

ADMINISTRATIVE ORGANIZATION

3.05 /D

~~See attached flow chart.~~

-The District will develop a description of the District's Administrative Organization and have this description (or chart) board approved as a separate document not to be included in board policy.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 120.53, 1001.42, 1001.43, 1012.27, F.S.

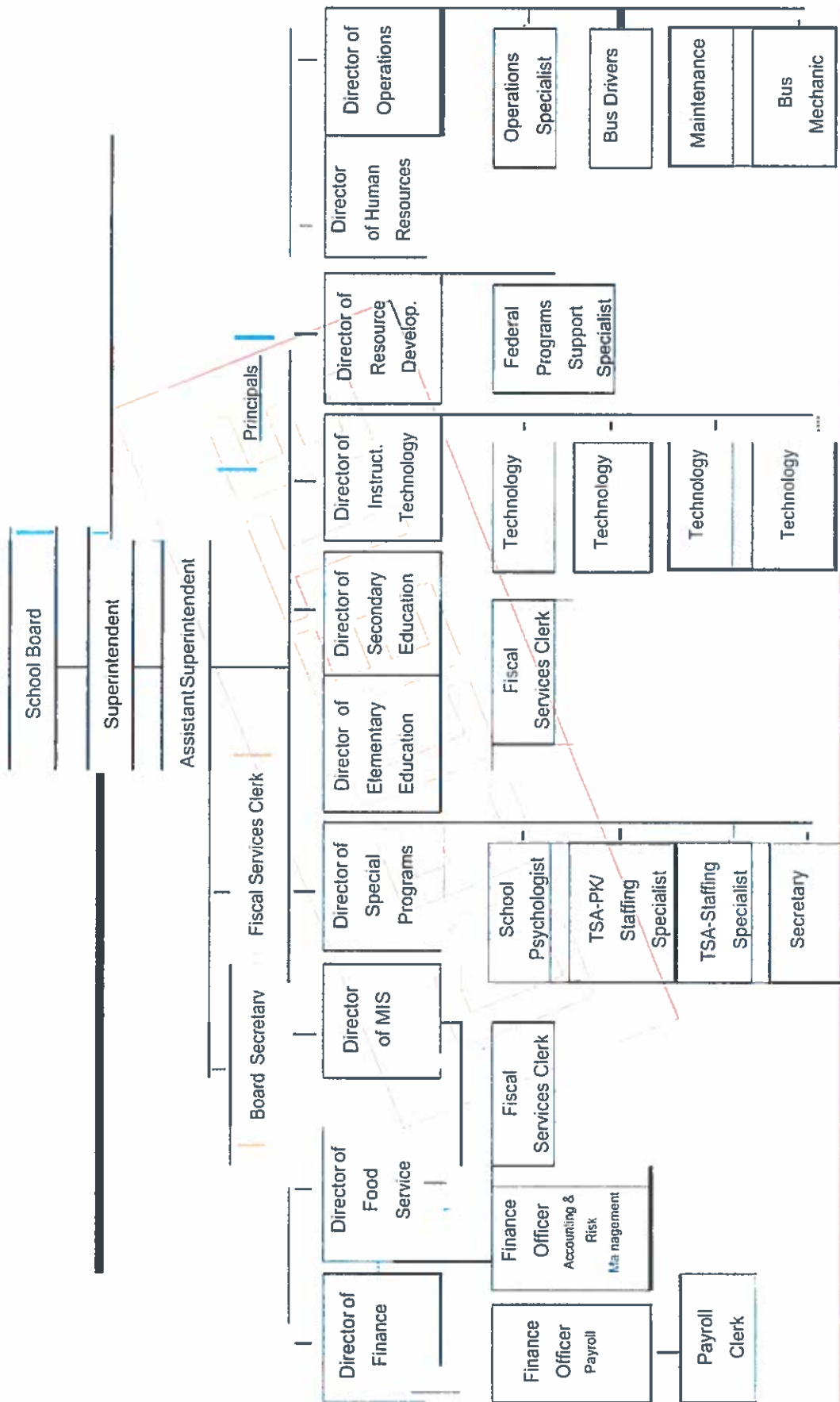
HISTORY:

Adopted:

Revision Date(s): 7.05, 7.13, 7.15, new date

Formerly:

Gilchrist County School District



I. Objectives of Selection - The primary objective of the school's educational media center is to implement, enrich, and support the educational program of the school. The center shall provide a wide range of materials on all levels of difficulty, with diversity of appeal, and the representation of different points of view. The School Board asserts that the responsibility of the media center is to provide:

- A. Materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served.
- B. Materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
- C. A background of information enabling students to make intelligent judgments in their daily life.
- D. Materials representative of the many religious, ethnic, and cultural groups and their contributions to the American heritage.
- E. A comprehensive collection appropriate for the users of the media center which places principle above personal opinion and reason above prejudice in the selection of materials of the highest quality.

II. Legal Responsibility for Selection. The School Board is legally responsible for all matters relating to the operation of the Gilchrist County Schools. The responsibility for the selection of educational materials, regardless of whether the book is purchased, donated, or otherwise made available to students is delegated to a school district employee who holds a valid educational media specialist certificate. School principals are responsible for overseeing compliance with school district procedures for selecting school library media center materials.

III. Parental Responsibility. Parents shall have the right to review materials in the media center and request that it be noted in the Student's library record that the student not be allowed to check out certain material.

I. Criteria for Selection of Media Materials

- A. The standards to determine the propriety of the educational materials shall be pursuant to Florida Statutes.

B. First consideration shall be given to the needs of the individual school based on knowledge of the curriculum, of the existing collection, and of the needs of children and youth. Requests from users of the collection, (*i.e.*, administrators, faculty, parents, and students) shall be given high priority.

~~4.13, page 2~~

C. Materials shall be considered on the basis of accuracy of content, overall purpose, timeliness, importance of the subject matter, quality of the writing/production, readability and popular appeal, authoritativeness, comprehensiveness of material, reputation of the publisher/producer, reputation and significance of the author/artist/composer/producer, format and price.

D. In determining the suitability and value of the material included in the collection, consideration of the following elements must be given:

1. Religion. Factual, unbiased material which represents all major religions
2. Ideologies. Factual information on any ideology or philosophy that exerts a strong force in society
3. Sex Education. Factual information, appropriate for the age group or related to the school curriculum
4. Sex. Pornographic, sensational, or titillating materials shall not be included
5. Profanity. The fact that limited profanity appears in material shall not automatically disqualify a selection. However, care shall be taken to exclude materials using profanity in a lewd or detrimental manner and not in context with the material
6. Science. Factual information about medical and scientific knowledge, without any biased selection of facts.

E. Gifts of media or money shall be accepted with the understanding that their use or disposition shall be determined by those persons having the responsibility for acquisitions, according to the same selection criteria and procedures as purchased materials.

V. Procedures for Selection

A. In selecting materials made available to students through the district library media center, the school media specialist shall:

1. Consult with reputable, unbiased, professionally recognized reviewing periodicals and school community stakeholders (including, media staff, curriculum consultants, faculty, parents and community members).

2. Require that book selections meet the criteria set forth in s. 1006.40(3)(d). F.S.

3. Library media center collections will:

- a. be based on reader interest,
- b. support state academic standards and aligned curriculum
- c. support the academic needs of students and faculty

4.13, page 3

4. When considering materials to be purchased, the media specialist shall follow these procedures:

- a. Purchase materials which are outstanding and frequently used;
- b. Periodically replace periodically worn or missing basic items;
- c. Withdraw out-of-date or unnecessary items from the collection or items required to be removed pursuant to subparagraph 2; and replaced by new and age appropriate materials,
- d. Purchase materials in many types of format: digital, e-books, electronically, soft or hard bound.
- e. Examine sets of materials and materials acquired by subscription and purchase only material to fill a definite need.

B. District elementary schools must publish on their school website, a list of all materials maintained in the school library media center or required as a part of a school or grade-level reading list.

VI. Challenged Materials. Library materials deemed by some persons to be objectionable may be considered by others to have sound educational value. Any concerned parent, Gilchrist County resident or employee of the district may request reconsideration of school library media; however, the challenged material shall not be removed from circulation during the reconsideration process. When a complaint is made, the following procedure shall be followed:

A. The library media specialist shall discuss the matter informally with the complainant explaining the selection procedures for library media

materials. If the complainant accepts the explanation given by the media specialist, the reconsideration process concludes.

- B. If the explanation fails to resolve the objection, the principal will ask the complainant initiating the challenge to file, within two weeks, a formal written objection by completing a "Request for Reconsideration of Library Media" form which must reflect that the complainant has read the material in full. Failure to do so results in the conclusion of the reconsideration process.
- C. Upon receipt of the completed form "Request for Reconsideration of Library Media," the principal shall forward copies to the appropriate personnel on the School-level Review Committee (a committee of teachers, educational media specialists and parents of the school).
- D. ~~The challenged material shall remain available for circulation during the reconsideration process OR the~~ The challenged materials shall not be removed immediately; however, such materials shall not be available for student use pending a final decision.
- E. The challenged materials shall be read and re-evaluated by the committee, considering the specific objections raised. The committee shall report its decision within fifteen (15) working days.

~~4.13, page 3~~

F. The Complainant shall be informed in writing concerning the school-level committee's decision.

G. District Review Committee. If the Complainant disagrees with the decision rendered by the school-level committee, an Appeal may be filed with the District.

H. The Superintendent shall appoint a District Review Committee with the following composition:

1. One representative of the Public Library Board;
2. One representative of the general public at large; and
3. One representative of a school parent organization.
4. One principal from the level at which the complaint originated (K-5, 6-8, or 9-12).

5. Three school-level instructional staff members including the following:
 - a. One media specialist from the level at which the complaint originated;
 - b. One media specialist from another level; and
 - c. One classroom teacher from the level at which the complaint originated.
6. Two district-level instructional staff members including the following:
 - a. One district-level instructional staff member from the level where the material is in question; and
 - b. The Supervisor of Technology and Instructional Media Services.
- I. The Review Committee, in carrying out its assigned function, shall:
 1. Read, view or listen to the material in its entirety;
 2. Check general acceptance of the material by reading reviews and consulting recommended lists;
 3. Determine the extent to which the material supports the curriculum;
 4. Complete the "Checklist for Reconsideration of Library Media," judging the material for its strength and value as a whole and not in part; and
 5. Forward, within fifteen (15) working days, a written recommendation to the Superintendent.
- J. The Superintendent's designee will inform the complainant and the school's media specialist of the committee's decision to retain or withdraw the challenged material as recommended by the District Review Committee.
- K. If the complainant or the media specialist is dissatisfied with the District Review Committee's decision, a written appeal may be filed with the Superintendent. Failure of the complainant to file a written appeal within 30 days of the District Review Committee's decision will result in a conclusion of the reconsideration process and the decision of the District Review Committee shall be final.
- L. The Superintendent shall, within 30 days of receipt of the appeal, send the complainant and the school media specialist a written decision. An appeal to the School Board of the Superintendent's decision must be filed within 10 days after the Superintendent's decision.

M. The School Board shall consider the decision of the District Review Committee and the Superintendent and any other appropriate documentation (i.e. meeting summaries, material reviews, etc.). The decision of the School Board regarding appropriateness of a particular Library Media material item will be considered final.

N. Library Media materials in question, can only be removed from circulation and/or used in the school district through the procedures of this policy.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, 1006.28, 1006.34(2)(b), 1006.40 F.S.

HISTORY:

ADOPTED:

*Revision Date(s): 10.06, 12.22, new
date*

Formerly:

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

STUDENT ASSIGNMENT

5.03/D

The School Board shall establish residential attendance zones for each school based upon the Superintendent's recommendation. All students, unless otherwise provided by School Board rule or authorized by the School Board's order, shall attend the school serving the student's residential attendance zone. Each residential attendance zone shall be established to achieve maximum utilization of all School Board facilities and to consider the time and distance of travel for students. The instructional capacity for each school will be set yearly by the School Board after the recommendation by the Superintendent or his/her designee ("Instructional Capacity"). For the purposes of this policy, Enrollment Capacity is defined as ten percent less than the Instructional Capacity. A student's residence is the residence of his/her parent(s), legal guardian, legal custodian, or other such person as defined by any order issued by a court of competent jurisdiction of the state of Florida and by Florida Statutes. Any student residing in the School District shall be assigned to a school for attendance by the Superintendent or designee.

- I. No student shall be permitted to transfer, enroll, or be admitted to a school when (s)he has been expelled or suspended from another school district. This prohibition shall be effective for the period of time in which the student was expelled or suspended from another district. Such students shall be accorded the same appeals procedure which is available to District students. However, under §1006.07, F.S., the Superintendent may recommend to the School Board that the other school district's final order of expulsion be waived and the student be admitted. The School Board shall make the final decision.
- II. A student may be permitted to attend a school in another residential attendance zone pursuant to the following procedures of the School Controlled Open Enrollment Plan adopted by the School Board listed below:
 - A. Parents must request reassignment following published timelines if they desire reassignment to any school other than assigned school.
 - B. An Appeals committee will be appointed by the Superintendent. It will hear protests and requests for reassignment.
 - C. Once a child attends an out-of-zone school, preference for continued attendance will be given to that student and their younger brothers and sisters.
 - D. _____
 - A. _____

~~I. Parents must request reassignment following published timelines if they desire reassignment to any school other than assigned school.~~

~~II. An Appeals committee will be appointed by the Superintendent. It will hear protests and requests for reassignment.~~

~~III. Once a child attends an out-of-zone school, preference for continued attendance will be given to that student and their younger brothers and sisters.~~

IV. D. Parents participating in the controlled school choice program ~~must will~~ provide their own transportation ~~to the nearest public bus stop in the school district that delivers students to the approved school.~~ The District will provide parents with information on transportation options available within the community. Parents will be provided information on transportation options available for students attending their school of choice pursuant to 1002.38, 1002.39 or 1002.394 and including within the community, as well as the funds available for transportation pursuant to ss. 1002.394, 1002.395 and 1011.68.

V. E. Out of county transfers may apply for their school of choice and will be placed in their school of choice in accordance with the procedures set forth in Policy 5.031 Student Out of Zone Transfers / CHOICE following the placement of the Gilchrist County Residents who have priority.

VI. F. In implementing the school choice initiative, no school will be out of compliance with federal desegregation orders.

VII. G. Students in the Exceptional Education Program will be placed in the best interest educationally for the child and where the programming for that specific disability is being housed.

III. Out of District Students

Any student whose legal residence is outside the boundaries of the county may be enrolled in a District school under the provisions of Florida Statutes and the Controlled Open Enrollment Plan (Policy 5.033). The assigned school for an out-of-district student shall be designated on the basis of space available. Such transfers shall be on a nondiscriminatory basis and shall not result in reducing desegregation in either school district or in reinforcing the dual school system.

A. IV. A student who has been attending, in the year prior to the designation, a public school that has been classified as performance grade category "F" or has earned three (3) consecutive grades of "D" or a student who is assigned to a public school that has been designed as performance grade category "F" or has earned three (3) consecutive grades of "D" may attend a higher performing public school in the District or a school in another district as allowed by law.

~~B.—Students seeking to enroll in a public school within the District whose natural or adoptive parents or legal guardians reside outside Gilchrist County shall not be enrolled except as provided in Controlled Open Enrollment Plan Policy~~

~~5.033. In all cases the Superintendent reserves the right to make an independent investigation and to make the final determination as to the eligibility of a student to attend school in Gilchrist County.~~

~~A secondary temporary residence such as a motor home or other recreational vehicle shall not be considered a residence in Gilchrist County.~~

~~C.—No student shall be permitted to cross district lines for the purpose of attending school in the School District or outside the School District, except under a written agreement as provided in Florida Statutes. Any such agreement between the School Board and any other Florida school district shall be duly recorded in the official School Board minutes. Such transfers shall be on a nondiscriminatory basis and shall not result in reducing desegregation in either school district or in reinforcing the dual school system.~~

~~D.—The assigned school for an out-of-district student shall be designated on the basis of space available. Such assignment shall not occur after the February FTE (full time equivalency) count, except under the provisions of the contract with another District school system.~~

~~F. The Board shall specify conditions for admitting students from other Florida school districts.~~

~~1.—Residence~~

~~The residence of the student shall be the primary residence of the student's parent(s); legal guardian, the custodial parent/guardian with whom the student maintains primary residence, or of either parent when custody is shared and mutually agreed upon. Students who have been adjudicated to be dependent or delinquent pursuant to Chapter 39, Florida Statutes, shall be assigned by the~~

Superintendent to that school best meeting the special needs of the student in consultation with representatives of the Department of Children and Family Services or any person or agency having responsibility for the welfare of the student.

~~2. — Proof of Residence~~

~~The Superintendent shall require reasonable proof of residency given by a parent/legal guardian or adult student. Reasonable proof of the primary residence shall include one of the following documents: homestead exemption, mortgage deed, lease or rental agreement, electric utility bill, property tax record, and at least one other form of appropriate documentation. If the parent/legal guardian receives a homestead exemption at one residence, it will be presumed that the exempt property is the primary residence of the student unless shown otherwise by competent and substantial evidence.~~

~~3. — Non-Parent Enrollment~~

~~When registering a child at a school, if the accompanying adult is not the natural parent of the child, the accompanying adult should present the school with any documentation the accompanying adult has that would evidence the accompanying adult's guardianship, power of attorney, or other evidence of custody. If the accompanying adult meets the criteria in subsection 2, the school shall enroll the child without any documentation as described herein, but may refer the child to the Department of Children and Families for further determination of the accompanying adult's right to exercise custody over the child.~~

~~IV. — Retroactive Application Provision~~

~~A student previously accepted for enrollment in the Gilchrist County School District shall be permitted to~~

~~remain enrolled at that school for so long as (s)he abides
by the policy under which (s)he was initially accepted.~~

~~If such previously accepted student enrolls in another
District and then attempts to re-enroll in the Gilchrist
County School District, then, and in that event, the student
shall be accepted only if (s)he abides by this policy adopted
July 31, 2007, with an effective date for the 2007-2008
school year and thereafter.~~

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

*1000.21, 1001.41, 1001.42, 1001.43, 1001.51,
1002.20, 1002.31, 1002.38, F.S. 1002.39,
1002.394, 1002.395, 1006.07, 1011.68 F.S.*

HISTORY:

Adopted; 2.06

*Revision Date(s): 2.06, 11.06, 7.07, 08.15, 11.17,
new date added here.*

Formerly:

TRANSFER OF STUDENTS

5.031D

STUDENT OUT OF ZONE TRANSFERS/CHOICE 5.031

Any out of county student requesting to attend school in Gilchrist County must be recommended by the Principal/Superintendent and approved by the School Board. After initial approval, a student may continue to attend a Gilchrist County School provided the student remains in good standing at that school. However, any change in "good standing" status may result in the Principal revoking that student's privilege to attend Gilchrist County Schools. Students exhibiting disciplinary problems may have attendance privileges revoked immediately. Other considerations for continued attendance for following years (i.e., overcrowding of classes) shall be determined at the end of each current school year.

Out of county students may ride Gilchrist County School buses provided the student boards at the nearest approved bus stop and the bus is not overcrowded.

The Superintendent shall have the authority to release a Gilchrist County resident student to another District.

- I. The School Board strives to accommodate family choice to the maximum extent possible. Students may attend a school other than their zoned school if they have been granted a choice assignment in accordance with this policy. Disciplinary and/or attendance issues may result in a return to the home zoned school the following school year and/or may result in immediate return to the home zoned school. School choice is available for the following:
 - A. Magnet Programs
 - B. Controlled Open Enrollment
 - C. Charter Schools
 - D. McKay, Family Empowerment, or Opportunity Scholarships
 - E. Home School
 - F. Virtual School
 - G. Dual Enrollment
 - H. Career and Technical Education (CTE) High School Programs

II. The following provisions apply to all choice assignments:

- A. The student must remain in the zoned school until a choice assignment is granted.
- B. Applications for certain choice assignments must be submitted within the designated time frame. Time frames are published on the Board website for applications for the following school year.
- C. C. With the exception of children of full-time Board employees who are nonresidents of the District, students whose primary legal residence is in the District shall be given preference over non-resident students with respect to the granting of choice assignment.
- D. The Board does not provide transportation to students with choice assignments except as otherwise provided for in this policy or by law.

III. Magnet Programs

Gilchrist County does not currently have any magnet programs.

IV. Controlled Open Enrollment

Students may be granted choice assignments to schools that are not crowded and would not become crowded as a result of such assignments through the Controlled Open Enrollment Plan/Policy #5.033.

V. Charter Schools

Gilchrist County does not currently have any charter schools.

VI. McKay, Opportunity, and Empowerment Scholarships

Students with disabilities may be granted choice assignments to schools other than the school to which they are zoned under the provisions of the McKay Scholarship Program (F.S. 1002.39).

Students assigned to attend a school that has earned a grade of "F" or three consecutive grades of "D" may request and receive an Opportunity Scholarship for the student to enroll in and attend a public school that has been designated by the state as a school performing higher than that in which the student is currently enrolled. (F.S. 1002.38).

Students of families that have limited financial resources may request and receive a Family Empowerment Scholarship to attend a school different from the school to which the student was assigned. (F.S. 1002.394).

VII. Home School

Parents may elect to home school students in accordance with State law. See Policy #4.21 - Home Education Programs.

VIII. Virtual School Parents may elect to register their students in a virtual education program. See Policy #4.25 - Virtual Instruction.

IX. Dual Enrollment See Policy #5.08 - Postsecondary Career and Technical Education Programs.

X. Students may be granted choice assignments to enroll in a CTE program at a high school outside of their school zone.

XI. Revocation of Choice Assignment

If a student is granted a choice assignment and displays issues with attendance, grades, or disciplinary actions the principal may make the decision to have the student returned to their zoned school. Prior to revoking a school choice variance the school will document a minimum of three (3) good faith efforts to provide interventions and enlist parental/guardian support for the identified areas of concern. If a student is being returned to their zoned school due to a revocation, communication should occur between the schools to establish supports for the student. Revocation of a choice assignment within ten (10) school days of the end of a nine (9) weeks or semester grading period will be effective the first day of the following grading period. No requests for revocation will be considered during the final twenty (20) days of the school year.

XII. Zoning Exceptions Students may attend a school other than their zoned school if they have been granted a zoning exception in accordance with this policy. Zoning exceptions are not to be used as a substitute for school choice. Zoning exceptions may be granted for the following reasons:

A. Parents employed by the Board: Students are allowed to attend the school of parent's choice if the parent is a full time employee with Gilchrist County Schools who resides in Gilchrist County. A choice form must be completed and approved prior to the transfer. Students may ride the bus from the nearest existing stop servicing the requested school.

B. Exceptional Student Education (ESE) Transfers: Students who transfer into the District from another school district must have an IEP meeting to review their current IEP after obtaining approval or upon verification as a new resident. Some ESE programs do not allow for choice because they serve the specific needs of a student with a disability at a cluster site. Siblings of ESE students being served in a cluster site program may attend school with the ESE siblings. Parents must complete the request form prior to sibling transfer. Transportation may not be provided for the non-ESE siblings. Time Frame: ESE service requirements.

C. Hardship Placement:

1. medical/psychological need
2. police/DCF request
3. victim of a violent crime

D. Transfers are allowed for a student whose parents have begun actual construction on a home in the receiving school zone, if the student shall permanently move into the home by the end of the semester in which the transfer is to take place. Time Frame: One Semester.

E. Students who move to another school zone within Gilchrist County before the end of the first semester of the school year are to enroll in their zoned school or may request choice. Students who move following the end of the first semester are permitted to complete the academic year at the school in which the students were legally enrolled prior to the change of address.

F. Out of district transfers, including students of Gilchrist County School employees will be approved on a case-by-case basis if space is available. An application must be submitted to both the home school district and to Gilchrist County Schools. The parent must show verification of release from the home school district prior to being approved and enrolling in Gilchrist County Schools.

STATUTORY AUTHORITY: 1001.41, 1001.42 F.S.

LAW(S) IMPLEMENTED: ~~1006.07, 1006.21, F.S. 1001.41, 1000.21, 1001.41, 1001.42, 1001.43, 1001.51, 1002.20, 1002.31, 1002.38, 1002.39, 1002.394, 1011.68, 1013.35, F.S. 1001.42, 1001.43, F.S.~~

LAW(S) IMPLEMENTED:

HISTORY:

Adopted: 3.01

Revision Date(s): 11.02; 7.07 NEW DATE HERE

Formerly:

CONTROLLED OPEN ENROLLMENT

5.033

5.033

I. The School District shall develop a *Controlled Open Enrollment Plan* that will be approved by the School Board and considered part of this policy. This plan will enable the District to consider student assignment based on parental preference when requested by the parent as defined by Florida Statutes. ~~The plan shall be in effect beginning with the 2017-2018 school year. Schools must accept students throughout the school year as capacity becomes available by grade level.~~

II.

The plan shall include but not be limited to the following:

I.

- A. Eligibility requirements;
- B. Application process;
- C. Forty-five (45) day time period for accepting applications;
- D. Method of determining capacity of schools;
- E. Capacity determination for each District school; by grade level, updated every 12 weeks;
- F. Identification of schools that have not reached capacity;
- G. Class size standards;
- H. Lottery procedure for determining student assignment if transfer requests exceed available space;
- I. Provision for a parent to request placement of siblings within the same school;
- J. Appeals process for hardship cases;
- K. Availability of transportation options required by law or available through the District or in the community; and
- L. The availability of funds for transportation under ss. 1002.394, 1002.395, and 1011.68; and
- M. Method and timeline for notifying a parent of his/her child's placement for the next school year. Maintain a wait list of students who are denied access due to capacity and notify parents when space becomes available throughout the year.

I. — III.

~~II.~~ The plan and process for implementing the plan must

~~A.~~ Adhere to federal desegregation requirements;

~~A.~~ ~~B.~~ Maintain socioeconomic, demographic, and racial balance;

~~B.~~ ~~C.~~ Allow a student to remain at the chosen school until he/she completes the highest grade level at the school; and

~~D.~~ Maintain existing academic eligibility criteria for public school choice programs.

~~C.~~

~~III.~~ ~~IV.~~ Students residing in the District shall not be displaced by a student from another district who is seeking enrollment through the open enrollment provisions.

~~V.~~ ~~V.~~ Preferential treatment shall be provided for

~~A.~~ Dependent children of active duty military personnel whose move resulted from military orders;

~~A.~~

~~B.~~ Children who have moved due to foster care placement in a different school zone;

~~B.~~

~~C.~~ ~~C.~~ Children who have moved due to a court-ordered change in custody as a result of separation or divorce;

~~D.~~ ~~D.~~ Children who have moved due to the serious illness or death of a custodial parent;

~~E.~~ Students at multiple session schools; and

~~E.~~

~~F.~~ Students residing in the District.

~~F.~~ ~~VI.~~

~~VI.~~ The *Controlled Open Enrollment Plan* shall be available on the District website.

~~VII.~~ ~~VII.~~ The process for participating in controlled open enrollment shall be posted on the District website with a list of schools that have not reached capacity, the application for participation, and the deadline for submitting the request to participate in controlled open enrollment.

~~VIII.~~ ~~VIII.~~ The District shall report the number of students participating in public school choice by type as required by the Department of Education.

~~IX.~~ IX. The *Controlled Open Enrollment Plan* and the process for implementing the plan shall be reviewed annually. The Superintendent shall present the plan and any recommended changes to the School Board for consideration.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.41, 1001.42,
1001.43, 1001.51, 1002.20,
1002.31, 1002.38, 1002.39,
1002.394, 1002.395, 1011.68,
1013.35, F.S.

HISTORY:

ADOPTED: 12.16
REVISION DATE(S): new
date here
FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

STUDENT RECORDS

5.19

School Board Rules and procedures for maintaining student records shall be consistent with Florida Statutes, including the "Parents' Bill of Rights", State Board of Education rules, and federal laws relating to Family Educational Rights and Privacy Act and Privacy Rights of Parents and Students. The Superintendent shall be responsible for interpreting this rule and the school principal shall be responsible for controlling and supervising student records, following all rules on student records, and interpreting rules on student records to the school staff, students, and the community.

- I. Procedures on student records shall be approved by the School Board and contained in the *Student Educational Records Manual*. Included shall be provisions of the ~~No Child Left Behind Act~~ Federal requirements relating to the surveying of students, the collecting of information from students for marketing purposes, and certain nonemergency medical examinations.

II. Definitions

- A. Education records means records that are directly related to a student and that are maintained by the District or a party acting on behalf of the District, as defined in 20 USC Section 1232g(a)(4).
- B. Eligible Student means a student who has reached 18 years of age or is attending a postsecondary institution, at any age.
- C. Online educational service means computer software, mobile applications (apps), and web-based tools that students or parents are required to use and access through the internet and as part of a school activity or function.
- D. Student means any individual who is or has been in attendance in a district school and regarding whom the District maintains education records.
- E. Parent or parents, includes parents or guardians of students who are or have been in attendance at a school or institution.
- F. Personally identifiable information or "PII" means information that can be used to distinguish or trace a student's identity either directly or indirectly through linkages with other information, as defined in 34 CFR §99.3. PII includes, but is not limited to, direct identifiers (such as a student's or other family member's name), indirect identifiers (such as a student's date of birth, place of birth, or mother's maiden name), and other personal identifiers (such as a student's social security number or Florida Education Identifier (FLEID) number. PII also includes information that, alone or in combination, is linked or linkable to a

CHAPTER 5.00 – STUDENTS

specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

- G. Therapeutic treatment plan means a plan that identifies the mental health diagnosis, or condition, the therapy or intervention goal(s), the type of school-based mental health intervention, and the school-based mental health services provider responsible for providing the mental health intervention or therapy.
 - H. Therapy progress notes means notes maintained by a school-based mental health services provider that summarize the focus and progress toward treatment goals(s) of each therapy or intervention session.
 - I. Third-party vendor or Third-party service provider means any entity, whether public or private, that provides services to the Board through a contract or agreement. The term does not include the Florida Department of Education or the Department's contractors and subcontractors.
- III. Parents, as defined by law, and students shall be notified annually of their rights regarding education records.
 - IV. The District shall not collect or retain information including biometric information restricted by §1002.222, F.S.
 - V. The District acknowledges important information relating to a minor child should not be withheld inadvertently or purposefully, from the parent, including information relating to the minor child's health, well-being, and education, while the minor child is in the custody of the school district.
 - VI. Parents or eligible students have the right to access and review all school records related to the minor child including but not limited to, the right to access school safety and discipline incidents as reported pursuant to section 1006.07 (7) and (9), F.S.
 - VII. The individual records of children enrolled in the Voluntary Prekindergarten Education Program shall be maintained as confidential records exempt from the public records law as required by Florida Statutes.

CHAPTER 5.00 – STUDENTS

- VIII. A school may release a student's education records to partners to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities and other signatory agencies as allowed by law.
- IX. Directory Information. The District shall make available, upon request, certain information known as directory information without prior permission of the parents or eligible student. The District shall charge fees for copies of designated directory information as provided in State law. Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The Board designates as student directory information: a student's name; photograph; address; telephone number, if it is a listed number; e-mail address; date and place of birth; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; grade level; enrollment status; date of graduation or program completion; awards received; and most recent educational agency or institution attended.
- A. An annual written notice shall be given to inform parents and eligible students of their rights of access, waiver of access, challenge and hearing, privacy, categories of personally identifiable student information designated as directory information data, and the location and availability of the District's policy on education records of students. Parents or eligible students may, by providing a written statement to the principal within two (2) weeks of the first day of the school year or entry into the school system request that all specific portions of directory information for that specific student not be released.
- B. Directory information shall not be provided to any organization for profit-making purposes, unless the request is approved, in a nondiscriminatory manner, by the Superintendent.
- C. In accordance with Federal law, the District shall release the names, addresses, District-assigned e-mail addresses (if available), and telephone listings of students in grades ten through twelve (10-12) to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. Such data shall not be released if the eligible student or student's parents submit a written request not to release such information. The recruiting officer is to sign a form indicating that any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed

CHAPTER 5.00 – STUDENTS

Forces. The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer. A secondary school student or parent of the student may request that the student's name, address, District assigned e-mail address (if available), and telephone listing not be released without parental consent.

- X. Information contained in education records must be classified and retained in accordance with F.A.C. 6A-1.0955 and this policy as follows:
 - A. Category A: Information for each student which must be kept current while the student is enrolled and retained permanently in the manner prescribed by Section 1001.52(2), F.S.
 - B. Category B: Information which is subject to periodic review and elimination when the information is no longer useful in the manner prescribed by Section 1001.52(3), F.S.
- XI. Where records are opened to parents or eligible students, schools shall make available a member of the professional staff to interpret the record and shall provide copies upon request and payment of the current District copy rate, which shall not exceed the maximum rate for copies of public records as set forth in F.S. Chapter 119. The copy rate will include the actual reproduction costs and will not include the labor costs for retrieval. The copy rate may be waived by the District.
- XII. School officials shall provide requesting parents or eligible students an opportunity for a hearing to challenge the content of their child's or eligible student's school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.
 - A. Parent or eligible student may request in writing an informal meeting with the custodian of the record for the purpose of requesting the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained in the student record.
 - B. If the parties at the informal meeting agree to make deletions, to expunge material, or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing and signed by the parties, and the appropriate school officials shall take the necessary actions to implement the agreement. If an agreement is not reached, notification of the denial and of the right to a formal hearing shall be made in writing to the parent or eligible student with a copy to the Superintendent or designee.



CHAPTER 5.00 – STUDENTS

- C. Upon the request of a parent or eligible student, a formal hearing shall be held. The hearing shall be requested, in writing, within ten (10) days of the written notice of denial at the informal meeting, to the Superintendent or designee, who shall appoint a hearing officer. The hearing officer may be any official of the school system with no direct interest in the outcome of the hearing. The hearing officer shall convene and conduct the hearing and shall render a decision in writing to all concerned parties within ten (10) days of the conclusion of the hearing. Such hearing shall be held within a reasonable period of time but in no case shall be held more than thirty (30) days from the date of the written request.
 - D. The parents or eligible student, and officials of the school shall be afforded a full and fair opportunity to present evidence relevant to the issue(s) raised. The hearing shall be recorded and available to all parties. However, the record of such hearings are exempt from disclosure under F.S. Chapter 119.
 - E. If the decision of the hearing officer is that the records are not inaccurate, misleading, or otherwise in violation of privacy rights, the parent or eligible student shall be allowed to comment in writing on the information in the education record and set forth any reasons for disagreeing with the decision. This written response shall be filed in the education records of the student.
- XIII. Student information that is confidential and exempt shall not be released except when authorized by §1002.221, F.S.
- XIV. Disclosure of Personally Identifiable Information (PII)
- A. Prior Written Consent
 - 1. Prior written consent of the parent or eligible student shall be obtained prior to disclosing PII of the student other than directory information. The written consent shall include: signature of the parent or eligible student; date; specification of records or information to be disclosed; purpose of the disclosure; and the party or class of parties to whom a disclosure is to be made.
 - 2. Disclosures of PII of the student will be made only on the condition that the party or parties to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the parent or eligible student, as appropriate. PII of a student disclosed to an institution, agency, or organization may be used by its officers, employees, and agents, but only for the purpose for which the disclosure was made. The District presumes the parent or eligible student has the authority to grant permission for disclosure of PII of a

CHAPTER 5.00 – STUDENTS

student unless the District has been provided with evidence that there is a legally binding instrument or State law or court order governing such matters as divorce, separation, or custody which provides to the contrary.

B. Without Prior Written Consent

1. PII or records of a student may be released to the following persons or organizations without the prior written consent of the eligible student or the student's parent:
 - a. Officials of schools, school systems, career centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent or student upon request.
 - b. Other school officials, including teachers within the educational institution or agency, who have a legitimate educational interest in the information contained in the records.
2. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or State or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable Federal statutes and regulations of the United States Department of Education, or in applicable State statutes and rules of the State Board of Education.
3. While the disclosure of PII without consent is allowed under the audit exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of PII.
4. Any entity receiving PII pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, the entity must enter into a written agreement with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the PII will not be re-disclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to



CHAPTER 5.00 – STUDENTS

destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board.

- XV. Student records may be disclosed to a court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, upon the condition that the student and the student's parents are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.
- XVI. If the District initiates legal action (a lawsuit) against a parent, or if the parent initiates legal action against the District. In such circumstances, the District may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the District to proceed with legal action as the plaintiff or to defend itself.
- XVII. Record of Disclosures. A record of any requests or disclosures of PII of a student shall be maintained except for disclosures to the parent or eligible student; disclosure of directory information; or to any other school officials with a legitimate educational interest. The record of requests for disclosure shall include the following: the parties who have requested or obtained personally identifiable student information, the legitimate interests of the persons requesting or obtaining the information, and date parental/eligible student consent was obtained.
- XVIII. Disclosures for Health or Safety Emergencies. In the event of a health or safety emergency, disclosure of PII of a student may be made by school officials. Such emergency situations shall be declared in writing to the Superintendent by a recognized legal official with authority to declare such emergency. The declaration of a health or safety emergency shall include the need for specific personally identifiable student information, the time requirements for the information, and the parties to whom the information is disclosed who are responsible for utilizing the information to deal with the emergency.
- XIX. Transfer of Student Records. District, upon receiving a written request for another school, public or private, within or out of State, shall transfer within three (3) school days the records of the student.

CHAPTER 5.00 – STUDENTS

A. The records to be transferred shall include:

1. Category A and B (including disciplinary records with respect to suspension and expulsion) records as defined by Rule 6A-1.0955, F.A.C.
2. Verified reports of serious or recurrent behavior patterns, including substantive and transient threat assessment evaluations and intervention services; and
3. Psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by School District or charter school staff, as appropriate.
4. Non-threats as described in F.A.C. 6A-1.0955 must not be transferred with a student's educational record, unless one of the following conditions are met:
 - a. The parent of the student who was the subject of a non-threat finding requests that the record be retained in the student's file;
or
 - b. The threat assessment team has made a determination that the non-threat finding must be retained in order to ensure the continued safety of the school community or to ensure the well-being of the student. Such determination and reasoning for maintaining the record must be documented with the non-threat finding. When this determination is made, the threat assessment team must re-evaluate the decision on an annual basis to determine if the record is no longer useful. The student's age and length of time since the original assessment must be considered in those evaluations.

XX. Reporting of student database information shall comply with these safeguards.

- A. Data reported to the Florida Department of Education shall not disclose a student's name or identity unless required by Florida Statutes;
- B. Data shall not be stored in a single file or released in such a manner that a complete student profile can be reported unless specified by Florida Statutes; and
- C. Data shall be protected from unauthorized use at all times.

XXI. Social security numbers may be collected from students

CHAPTER 5.00 – STUDENTS

- A. To be used as student identification numbers as allowed by §1008.386, F.S. until the Department of Education has issued a student identification number;
 - B. To facilitate the processing of student scholarships, college admission and other applications; and
 - C. For other purposes when consent of the parent or adult student is granted.
- XXII. Required use of online educational services by students and parents. In order to protect a student's PII from potential misuse and in order to protect students from data mining or targeting for marketing or other commercial purposes, the Board requires the review and approval of any online educational service that students or their parents are required to use as part of a school activity (1) regardless of whether there is a written agreement governing student use, (2) whether or not the online educational service is free, and (3) even if the use of the online educational service is unique to specific classes or courses. The following requirements also apply to online educational services:
- A. The Superintendent is responsible for reviewing the online educational service's terms of service and privacy policy for compliance with State and Federal privacy laws, including FERPA and its implementing regulations, the Children's Online Privacy Protection Act (COPPA), 15 U.S.C. 6501-6506, and F.S. 1002.22;
 - B. The Superintendent is responsible for the review and approval of online educational services that will be required for students to use;
 - C. Parents and eligible students will be notified via [] email [] _____ any time they are required to use an online educational service that collects student PII;
 - D. If student PII will be collected by the online educational service, parents and eligible students will be provided notification regarding the information that will be collected, how it will be used, when and how it will be destroyed, and the terms of re-disclosure.
- XXIII. The Board will not utilize any online educational service that will share or sell a student's PII for commercial purposes without providing parents a means to either consent or disapprove.
- XXIV. If a student is required to use an online educational service, the Board will include on its website a description of the student PII that may be collected, how it will be used, when it will be destroyed and the terms of re-disclosure. The website will also include a link to the online educational service's terms of service and privacy policy, if publicly available.

CHAPTER 5.00 – STUDENTS

XXV. Contracts or agreements with third-party vendors. All contracts or agreements executed by or on behalf of the Board with a third-party vendor or a third-party service provider must protect the privacy of education records and student PII contained therein. Any agreement that provides for the disclosure or use of student PII must:

- A. require compliance with FERPA, its implementing regulations, and F.S. 1002.22;
- B. where applicable, require compliance with COPPA, 15 U.S.C. 6501-6506, and its implementing regulations; ensure that only the student PII necessary for the service being provided will be disclosed to the third party;
- C. prohibit disclosure or re-disclosure of student PII unless one of the conditions set forth in F.A.C. 6A 1.0955(11)(b) has been met.
- D. Contracts or agreements with a third-party vendor or third-party service provider may permit the disclosure of student PII to the third party only where one or more of the following conditions has been met:
 1. the disclosure is authorized by FERPA and 34 CFR §99.31;
 2. the disclosure is authorized by the Board's directory information provisions set forth in this policy and implemented in accordance with FERPA and 34 CFR §99.37; or
 3. the disclosure is authorized by written consent of an eligible student or parent. Consent must include, at a minimum, an explanation of who the student PII would be disclosed to, how it would be used, and whether re-disclosure is permitted. Any re-disclosure must meet the requirements of F.A.C. Rule 6A-1.0955(11)(b) and this policy.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 119.07(1), 119.071, 1001.43, 1001.52, 1002.22, 1002.221,

1002.222, 1002.72, 1003.25, 1008.386, 1014, et. Seq., F.S.; F.A.C. 6A-1.0955;

20 USC §1232 f, g, h, and i (34 CFR PART 99); P.L. 103-382 (34 CFR PAR

99); 20 USC 1400 et. seq., Individuals with Disabilities Act;

Privacy Rights of Parents and Students – P.L. 90-247

HISTORY: ADOPTED: _____ REVISION DATE(S): _____ FORMERLY:

**APPOINTMENT OR EMPLOYMENT
REQUIREMENTS**

6.103/D

Any person desiring employment shall file a completed application on the form provided by the Superintendent.

I. Qualifications

- A. Must be of good moral character.
- B. Must have attained the age of 18 years with the exception of students employed by the Board.
- C. Must not be ineligible for employment under 1012.315, F.S., if applying for an instructional, administrative, or any other position requiring direct contact with students.

II. Certificate Requirements - Each applicant for an instructional or a certificated administrative position shall hold a certificate, have a receipt from the Florida Department of Education acknowledging that an application has been filed and that issuance of the certificate is pending, have met all qualifications of and is eligible for certification, or have the proper license to perform services.

- A. To be considered for a position, an applicant shall be duly qualified for that position in accordance with state law, regulations of the Florida Department of Education and the approved job description. If it appears that the applicant is eligible for proper certification, a conditional job offer may be made subject to the conditions set forth in the ~~annual~~ contract of employment as approved by the School Board.
- B. Any person not holding a valid Florida certificate at the time of employment shall be required, upon initial employment, to make application to the Florida Department of Education for such a certificate, through the *District Office*. When such certificate is received, it must be filed with the office of the Superintendent. If the Department of Education declines to issue a certificate, the person's employment shall be terminated immediately. Failure to file such certificate, except for good cause as determined by the Superintendent, shall result in the termination of employment.

III. Interviews and Appointments - The Superintendent or designee shall monitor and ensure that appointments and assignments are consistent with the District's intent of maintaining a diverse work force.

A. A. Interview teams, including those with community representatives, shall reasonably reflect the District's diverse racial, ethnic, and gender composition.

B. The Superintendent or designee shall monitor and ensure that appointments and assignments are consistent with the District's intent of maintaining a diverse work force.

III.

IV. Driving Record

A. The driving record of each applicant for the position of school bus operator or for any position that would require the person to drive a School Board vehicle shall be reviewed to determine if the record contains any infractions of the driving code that would make the applicant unqualified for the position in accordance with the District safe driver plan.

B. The driving record of each current school bus operator shall be reviewed prior to the first day of the Fall semester and periodically during the school year to determine if the record contains any infractions of the driving code that would make the operator unqualified for the position in accordance with the District safe driver plan. The driving record of any employee who is required to drive a School Board vehicle shall also be reviewed periodically during the year to determine whether the employee may continue in the position.

V. Initial Employment

A. Any offer of employment with the School District is conditioned on submission of fingerprints as required by Florida Statute and a background investigation. After a conditional job offer, but prior to beginning employment with the District, all candidates for all positions must undergo a criminal and employment background check (including verification of work authorization status through the E-Verify system) to determine suitability for employment. The application for employment shall inform applicants they are subject to criminal background checks, and advise applicants that failure to be truthful on the application about prior criminal history will be grounds for ineligibility or dismissal from employment.

A.

B. As a condition of employment and prior to beginning work, an applicant who has received a conditional job offer must file a complete set of fingerprints taken by ~~an employee of the District trained to take fingerprints an authorized vendor contracted with the District~~. The fingerprints shall be processed by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). ~~The applicant shall be required to pay for full costs of processing at the time of fingerprinting.~~

C. When the fingerprint or background check reports are returned, both the application and the report(s) concerning the individual shall be reviewed by the *District*. The *District* will compare the information provided by the new employee with the information received from the FDLE and/or the FBI pursuant to Florida Statute. In addition, the *District* or its designee may document, contact or attempts to contact all prior employers ~~for a minimum of the past 10 years~~ and all private or public educational institutions by which the applicant was previously employed while age 18 or older.

D. No applicant who has received a conditional job offer shall begin work before their fingerprints are processed, the criminal and pre-employment investigation is completed, and a determination is rendered as to suitability for employment.

E. The Superintendent or designee shall conduct employment history checks of applicants for instructional, administrative or any other positions requiring direct contact with students. The employment history check shall include, but not be limited to, screening through the use of educator screening tools described in law and contact with each previous employer. All findings shall be documented. If the Superintendent is unable to contact a previous employer, he/she shall document all efforts to contact the previous employer.

E.F. Based upon the facts of an application, criminal background check or other valid or reliable data sources, applicants who are, or have been convicted of certain serious offenses may be denied employment by the School District. As used in this section the term conviction is defined as a finding of guilt, a plea of guilty, or a plea of *nolo contendere*, or a verdict of guilty. The withholding of adjudication or the entry of an order sealing or expunging the record requiring a pre-trial intervention or pre-trial diversion shall not be considered an exception to this section. Other information derived from the pre-employment investigation, which indicates the applicant may not be suitable for employment by the School District, may be grounds for denying employment to an applicant.

G. Any instructional or non-instructional persons under contract to the School District ~~to operate for~~ —student programs, student teacher, persons

participating in short-term teacher assistance experiences or field experiences who have district contact with students must meet the requirements of IV.A., B., and D.

H. An applicant shall be disqualified from employment in any position requiring direct contact with students if he/she is ineligible for employment under 1012.315, F.S.

F.

VI. Current Employees

A. Whenever a personnel investigation of a complaint against an employee is required, a criminal background check may be conducted as part of the investigation.

B. If it is discovered during the period of employment that a regular employee has a prior criminal record and that the employee was requested to provide this information at the time of hire, but did not do so, the employee may be subject to disciplinary action, including dismissal for submitting false information on the employment application, or otherwise having misled the District.

C. If it is discovered during the period of employment that an employee has a prior criminal record and no falsification of an application nor attempt to mislead occurred, the record shall be reviewed by the *District*. The *District* shall consider all information, including any mitigating conditions, and report findings of fact, possible mitigating circumstances and recommendations for action to the Superintendent. The employee shall have the opportunity to respond in writing to the findings and recommendation. The Superintendent shall review the record, recommendation and response before taking appropriate action. Appeal of the Superintendent's action shall follow collective bargaining agreements or School Board policy, as appropriate.

D. Instructional personnel and noninstructional or contractual personnel who have direct contact with students or have access to or control of school funds must meet the screening requirements described in law every five (5) years. Personnel whose fingerprints have not been maintained by the Department of Law Enforcement are required to be refingerprinted.

E. An employee whose criminal record after employment would disqualify him/her from employment shall be subject to disciplinary action up to and including termination.

G.

VII. Acceptance of Appointment

Failure to signify acceptance of appointment within 10 days after receipt of the official notice of appointment shall be considered a rejection of the offer and the position shall be declared vacant.

VIII. Reconsideration and Appeal

~~VIII.~~

A. Applicants who have been denied employment, and probationary employees who have been denied ~~permanent~~ employment, on the basis of their criminal record, drug screening and/or background check, may request reconsideration by the District only if they present new information not previously available to the District.

B. Applicants who have been denied employment, and probationary employees who have denied ~~permanent~~ employment, because of their criminal record and/or background check, may appeal to the Superintendent. Probationary employees shall receive written notice of the right to appeal the decision by the District to the Superintendent. Their appeal must be in writing, and may respond to the findings and decision of the District. If new information is to be submitted, the applicant must first request reconsideration by the District. The Superintendent's decision shall be final.

IX. The District shall ensure that all aspects of the recruitment and selection process are job-related and are consistent with business necessity so as to ensure equal employment opportunity. Neither the District nor its agents shall engage in any discrimination with respect to employment in violation of any state or federal laws. Applicants shall be informed of the complaint procedure that may be used should they allege discrimination.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 381.0056, 1001.43, 1012.22, 1012.27, 1012.32, 1012.39, 1012.465, 1012.56, F.S

STATE BOARD OF EDUCATION RULE: 6A-3.0141

HISTORY:

Adopted: 1.00

Revision Date(s): 3.00, 11.01, 11.02, 2.06, 1.08, 11.20, new date here

Formerly:

CHAPTER 7.00 – BUSINESS SERVICES

ONLINE EDUCATIONAL SERVICES AGREEMENTS/CONTRACTS

7.40*+

NEW POLICY: Please see the attached email and documents from NEFEC that go along with this policy.

The District is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the District and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The District adopts this policy to implement the requirements of state and federal privacy laws, including FERPA and its implementing regulations, the Children's Online Privacy Protection Act (COPPA), 15 U.S.C. §§6501-6506, 20 U.S.C. Section 1232g(a)(4) and personally identifiable information ("PII") as defined in 34 CFR §99.3, and Section 1002.22, F.S., F.A.C. §6A-1.0955(9) as well as to align the District's data privacy and security practices.

This procedure is required whether or not there is a written agreement governing student use, and whether or not the online educational service is free. This procedure is required even if the use of the online educational service is unique to specific classes or courses. Prior to entering into an online educational services agreement, the following review and approval procedure shall be followed.

1. Definitions:

- a. "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
- b. "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.
- c. "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.
- d. "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

CHAPTER 7.00 – BUSINESS SERVICES

- e. "Educational agency" means a school district, school, or charter school.
- f. "Eligible student" means a student who is eighteen years or older.
- g. "Online educational service" means computer software, mobile applications (apps), and web-based tools that students or parents are required to use and access through the internet and as part of a school activity or function. Examples include online services that students or parents use to access class readings, assignments, or videos, to view learning progression, or to complete assignments. This does not include online services that students or parents may use in their personal capacity or to online services that districts or schools may use to which students or parents do not have access, such as a district student information system.
- h. "Parent" means a parent, legal guardian, or person in parental relation to a student.
- i. "Personally identifiable information" or "PII" as applied to student data means information that can be used to distinguish or trace a student's identity either directly or indirectly through linkages with other information, as defined in 34 CFR §99.3. PII includes, but is not limited to direct identifiers (such as a student's or other family member's name), indirect identifiers (such as a student's date of birth, place of birth, or mother's maiden name), and other personal identifiers (such as a student's social security number or Florida Education Identifier (FLEID) number). PII also includes information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. It also includes data as applied to teacher or principal data.
- j. "Principal" means a building principal subject to annual performance evaluation review
- k. "Release" has the same meaning as disclosure or disclose.
- l. "Student" means any person who is or has been in attendance in a district school and regarding whom the District maintains education records.
- m. "Student data" means personally identifiable information (PII) from the student records of an educational agency.
- n. "Teacher" means a teacher subject to annual performance evaluation review

CHAPTER 7.00 – BUSINESS SERVICES

- o. "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release pursuant to 1012.31, F.S.
- p. "Third-party contractor/service provider/vendor" means any person or entity, other than an educational agency, whether public or private, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency. The term does not include the Florida Department of Education or the Department's contractors and subcontractors.
- q. "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

2. Data Collection Transparency and Restrictions

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the District will take steps to minimize its collection, processing, and transmission of PII. Additionally, the District will:

- a. Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.
- b. Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.
- c. Any agreement for online educational services shall contain an explicit prohibition against sharing or selling a student's PII for commercial purposes without providing parents a means to either consent or disapprove.

CHAPTER 7.00 – BUSINESS SERVICES

- d. This disclosure prohibition does not prevent the purchase, merger, or other type of acquisition of a third party provider or online educational service by another entity, provided that the successor entity continues to be subject to the provisions of this rule with respect to previously acquired PII.
- e. If student PII will be collected by the online educational service, the Superintendent shall establish procedures for notifying parents and eligible students of information that will be collected, how it will be used, when and how it will be destroyed, and the terms of re-disclosure, if any.

3. Data Protection and Terms of Service

Prior to submitting any online services agreement or contract to the School Board for approval, the Superintendent, or designee shall:

- a. Designate a person or persons responsible for the review and approval of online educational services that are required for students to use.
- b. Ensure the online educational service's terms of service and privacy comply with state and federal privacy laws, including FERPA and its implementing regulations, the Children's Online Privacy Protection Act (COPPA), 15 U.S.C. ss. 6501-6506, and Section 1002.22, F.S.
- c. Ensure the Online Educational Services Agreement contains an explicit prohibition against sharing or selling a student's PII for commercial purposes without providing parents a means to either consent or disapprove. (This disclosure prohibition does not prevent the purchase, merger, or other type of acquisition of a third party provider or online educational service by another entity, provided that the successor entity continues to be subject to the provisions of this policy with respect to previously acquired PII.
- d. Establish procedures for notifying parents and eligible students if student PII will be collected by the online educational service on how it will be collected, how it will be used, when and how it will be destroyed, and the terms of re-disclosure, if any.
- e. Ensure the service or application is inventoried and evaluated, and supports the schools' and districts broader mission and goals.

4. District Data Privacy

The District will protect the privacy of PII by:

CHAPTER 7.00 – BUSINESS SERVICES

- a. Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:
 - b. Improve academic achievement;
 - c. Empower parents and students with information; and/or
 - d. Advance efficient and effective school operations.
 - e. Not including PII in public reports or other public documents.
5. The District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

6. **Click-Wrap Agreements**

Periodically, District staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements".

- a. District staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data from the District unless they have received prior approval from the Superintendent, or designee.
- b. The District will develop and implement procedures requiring prior review and approval for staff use of any software, applications, or other technologies pursuant to click-wrap agreements.

7. **Notice:**

For any online educational service that a student is required to use, the district will provide notice on its website of the PII information that may be collected, how it will be used, when it will be destroyed and the terms of re-disclosure. This notice will include a link to the online educational service's terms of service and privacy policy, if publicly available.

8. **Compliance:**

Pursuant to this policy any online educational service provided through a Third-party vendor or Third-party service provider must be School Board approved. An employee's failure to follow this policy may result in disciplinary proceedings, up to and including termination.

CHAPTER 7.00 – BUSINESS SERVICES

9. Parent/Guardian Notice:

- a. The use of any non-approved online educational software, web-based tools or mobile applications on district provided devices may result in the student's PII being disclosed and not protected.
- b. Students shall only use School Board approved online educational software, web-based tools or mobile applications on district provided devices. The use of any non-approved online educational software, web-based tools or mobile applications on district provided devices may result in disciplinary proceedings, up to and including expulsion.

STATUTORY AUTHORITY: 1001.41, 1001.42, 1001.43, F.S.

LAW(S) IMPLEMENTED: 1001.22; 1001.21; F.S.

20 U.S.C. s. 1232g(a)(4); 15 U.S.C. ss. 6501-6506

34 CFR §99.3;

F. A.C. § 6A-1.0955

HISTORY:

ADOPTED:

FORMERLY

I. Purpose

The School Board of Gilchrist County (Board) recognizes that the use of tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, employees, parents, visitors, and school facilities. The School Board is committed to providing students, staff and visitors with a smoking and tobacco-free environment. The use of tobacco products on school grounds, in school buildings, in School District vehicles and facilities, on school property or at school-related or school-sponsored events is detrimental to the health and safety of students, employees, and visitors.

II. Applicability of Policy

This policy applies to students, employees, volunteers, parents, spectators, vendors, contractors, delivery persons, visitors and the public.

III. Definitions

For the purposes of this policy, the following definitions shall apply.

- A. "At any time" means twenty-four (24) hours a day, seven (7) days a week, 365 days a year.
- B. "Electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. "Electronic smoking device" includes but is not limited to devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, similar devices, or under any other product name or descriptor. "Electronic smoking device" also includes any component part of a product, whether or not marketed or sold separately, including but not limited to, e-liquids, e-juice, cartridges, or pods.

- C. "School property" means all facilities and property, including land, whether owned, rented, or leased by the Board, and also includes all vehicles owned, leased, rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors.
- D. "Tobacco product" means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes, electronic smoking devices, cigars, little cigars, and other kinds and forms of tobacco.

IV. General Policy Statement

- A. Students are prohibited from possessing, using, consuming, displaying, or selling any tobacco products, tobacco-related devices, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any school related or school-sponsored event.
- B. Administrators, staff, or visitors are prohibited from using, consuming, displaying, activating, or selling any tobacco products, tobacco-related devices, imitation tobacco products, or lighters at any time on school property or at any school related or school-sponsored events. This includes products or paraphernalia displaying industry brands.

V. Exception to this Policy

- A. A school principal may permit tobacco products to be included in counseling, educational, instructional or research activities in the school building; provided that, the activity is conducted or supervised by a District employee overseeing the instruction or research and the activity does not involve smoking, chewing, vaping, or otherwise ingesting the product.
- B. A person may use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and if the product is

being marketed and sold solely for such an approved purpose.

VI. Notification of Policy and Implementation

It is the responsibility of District and School administrators to provide:

- A. Appropriate "No Tobacco" signage will be posted in a manner and location on all District property that adequately notifies employees, students, parents, visitors, and the public of this policy.
- B. Written notice to students and parents/guardians in student handbooks and orientations.
- C. Written notice in staff handbooks, in orientations and employee or staff trainings, and when offering employment.
- D. Reminder announcements of this policy at school and District events, as appropriate.
- E. Written notice of the prohibition as provided in this policy in contracts with outside groups who use the school buildings and other facilities.

VII. Tobacco Promotion Prohibited

Tobacco advertising is prohibited on school grounds, in all school-sponsored publications, on District vehicles and buses, and at all school-sponsored events. It is a violation of this policy for any person to promote tobacco products on the school property or at any school related or school sponsored events via the display of images of tobacco products on gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other material.

VIII. Educational and Cessation Programs for Students and Employees

- A. Prevention Education for Students. The administration will consult with the Safe Schools Department and other appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean, and inviting school environment. The administration will

ensure that students in grades K-12 receive tobacco prevention education using sequential, age appropriate, current, accurate, evidenced based curricula and a skills-based approach (involving students in active "hands on" learning experiences).

- B. Cessation Support Programs for Students. The administration will consult with the Safe Schools Department, ~~the Palm Beach County Health Department~~ Florida Tobacco Prevention Program (www.tobaccopreventiontraining.org) , Employee Wellness in Risk & Benefits Management, the American Lung Association and other appropriate health organizations to provide students and employees with information and access to support systems, tobacco use cessation programs, and services to encourage them to abstain from the use of tobacco products.
- C. Prevention and Cessation for Employees. Employees shall be advised as to the availability of related services available to them in the District's various Wellness programs in which they may choose to participate and as they may change from time to time.

IX. Enforcement

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the entire school community. All individuals on school premises, including students, staff, administrators, and visitors, are responsible for adhering to and enforcing this policy. Members of the school community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

- A. Students. Consequences for engaging in prohibited behavior shall be as provided in the Student Code of Conduct.
- B. Employees. Consequences for employees who violate the tobacco use policy will be in accordance with personnel policies or any relevant collective bargaining agreement.
- C. Family members, volunteers, or visitors. Family members, volunteers or visitors who violate the policy must immediately discontinue using the tobacco product or electronic cigarette, or leave the premises. Law enforcement officers may be

contacted to escort the person off the premises if the person refuses to leave the school property when requested to do so by District personnel.

STATUTORY AUTHORITY:

120.81, 1001.32, 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

386.201- 386.209, 1001.43, F.S.

HISTORY:

ADOPTED:

REVISION DATE(S): 01.15, 12.22

