

## **SECTION I ORGANIZATION OF THE DISTRICT SCHOOL SYSTEM**

### **1.01 THE DISTRICT SCHOOL SYSTEM**

- A. The District School System shall include all public schools, classes and courses of instruction and all services and activities directly related to education in the district which are under the direction of 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 district school officials shall be consistent and in harmony with state laws and rules and regulations, and minimum standards of the State Board. District school officials, however, shall have the authority to provide additional educational opportunities, as desired, which are authorized, but not required by law.”

(Ref. F.S. 1001.32)

### **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 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 Florida Statutes and State Board of Education Rules. 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, as with any legislative body, is to act collectively, not individually. 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.
  - 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. The individual School Board member is entitled to full information and data necessary in his/her judgment to the proper casting of 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.

(Ref. F.S. 1001.41)

#### 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 district. Each member of the Board shall serve as the representative of the entire district rather than as the representative of the School Board member residence area.

(Ref. F.S. 1001.34, 1001.363)

#### C. Organization and Officers

1. A Chairman and a Vice-Chairman shall be elected annually by the Board at its organizational meeting held on the third Tuesday after the first Monday in November; provided, however, if a vacancy occurs in the chairmanship, the School Board shall elect a Chairman at the next regular or special meeting following the vacancy.
2. The Chairman shall preside 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 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 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.
3. The Superintendent, as provided by law, shall be the Secretary and Executive Officer of the School Board. At any organizational meeting, the Superintendent shall act 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. 1001.32, 1001.371)

#### 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, 1012.22)

E. Board Meetings

1. Time of Meetings

- a. The regular meetings of the School Board shall be held on the third Thursday of each calendar month at 7:00 p.m. Future 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 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 School Board Chair, the Superintendent or a majority of the Board members for the purpose of discussing matters which constitute the business of the school system and which provide the Board with knowledge on 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 attend. 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. The Board shall allow questions only from the public at workshop meetings.
- d. All official meetings of the School Board 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 an opportunity to address the School Board during its regular meetings and special meetings and may ask questions only at workshop meetings.
- e. No formal action shall be taken by the School Board at any meeting other than a regular or special meeting. 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. Exceptions to the Sunshine Law – Pursuant to the Public Employees Collective Bargaining Act, Chapter 447, Florida Statutes, all discussions between the chief executive officer of the public employer, or his/her representative, and the legislative body or the public employer relative to collective bargaining are exempt from the Sunshine Law. However, pursuant

to 447.605 (2), collective bargaining negotiations between a chief executive officer, or his/her representative, and a bargaining agent are not exempt from the Sunshine Law. Also, certain hearings concerning exceptional students and all student disciplinary hearings are exempt from the Sunshine Law pursuant to the Privacy Act. Meetings between the School Board and its attorneys held pursuant to Florida Statute 286.011(8) shall be held out of the sunshine and are not open for public attendance.

2. Place of Meetings

All regular and special meetings of the School Board shall be in the Teacher In-service Center at Fleming Island High School, 2233 Village Square Parkway, Orange Park, 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 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 as required by Florida Statutes. (Amended: 03/18/04)

3. Rules of Order

All School Board meetings shall be guided by Robert's Rules of Order. Except when required by Florida Statute or Stat Board Rules, a simple majority will carry all board actions. The Chair shall be responsible for maintaining order and control of the meeting. (Amended: 01/15/15)

4. Agenda

The Superintendent shall establish the agenda for School Board meetings in collaboration with the Board Chair. Board members may add items to the Agenda for Board action. No 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 before the publication of the agenda the Superintendent shall review the agenda, including all backup materials, with the Board Chair. The Superintendent and/or a School Board member may, with the approval of the School Board, introduce an emergency item not on the agenda. The agenda for Regular and Workshop meetings shall be posted for the public and others parties seven (7) days in advance of the meeting, and as soon as possible but not less than forty-eight (48) hours prior to any special meeting called pursuant to Florida Statute 1001.372(1). 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 item unless the item is shown on the agenda or an amendment thereto and the backup material adequate for an informed decision is delivered to School Board members at least 48 hours prior to the meeting at which action is to be taken. This provision, shall not apply in cases in which the School Board determines by a separate vote, that an emergency, as defined in paragraph 1.02 (F) 2 of these rules, does exist.

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

(Amended: 05/18/95; 05/16/13; 01/15/15)

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.

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 member who is present shall vote on each decision, ruling, or official act which is taken or adopted by the School Board, unless there is or appears to be a conflict of interest under the provisions of Sections 112.311, 112.313, 112.3141, 112.3143 or 112.316, Florida Statutes. In such cases the member may abstain but shall comply with the disclosure requirements of Section 112.3144, Florida Statutes.

7. Minutes

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 proceedings made by 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 called to order, the time adjourned, the names of the members present, motions, resolutions, actions and votes. It shall be the duty of each 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 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 chairman or by a majority of the School Board.

All School Board meetings shall be video recorded with accompanying audio and a copy of the video recording shall be posted on the School District website as soon as practical after the meeting is concluded.

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

8. Conduct at Meetings

All attendees and participants in the School Board meeting are expected to act and speak in a courteous, professional and respectful manner to each other.

The public shall be informed that it is unlawful to knowingly disrupt or interfere with 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.

There shall be a minimum of one (1) sheriff's deputy hired to provide security at each regularly scheduled school board meeting.

(Ref. F.S. 1001.372(1); 1001.42; 1001.51; 1001.372(2); 1001.37(3), Amended 11/20/12; 05/16/13)

9. Procedures for Citizen Participation

a. Presentations from the Audience

A citizen who wishes to speak about a matter on the agenda shall, before the meeting begins or as soon as possible thereafter, using the speaker cards provided, submit in writing, his/her name, address, and name of organization or group represented, if any, and agenda item number(s). 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 allowed unless the time is extended by the presiding officer. Speaker cards shall not be accepted after the Board begins the discussion agenda. Only the individual submitting the 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.

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. 1001.372(1); 1001.42; 1001.51; 1001.372; 1001.37(3). Revised; 05/16/13; 01/15/15)

#### 10. Board Member Meeting Attendance by Electronic Media

Board members may participate in and vote at all regular, special or workshop meetings of the Board by the use of 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 electronic media in all instances other than those necessitated by injury or illness must be presented to the Board no later than the meeting prior to the meeting which will be missed. The request will be granted by the Board only when the absence is due to "extraordinary circumstance" and will require approval by the majority of the Board. In all instances, participation by electronic media will only be allowed if a quorum is physically present at the site where the meeting is actually being held.

(Ref. F.S. 1001.41)(Revised: 08/18/05, 10/19/06; 05/16/13)

#### F. School Board Rules

These rules may be amended, repealed, or a new rule adopted as hereinafter prescribed and pursuant to The Administrative Procedure 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 Rule



- a. Unless an emergency exists, any proposal relating to an amendment to any rule, the repeal of any 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 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 adoption of a rule which it proposes to adopt, repeal, or amend, the Superintendent shall give immediate and proper written notice 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 rule's purpose and effect, the estimate of economic impact to all individuals affected by the proposed rule or rule amendment, the legal authority to authorize the School Board's action, and the location where the text of the proposed change may be obtained.
- c. Any person, who is substantially affected by a proposed rule, rule amendment, or the repeal of a rule, may within twenty-one (21) days following notice 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 proposed new rule, rule amendment, or repeal of a rule is adopted by the School Board, the Superintendent shall file a copy of such rule immediately in his/her office, and amend policy handbooks accordingly.
- e. Such rules shall become effective upon adoption by the School Board unless a later date is specified therein.
- f. All Board rules contained in the Board Policy Manual shall be reviewed by the Superintendent or his designee every two (2) years. The review shall be for the purpose of identifying and correcting deficiencies in Board rules, clarifying and simplifying rules, deleting obsolete or unnecessary rules, deleting redundant rules and ensuring the Board rules are correct and comply with statutory 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 Rule

- 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 adopt, 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 for any such emergency rule. Any emergency rule shall not be valid in excess of ninety (90) days from the effective date.

- c. When an emergency rule is adopted and the School Board determines that such rule shall be adopted as a permanent rule, the procedures prescribed in subsection (1) herein shall be followed at least sixty (60) days prior to the expiration date of the emergency rule.
3. Any employee of the School Board, citizen, or agency may obtain information relating to the method for proposing a rule or may submit a 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. A copy of the compiled rules shall be available for inspection at the Superintendent's Office, the principal's school office, in the library of any school, and the public library.
6. 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. 1001.41)(Amended: 03/18/04; 01/15/15)

#### 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/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)

#### 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. 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. 1001.39) (Adopted: 03/01/88)

I. Information Distribution to School Board Members

1. Whenever any administrator of the school district furnishes written information to any member of the school board, such information shall also be furnished to every other member of the school board.
2. Whenever written information is received by the administrative staff from Southern Association of Colleges and Schools (SACS) which identifies deficiencies from SACS standards in the school district or in a particular school in the district, such information shall be furnished to every member of the school board.
3. In every instance of a serious violation of the Code of Student Conduct that is racially related or involves the use of possession of a weapon, there shall be a written report thereof made and conveyed to each school board member.
4. The school board 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; 1001.49)(Amended: 04/23/92)

**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 shall not be construed to derogate from the generality of duties hereby imposed.

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 such employees shall be subordinate to the Superintendent in all matters relating to the public schools, including those specifically assigned by these 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. He/She shall assign personnel to their respective duties and shall appraise the qualities of their respective services; he/she shall assist principals with the organization and internal operation of their respective schools. The Superintendent shall assist in securing facilities, personnel, and materials necessary to permit effective functioning of the educational program.

- a. The Superintendent shall supervise the collecting, recording, and disbursing of all funds collected within the schools in accordance with the policies of the School Board.
- b. As executive officer of the School Board, the Superintendent shall represent the School Board in matters of collective 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 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.

(Ref. F.S. 1001.49; 1001.51)

### 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)

### C. Salary of the Superintendent

The base salary of the School Superintendent is set in an amount indicated pursuant to Florida Statute 1001.47. However, the School Board may, by majority vote, approve a

supplemental amount in addition to, and in excess of the amount specified by the statute, which shall be reviewed annually.

(Ref. F.S. 1001.41; 1001.43; 1001.47) (Adopted: 05/16/13) (Adopted: 12/16/14)

#### **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. District Office Divisions**

The District Office shall be organized into four (4) divisions, each to be headed by an administrator recommended by the Superintendent, and appointed by the School Board. The four (4) divisions are: Business Affairs, Instruction, Support Services, and Human Resources. 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 school district. The services of this division shall include financial services, purchasing services, 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 Instruction shall be responsible for directing and coordinating all of the instructional programs of the district. In addition, direction and coordination are provided for services which directly support the instructional programs.

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 Support Services shall be responsible for providing school facility planning and construction, maintenance services, custodial services, student transportation and safety management for the 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 school district. The services of this division include recruitment, employment, salary, and employee benefits, and labor relations.

The 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; 1012.27) (Amended: 05/18/95)

## **1.05 THE SCHOOL CENTER STAFF**

### **A. Principal**

The principal is the administrative head of the school. 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, 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, 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 description and they shall be directly responsible to an appropriate administrator(s) as determined by the principal.

(Ref. F.S. 1012.22; 1012.27) (Amended: 11/16/99)

## **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.

(Ref. F.S. 1001.42; 1012.27) (Adopted: 01/08/81)

## **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 equal access to the Boy Scouts and other designated patriotic groups.

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

(Ref. Federal Civil Rights Acts Title VI, VII, IX; Section 504.F Rehabilitation Act, 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)

## **1.08 SCHOOL ADVISORY COUNCILS**

### **A. Requirement and Name**

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

### **B. Membership**

The school advisory council shall be composed of the principal, teachers, support personnel, students (required at the high school level and optional at the junior high school level), parents, and other 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 school advisory council must be persons who are not employed by the school district.

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, i.e., senior citizens, business, the military, et cetera, shall be selected by the elected 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 school advisory council and information to assure that they represent the ethnic, racial, and economic community served by the school will be presented to the school board for appointment confirmation.
2. Should the school board determine that the membership elected/selected by the school is not representative of the ethnic, racial, and economic community served by the school, the board shall appoint additional members to achieve proper representation.
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 district 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 district school improvement contact and distributed to schools.



F. Duties

1. Each school advisory council shall assist the principal in the preparation and evaluation of the school improvement plan required pursuant to Florida Statute 1001.42.
2. Each school advisory council shall assist the principal in preparing the school's annual budget and plan pursuant to Florida Statute 1008.385.
3. The school advisory council shall have none of the powers and duties now reserved by law to the district school board, the superintendent, and the school principal.

G. Training

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

(Ref. F.S. 1001.452)(Adopted: 03/08/84)(Amended: 11/08/84, 10/07/91, 09/17/98, 07/01/02, 12/18/08))

**1.09 PUBLIC CONDUCT ON SCHOOL BOARD PROPERTY**

- A. No person shall knowingly disrupt or interfere with a school board function or activity on school board property. This includes persons who knowingly advise, counsel, or instruct any student or school 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 premises.
- B. Any person who purchased an admission ticket to a school event shall forfeit his/her rights under this policy by having disrupted or interfered with the event.
- C. Any person who has been given notice by a school official and either fails to leave the premises or leaves the premises and subsequently returns to the premises shall be deemed a trespasser. The school official shall sign an affidavit for the trespassing offense subsequent to giving notice to the trespasser.

(Ref. F.S. 1001.37(3)) (Adopted: 02/18/88)

## **1.10 CLAY COUNTY EDUCATION FOUNDATION**

The Clay County Education Foundation, Inc., may, without prior administrative approval and on a space and time available basis, use the property, facilities and personnel services of the district so long as the School Board has the right and power to approve the President, the Board of Directors, and the annual audit of the Clay County Education Foundation, Inc., and has oversight right of the annual budget and audit of the Clay County Education Foundation, Inc.

(Ref. F.S. 1010.09; 1010.34) (Adopted: 01/21/93)

## **1.11 SOCIAL SECURITY NUMBERS**

### **A. Collection**

1. Social security numbers shall be collected only when allowed by law or when necessary for the performance of the school system's duties.
2. The District shall collect the social security number of each applicant and employee for the following purposes:
  - a. Verification of citizenship or immigration status, as required by 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 the I.R.S., U.S. Social Security Administration, 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 such other purposes as may be directed by the employee, such as direct deposit of wages or salary, etc.
  - f. For implementation of any levy, garnishment, income deduction order or other payroll deduction imposed by the state, local or federal government, or any court, agency or administrative body thereof.
3. Social security numbers or federal employer identification numbers shall be collected from all vendors to facilitate vendor record keeping by the School Board and to permit compliance with income reporting requirements of the U.S. Internal Revenue Code, including but not necessarily limited to issuance of U.S. Internal Revenue Form 1099.
4. Social security numbers **may** be collected from students:
  - a. As required by § 1008.386, Florida Statutes;
  - b. To facilitate proper processing of student scholarship applications;
  - c. As otherwise consented to by the student or the student's parent.

5. Social security numbers shall be collected from volunteer program applicants for:
  - a. Initial background screening not requiring fingerprints;
  - b. For full criminal 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, that student social security numbers will be used for the purposes 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 collection and maintenance are consistent with Florida 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 inspection in accordance with Florida Statutes. Social security numbers may be disclosed to another agency or governmental entity if it is necessary for the receiving entity to perform its responsibilities.
2. Student social security numbers are confidential and will only be released in accordance with the consent requirement set forth at § 1002.22(3)(d), Fla. Stat. or as otherwise provided by that section.

E. Release to Commercial Entities

1. Non-student social security numbers may be released to a commercial entity 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 31<sup>st</sup> of each year.

(Statutory Authority: 1001.41, 1001.42, 1012.23, F.S.)(Law(s) Implemented: 119.071, 1001.43, 1012.23 F.S.)  
 (Adopted: 09/18/08)

## **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 have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The School Board will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined 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
  - c. intimidating
  - 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, socio-economic 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 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 (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 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, 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' 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 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 filing a complaint or assisting with an investigation under this policy.
2. Retaliatory or intimidating conduct against any individual who has made a bullying complaint or any individual who has testified, assisted, or participated in any manner in an investigation is specifically prohibited, and as detailed in this policy shall be treated as another incidence of bullying.

O. Additional Referral

In all cases, the District reserves the right to refer the results of its own investigation to 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 policy does not imply to prohibit expressive activity protected by the First Amendment of the United States Constitution 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.

(F.S. 1006.147) (Adopted: 11/18/08) (Amended: 8/15/13)

**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; or
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 parent/guardian should inform the School or the district that an order of protection has been issued. The designee will contact the abuser and his/her parents to advise them of the effect of the order on in school student interaction. The principal or 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 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 egress/regress 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. 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 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. 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.

(F.S. 1006.148, Adopted: 12/16/10)