshop sufficiently in advance of the session to enable all members to arrange for their attendance. The Board shall take no formal action at a workshop. The agenda and public notice requirements applicable for workshops are the same as those required for regular and special meetings. Although the Board will not take statements or presentations from the public at its workshops, shall allow questions only from the public shall be permitted at workshop meetings.

- d. With the exception of those meetings noted in paragraph (f) below, All official meetings of the School Board meetings and workshops shall be open to the public, except as provided under Section e, hereunder, and any other meetings or conferences shall be conducted as public meetings. Any citizen shall be given and an opportunity to address the School Board shall be provided to the public during its regular meetings and special meetings and may ask questions only at workshop meetings.
- e. No final formal action shall be taken by the School Board at a workshop. Any such action may be taken by the School Board only at a duly-noticed any meeting other than a regular or special School Board meeting and in strict compliance with section 286.011 of the Florida Statutes ("Government in the Sunshine Law"). A School Board may not conduct business in a secret meeting. A secret meeting occurs when public officials meet at a time and place to avoid being seen or heard by the public and discuss official business. When at such meetings officials transact or agree to transact business at a future time in a certain manner, they violate the Government in the Sunshine Law, regardless of whether the meeting is formal or informal.
- f. Non-Public Meetings, Sunshine Law Exemptions Exceptions to the Sunshine Law —Pursuant to the Public Employees Relations Collective Bargaining Act, Chapter 447, Florida Statutes, all discussions between the chief executive officer of the public employer, or his or her representative, and the legislative body or the public employer relative to collective bargaining are closed and exempt from the Sunshine Law. However, pursuant to 447.605 (2), collective bargaining negotiations between the public employer's a chief executive officer, or his or her representative, and a public employee bargaining agent are open to the public not exempt from the Sunshine Law. Also, certain due process and disciplinary hearings and proceedings before the Board which concerning exceptional individual students and all student disciplinary hearings are closed and exempt from the Sunshine Law pursuant to the Privacy Act. Further, Mmeetings between the School Board and its attorney(s) held pursuant to Florida Statute 286.011(8) shall be held out of the sunshine and are not open to the for public attendance. Finally, certain meetings concerning sealed competitive bids are exempt from the Sunshine Law.
- f.g. Due public notice of all regular, special, and workshop meetings of the School Board shall be provided. Except in the case of an emergency or other unavoidable and extraordinary circumstances, public notice of a regular School Board meeting should be given seven (7) days prior to the meeting. In any event, for purposes of this policy, "due public notice" shall consist of a written publication of the date, time, and purpose of the meeting in a newspaper of general circulation in Clay County, Florida, at least two (2) days prior to the meeting. When newspaper publication is impracticable, written publication of the date, time, and purpose of the meeting shall be posted at the courthouse at least two (2) days prior to the meeting. Further, written notice of the date, time, and purpose of any meeting shall be posted to the School District's website and shall be provided directly to each School Board member at least two (2) days prior to the meeting. The

Superintendent is responsible for dissemination of such notice to School Board members and to the public.

(Ref. F.S. §§ 286.011, 286.0113, 1001.372, 1002.22, 1002.221; Article I, section 24(b), Fla. Const.; 20 U.S.C. § 1232, et. seq., Family Educational Rights and Privacy Act ("FERPA")) (Amended ___ / ___ /18)

2. Place of Meetings

~~All regular and special meetings of the School Board shall be held in the Teacher In-service Center at Fleming Island High School, 2233 Village Square Parkway, Orange Park, Florida, except when the public interest is better served by holding the meeting elsewhere. When such a determination is made, the meeting shall be held at some other appropriate public place within the Clay County School District as determined by the School Board, provided that due prior public notice of at least forty-eight (48) hours is given. When a School Board meeting is to be held at any place other than the Teacher In-service Center at Fleming Island High School, the Superintendent shall take such action as may be required to give due public notice of any changes to the location of any meeting, as required by Florida Statutes.~~

School Board meetings must be accessible to all members of the public, including persons with disabilities. Reasonable accommodations and methods through which persons with disabilities may request such accommodations shall be provided.

(Ref. F.S. §§ 286.26, 1001.372) (Amended: 03/18/04; ___ / ___ /18)

3. Rules of Order

~~All School Board meetings shall be guided by the current edition of Robert's Rules of Order. Except when required by Florida Statute, or State Board of Education Rules, or School Board Policy, a simple majority will carry all actions of the School Board. The Chair shall be responsible for maintaining order and control of the all meetings.~~

(Ref. F.S. § 1001.372) (Amended: 01/15/15; ___ / ___ /18)

4. Agenda

~~The Superintendent shall establish the agenda for School Board meetings and workshops in collaboration with the Board Chair. School Board members may add items to the Agenda for Board action, and no such agenda item submitted by a Board member may be removed from the agenda without that Board member's consent.~~

~~Members of the public may submit agenda items to the Superintendent or any Board member to be considered for inclusion on the agenda. Any item to be considered for inclusion on the agenda of a regular School Board meeting shall be submitted to the Superintendent's Office not later than fourteen (14) days prior to the meeting at which consideration is desired. Such request shall be in writing.~~

~~Prior to each Board meeting and workshop, and before the publication of the the corresponding agenda, the Superintendent shall review the agenda and, including all backup materials, with the Board Chair. The Superintendent and/or a each School Board member may, with the approval of the School Board, introduce an emergency item not previously included in on a meeting the agenda.~~

~~The agenda for a regular School Board Regular and Workshop meetings shall be posted for the public and others parties seven (7) days prior to in advance of the meeting. Any subsequent amendments of the regular meeting agenda must be posted for the public, and as soon as practicable, possible but not less than forty-eight (48) hours prior to the any special meeting called pursuant to Florida Statute 1001.372(1). The agenda for a special meeting or workshop shall be finalized and posted for the public as soon as practicable, but not less than forty-eight (48) hours prior to such special meeting or workshop. After the Agenda has been posted, change shall be made only for good cause as determined by the person designated to preside, and the cause shall be stated in the record.~~

~~No action shall be taken by the School Board on any matter item unless it is shown as an the item is shown on the corresponding meeting agenda or an amendment thereto and the backup material adequate for an informed decision is delivered to School Board members at least forty-eight (48) hours prior to the meeting at which action is to be taken. This provision, shall not apply to matters in cases in which the School Board determines, by a separate vote, to constitute an that an emergency item, as defined in paragraph 1.02 (F) 2 of these rules, does exist. For purposes of this policy, an "emergency item" exists when public health, safety, or welfare is endangered and requires immediate action of the School Board.~~

~~This rule shall not preclude the right of any citizen to address the School Board in accordance with other Board policies.~~

~~(Ref. F.S. § 1001.372) (Amended: 05/18/95; 05/16/13; 01/15/15; ___ / ___ /18)~~

5. Quorum

Three members shall constitute a quorum for any School Board meeting. No business shall be transacted unless a quorum is present, except a minority may adjourn the meeting until a quorum is present.

~~(Ref. F.S. §§ 1001.372, 1001.41)~~

6. Voting

~~The vote shall be unanimous if all members audibly vote "yes" or otherwise indicate an affirmative vote. When split vote occurs, the minutes shall show the vote of each member on the question. Each School Board member who is present at a School Board meeting, hearing, or other proceeding shall vote on each item or matter properly presented to the Board for a decision, ruling, or other official action which is taken or adopted by the School Board; unless there is or appears to be a conflict of interest or voting conflict under the provisions of Sections 112.311, 112.313, 112.3141, 112.3143 and/or 112.316 of the, Florida Statutes. Under such circumstances, in such cases the a School Board member may abstain but shall comply with the disclosure requirements imposed by of Section 112.3144 of the, Florida Statutes. If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a Board member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.~~

(Ref. F.S. §§ 112.311, 112.313, 112.3141, 112.3143, 112.316, 286.012, 1001.41, 1001.42) (Amended / /18)

7. Minutes

The Superintendent shall keep and maintain all such minutes and records as are necessary to set forth clearly all official actions and proceedings of the School Board. The minutes and records shall be kept and maintained as public records subject to the provisions of Chapter 119 of the Florida Statutes.

~~The official minutes of the School Board shall be kept as prescribed by Florida Statutes. The minutes shall be kept in a safe place by the Superintendent and shall be made available to any person during normal business hours, in accordance with Florida Law.~~

The minutes of the School Board shall include an audio or audio/visual ~~digital or tape~~ recording of the public meetings and proceedings made by of the School Board. The official minutes of the School Board shall also be kept as ~~written action or summary minutes to include:~~ the date and time upon which the meeting or proceeding was called to order, ~~the time and~~ adjourned, the names of the School Board members in attendance present (in person or via electronic means), a summary of motions, resolutions, or other matters before the Board, actions and votes cast by each School Board member. It shall be the duty of each School Board member of the School Board to see to it that both the matter and his or her vote thereon are properly recorded in the minutes. In the event that there is a technical malfunction in the preparation of audio or audio/visual recording of a public meeting, that fact shall be noted in the ~~written summary minutes and the summary minutes shall be the official minutes of that particular Board meeting.~~ Any other matter may be made part of the official minutes by direction of the Chair

~~chairman or by a majority of the School Board members. All recordings of public School Board meetings shall be video recorded with accompanying audio and a copy of the video recording shall be promptly posted on or otherwise accessible through the School District website as soon as practical after the meeting or proceeding is concluded.~~

(Ref. F.S. §§ 1001.41, 1001.42, 1001.51)(Amended: 05/15/08; 05/16/13; / /18)

8. Conduct at Meetings

All attendees and participants in ~~the any~~ School Board meeting are expected to act and speak in a courteous, professional and respectful manner to each other. When necessary, ~~the~~ public shall be informed that it is unlawful to knowingly and substantially disrupt or interfere with public School Board meetings ~~a School Board meeting or to advise, counsel or instruct students, individuals or School Board employees to disrupt a School Board meeting and that any such action may result in being charged with a misdemeanor offense or the second degree.~~

The presiding officer may order the removal, from a public meeting held by the School Board, of any person engaging in improper conduct interfering with the expeditious or orderly process of such meeting, provided such presiding officer has first issued a warning that continued interference with the orderly processes of the meeting will result in removal. Any law enforcement authority or a sergeant-at-arms designated by the presiding officer shall remove any person ordered removed pursuant to this provision and Florida law. There shall be a minimum of one (1) sheriff's deputy hired to provide security at each regularly scheduled ~~s~~School ~~b~~Board meeting.

(Ref. F.S. § 1001.372(31); ~~1001.42; 1001.51; 1001.372(2); 1001.37(3)~~, (Amended 11/20/12; 05/16/13; / /18)

9. Public Comment Procedures for Citizen Participation

~~a. Presentations from the Audience~~

A member of the public citizen who wishes to comment or speak about a matter on the agenda of a School Board meeting shall, before the meeting begins or as soon as possible thereafter, and using the speaker cards provided, submit in writing, his or her name, address, and the name of any organization or group represented, if any, and the agenda item number(s) or topic(s) number(s) which the speaker wishes to address. Those who are speaking on agenda items shall be permitted to do so before the Board takes action on the agenda item. ~~At the conclusion of the agenda, a citizen may address the Board on items not on the agenda. Unless the School Board determines the item to be an emergency, action shall not be taken on any matter presented by an audience member until the item is properly submitted and placed on the agenda of a future~~

~~regular or special meeting.~~ A time limit of three (3) minutes will be imposed on each public comment speaker ~~allowed unless the time is extended by the presiding officer.~~

Speaker cards shall not be accepted after the School Board begins the discussion agenda. Only the individual submitting the speaker card is allowed to address the School Board for the allotted time. Speaking time may not be “yielded” or given by one speaker to another speaker. The Superintendent and members of the School Board members may ask questions of and request further explanation from the speaker. The time used by the Superintendent and School Board members for questions and explanations shall not be counted against the time allotted to the speaker pursuant to this policy.

~~b. Scheduled Citizens' Request~~

- ~~1) — Any person or group desiring to address the School Board shall file with the Superintendent a written request to be placed on the agenda at least fourteen (14) days prior to a meeting. Requests made pursuant to this section shall be limited to topics which are directly related to achieving the educational goals of the School District of Clay County and are of general interest to the education community. Such request to make a scheduled citizens presentation shall contain the following:~~
 - ~~a) Name and address of the person making the request.~~
 - ~~b) The organization or group represented, if any.~~
 - ~~c) Content of the information to be presented. If written material is to be distributed, a copy of such material shall accompany the request, including a copy of any CD, DVD, A-V or PowerPoint presentation that will be presented to the Board.~~
 - ~~d) The address provided by the requestor may be an email address, post office box or street address.~~
- ~~2) — The Superintendent shall respond verbally or in writing to any person or group requesting placement on the agenda. If the agenda for the meeting is unduly long, the Superintendent may schedule the presentation request for the agenda of the next regular meeting. If a question should arise in regard to granting of a request, the Superintendent and the School Board Chairman shall confer and make a decision.~~
- ~~3) — The Superintendent shall furnish an exact copy of the person or group's request to each School Board member in time to permit the member to study the matter prior to the School Board meeting.~~
- ~~4) — The Superintendent may promptly investigate the subject matter of the request and shall, if such an investigation is performed, furnish each School Board member a written report of his/her findings and recommendation in~~

time to allow the School Board members to review the matter prior to the School Board Meeting.

- 5) ~~No individual speaker presenting under this section shall be allotted more than ten (10) minutes at any School Board meeting. The Superintendent and members of the School Board may ask questions of and request further explanation from the speaker. The time used by the Superintendent and School Board members for questions and explanations shall not be counted against the time allotted to the speaker pursuant to this policy.~~
- 6) ~~Any person or representative of an organization or group who has not made prior arrangements as prescribed herein may be heard, at the discretion of the School Board, at the end of the regular agenda of a school Board meeting, provided that the information in subsection (1) has been furnished to the Chairman in writing prior to or during the meeting.~~
- 7) ~~No more than thirty (30) minutes of each School Board meeting shall be devoted to Scheduled Citizens Requests made pursuant to this section. Requests to make presentations pursuant to this subsection shall be considered on a first come first served basis.~~
- 8) ~~Nothing contained in this subsection shall limit a person's right to make a three (3) minute presentation on any agenda or non-agenda topic pursuant to subsection 9(a).~~

(Ref. F.S. §§ 286.011(6), 286.0114(2), 1001.372(1),; 1001.42,; 1001.51; 1001.372; 1001.37(3).) (Revised; Amended 05/16/13; 01/15/15; ___ / ___ /18)

10. Board Member Meeting Attendance by Electronic Media

~~School Board members may remotely attend and participate in and vote at all regular, special or workshop School Board meetings and workshops of the Board by the use of telephonic and other electronic media in those instances where the member is temporarily deployed, reassigned, activated or transferred by any branch of the United States military or the Florida National Guard for a period of longer than thirty (30) days. In the event that a Board member is confined to a hospital, nursing facility or to their residence due to illness or injury, or is required to be at such a facility or at home due to the illness or injury of a close family member, said Board member may participate in and vote at any regular, special or workshop meeting by the use of electronic media with minimal notice. Minimal notice is defined as sufficient notice to allow the implementation of a speaker phone at the meeting. Any other situations which cause a member to be absent from a meeting at which a member desires to attend by electronic media will be considered on a case by case basis. A request to attend by telephone or other electronic media in all instances other than those necessitated by injury or illness must be presented to the~~

School Board at least seven (7) days no later than the meeting prior to the meeting at which the School Board member proposes to remotely/electronically attend will be missed. Remote attendance will be authorized only upon prior approval of The request the Chair or, upon vote, a majority of School Board members will be granted by the Board only when the absence is due to "extraordinary circumstance" and will required approval by the majority of the Board. Such prior notice and authorization requirements shall be waived and a Board member shall be permitted to attend by telephone or electronic means where the Board member is unable to physically attend a meeting due to medical treatment or physical infirmity. In all instances, remote attendance participation by electronic media will only be allowed only if a Board quorum is physically present at the site where the meeting is actually being held. Further, the Board member in remote attendance must be audible to all other Board members and the public and must be able to hear all Board member discussions and public speakers throughout the course of the Board meeting.

(Ref. F.S. § 1001.41(5); Article IX, section 4(B), Fla. Const.) (Revised: Amended 08/18/05; 10/19/06; 05/16/13; ___ / ___ /18)

F. School Board Policies~~Rules~~

These School Board policies~~rules~~ may be amended or, repealed, and a new policy~~rule~~ may be adopted as hereinafter prescribed and pursuant to The Administrative Procedures Act in Chapter 120, Florida Statutes. The definition of a rule is amended to exempt "curriculum by an educational unit," thereby removing the development or prescription of curriculum by a School Board from the procedural requirements established for rule making.

1. Procedures for Adopting, Amending, or Repealing a Policy~~Rule~~

- a. Unless an emergency exists, any proposal relating to the adoption, an amendment, or to any rule, the repeal of any School Board policy rule, or the adoption of a new rule shall be presented to the School Board at which time each School Board member shall receive a written copy and explanation of the proposal and a written explanation of the proposal.
- b. When the School Board has determined that it will give due consideration to the proposed adoption, amendment, or repeal of a policy rule which it proposes to adopt, repeal, or amend, the Superintendent shall give immediate and proper written notice of the proposal and to the public. The notice of a public hearing shall be advertised twenty-one (21) days prior to the date of the hearing. The notice shall include a brief and concise explanation of the proposed policy change, its rule's purpose and effect, the estimated of economic impact to all individuals affected by the proposed rule or rule amendment, the legal authority to authorize of the School Board's to take action on the proposed change, and sources from which the location where the text of the proposed change may be obtained.

- c. Any person, who is substantially affected by the proposed change (as the term "substantially affected" is defined by Chapter 120 of the Florida Statutes)~~a proposed rule, rule amendment, or the repeal of a rule~~, may, within twenty-one (21) days following the notice referenced in paragraph (1)(b) above of intent to adopt such rules, file a written request with the School Board seeking an administrative determination as to the validity of the proposed rule.
- d. If the ~~proposal ed new rule, rule amendment, or repeal of a rule~~ is adopted by the School Board, the Superintendent shall file a copy of any new or amended policy such rule immediately in his or /her office, and amend policy handbooks accordingly.
- e. A new or amended School Board policy ~~Such rules~~ shall become effective upon its adoption by the School Board unless a later date is specified therein.
- f. All School Board policies rules contained in the Board Policy Manual shall be reviewed by the Superintendent or his or her designee(s) every two (2) years. The review shall be for the purpose of identifying and correcting deficiencies in Board policies rules, clarifying and simplifying policies rules, deleting obsolete, ~~or unnecessary or redundant policies rules~~, ~~deleting redundant rules~~ and ensuring the Board rules are correct and comply their compliance with statutory and other legal requirements.
- ~~g. As used in the Section, and all sub-sections included therein, the use of the term "Rule(s)" shall be synonymous with the term "Policy(ies)".~~

2. **Emergency PolicyRule**

- a. When the School Board determines that the public health, safety, or welfare is endangered and that immediate action is required, the School Board at any meeting at which a quorum is present, may change or suspend and School Board policy adopt, and temporarily disregard the notice and hearing requirements set forth in section 1 above without complying with the waiting period as provided in subsection (1) herein, public hearings and similar requirements.
- b. The Superintendent shall properly record the effective date of for any such emergency policy rule. Any emergency policy rule shall not be valid in excess of ninety (90) days from the effective date, absent extension of such period by the School Board as authorized by law.
- c. When an emergency policy rule is adopted and the School Board determines that it should be such rule shall be adopted as a permanent rule, the procedures prescribed in section 1 above subsection (1) herein shall be followed and initiated at least sixty (60) days prior to the expiration ~~date~~ of the emergency policy rule.

3. Any employee of the School Board, citizen, or agency may obtain from the Superintendent's Office information relating to the method for proposing a School Board policy rule or may submit a policy rule proposal to the Superintendent's Office.
4. ~~A copy of all forms and instructions relating to and implementing rules of the School Board shall be made a part of the appendix of the School Board's rules.~~
- 5.4. A hard copy set of the School Board Policies ~~compiled rules~~ shall be available for inspection and production at the Superintendent's Office, the administrative office of each school site ~~the principal's school office, in the library of any school,~~ and the public library. Electronic copies shall be available through the School District's website.
- 6.5. ~~A copy of any rule or a copy of the compiled rules of the School Board shall be made available for the purchase by the public at actual cost.~~

(Ref. F.S. §§ 120.536(1), 120.54, 1001.41)(Amended: 03/18/04; 01/15/15; / /18)

G. Directive, Procedures, and Administrative Manuals

1. The Superintendent shall have authority to issue such directives and to prescribe such procedures as may be necessary to carry out the purpose of School Board ~~rules and~~ policies and the provisions of law and State Board of Education Rules.
2. The Superintendent may issue such administrative manuals or booklets of instruction as he or /she may deem necessary for the effective administration of the school system and distribute them to the employees directly concerned. Insofar as the provisions of such manuals and directives are consistent with ~~these rules or with~~ officially adopted policies of the School Board, law, or State Board of Education Rules, the provisions thereof shall be binding upon all employees.

(Ref. F.S. §§ Section 1001.41, 1001.51)(Amended / /18)

H. Participation in Organizational Activities

Each member of the School Board shall be reimbursed for participation in the activities and programs conducted by state, regional, and national associations of the School Board pursuant to law and policies herein stated. The Superintendent shall include an amount in each proposed annual budget to cover expenses of participation in such activities by School Board members.

(Ref. F.S. §§ 112.061, 1001.39) (Adopted: 03/01/88) (Amended / /18)

I. Information Distribution to School Board Members

1. Whenever any administrator of the sSchool dDistrict furnishes written information to any member of the sSchool bBoard, such information shall also be furnished to every other member of the sSchool bBoard.
2. Whenever written information is received by the administrative staff from the Southern Association of Colleges and Schools (“SACS”) which identifies deficiencies from SACS standards in the sSchool dDistrict or in a particular school in the dDistrict, such information shall be furnished to every member of the sSchool bBoard.
3. In every instance of a serious violation of the Code of Student Conduct that is racially related or involves the use or possession of a weapon, there shall be a written report thereof made and conveyed to each sSchool bBoard member.
4. The sSchool bBoard shall be notified of the result of any final order issued and furnished to the Superintendent by the Education Practices Commission adverse to any current or former employee of the school system.

(Ref. F.S. §§ 1001.41, 1001.42; 1001.49)(Amended: 04/23/92; / /18)

POLICY 1.03-13

SCHOOL BOARD POLICY SECTIONS 1.03—1.13
PROPOSED REVISIONS (February 7, 2018; February 9, 2018)

1.03 THE SUPERINTENDENT OF SCHOOLS

A. Responsibilities

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

1. General Supervisory Duties

It shall be the power of the Superintendent to direct and supervise the work of all schools, offices, and employees of the School Board.; ~~all~~ All such employees shall be subordinate to the Superintendent in all matters relating to the public schools, including those specifically assigned by these Policies~~rules~~ to a particular department, division or official.

2. Administrative Duties

The Superintendent shall be directly responsible for the administrative duties of his/her office. The Superintendent He/She shall also assign personnel to their respective duties and shall appraise the qualities of their respective services.; Further, the Superintendent he/she shall assist principals with the organization and internal operation of their respective schools. ~~The Superintendent shall and~~ assist in securing facilities, personnel, and materials necessary to permit effective functioning of the educational program.

- a. The Superintendent shall supervise the ~~collection~~collecting, recording, and ~~disbursement~~ disbursing of all school funds collected within the schools in accordance with ~~the policies of the School Board~~ Policies.
- b. As executive officer of the School Board, the Superintendent shall represent the School Board in matters of collective bargaining~~negotiations~~ with certified bargaining agents of employee organizations. In fulfilling this

activity, the Superintendent may designate one or more persons to represent him/her in collective bargaining negotiations sessions.

3. Other Duties

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

It shall be the duty of the Superintendent to:

- Exhibit fiscal responsibility and ensure all expenditures align with the District's Strategic Plan;
- Allocate District resources and recommend District and school-based budgets;
- Set education standards in cooperation with the School Board and monitor student achievement;
- Oversee the implementation and enforcement of all state and federal statutes and programs related to schools;
- Build positive interactive relationships with the School Board and staff members within the organization;
- Establish effective working relationships and partnerships both within the school district and community itself; and
- Build a strong rapport with the constituents within the district.

(Ref. F.S. §§ 1001.32; 1001.33; 1001.48; 1001.49; 1001.51) (Amended ___ / ___ /18)

B. Delegation of Authority

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

(Ref. F.S. §§ 1001.49; 1001.51)(Adopted: 03/01/88) (Amended ___ / ___ /18)

C. Salary of the Superintendent

The base salary of the School Superintendent is set in an amount indicated pursuant to section 1001.47 of the Florida Statutes~~1001.47~~. However, the School Board may, by majority vote, approve a salary supplemental amount in addition to, and in excess of the amount specified by the statute,~~Such salary~~ which shall be reviewed annually.

(Ref. F.S. §§ 145.19; ~~1001.41; 1001.43; 1001.47~~) (Adopted: 05/16/13) (Adopted: 12/16/14) (Amended / /18)

1.04 THE DISTRICT ADMINISTRATIVE AND SUPERVISORY STAFF

A. ~~Deputy Superintendent~~

~~A Deputy Superintendent shall be recommended by the Superintendent and appointed by the School Board. This person is directly responsible to the Superintendent and is the Administrator In Charge in the absence of the Superintendent. The Deputy Superintendent will assist the Superintendent in supervising and coordinating the other division administrators.~~

B.A. District Office Divisions

The District Office shall be organized into five (5) ~~four (4)~~ divisions, each to be headed by an administrator recommended by the Superintendent, and appointed by the School Board. The five (5) ~~four (4)~~ divisions are: Business Affairs, Curriculum and Instruction, Support Services, and Operations, Human Resources, and Climate and Culture. The division heads shall have a line/staff relationship with the ~~Deputy Superintendent~~ and shall be directly responsible to the Superintendent.

1. The Division of Business Affairs shall be responsible for the management of the business affairs of the ~~District school district~~. The services of this division shall include financial services, purchasing services, insurance, and property control services, ~~food services and warehouse services.~~

~~The division shall be organized into departments directed by personnel who are directly responsible to the administrative head of the division.~~

2. The Division of Curriculum and Instruction shall be responsible for directing and coordinating all of the instructional programs of the ~~District district,~~ and ~~—In addition, direction and coordination are provided for services which directly support the instructional programs.~~ Curriculum and Instruction ensures that the organization focuses on the delivery of a relevant, responsive, and effective curriculum based on state standards. Curriculum and Instruction will be responsible for training all certified staff members on curriculum and standards.

~~The division shall be organized into departments directed by personnel who are directly responsible to the administrative head of the division.~~

3. The Division of Operations~~Support Services~~ shall be responsible for providing school facility planning and construction, maintenance services, custodial services, student transportation services, food and nutrition services, and safety management for the District~~school~~ district.

~~The division shall be organized into departments directed by personnel who are directly responsible to the administrative head of the division.~~

4. The Division of Human Resources shall be responsible for providing personnel services to the instructional, support, and administrative/supervisory personnel of the District~~school~~ district. The services of this division include recruitment, employment, salary, and ~~employee benefits~~, and labor relations. The Division of Human Resources is responsible for managing people within the organization and recruiting and retaining high quality candidates. Human Resources will ensure diversity within the district in respect to race, gender, and professional backgrounds.
5. The Division of Climate and Culture shall be responsible for student services, including mental health, exceptional student education, and student discipline. This division shall also be responsible for information technology and managing all data. The services of this division shall include reviewing, compiling, and intersecting district-based student behavior and performance data.

The Each division shall be organized into departments directed by personnel who are directly responsible to the administrative head of the division.

(Ref. F.S. §§ 1001.42; 1001.49; 1001.51; 1012.27) (Amended: 05/18/95; / /18)

1.05 THE SCHOOL CENTER STAFF

A. Principal

The principal is the administrative head of the school ~~who~~. ~~He/She~~ is responsible to the Superintendent for the implementation of the policies and programs of the School Board at the school level. The principal is responsible for the overall educational program of the school, including training of personnel and implementation of the Sunshine State Standards, ~~for the management of the financial affairs of the school center, for the management of the school's facilities, and for the supervision and performance of all personnel employed at the school center.~~

In cases of emergency, the principal shall take appropriate action and report such action to the Superintendent immediately.

B. Other Administrative Personnel

Assistant principals shall be directly responsible to the principal and shall carry out administrative duties as assigned by the principal and as indicated in the job descriptions of these positions.

C. Instructional Personnel

Teachers, counselors, librarians, media specialists, and other instructional personnel shall be directly responsible to the principal of the school and shall satisfactorily perform those duties and functions described in the official job descriptions for these positions.

It is the primary duty of the instructional personnel to help students ~~to~~ meet annual learning goals and state and local requirements, and to master the skills required for graduation from high school prepared for post-secondary education and work. Integrating and using appropriate technology in the teaching and learning processes and in managing, evaluating, and improving instruction shall also be an integral part of the responsibilities of instructional personnel.

D. Support Personnel

Members of the support personnel staff of the school shall satisfactorily perform those duties in the official job descriptions for these positions and ~~they~~ shall be directly responsible to ~~an~~ appropriate administrators as determined by the principal.

(Ref. F.S. §§ 1001.54; 1012.01; 1012.22; 1012.27; 1012.28; 1012.32) (Amended: 11/16/99; / /18)

1.06 DISTRICT ORGANIZATIONAL CHART

The Superintendent shall recommend to the School Board, for approval, an organizational chart showing the line/staff relationship of the organization. The organizational chart shall be reviewed as the needs of the organization change and shall be submitted annually.

(Ref. F.S. §§ 1001.42; 1001.49; 1001.51; 1012.27) (Adopted: 01/08/81) (Amended / /18)

1.07 NON-DISCRIMINATION

Discrimination on the basis of race, religion, color, sex, marital status, age, national origin, pregnancy or disability is prohibited in the employment of personnel, ~~in~~ the provision of educational programs, and ~~in~~ the conduct of the business affairs of the Clay County School System; ~~and provides~~ Further, equal access to school facilities shall be provided to civic and community organizations such as the Boy Scouts of America and other designated patriotic groups and organizations so designated by law.

Reasonable accommodations shall be provided to an employee, who is eligible under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act, to enable the employee to perform essential job functions and enjoy equal employment opportunities.

(Ref. Title II of the Americans with Disabilities Act, 42 U.S.C. § 12203 et seq.; Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq.; Titles IV, VI, and VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; Federal Civil Rights Acts Title VI, VII, IX; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; 1973-78; Pl. L. 94-142, Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905) (Amended: 02/17/94, 12/18/12, 12/17/15, / /18)

1.08 SCHOOL ADVISORY COUNCILS

A. Requirement and Name

Each school is required to establish ~~an advisory committee~~ a School Advisory Council. The name of the Council ~~Committee~~ will be "The (school name) School Advisory Council."

B. Membership

~~Each~~ The ~~s~~ School a Advisory e Council shall be composed of the principal, teachers, support personnel, students (required at the high school level and optional at the middle/junior high school level), parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school.

The following membership percentages shall be based on the total number of members, including the principal:

Teachers = at least 20% (of elementary councils)/at least 30% (of secondary councils)

Parents & other citizens = at least 51%

Support personnel = 10% (or minimum of one member)

The majority of the members, 51% or greater, of each sSchool aAdvisory eCouncil must be persons who are not employed by the school-dDistrict.

C. Election/Selection of Members

1. Teacher members shall be elected by teachers in accordance with the collective bargaining agreements between the School Board and the employees' certified bargaining agent.
2. Parent members shall be elected by the parents or parent group(s).
3. Support personnel members shall be elected by support personnel in accordance with the collective bargaining agreements between the School Board and the employees' certified bargaining agent.
4. Other citizens representing the larger community, such as members of the retirement, business, and military communities~~i.e., senior citizens, business, the military, et cetera,~~ shall be selected by the ~~elected~~School Advisory Council members in consultation with the principal.
5. The student member(s) shall be selected by the student council or other student government organization.

D. Appointment

1. The names of the members thus elected/selected for each sSchool aAdvisory eCouncil and information to assure that they represent the ethnic, racial, and economic community served by the school will be presented to the sSchool bBoard for appointment confirmation.
2. Should the sSchool bBoard determine that the membership elected/selected by the school is not representative of the ethnic, racial, and economic community served by the school, the bBoard shall appoint additional members to achieve proper representation.
3. The membership composition of each School Advisory Council will be monitored at least twice yearly.

E. Notice of Vacancies

Notice of business and community member vacancies shall be distributed by the dDistrict school improvement contact to local businesses, the Clay County Chamber of Commerce, community and civic organizations, and the public at large. A list of interested persons will be kept in the office of the dDistrict school improvement contact and distributed to schools.

F. Duties

1. Each ~~s~~School ~~a~~Advisory ~~e~~Council shall assist the principal in the preparation and evaluation of the school improvement plan ~~required~~ pursuant to section 1001.42(18) of the Florida Statutes.
2. Each ~~s~~School ~~a~~Advisory ~~e~~Council shall assist the principal in preparing the school's annual budget and plan pursuant to section 1008.385(1) of the Florida Statutes~~1008.385.~~
3. ~~No~~The ~~s~~School ~~a~~Advisory ~~e~~Council shall have ~~any~~none of the powers and duties now reserved by law to the ~~district~~~~s~~School ~~b~~Board, the ~~s~~Superintendent, and/or the school principal.

G. Training

The ~~d~~District school improvement contact is responsible for training School Advisory Council chairpersons and for coordinating the delivery of training to School Advisory Councils upon request.

H. Organization and Operation

Each School Advisory eCouncil will develop bylaws to govern the organization and operation of the eCouncil, including terms of membership, officers, and meetings, ~~et cetera.~~ In addition, ~~all councils'~~each Council's bylaws will include procedures for establishing a quorum, requiring notice of meetings, and replacing members, ~~authorizing the district~~ The School Board ~~to~~may review the proposed ~~by laws~~bylaws and ~~providing~~provide for an effective date.

(Ref. F.S. §§ 1001.42; 1001.43; 1001.452)(Adopted: 03/08/84)(Amended: 11/08/84, 10/07/91, 09/17/98, -7/01/02, 12/18/08, ___/___/18)

1.09 PUBLIC CONDUCT ON SCHOOL BOARD PROPERTY

- A. No person shall knowingly disrupt or interfere with a ~~s~~School ~~b~~Board function or activity on ~~s~~School ~~b~~Board property. This includes persons who knowingly advise, counsel, or instruct any student or ~~s~~School ~~b~~Board employee to disrupt any school ~~board~~ function or activity. The School Board Chairman, Superintendent, or designee shall inform a person who is disrupting or interfering with a school board function or activity that he/she may be found guilty of a misdemeanor of the second degree. The person shall be advised to immediately leave the school or District premises.
- B. Any person who has paid for access or purchased an admission ticket to a school function, event, or activity shall be deemed to forfeit such payment and any rights

arising from the same his/her rights under this policy by having disrupted or interfered with the function, -event, or activity in violation of this Policy.

C. Any person who has been given notice by a school official to leave District premises and either fails to leave the premises or leaves the premises and subsequently returns to the premises without authorization of school officials shall be deemed a trespasser. The School officials are authorized to shall sign an affidavit for the trespassing offense subsequent to giving notice to the trespasser.

(Ref. F.S. §§ 1001.37(3)810.097; 1001.32; 1001.42; 1001.43) (Adopted: 02/18/88)
(Amended / /18)

1.10 CLAY COUNTY EDUCATION FOUNDATION

The Clay County Education Foundation, Inc. (“Foundation”), may, without prior administrative approval and on a space and time available basis, use the property, facilities and personnel services of the dDistrict so long as the School Board retains exclusive authority has the right and power to approve the appointment of the Foundation’s President, the Board of Directors, and the annual audit, and of the Clay County Education Foundation, Inc., and has oversight right of the annual budget and audit of the Clay County Education Foundation, Inc. Furthermore, the Foundation shall provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

(Ref. F.S. §§ 1001.453; 1004.70; 1010.09; 1010.34) (Adopted: 01/21/93) (Amended / /18)

1.11 SOCIAL SECURITY NUMBERS

A. Collection, Use, and Disclosure

1. Social security numbers shall be collected, used, and/or disclosed only when to the extent that it is -allowed or required by law or when necessary for the performance of the school system’s District duties and responsibilities, as prescribed by law.
2. The District is authorized to shall collect, use, and/or disclose the social security number of each applicant and employee for valid the following purposes, which include:
 - a. Verification of citizenship or immigration status, as required by state and federal law the U.S. Department of Homeland Security or other governmental agencies;

- b. Employee benefit processing, including membership in the Florida Retirement System, health insurance, prescription, insurance, or other benefits offered to employees by the School Board;
 - c. Compliance with reporting requirements of state and federal agencies, including the United States Department of Homeland Security, United States Internal Revenue Service, the I.R.S., U.S. United States Social Security Administration, Florida Department of Education, Florida Department of Motor Vehicles, and Florida Agency for Work Force Innovation, and such other official reporting responsibilities imposed by law;
 - d. Processing pre-employment and post-employment criminal background checks required by law;
 - e. ~~For s~~Such other purposes as may be directed by the employee, such as direct deposit of wages or salary;~~,-ete.and~~
 - f. ~~For i~~Implementation of any levy, garnishment, income deduction order or other payroll deduction imposed by the any state, local or federal agency government, or any court of competent jurisdiction, agency or administrative body thereof.
3. The District is authorized to collect, use, and/or disclose Ssocial security numbers of vendors and consultants in the absence of or federal employer identification numbers shall be collected from all vendors to facilitate vendor record keeping by the District School Board and to permit compliance with income reporting requirements of the United StatesU.S. Internal Revenue Code, including but not necessarily limited to the issuance of United States U.S. Internal Revenue Form 1099 and W-9 forms.
4. Social security numbers **may** be collected from students:
- a. As required by § section 1008.386 of the Florida Statutes;
 - b. To facilitate proper processing of student scholarship applications;
 - c. As otherwise consented to by the student or student's parent or legal guardian.
5. Social security numbers shall be collected from volunteer program applicants for:
- a. Initial background screening not requiring fingerprints;

- b. ~~For full eCriminal background screening (Level II Screening § 435.04, Fla. Statute)~~ for service as a one-on-one mentor, overnight field trip chaperone, or volunteer screening.

B. Notification

1. Applicants for employment and employees shall be notified of the requirement for providing their social security number prior to the time of the completion and submission of the application for employment, the submission of their recommendation for employment to the School Board and the purposes for which an applicant/employee's number will be used.
2. Applicants for mentor/volunteer program shall be notified of the requirement for providing their social security number prior to the time of the completion and submission of the application for the program and that their number will be used for background checking purposes as listed above.
3. Students and their parents shall be notified that they will be asked to provide their social security number at the time of enrollment; however, students and their parents shall also be notified that a student is not required to provide a social security number as a condition of enrollment or graduation. Further, students and parents shall be notified that student social security numbers will be used only for the purposes herein above stated.

C. Review

The Superintendent shall review the collection of social security numbers to ensure that the reasons for collection and the process ~~for of~~ collection and maintenance are consistent with Florida law Statutes. The Superintendent shall report his/her findings as required by law.

D. Confidentiality

1. A social security number shall be considered confidential and exempt from public disclosure to the greatest extent permitted by public inspection in accordance with state and federal law Florida Statutes. Subject to the provisions of this Policy, social security numbers may be disclosed to another state or federal agency or governmental entity if it is when authorized by law and necessary for the receiving agency entity to perform its responsibilities.
2. A student social security numbers are confidential and will only be released as mandated by law, as required by a lawfully issued subpoena or court order, or upon consent of the parent in strict accordance with the Family Educational Rights and Privacy Act ("FERPA") and accordance with the consent requirement set forth at sections § 119.071(5), 1002.22(3)(d), 1002.221, and

~~1002.222 of the Florida Statutes, Fla. Stat. or as otherwise provided by that section.~~

D.E. Release to Commercial Entities

1. ~~Non-student social security numbers may be released to a legally authorized commercial entity, provided that such entity complies with all legal requirements, including those specifically set forth at section 119.071(5) of the Florida Statutes as permitted by law. The commercial entity must state the reason for requesting the social security numbers.~~
 - a. ~~A commercial entity is any corporation, partnership, limited partnership, proprietorship, sole proprietorship, firm, enterprise, franchise, or association that performs a commercial activity in this state.~~
 - b. ~~Release of social security numbers shall be processed as required by §119.071(5), Fla. Stat.~~
2. The School Board shall annually report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives the identity of all commercial entities that have requested social security numbers during the preceding year and the reasons for the requests. If no requests have been received during the preceding year, the report shall so state. The report shall be filed by January 31st of each year.

~~(Ref F.S. §§ Statutory Authority: 119.071; 1001.41; 1001.42; 1001.43; 1002.22; 1001.221; 1002.222; 1008.386; 1012.23; 1012.31; Driver's Privacy Protection Act of 1994, 18 U.S.C. § 2721 et seq.; Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.; Financial Services Modernization Act of 1999, 15 U.S.C. § et seq.) 1012.23, F.S.)(Law(s) Implemented: 119.071, 1001.43, 1012.23 F.S.) (Adopted: 09/18/08) (Amended ___ / ___ /18)~~

1.12 ANTI-BULLYING AND HARASSMENT

A. Statement prohibiting bullying and harassment

It is the policy of the School Board of Clay County, Florida (hereinafter "Board" or "School Board") that all of its students and school employees are entitled to have an educational and work setting that is safe, secure, and free from harassment and bullying of any kind. The School Board therefore will not tolerate bullying and harassment of any type. Conduct that any conduct which constitutes bullying and/or harassment, as those terms are defined in this Policy herein, is prohibited.

B. Definitions

1. Bullying includes cyber bullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation, or unreasonably interfere with the individual's school performance or participation, ~~is carried out repeatedly and is often characterized by an imbalance of power.~~ Bullying may involve, but is not limited to:
 - a. unwanted teasing
 - b. ~~threatening~~ threats
 - c. ~~intimidating~~ intimidation
 - d. stalking
 - e. cyber stalking
 - f. cyber bullying
 - g. physical violence
 - h. theft
 - i. sexual, religious, or racial harassment
 - j. destruction of school or personal property
 - k. social exclusion, including incitement and/or coercion
 - l. rumor or spreading of falsehoods
2. Harassment means any threatening, insulting, or dehumanizing gesture, using technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:
 - a. places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
 - b. has the effect of substantially interfering with a student's educational or employee's work performance, or either's opportunities or benefits;
 - c. has the effect of substantially negatively impacting a student's or employee's emotion or mental well-being; or
 - d. has the effect of substantially disrupting the orderly operation of a school.
3. Cyber stalking, as defined in Florida Statute 784.048(d), means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

4. Cyber bullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer or signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system or photo-optical system, including but not limited to electronic mail, internet communications, instant messages, or facsimile communications. Cyber bullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the known impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyber bullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, (such as but not limited to blogs, social websites, chat rooms) if the distribution or posting creates any of the conditions enumerated in the definition of bullying.
5. Bullying, Cyber bullying, and/or Harassment also encompass:
 - a. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination.
 - b. Retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
 - c. Perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 1. incitement or coercion;
 2. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system; or
 3. through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school, (this paragraph does not require a school to staff or monitor any non-school related activity, function or program), or

4. acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.
6. Bullying, Cyber bullying, Harassment, and Discrimination (hereinafter referring to as bullying, as defined in Section B for the purpose of this policy) also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socioeconomic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in their education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District.
7. Accused is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing.
8. Complainant is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally or in writing.

C. Expectations

The School Board expects students and employees to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

1. The School Board prohibits the bullying of any student or school employee as follows:
 - a. During any educational program or activity conducted by the School Board.
 - b. During any school-related or school-sponsored program or activity or on a School Board school bus.
 - c. Through the use of any electronic device or data while on school grounds or on a School Board school bus, computer software that is accessed through a computer, computer system, or computer network of the School Board.

The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.

- d. Through threats using the above to be carried out on school grounds. This includes threats made outside of school hours which are intended to be carried out during any school-related or school-sponsored program or activity or on a School Board school bus.
 - e. While the School Board does not assume any liability for incidents that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate, which may include the use of the School Resource Officer. The principal/designee shall document all reports and interventions.
2. All administrators, faculty and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success as seen in the required school plan to address positive school culture and behavior (a/k/a Discipline Plan).
 3. Student rights shall be explained as outlined in this policy and in the Student Code of Conduct.
 4. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the Student Code of Conduct and this policy.

D. Training

Training for students, parents, teachers, area/District staff, school administrators, student support staff, counseling staff, bus drivers, School Resource Officers/Deputies, contractors and school volunteers on identifying, preventing, and responding to bullying will be conducted. At the beginning of each school year the school principal/designee and or appropriate area/District administrator shall provide awareness of this policy, as well as the process for reporting incidents, investigation and appeal, to students, school staff, parents, or other persons responsible for the welfare of a pupil through appropriate references in the Student Code of Conduct, Employee Handbooks, the school website, and/or through other reasonable means.

E. Disciplinary sanctions

Disciplinary Sanctions (consequences) and due process for a person who commits an act of bullying under this policy.

1. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position with the District.
 - a. Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to, suspension or expulsion, as outlined in the Student Code of Conduct and this policy.
 - b. Consequences and appropriate interventions for a school/District employee found to have committed an act of bullying will be instituted in accordance with District policies, procedure, and union contracts and agreements. Additionally, egregious acts of bullying by certified educators may result in a sanction against an educator's state-issued certificate (Rule 6B-1.006 F.A.C.).
 - c. Consequences and appropriate intervention for a visitor or volunteer found to have committed an act of bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
 - d. These same actions will apply to persons, whether they are students, school employees, or visitors/volunteers/independent contractors, who are found to have made wrongful and intentional accusations of another as a means of bullying.

F. Report an act of bullying

1. At each school, the principal/designee is responsible for receiving oral or written complaints, including complaints submitted through email or District websites, alleging violations of this policy, as with all infractions from the Student Code of Conduct.
2. All District faculty and staff are required and must report, in writing, any allegations of bullying or violations of this policy to the principal/designee or appropriate District administrator. Failure to report will result in action(s) or discipline consistent with the collective bargaining agreement provisions, up to and including termination of employment.
3. Any other members of the school community who have credible information that an act of bullying has taken place may file a report of bullying, whether a victim or witness.
4. Any student (and/or the parent on that complainant's behalf if the complainant is a minor) who believes he/she is a victim of bullying (or any individual, including any

student who has knowledge of any incident(s) involving bullying of students) is strongly encouraged to report the incident(s) in writing to a school official. Complaints should be filed as soon as possible after the alleged incident and noted appropriately, but must be filed within sixty (60) school days after the alleged incident (i.e., within sixty (60) school days of the last act of alleged bullying). Failure on the part of the complainant to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned.

5. The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, and parents how a report of bullying may be filed and how this report will be acted upon.
6. A school District employee, school volunteer, contractor, student, parent, or other person who promptly reports in good faith an action of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in this District policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments with the School Board.
7. Administrators/principal/designee(s) shall document in writing and/or via the specified data system all complaints regarding bullying, as with all infractions of the Code of Student Conduct, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.
8. Anonymous reports may be delivered to the school administration's front office or to the office of the Deputy Superintendent. Formal disciplinary action may not be based solely on the basis of an anonymous report.

G. Bullying Complaints and Resolution

1. The investigation of a reported act of bullying of a student, school-based employee, parent, legal guardian, volunteer, or other persons providing service to the school is deemed to be a school-related activity and begins with a report of such an act.
2. The principal/designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. Although this policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in *Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II (1999)*.

3. If the complaint is about the principal or a District staff member's direct supervisor, then the Assistant Superintendent/designee or appropriate District administrator shall be asked to address the complaint.
4. Informal Resolution: where the administrator, along with the complainant and the accused/student may agree to informally resolve the complaint. The incident and the resolution must be documented on the appropriate data system.

If a mutual resolution has not been achieved, a formal written appeal must be filed within five (5) work days after the informal meeting and submitted to the principal or appropriate District supervisor.

5. Formal Resolution: the complainant/student/employee or parent(s) on behalf of the student may file a written complaint with the principal/designee or appropriate District administrator by utilizing the Clay County Public Schools Bullying Complaint Report Form. Said form is available on the School District's website, at each school's front office, or District/department site.

According to the level of infraction, parents will be promptly notified of any actions being taken to protect the victim via telephone or personal conference; the frequency of notification will depend on the seriousness of the bullying incident.

6. The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing and/or noted in the District specified data system

H. Investigation requirements for reported acts of bullying under this policy

1. The procedures for investigating school-based bullying may include the principal/designee and/or the utilization of other designated personnel in the case of student-to-student bullying. The principal or designee and other designated personnel shall be trained in investigative procedures and interventions as outlined in this policy. For incidents at the District level, the appropriate administrator will be responsible for the investigation as outlined in this policy.
2. The investigator may not be the accused or the alleged victim.
3. The principal/designee or appropriate District administrator shall begin a thorough investigation and interviews with the complainant(s), accused, and witnesses within two (2) school days of receiving a notification of complaint. (The Florida Department of Education requires that school administrators/designees provide immediate notification to the parents of both the victim and the alleged perpetrator of an act of bullying or harassment.)

4. During the investigation, the principal/designee or appropriate District administrator may take any action necessary to protect the complainant, other students, or employees consistent with the requirements of applicable regulations, statutes and collective bargaining agreements.
 - a. In general, student complainants will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail.
 - b. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee or appropriate District administrator also may discuss the complaint with any school District employee, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.
 - c. During the investigation where an employee is the accused, the principal/designee or the appropriate District administrator may recommend to the Assistant Superintendent of Human Resources/designee any action necessary to protect the complainant or other students or employees consistent with the requirements of applicable statutes, State Board of Education Rules, School Board policies, and collective bargaining agreements.
5. Within ten (10) school days of the filing of the complaint, there shall be a written decision by the principal/designee or appropriate District administrator regarding the completion of the investigation. The principal/designee shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the Code of Conduct.
6. The principal/designee or appropriate District administrator will inform all relevant parties in writing of the decision and the right to appeal. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems, including but not limited to SESIR and the Statewide Report on School Safety and Discipline Data system.
7. If the accused is an employee, discipline may be taken consistent with any applicable collective bargaining agreement provisions to resolve a complaint of bullying. The supervisor/designee (e.g., principal/designee for school-based employees) of the employee shall discuss the determination and any recommended corrective action with the appropriate Director for school-based actions or the appropriate District supervisor for District actions, and the Assistant Superintendent of Human Resources.

8. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint; and if it occurs, it shall be deemed an additional act of bullying as stated in this policy.

I. Referral for Intervention

1. Referral of a student for consideration of appropriate services is made through the school problem-solving process by school personnel or parent to the principal/designee. Parent notification is required. When such a report of formal discipline or formal complaint is made, the principal/designee shall refer the student(s) to the collaborative problem-solving team for determination of need for counseling support and interventions.
2. Referral of school or district personnel to the Employee Assistance Program (EAP) for consideration of appropriate services will be made by the administrator.
3. School-based intervention and assistance will be determined by the collaborative problem-solving team and may include, but is not limited to:
 - a. counseling and support to address the needs of the victims of bullying
 - b. counseling interventions to address the behavior of the students who bully (e.g., empathy training, anger management)
 - c. intervention which includes assistance and support provided to parents
 - d. analysis and evaluation of school culture with resulting recommendations
4. Self-referral for informal consultation: District staff, students or parents may request informal consultation with school staff (e.g., school social worker, school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern of bullying (the involved students' parents may be included) orally or in writing to the principal/designee.
5. Any incident, investigation and consequence shall be recorded in the appropriate discipline file.

J. Incident reporting requirements

1. The procedure for including incidents of bullying in the school's report of safety and discipline data is required under F.S. 1006.09(6). The report must include each incident of bullying and the resulting consequences, including discipline, interventions and referrals. In a separate section, the report must include each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding said incident.
2. The School Board will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment in its codes.

3. Discipline, referral data, investigations, interventions, and actions of discipline shall be recorded on the specified data system, as with other infractions from the Code of Student Conduct.

K. Process for referral for external investigation

1. If the act is outside the scope of the District and determined a criminal act, referral to appropriate law enforcement shall be made immediately, the parent will be notified, and the referral documented by the principal/designee in the specified data system.
2. While the District does not assume any liability for incidents that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate, including the use of the School Resource Officer and other interventions.

L. Appeals process

1. Appeal procedure for bullying by a student will follow the steps outlined in the Code of Student Conduct.
2. Appeal procedure for an accused/employee:
 - a. If the accused/employee wishes to appeal the action taken in resolution of the complaint, such appeal shall be filed either in accordance with School Board policy or pursuant to the relevant collective bargaining agreement.
 - b. In reaching a decision about the complaint, the following should be taken into account:
 - 1) School Board Policy, Employee Disciplinary Guidelines; and
 - 2) Case law, state and federal laws and regulations, and the School Board's policies prohibiting bullying and discrimination, including this policy.

M. Confidentiality

1. To the greatest extent possible, all complaints will be treated as confidential and in accordance with School Board Policy, F.S. §1002.22(3)(d), the Family Educational Rights and Privacy Act ("FERPA"), the Health Insurance Portability and Accountability Act ("HIPAA"), and any other applicable law, including F.S. §119.07(1), 1012.31(3)(a), or 1012.796(1)(c).

2. Limited disclosure may be necessary to complete a thorough investigation as described above. The District's obligation to investigate and take corrective action may supersede an individual's right to privacy.
3. The complainant's ~~identify~~ identity shall be protected, but absolute confidentiality cannot be guaranteed. The identity of the victim of the reported act shall be protected to the extent possible.

N. Retaliation Prohibited

1. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment in connection with making~~filing~~ a complaint or assisting with an investigation under this ~~p~~Policy.
- ~~1.2.~~ Retaliatory or intimidating conduct against any individual who has made a bullying or harassment complaint or any individual who has testified, assisted, or participated in any manner in an investigation is specifically prohibited, and may itself as detailed in this policy shall be treated as an act of another incidence of bullying or harassment.

O. Additional Referral

In all cases, the District reserves the right to refer the results of its own investigation to law enforcement agencies, including, without limitation, the State Attorney for the Fourth Judicial Circuit of Florida, for possible criminal charges, whether or not the District takes any other action.

P. Constitutional Safeguard

This ~~p~~Policy shall not be construed or applied ~~does not imply to~~ prohibit expressive activity protected by law, including the First Amendment of the United States Constitution and ~~or~~ Article I, Section 4, of the Florida Constitution.

Q. Preclusion

This policy should not be interpreted as to prevent a victim or accused from seeking redress under any other available law, either civil or criminal.

R. Severability

If a provision of this policy is or becomes illegal, invalid, or unenforceable in any jurisdiction, that shall not affect the validity or enforceability in that jurisdiction of any other provision of this policy.

(Ref. F.S. §§ 119.071; 1006.147) (Adopted: 11/18/08) (Amended: 8/15/13, ___ / ___ /18)

1.13 TEEN DATING VIOLENCE AND ABUSE

A. Statement prohibiting dating violence and abuse

It is the policy of the School Board of Clay County, Florida, that all of its students and school employees have an educational setting that is safe, secure, and free from dating violence and abuse of any kind. The district will not tolerate dating violence and abuse of any type. The school district upholds that dating violence or abuse by any student is prohibited:

1. On school property;
2. During any school-related or school-sponsored program or activity; and
3. During school-sponsored transportation.

B. Definition of dating violence and abuse

Dating violence is a pattern of emotional, verbal, sexual, or physical abuse used by one person in a current or past dating relationship to exert power and control over another. Abuse may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and coercive behavior to gain power and maintain control over the dating partner. As defined herein, said dating violence or abuse must occur in a setting set forth above or must impact or disrupt the educational setting.

C. Procedure for reporting an act of dating violence and abuse

All school employees are required to report suspected cases of dating violence and alleged violations of this Policy to the principal or the principal's designee. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be in violation of this policy anonymously or in-person to the principal or principal's designee as soon as possible after it occurs.

The victim of dating violence or abuse, anyone who witnessed an act of dating violence or abuse, and anyone who has credible information that an act of dating violence and abuse has taken place may file a report on dating violence or abuse. Submission of a good faith complaint or report of dating violence or abuse will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

Any written or oral reporting of an act of dating violence and abuse shall be considered sufficient means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

D. Procedure for investigation and disciplinary action of a report of dating violence

The school principal or designee shall immediately conduct a thorough investigation of allegations of dating violence or abuse in a substantially similar manner as is used to investigate sexual harassment and/or bullying. Disciplinary investigation procedures shall be followed. If the principal or designee determines that a student is guilty of dating violence or abuse, said student shall be disciplined in accordance with the Student Code of Conduct. Suspected criminal conduct shall be reported to law enforcement.

E. Procedure for enforcing restraining orders

Students or parents/guardians should inform the ~~S~~school or the ~~d~~District that an order of protection has been issued, and supply with school with a copy of such order. The principal or designee will advise the alleged ~~contact the abuser and their his/her~~ parents/guardians to advise them of the effect of the order on in-school student interaction. The principal or designee ~~district administrator~~ will notify law enforcement immediately if they have a reasonable belief that a criminal or civil restraining order has been violated. The school administration will respond immediately to a report of a violation of a criminal or a civil restraining order.

F. Procedure to provide support services and reasonable accommodations to the victim

The school or the ~~d~~District will provide a victim of dating violence and abuse with the following, based on the circumstances:

1. Reasonable accommodations, such as class schedule changes.
2. Security protection, such as safe ingress/egress/regress to/from school and within the school.
3. Timely and comprehensive investigation of dating violence and abuse complaints.
4. Referrals for outside support and/or counseling.

G. Training

Procedure for training teachers, staff and school administrators in the identification, investigation, and intervention of dating violence and abuse incidents that occur at or impact the school:

Teachers, school administrators, counseling staff, and other employees shall be provided training in the areas of the proper identification, investigation, and intervention of dating violence ~~or~~ and abuse incidents that fall within the jurisdiction of the school.

Students, parents/legal guardians, teachers, and school volunteers shall be provided information at a minimum on an annual basis on the district's Policy and Procedures against dating violence and abuse. The information shall include evidence-based methods of preventing dating violence and abuse, as well as how to effectively identify and respond to dating violence and abuse incidents within the scope of the school.

H. Instruction to Students

Procedure for providing instruction to students in comprehensive health education including a teen dating violence or abuse component:

The Clay County School District health education curriculum for students in grades 7 through 12 shall include a component on teen dating violence and abuse with emphasis on prevention based education.

(Ref. F.S. § 1006.148), (Adopted: 12/16/10) (Amended ___ / ___ /18)