





**Supplement No. 46, October 2008**

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## 8.01 PERSONNEL RECORDS

Personnel records shall be required and maintained consistent with federal and state laws and the policies of the Board.

- (1) The following records for each employee shall be maintained in the personnel office:
  - (a) completed application form;
  - (b) evidence of successful completion of a medical screening as required by Board policy;
  - (c) Florida Teaching Certificate, certificates of extension and additions of subjects (if required by law for the position held);
  - (d) employee assessments;
  - (e) signed contract (if required);
  - (f) signed loyalty oath;

**(3) Effective and Efficient Operation: Standard and Teacher Professional Expectations**

**(a) Standard**

3.0 Standard: The teacher is an educational leader who uses a Baldrige based system to effectively and efficiently organize and manage the classroom to maximize highest student achievement.

**(b) Teacher Professional Expectations**

3.1 Provides professional leadership to establish a culture conducive to learning and student diversity, involves students in the development of a mission and goals that support the SIP and guide classroom decisions, and uses data for continual improvement.

3.2 Develops and implements a strategic planning system.

3.3 Understands customer expectations of the state, district, school, and next grade level and maintains positive customer relations. Teachers are to follow School Board policy.

3.4 Systematically obtains information and analyzes classroom results.

3.5 Develops and manages human resources within the classroom.

3.6 Develops and manages instructional and operational processes with the students to create a high performing classroom learning system.

3.7 Demonstrates positive classroom results and trends.

Statutory Authority: 230.03(2), 230.22, 230.23, 230.23005 F.S.  
Laws Implemented: 231.41, 231.381, 231.39, 231.40, 231.481, F.S.  
History: New 9/25/01

### 8.1120 EMPLOYMENT OF ADMINISTRATORS

The School Board recognizes that it is vital to the successful operation of the District that administrative positions created by the Board be filled with highly qualified and competent personnel. Any person employed in an administrative position requiring certification shall possess a valid certificate issued pursuant to Florida law and shall file the certificate with the District.

The Board shall approve the employment, determine the compensation, and establish the term of employment for each administrator employed by the Board. Approval shall be given only to those candidates for employment recommended by the Superintendent. Administrators shall recommend to the Superintendent the best qualified administrative applicant available.

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

To be eligible for employment in an administrative position, an individual must be of good moral character, and, if required, hold a valid certificate issued pursuant to Florida law and the rules of the State Board of Education or the Department of Children and Family Services, except when employed pursuant to F.S. 1012.55 or under the emergency provisions of F.S. 1012.24. Previous residence in this State shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity. A person who is found through background screening, pursuant to Board Policy, to have been adjudicated guilty of a crime specified in F.S. 1012.315, or convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students.

Additionally, the following guidelines shall apply:

Category One:

Felony sexual related crimes, lewd and lascivious crimes, and felony child abuse crimes.

The District will not hire applicants who have been convicted of Category One offenses.

Category Two:

Felony crimes of violence and felony sale of controlled substances.

The District will not hire the applicant if the conviction for a Category Two Offense was within the last 25 years. The District will consider the applicant and carefully review the conviction for a Category Two offense if it was beyond 25 years.

Category Three:

Other felony crimes (except those designated under Category Five), any other misdemeanor crimes of a sexual nature, and misdemeanor crimes related to children.

The District will not hire the applicant if the conviction for a Category Three Offense was within the last 10 years. The District will consider the applicant and carefully review the conviction for a Category Three Offense if it was beyond 10 years.

**Category Four:**

Misdemeanor drugs, misdemeanor crimes of violence, and misdemeanor crimes involving weapons.

The District will not hire the applicant if the conviction was within the last 5 years. The District will consider the applicant and carefully review if the conviction was beyond 5 years.

**Category Five:**

Other misdemeanors, and felony crimes involving worthless checks.

The District will consider the preceding convictions in Category Five on a case by case basis.

The term conviction means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond or other security deposited to secure appearance by a person charged with having committed a felony or misdemeanor, the payment of a fine, a plea of nolo contendere (no contest), the imposition of a deferred or suspended sentence by the court, adjudication withheld, finding of guilt or the date of entry into a pre-trial intervention, pre-trial diversion, or similar program, so long as such PTI/PTD program is completed by the end of the relevant waiting period.

A candidate whose employment application has been rejected due to conviction of a disqualifying criminal offense may appeal to the Criminal Appeal Committee. The Criminal Appeal Committee shall be made up of the Staff Attorney, an Administrator from the Office of Professional Standards designated by the Staff Attorney, and the Associate Superintendent for Human Resources or designee. Applicants appealing to the Committee shall have the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the applicant since the incident, or any other evidence or circumstances indicating that the applicant will not present a danger if employment is allowed. In the case of rejection due to an adjudication of guilt for an offense listed in Section 1012.315, F.S., the only basis for appeal to the Committee shall be mistaken identity. The decision of the Committee is final. The Superintendent shall establish procedures governing the appeal process.

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

F.S. 1012.33 states that "the first ninety-seven (97) days of an initial contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may

resign from the contractual position without breach of contract." This statement means that individuals who are appointed into their initial administrative positions in the State of Florida will have a ninety-seven (97) day probationary period.

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

Members of the administrative staff, except those shielded by law, are required to have listed telephones at their residences. This requirement may be waived by the Superintendent for a period not to exceed six (6) months, subject to review and extension at the end of the six (6) month period if justification for the waiver still exists.

Statutory Authority: Chapter 2008-108, Laws of Florida  
History: New 10/14/08

## **8.1210 STANDARDS OF ETHICAL CONDUCT FOR ADMINISTRATIVE STAFF**

An effective educational program requires the services of men and women of integrity, high ideals, and human understanding.

All administrators shall adhere to the *Code of Ethics for Public Officers and Employees* as set forth in F.S. 112.311, *et seq.*

The School Board hereby establishes the following as additional standards of ethical conduct for all administrators in the District:

A. An administrator shall:

1. Make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
2. Not unreasonably restrain a student from independent action in pursuit of learning.
3. Not unreasonably deny a student access to diverse points of view.
4. Not intentionally suppress or distort subject matter relevant to a student's academic program.
5. Not intentionally expose a student to unnecessary embarrassment or disparagement.
6. Not intentionally violate or deny a student's legal rights.
7. Not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and make reasonable efforts to assure that each student is protected from harassment or discrimination.
8. Not exploit a relationship with a student for personal gain or advantage.
9. Keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

10. Take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.

11. Not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.

12. Not use institutional privileges for personal gain or advantage.

13. Accept no gratuity, gift, or favor that might influence professional judgment.

14. Offer no gratuity, gift, or favor to obtain special advantages.

15. Maintain honesty in all professional dealings.

16. Not on the basis of race, color, religion, sex, sexual orientation, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.

17. Not interfere with a colleague's exercise of political or civil rights and responsibilities.

18. Not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, make reasonable efforts to assure that each individual is protected from such harassment or discrimination.

19. Not make malicious or intentionally false statements about a colleague.

20. Not use coercive means or promise special treatment to influence professional judgments of colleagues.

21. Not misrepresent one's own professional qualifications.

22. Not submit fraudulent information on any document in connection with professional activities.

23. Not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.

24. Not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

25. Provide upon the request of a certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

26. Not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules.

27. Self-report within forty-eight (48) hours to appropriate authorities (as designated by the District) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, administrators shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and 943.059(4)(c).

28. Report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795.

29. Seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795.

30. Comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.

31. Cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

B. All District administrators shall adhere to the principles enumerated above.

All administrators shall be required to complete training on the standards established herein upon.

Statutory Authority: Chapter 2008-108, Laws of Florida  
History: New 10/14/08

### **8.3120 EMPLOYMENT OF INSTRUCTIONAL STAFF**

The School Board recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly qualified and competent personnel. Any person employed in an instructional position requiring certification shall possess a valid certificate issued pursuant to Florida law and shall file the certificate with the District.

The Board shall require an applicant for employment with a certificate from a district whose employment and/or certification requirements are not comparable to the District's to complete all requirements for initial employment and certification.

For purposes of this policy, instructional staff includes classroom teachers, librarians/media specialists, guidance counselors, social workers, career specialists, school psychologists, and other instructional staff whose positions are included in the District's instructional salary schedule.

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

For any person newly employed as a member of the instructional staff after June 30, 1997, the initial annual contract shall include a 97-day probationary period during which time the employee's contract may be terminated without cause or the employee may resign without breach of contract (F.S. 1012.33). Any instructional staff member's misstatement of fact material to qualification for employment or the determination of salary shall be considered to constitute grounds for dismissal.

QUALIFICATIONS FOR INSTRUCTIONAL PERSONNEL

To be eligible for employment in an instructional staff position, an individual must be of good moral character, and, if required, hold a valid certificate issued pursuant to Florida law and the rules of the State Board of Education or the Department of Children and Family Services, except when employed pursuant to F.S. 1012.55 or under the emergency provisions of F.S. 1012.24. Previous residence in this State shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity. A person who is found through background screening, pursuant to Board Policy, to have been adjudicated guilty of a crime specified in F.S. 1012.315, or convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students.

Additionally, the following guidelines shall apply:

Category One

Felony sexual related crimes, lewd and lascivious crimes, and felony child abuse crimes.

The District will not hire applicants who have been convicted of Category One offenses.

Category Two:

Felony crimes of violence and felony sale of controlled substances.

The District will not hire the applicant if the conviction for a Category Two Offense was within the last 25 years. The District will consider the applicant and carefully review the conviction for a Category Two offense if it was beyond 25 years.

Category Three:

Other felony crimes (except those designated under Category Five), any other misdemeanor crimes of a sexual nature, and misdemeanor crimes related to children.

The District will not hire the applicant if the conviction for a Category Three Offense was within the last 10 years. The District will consider the applicant and carefully review the conviction for a Category Three Offense if it was beyond 10 years.

Category Four:

Misdemeanor drugs, misdemeanor crimes of violence, and misdemeanor crimes involving weapons.

The District will not hire the applicant if the conviction was within the last 5 years. The District will consider the applicant and carefully review if the conviction was committed beyond 5 years.

Category Five:

Other misdemeanors, and felony crimes involving worthless checks.

The District will consider the preceding convictions in Category Five on a case by case basis.

The term conviction means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond or other security deposited to secure appearance by a person charged with having committed a felony or misdemeanor, the payment of a fine, a plea of nolo contendere (no contest), the imposition of a deferred or suspended sentence by the court, adjudication withheld, finding of guilt or the date of entry into a pre-trial intervention, pre-trial diversion, or similar program, so long as such PTI/PTD program is completed by the end of the relevant waiting period.

A candidate whose employment application has been rejected due to conviction of a disqualifying criminal offense may appeal to the Criminal Appeal Committee. The Criminal Appeal Committee shall be made up of the Staff Attorney, an Administrator from the Office of Professional Standards designated by the Staff Attorney, and the Associate Superintendent for Human Resources or designee. Applicants appealing to the Committee shall have the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the applicant since the incident, or any other evidence or circumstances indicating that the applicant will not present a danger if employment is allowed. In the case of rejection due to an adjudication of guilt for an offense listed in Section 1012.315, F.S., the only basis for appeal to the Committee shall be mistaken identity. The decision of the Committee is final. The Superintendent shall establish procedures governing the appeal process.

Statutory Authority: Chapter 2008-108, Laws of Florida  
History: New 10/14/08

### **8.3210 STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL STAFF**

An effective educational program requires the services of men and women of integrity, high ideals, and human understanding.

All instructional staff members shall adhere to the *Code of Ethics for Public Officers and Employees* as set forth in F.S. 112.311, *et seq.*

The School Board hereby establishes the following as additional standards of ethical conduct for all instructional staff members in the District:

A. An instructional staff member shall:

1. Make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
2. Not unreasonably restrain a student from independent action in pursuit of learning.
3. Not unreasonably deny a student access to diverse points of view.
4. Not intentionally suppress or distort subject matter relevant to a student's academic program.
5. Not intentionally expose a student to unnecessary embarrassment or disparagement.
6. Not intentionally violate or deny a student's legal rights.
7. Not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and make reasonable efforts to assure that each student is protected from harassment or discrimination.
8. Not exploit a relationship with a student for personal gain or advantage.
9. Keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
10. Take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.
11. Not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
12. Not use institutional privileges for personal gain or advantage.
13. Accept no gratuity, gift, or favor that might influence professional judgment.
14. Offer no gratuity, gift, or favor to obtain special advantages.
15. Maintain honesty in all professional dealings.
16. Not on the basis of race, color, religion, sex, sexual orientation age, national or ethnic origin, political beliefs, martial status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.
17. Not interfere with a colleague's exercise of political or civil rights and responsibilities.
18. Not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, make reasonable efforts to assure that each individual is protected from such harassment or discrimination.
19. Not make malicious or intentionally false statements about a colleague.
20. Not use coercive means or promise special treatment to influence professional judgments of colleagues.
21. Not misrepresent one's own professional qualifications.
22. Not submit fraudulent information on any document in connection with professional activities.
23. Not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.
24. Not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
25. Provide upon the request of a certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

26. Not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules.

27. Self-report within forty-eight (48) hours to appropriate authorities (as designated by the District) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, instructional staff members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and 943.059(4)(c).

28. Report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795.

29. Seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795.

30. Comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.

31. Cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

32. Not engage in conduct unbecoming of an employee of the School Board that brings the District into disrepute or that disrupts the orderly processes of the District.

B. All District instructional staff members shall adhere to the principles enumerated above.

All instructional staff members shall be required to complete training on the standards established herein.

Statutory Authority: Chapter 2008-108, Laws of Florida  
History: New 10/14/08

## **8.4120 EMPLOYMENT OF SUPPORT STAFF**

Support staff include educational support employees, professional/technical employees, and non-administrative employees employed in confidential or management positions. Educational support employees include any person employed as a teacher assistant, an education paraprofessional, a member of the transportation department, a member of the operations department, a member of the maintenance department, a member of food service, a secretary, or a clerical employee, or any other person who by virtue of his or her position of employment is not required to be certified by the Department of Education or a district school board pursuant to F.S. 1012.39.

The Superintendent shall also conduct employment history checks of all applicants for support staff positions. The employment history check shall include, but not necessarily be limited to, contacting any previous employer and screening the applicant through the use of the screening

tools described in State law. If contact with a previous employer cannot be made, the Superintendent shall document the efforts made to do so. Support staff shall be employed on probationary for a period of six (6) months, or such other period as is established by the applicable collective bargaining agreement, during which employment may be terminated without cause. Extensions to the probationary period may be granted by mutual advance written consent of the employee and the site administrator.

Support staff positions include both bargaining unit and nonbargaining unit positions.

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

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

#### QUALIFICATIONS FOR SUPPORT STAFF

To be eligible for employment in a support staff position, an individual must be of good moral character, and, if required, hold a valid certificate issued pursuant to Florida law and the rules of the State Board of Education or the Department of Children and Family Services, except when employed pursuant to F.S. 1012.55 or under the emergency provisions of F.S. 1012.24. Previous residence in this State shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity. A person who is found through background screening, pursuant to Board Policy, to have been adjudicated guilty of a crime specified in F.S. 1012.315, or convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students.

Additionally, the following guidelines shall apply:

##### Category One:

Felony sexual related crimes, lewd and lascivious crimes, and felony child abuse crimes.

The District will not hire applicants who have been convicted of Category One offenses.

##### Category Two:

Felony crimes of violence and felony sale of controlled substances.

The District will not hire the applicant if the conviction for a Category Two Offense was within the last 25 years. The District will consider the applicant and carefully review the conviction for a Category Two offense if it was beyond 25 years.

Category Three:

Other felony crimes (except those designated under Category Five), any other misdemeanor crimes of a sexual nature, and misdemeanor crimes related to children.

The District will not hire the applicant if the conviction for a Category Three Offense was within the last 10 years. The District will consider the applicant and carefully review the conviction for a Category Three Offense if it was beyond 10 years.

Category Four:

Misdemeanor drugs, misdemeanor crimes of violence, and misdemeanor crimes involving weapons.

The District will not hire the applicant if the conviction was within the last 5 years. The District will consider the applicant and carefully review if the conviction was committed beyond 5 years.

Category Five:

Other misdemeanors, and felony crimes involving worthless checks.

The District will consider the preceding convictions in Category Five on a case by case basis.

The term conviction means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond or other security deposited to secure appearance by a person charged with having committed a felony or misdemeanor, the payment of a fine, a plea of nolo contendere (no contest), the imposition of a deferred or suspended sentence by the court, adjudication withheld, finding of guilt or the date of entry into a pre-trial intervention, pre-trial diversion, or similar program, so long as such PTI/PTD program is completed by the end of the relevant waiting period.

A candidate whose employment application has been rejected due to conviction of a disqualifying criminal offense may appeal to the Criminal Appeal Committee. The Criminal Appeal Committee shall be made up of the Staff Attorney, an Administrator from the Office of Professional Standards designated by the Staff Attorney, and the Associate Superintendent for Human Resources or designee. Applicants appealing to the Committee shall have the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the applicant since the incident, or any other evidence or circumstances indicating that the applicant will not present a danger if employment is allowed. In the case of rejection due to an adjudication of guilt for an offense listed in Section 1012.315, F.S., the only basis for appeal to the Committee shall be mistaken identity. The decision of the Committee is final. The Superintendent shall establish procedures governing the appeal process.

Statutory Authority: Chapter 2008-108, Laws of Florida  
History: New 10/14/08

## **8.8141 MANDATORY REPORTING OF EMPLOYEE MISCONDUCT**

The School Board recognizes its responsibilities to effectively address employee misconduct and, where appropriate, to provide a measured disciplinary response consistent with due process. In addition, with respect to certificated professional staff members, matters of misconduct, including conviction of certain crimes enumerated by law and/or conduct which is unbecoming to the teaching profession, will be reported by the Superintendent to the Florida Department of Education.

### **Reporting Professional Misconduct**

District staff are required to report to the Superintendent alleged misconduct by District employees which affects the health, safety, or welfare of a student. If the alleged misconduct to be reported is regarding the Superintendent, the District employee shall report the alleged misconduct to the School Board Attorney who shall cause any legally sufficient complaint to be independently investigated and report the results thereof to the School Board. Failure to report such alleged misconduct shall result in appropriate disciplinary action (F.S. 1012.796(1)(d)).

The Superintendent shall investigate any allegation of misconduct by District employees which affects the health, safety, or welfare of a student, and shall report the alleged misconduct to the Department of Education as required in F.S. 1012.796, 1001.51(12)(b), 1001.42(7)(b).

Staff alleged to have committed such misconduct shall at the discretion of the Superintendent, be placed on administrative leave with pay, or reassigned to a position that does not require direct contact with students, pending the outcome of a misconduct investigation.

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

The District shall file with the Department of Education in writing all legally sufficient complaints within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the District. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education. The District shall include all known information relating to the complaint with the filing of the complaint.

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

If the Superintendent determines that misconduct by an instructional staff member who holds an educator certificate affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated and the Superintendent shall report the misconduct to the Department of Education in the format prescribed by the Department.

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

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

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

**Requirement of Disclosure of Employee Misconduct**

The Board, or any of its employees, shall not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel with employment references or discuss the personnel's performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. (F.S. 1001.42(6)).

**Reporting Procedures and Posting Requirements**

The procedure for reporting misconduct shall be as follows:

- 1) The employee responsible for reporting the complaint of misconduct shall make the report to the Superintendent at the Office of Professional Standards at 301 4<sup>th</sup> Street SW, P.O. Box 2942, Largo, FL 33779-2942; Telephone: (772) 588-6472; Fax: (772) 588-6496.
- 2) The report shall be made promptly upon the employee's becoming aware of the misconduct.
- 3) The employee shall furnish such information as may be requested by the Office of Professional Standards.
- 4) The Office of Professional Standards shall determine the legal sufficiency of the complaint.
- 5) If the complaint of misconduct is legally sufficient, the Office of Professional Standards shall advise the Superintendent and prepare correspondence for the Superintendent's signature transmitting the complaint and any required material to the Department of Education within the required thirty-day (30) period.

Employees who fail to report suspected or actual child abuse or neglect or alleged misconduct by other employees shall be subject to discipline up to and including termination of employment, pursuant to Board Policy.

A copy of this policy shall be posted in a prominent place at each school site and on each school's internet website. (F.S. 1006.061(2))

Statutory Authority: Chapter 2008-108, Laws of Florida  
History: New 10/14/08

**CHAPTER 9 FACILITIES**

- 9.01 Professional Services Selection (Amends 6Gx52-2.10)**
- 9.02 Standardized Agreement For Professional Services**
- 9.03 Educational Specifications**
- 9.04 Project Architect And Engineer Handbook (Amends 6Gx52-2.16)**
- 9.05 Waiver Of Performance Bond Requirements (Amends 6Gx52-2.14)**
- 9.06 Change Orders (Amends 6Gx52-2.11)**
- 9.07 Construction Manager Selection (Amends 6Gx52-2.177)**
- 9.20 Site Acquisition (Amends 6Gx52-2.05)**
- 9.201 Disposal Of Real Property**
- 9.21 Land Records Management**
- 9.22 Granting Or Acquiring Partial Property Rights In Land**
- 9.23 Land And Facility-Use Agreements**
- 9.24 Facility Leasing (Amends 6Gx52-4.04)**
- 9.25 Facility Reimbursement For Extended-Care Programs**
- 9.26 Contract Procedure For The Use Of Other Facilities**
- 9.27 Off-Site Student Pedestrian/Bicycle Transportation Safety (Amends 6Gx52-2.03)**
- 9.28 Code Compliance For All Construction**
- 9.29 Substantial Completion**
- 9.30 Toxic Substance Safety Precautions**
- 9.31 Payments To Contractors And Project Close-Out**
- 9.32 Communication Tower**
- 9.33 School Concurrency**

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**9.01 PROFESSIONAL SERVICES SELECTION**

(1) Acquisition of professional architectural, engineering, landscape architectural, and land surveying services shall be by competitive selection as follows:

(a) The facilities design and construction department and the maintenance department shall develop and maintain a process for the evaluation of statements of qualification including past performance, nature of project, amount of existing work currently engaged in by the firm, size of the staff, capability of completing work in a timely manner and other such factors which may be pertinent to the project.

(b) The Professional Services Selection Committee shall review the statement of qualification and when appropriate, conduct interviews with selected firms. The top candidates shall be ranked with rank one as the firm most qualified for selection.

(c) The Professional Services Selection Committee shall consist of:

1. a Board member serving on a rotating basis,
2. a citizen member serving on a rotating basis,
3. the appropriate Area Superintendent,
4. the Associate Superintendent for Institutional Services,
5. the Director of Facilities or the Director of Maintenance or both, whichever is appropriate,

6. a representative of either Facilities Design and Construction or the Maintenance Departments, and

7. the Educational Specification Specialist.

A representative of the Purchasing Department shall serve as a non-voting member and provide technical assistance to the committee.

(d) If the estimated construction cost of the project exceeds \$1,000,000, interviews shall be conducted with firms deemed as most qualified. If the estimated construction cost is less than \$1,000,000, an interview with qualified firms is optional.

(e) Acquisition of professional services for subsurface soils testing, construction testing, test and balance services, professional asbestos abatement services, and minor architectural and/or engineering services may be advertised for and selected on an annual basis.

(f) Whenever possible and desirable, re-use of existing plans shall be considered when selecting a firm without advertising.

(g) With the approval of the Superintendent (or designee), negotiations between the district and the firm ranked number one shall be conducted. If negotiations are successful, the school board attorney shall develop a contract and submit the contract to the School Board for its consideration.

(h) If negotiations are unsuccessful, the district shall terminate negotiations with the higher ranked firm and commence negotiations with the next highest ranked firm.

(i) If negotiations are terminated with a firm, and commenced with the next highest firm, under no circumstances shall the district negotiate with the original firm without first re-advertising for proposals.

Statutory Authority: 230.03(2), 230.22, 230.23, 230.23005 F.S.

Laws Implemented: 287.055 F.S.

History: New 10/12/83; Amended 10/11/89, 6/23/93, 6/30/98, 7/30/02

Note: Former 6Gx52-2.10 (Changed 6/30/98)

## **9.02 STANDARDIZED AGREEMENT FOR PROFESSIONAL SERVICES**

The form and content of the document entitled AGREEMENT (between the School Board of Pinellas County and the Project Architect/Engineer), which is one of the documents described in the architect and engineer handbook set forth in policy 9.04, shall be utilized as the contract format for all contracts entered into by and between the Board and an architect or engineer who is to provide architectural or engineering services to the school board on a construction project.

Statutory Authority: 230.03(2), 230.22(2), 230.23, 230.23005 F.S.

Laws Implemented: 230.22(4), 230.23(9)(10) F.S.

History: New 6/30/98

## **9.03 EDUCATIONAL SPECIFICATIONS**

The Superintendent (or designee) shall establish procedures for the development of educational specifications to apply in the planning of the erection, enlargement or alteration of any educational or ancillary facility. Educational specifications shall be presented to the Board for review and approval. Educational specifications shall meet minimum requirements as prescribed by Florida Statutes, State Board of Education Rules, and School Board Rules.

Statutory Authority: 230.03(2), 230.22(2), 230.23, 230.23005 F.S.

Laws Implemented: 230.23(9), 230.33(11), 235.211, 235.26 F.S.

History: New 6/30/98

successful Vendor and are non-refundable. The Vendor will acknowledge receipt of a copy of this policy.

(3) School Board Approval

- (a) The Superintendent will prepare a Board agenda item for Board approval.
- (b) If the Board approves the project, the Board will direct the Superintendent to prepare an RFP that will be provided to all interested parties.
- (c) The Superintendent will submit for Board approval the proposal that is most advantageous to the Board.
- (d) All revenue derived from the project will accrue to the district and will be used to enhance the Board's communication system. Revenue will be divided equitably among schools, based on needs.
- (e) Board approval is contingent on the Vendor obtaining regulatory approvals from all governmental agencies with jurisdiction. Any changes in the design or placement of the tower required by the regulatory approval process must be brought back to the School Board for consideration.

Statutory Authority: 230.03(2), 230.22, 230.23, 230.23005 F.S.

Laws Implemented:

History: New 1/15/02

### **9.33 SCHOOL CONCURRENCY**

The Board is required to adopt and maintain a school concurrency system in coordination with local governments. School concurrency ensures coordination between local governments and school boards in planning and permitting developments that affect school capacity and utilization rates. Accordingly, on September 12, 2006, the Board entered into an Interlocal Agreement with local governments that, among other things:

- (1) Updates the existing public school Interlocal Agreement and the intergovernmental coordination element to include coordinated procedures for implementing school concurrency (Sections 163.3177(6)(h)(1), 163.31777, and 163.3180(13), F.S.);
- (2) Coordinated the development and adoption of a public school facilities element into the comprehensive plan (Sections 163.3180(13)(a) and 163.3177(12), F.S., and Rule 9J-5.025, F.A.C.);
- (3) Adopts level of service standards to establish maximum permissible school utilization rates relative to capacity, and includes level of service standards in an amended capital improvements element of the comprehensive plan and in the updated Interlocal Agreement (Section 163.3180(13)(b), F.S.);
- (4) Establishes a capital facilities program and provides for inclusion of this program on an annual basis in an amended capital improvements element of the comprehensive plan (Section 163.3180(13)(d)1., F.S.);
- (5) Establishes a proportionate-share mitigation methodology and options to be included in the public school facilities element and the Interlocal Agreement (Section 163.3180(13)(e), F.S.); and
- (6) Establishes public school concurrency service areas to define the geographic boundaries of school concurrency, and include the concurrency service areas in the updated Interlocal Agreement and in the adopted public school facilities element of the comprehensive plan (Sections 163.3180(13)(c) and 163.3180(13)(g)(5), F.S.).

History: New 9/23/08

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